

BRISTOL BAY Subsistence Regional Advisory Council



Steve Hillebrand/USFWS

View of river and mountains, Togiak National Wildlife Refuge.

Meeting Materials
October 24–25, 2012
Dillingham

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BRISTOL BAY SUBSISTENCE REGIONAL ADVISORY COUNCIL

Dillingham City Hall — Dillingham, Alaska
 October 24 – 25, 2012
 8:30 am – 5:00 p.m.

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

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

DRAFT AGENDA

*Asterisk identifies action item.

- 1. Call to Order (Chair)**
- 2. Invocation**
- 3. Roll Call and Establish Quorum (Secretary)..... 4**
- 4. Welcome and Introductions (Chair)**
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 - C. Council Coordinator — Administrative items
- 8. Public and Tribal Comment on Non-Agenda Items**
- 9. Regulatory Proposals — Chignik Area (Karen Hyer)***
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11. New Business (Chair)

- A. Discussion of open Council Application/Nomination Period and outreach to increase the number of applications/nominations for Regional Advisory Council membership
- B. Review Federal Subsistence Board’s Annual Report Reply58
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 - 3. Council Membership Application/Nomination Update
 - 4. Rural Determination Process and Method Review
 - 5. Briefing on Tribal Consultation Policy
- B. NPS
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- A. Confirm date and location of winter 2013 meeting*
- B. Select date and location of fall 2013 meeting*

14. Closing Comments

15. Adjourn (Chair)

To teleconference into the meeting, call the toll free number: 1-866-916-7020, then when prompted enter the passcode: 37311548.

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

If you have any questions regarding this agenda or need additional information, please contact Bristol Bay Council Coordinator Donald Mike at 907-786-3629 or contact the Office of Subsistence Management at 1-800-478-1456 for general inquiries.

REGION 4—Bristol Bay Regional Advisory Council

Seat	Yr Apptd <i>Term Expires</i>	Member Name & Address
1	1993 2013	Peter M. Abraham Togiak, Alaska
2	1993 2013	Daniel James O’Hara Naknek, Alaska
3	2003 2013	Nanci Ann Morris Lyon King Salmon, Alaska Vice Chair
4	2007 2014	Molly B. Chythlook Dillingham, Alaska Chair
5	2005 2014	Alvin Boskofsky Chignik Lake, Alaska
6	2011 2014	John E. Jones, Sr. Chignik Lagoon, Alaska
7	2003 2014	Dan O. Dunaway Dillingham, Alaska Secretary
8	2010 2012	Moses E. Toyukak Sr. Manokotak, Alaska
9	2006 2012	Thomas A. Hedlund Illiamna, Alaska
10	2009 2012	Richard J. Wilson Naknek, Alaska

BRISTOL BAY SUBSISTENCE REGIONAL ADVISORY COUNCIL

Meeting Minutes
March 28, 2012
Bristol Bay Borough Chambers
Naknek, Alaska

Call to Order

Meeting called to order by Madame Chair Molly Chythlook. Chair Chythlook requested the Coordinator to conduct the roll call.

Roll Call and Establish Quorum

Council members present: Dan O'Hara, Nanci Morris Lyon, Alvin Boskofsky, Molly Chythlook, John Jones, Sr., Thomas Hedlund, Richard Wilson. Seven members present, quorum established.

Absent: Peter Abraham, Dan Dunaway, and Moses Toyukak are excused, Council members had prior commitments.

Moment of prayer/silence led by Mr. Richard Wilson.

Welcome and Introductions

Chair Chythlook welcomed guests and staff members.

Government Agency Employees

Donald Mike	U.S. FWS OSM
Carl Johnson	U.S. FWS OSM
Bill Schaff	U.S. FWS Becharof/AP NWR
Ron Britton	U.S. FWS Becharof/AP NWR
Kelly Chase	U.S. FWS Becharof/AP NWR
Julie Pinnix	U.S. FWS /Becharof/AP NWR
Liz Julian	U.S. FWS
Dominic Watts	U.S. FWS Becharof/AP NWR
Jean Gamache	NPS Anchorage
Mary McBurny	NPS Lake Clark/Katmai
John Campbell	NPS wildlife biologist Katmai
Sherri Anderson	NPS wildlife biologist Katmai
Carissa Turner	NPS coastal wildlife biologist Katmai
Pat Pourchet	Special Assistant to the Secretary of Interior
Pat Petrivelli	BIA anthropologist
Megan Riley	ADFG King Salmon area biologist
NGOs/Public	
Dale Myers	King Salmon
Frank Woods	BBNA Dillingham
Joseph Chythlook	Dillingham, Chair of BBNC, Commercial Fisher
Joe Klutsch	King Salmon, Hunting and Fishing Guide

805(c) Report: The 805(c) report outlines the Federal Subsistence Board's action on recent wildlife regulatory proposals, specifically those on which the Council made recommendations. Mr. Carl Johnson summarizes the report to the Council.

Public Testimony on Non-Agenda Items

Mr. Frank Woods, BBNA Dillingham, brought forward to the Council's attention that an alignment proposal will be submitted to the Board of Game from BBNA regarding the Nushagak Peninsula Caribou hunt area. Currently, the eastern portion of the Nushagak Peninsula has private property owned by the local Native Corporation. A two caribou harvest limit is allowed through Federal registration permit. Current State hunting regulations apply on private lands, but Federal regulations do not apply for that portion of the hunt area. BBNA will submit an alignment proposal to the State Board of Game to align with Federal hunting regulations for the Council to consider for endorsement.

The Nushagak Advisory Committee met in March 2012 and discussed a potential proposal that will be submitted to the Board of Fish for rod and reel as a legal method to harvest finfish on State managed lands within the Togiak River drainage. This proposal would align the State with Federal fishery regulations.

Informational item for the Council. BBNA recently passed Resolution 2012-04, resolution supporting BBNC's recommendation for proactive EPA action to protect the salmon streams in Bristol Bay. The resolution will be presented to the Council at the 2012 fall meeting seeking endorsement.

Mr. Joe Klutsch, reported on the State of Alaska, Department of Natural Resources, hunting guide areas in Alaska. The guided hunt areas are similar to the Federal process. The State's program ensures to reduce overcrowding, overharvest, and to eliminate conflict with other users. The program also provides for accountability, better enforcement and stewardship among all professional guides.

Call for Proposals to change Federal subsistence fish/shellfish regulations

The Council coordinator announced the deadline for submitting Federal proposed fishery regulations is March 30, 2012.

Old Business

Review/Finalize 2011 Annual Report

Two items for the annual report are to be reviewed for approval discussed and submitted from the Council's fall 2011 meeting held in Dillingham. Subjects are harvest of spawned out sockeye for Katmai descendants and by-catch of Chinook salmon by the Pollock fishing industry.

Discussion. Mr. O'Hara clarified in the report to replace "rural resident" with Katmai descendants and include the community of South Naknek. NPS Regulations specify Katmai descendant, not rural residents. Ms. Morris Lyon commented to keep rural residents, suggested - "rural residents and Katmai residents". Mr. O'Hara commented the village Councils would be responsible in providing names to the NPS that could participate in the Federal and State red fish (spawned out sockeye) fishery within the Naknek River drainage.

Mr. O'Hara moved to adopt the 2011 Annual Report. The motion was second by Ms. Morris Lyon. Ms. Morris Lyon moved to amend the motion to include stating "rural residents and Katmai descendants" and include the community of South Naknek. Mr. Hedlund seconded the

amendment and Ms. Morris Lyon called for the question. The motion to amend carried. Mr. O'Hara called for the question on the main motion as amended. Motion carried with amendments.

Review Draft Tribal Consultation Policy

The Council was provided briefing materials outlined in their meeting book presented by Ms. Jean Gamache of the National Park Service (NPS).

The Board assigned a working group to develop a Tribal consultation protocol. In June 2011, the group drafted an interim protocol, and in July 2011, the Board adopted the interim protocol for input and comment from the regional advisory council's at their fall 2011 meetings. The Board directed the workgroup to incorporate comments into the draft protocol and provide to the Councils for further review and comment at the Councils' winter 2012 meetings. The Board plans to finalize the protocol/guidelines at its May 2012 meeting.

The briefing requests further input from the Councils for the Board to consider:

- Is the policy going in the right direction, if not, why?
- Does the workgroup need to consider other concepts
- Does the Council feel the tribes concerns from the consultation

Council member comments: The Council commented that Bristol Bay residents are mainly focused on regional issues, and are not focused on national issues which Federal programs lean towards. The draft Tribal consultation should focus on Alaska regional issues, not national. Training is important; the Council commented that funding is important to implement the policy and that the training should include the various cultural groups in the region for all Federal land managers in Alaska.

Local rural residents should have access to the resources available to them; local managers are often cycled through the Unit for a short period of time. Residents will be better served by managers that live in the region and fully understand local resident concerns.

EA on Collection of Antlers in Park Lands

Ms. Mary McBurney, NPS, briefed the Council on the NPS Environmental Assessment - subsistence collections of and uses of shed and discarded animal parts and plants to make handicrafts, from horns and antlers. The EA is currently on a 60-day comment period, Feb 7 – April 7, 2012. The NPS is conducting an EA on shed antlers within NPS-managed lands. Currently it is illegal to collect shed antlers from NPS managed lands based on nationwide regulations; the EA is to consider options that would allow for rural residents living in resident zone communities to legally collect shed antlers for making handicrafts.

The Council was briefed on a list of alternatives for the collection of shed antlers. Four alternatives were presented for the Council to consider and provide comments.

Council discussion on the NPS EA and alternatives provided. Council members provided their views on the alternatives presented.

- Should be less cumbersome and easily accessed for residents living in Bristol Bay and not allow harvest by aircraft for those that are seasonal or transients residents

- Permit system should not be complicated for original users to be discouraged to access resources
- Selling of handicraft should be sold only with the State of Alaska Silver Hand Permit
- The Council discussed an option for a combination of the three alternatives to address their concerns

Mr. Hedlund moved to support Alternative B; the motion was seconded by Mr. Wilson.

Discussion. The Council has the responsibility to help protect the resources when management issue arises; the Council has the ability to revisit the issue rather than leaving the collection of shed antlers wide open. Considering an alternative E to protect the resource used by rural residents, agencies have the ability to make changes on the collection of shed antlers when the resource is a cause for management action.

Mr. O'Hara called for the question on the motion. Chair Chythlook took a roll call vote. The Motion failed on a vote of 3-4..

Ms. Morris Lyon provided another motion for consideration, a motion for the NPS to consider a new alternative, Alternative E.

Ms. Morris Lyon's motion stated: the local RACs and SRCs have the ability to stipulate who is allowed to collect shed antlers, in conjunction with the NPS, which includes regional area residents, other than resident zone community members. Non-rural residents would require permission and a permit from the park superintendent, permit administrator, in consultation with the RAC and SRCs. The permit requirement would apply to plant materials also. The permitting process will be reviewed annually; this will allow regulatory and permit processes to be corrected. Eligibility in National Preserves will still be applicable. Alternative E as stated, is a combination of Alternative B and C, local rural residents will have as little as possible, if applicable, any conditions and restriction placed on them unnecessarily. Mr. O'Hara seconded the motion. Motion carried on a vote of 6-1.

New Business

Gates of the Arctic NPS Hunting Plan

The Gates of the Arctic National Park Subsistence Resource Commission submitted Hunting Plan 11-01, requesting a per diem increase for the SRC and RAC members, acknowledging the cost of living in Alaska is higher than the rest of the nation, and is seeking comments from the Council. Per Diem rates are set by Washington D.C. for all Federal employees, which applies to all people who serve on FACA committees. Specific agencies do not have authority over per diem rates.

Mr. O'Hara moved to support the hunting plan; the motion was seconded Ms. Morris Lyon. The Council agreed with the hunting plan rationale. Question called, motion carried.

National Park Service Concessions

Mr. John Campbell, Katmai National Park & Preserve, provided a briefing on the NPS concessions. The NPS announced it is preparing an EA for continued provision for sport hunting guide services in the Katmai National Preserve. The guide services are mainly for brown bears and the NPS will be reviewing guide area boundaries and number of clients for each boundary area.

Ms. Lisa Fox, commercial service manager, provided further explanation. Ms. Fox explained the NPS issued a hunt guide prospectus, advertisement for business opportunity. The Environmental Assessment will come out in May or June of 2012, the NPS prospectus document will come out in November 2012. Three alternatives will be provided in the EA for comment.

RAC discussion: The Council commented that it is a difficult and a complex process, to fill and file the required NPS application, and local residents thought the application process was cumbersome and unacceptable. Ms. Fox explained the NPS concession process is applied nationwide.

The Council stated the EA, NPS concession, should be included as an agenda item at their fall meeting.

Agency Reports

Office of Subsistence Management:

Mr. Carl Johnson referred the Council to pages 54 – 56 in the Council meeting materials for briefing material from the OSM.

USFWS:

Togiak: *Mr. Andy Aderman*, referred the Council to page 59 of their Council meeting materials for a summary of the Refuge report. Mr. Aderman, briefed the Council on the Nushagak Peninsula Caribou Hunt. The planning committee for the herd met in January and discussed harvest strategy and implemented the strategy for the winter hunt. 115 permits were available which were provided for five different communities. The season ran from Feb 1 – Mar 31, with a limit of 2 caribou. At last report, 50 caribou were harvested.

The Mulchatna Caribou herd population census has not been done since 2008; at last count the herd was at 30,000.

Alaska Peninsula /Becharof NWR: *Mr. Dominic Watts* reported on biological research activities in the refuge involving moose surveys and population surveys on ptarmigan.

NPS:

Katmai NP: *Mr. John Campbell* provided a briefing on the red fish harvest in the Naknek River drainage. Since 2009 Park Staff have met with local residents to discuss the regulations regarding the take of red fish. The NPS is currently working with Native villages to establish a list of Katmai NP descendants and eligibility processes, the NPS will then implement the recommended process into the annual superintendent's compendium.

The Council discussed the details of eligibility and requested clarification on the eligibility requirements prior to the 1931 date. Currently, eligibility for the taking of red fish is for Katmai descendants, based on a list of descendants provided to the NPS from the local tribes. Mr. Campbell will seek clarification on the issue.

Mr. Campbell provided an update on the issue of a Native Liaison position the Council brought forward in past annual report to the Federal Subsistence Board for Katmai NP. He reported that due to the current budget constraints, the NPS is unable to create the position.

The Pike Ridge realignment is on hold due to tight budget cuts resulting in cutting the NPS planner and archaeologist positions to work on this project. Prior to any adjustments, survey work must be completed requiring a Park planner and archaeologist.

In late spring, the NPS will release a draft Brooks River EIS. The EIS will address improved access and a proposed elevated bridge and boardwalk at Brooks Camp. The draft EIS will also address moving the barge landing from the mouth of Brooks River to several hundred yards south along Naknek Lake near Brooks Camp. Council members commented the draft EIS should be placed on the fall meeting agenda.

Ms. Mary McBurney informed the Council that seat will be vacant on the Lake Clark Subsistence Resource Commission in November 2012. ANILCA provides that the BBRAC appoints members to this SRC. The current member is Brooke Delkittie of Nondalton, who has expressed that she is not interested for reconsideration. The SRC nominated George Alexie of Nondalton.

Mr. Hedlund moved to appoint George Alexie to a seat on the Lake Clark SRC. The motion was seconded by Ms. Morris Lyon and question was called for by Mr. O'Hara. The motion carried.

Time and Location of Next meeting

The next meeting will be Oct 24- 25, 2012 in Dillingham.

Winter meeting February 12 – 13, 2012

Adjournment

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

\\s\ Donald Mike

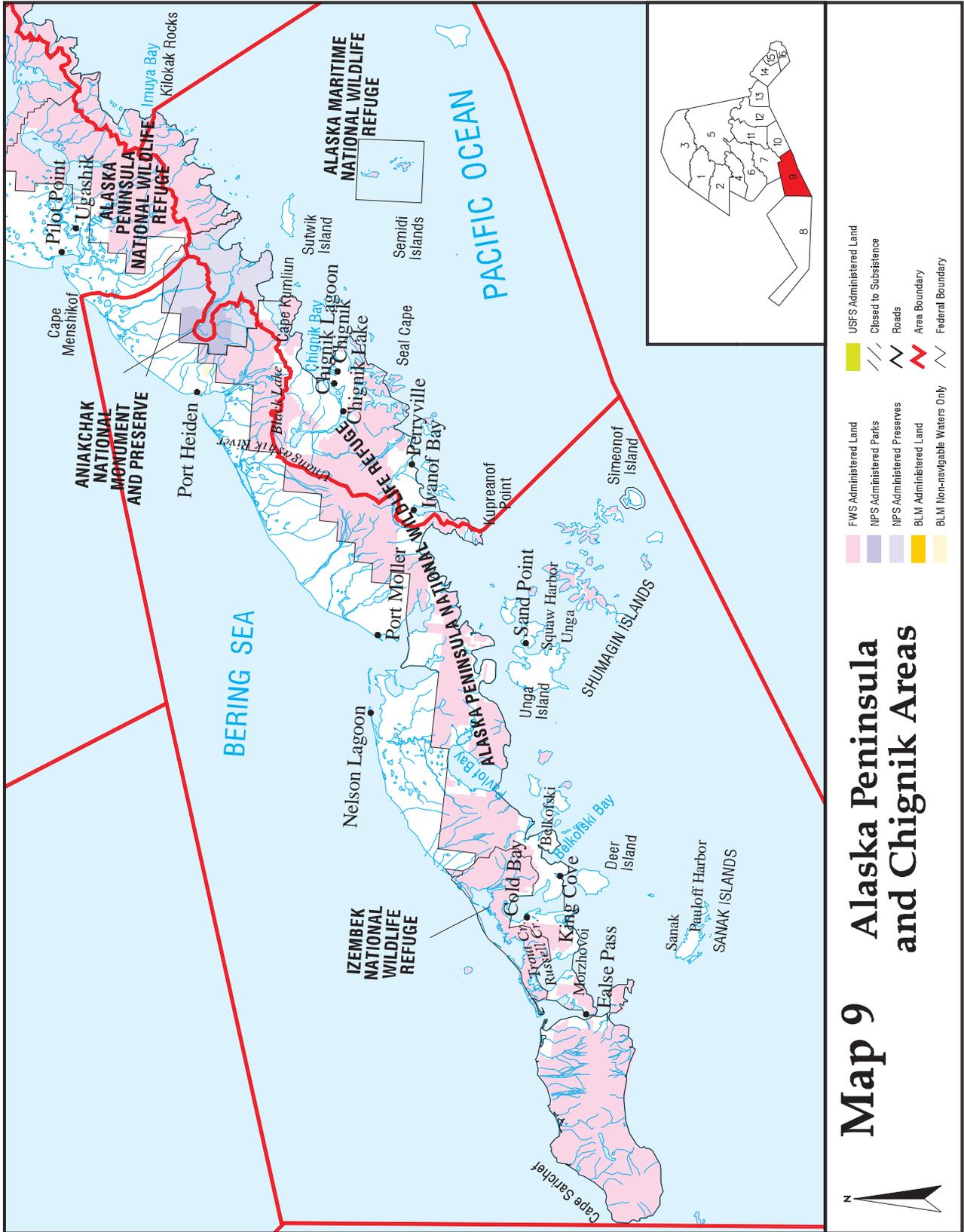
Donald Mike, DFO
USFWS, Office of Subsistence Management

Molly Chythlook, Chair
Bristol Bay Subsistence Regional Advisory Council

These minutes will be formally considered by the Bristol Bay Subsistence Regional Advisory Council at its next meeting in October 2012, and any corrections or notations will be incorporated in the minutes of that meeting.

PROPOSAL REVIEW PROCEDURES

1. Introduction of proposal and presentation of analysis
2. Agency comments: (a) Alaska Department of Fish and Game, (b) Federal agencies, (c) Native/Tribal/Village/Other, and (d) Interagency Staff Committee comments
3. Advisory Group Comments: (a) Neighboring Regional Advisory Council(s), (b) Local Fish and Game Advisory Committees, and (c) National Park Service Subsistence Resource Commissions
4. Summary of written comments
5. Public testimony
6. Regional Advisory Council recommendation motion (always a positive motion)
 - a. Discussion/Justification
 - i. Is there a conservation concern? How will your recommendation address the concern?
 - ii. Is your recommendation supported by substantial evidence including traditional ecological knowledge?
 - iii. How will the recommendation address the subsistence needs involved? Will it be detrimental to subsistence users?
 - iv. Will the recommendation unnecessarily restrict other uses involved?
 - b. Vote



Map 9 Alaska Peninsula and Chignik Areas

FP13-12 Executive Summary	
General Description	Proposal FP 13-12 was submitted to clarify the location and method of traditional and historic subsistence salmon harvest in the Chignik Area and align State and Federal regulations. In addition, the proponent wishes to exclude rod and reel as a gear type for Federal subsistence harvest to prevent conflict with the sport users and resource management. <i>Submitted by Bruce Barrett on behalf of Chignik Regional Aquaculture Association</i>
Proposed Regulation	<i>§__27 (e)(8) (vi) You may take salmon by seines, gillnets, rod and reel, or with gear specified on a subsistence fishing permit, except that in Chignik Lake, Chignik River from Mensis Point upstream to Chignik Lake you may not use purse seines, and you may not take salmon using gillnet or seine upstream of a point 1 mile from the stream mouth in both Home Creek and Clark River. Also, you may not take salmon using gillnet or seine in all other Chignik Lake tributaries, and in Black River and its tributaries, Black Lake, and Black Lake tributaries. Further, you may not take salmon at any time within 300 feet of the Chignik River weir or in the Chignik River upstream of the Chignik River weir from July 1 through August 31. You may not use purse seines. You may also take salmon without a permit by snagging (by handline or rod and reel), using a spear, bow and arrow, or capturing by bare hand except within 300 feet of the Chignik River weir, in the Chignik River upstream of the weir from July 1 through August 31, and upstream of a point 1 mile from the stream mouths of both Clark River and Home Creek..</i>
OSM Preliminary Conclusion	Oppose
Bristol Bay Regional Council Recommendation	
Interagency Staff Committee Comments	
ADF&G Comments	Oppose
Written Public Comments	None

DRAFT STAFF ANALYSIS FP13-12

ISSUES

Proposal FP 13-12, was submitted by Bruce Barrett on behalf of Chignik Regional Aquaculture Association (CRAA), to clarify the location and method of traditional and historic subsistence salmon harvest in the Chignik Area and align State and Federal regulations. In addition, the proponent wishes to exclude rod and reel as a gear type for Federal subsistence harvest to prevent conflict with the sport users and resource management.

DISCUSSION

The proponent requests several changes to existing Federal regulatory language; some of the proposed language restates existing regulatory language without changing its intent. The proponent requests the area upstream of Mensis Point be closed to the taking of salmon with purse seines. This area is under both State and Federal jurisdiction (**Map 1**). As proposed, the restrictions on power purse seine gear in Chignik River from Mensis Point upstream would exclude only Federally qualified subsistence users from the area under Federal subsistence fisheries jurisdiction. State subsistence users would be allowed to fish in both Federal public waters and State waters within this area. The proponent also requests several restrictions that already exist under current Federal regulations: 1) closing Home Creek and Clark River one mile from the stream mouth; 2) restricting gillnets and seines in Chignik Lake tributaries, Black River and its tributaries, Black Lake and its tributaries; 3) closing fishing within 300 feet of the Alaska Department of Fish and Game (ADF&G) weir; and 4) closing salmon fishing from July 1 through August 31 in the Chignik River upstream of the weir and upstream of a point one mile from the stream mouths of both Clark River and Home Creek. Finally, the proponent requests that rod and reel gear be prohibited in the Chignik River, in order to exclude a method used in sport fishing. Federal regulations currently allow snagging (by handline or rod and reel) in the Chignik Area.

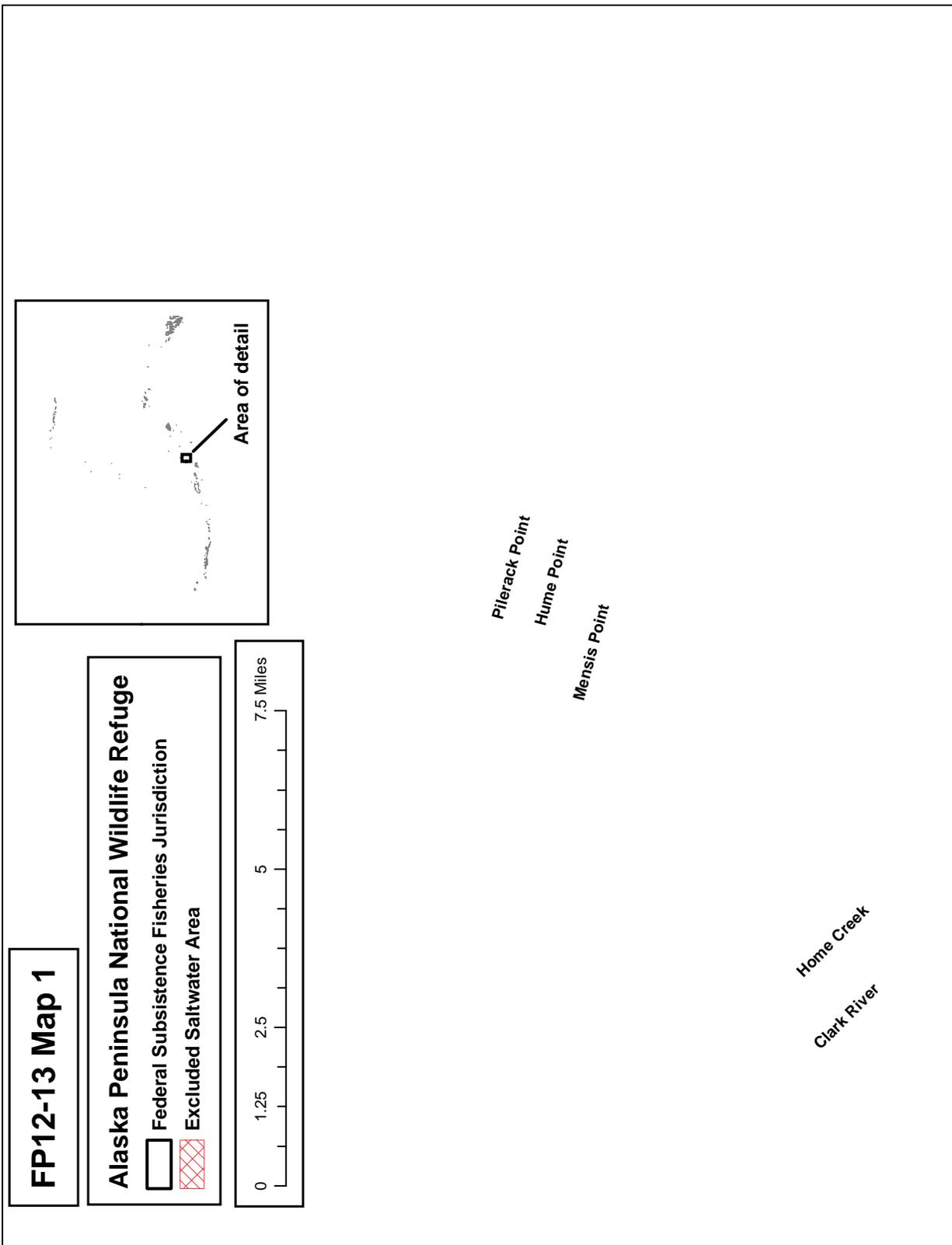
Existing Federal Regulations

§__.27 (e)(8) Subsistence taking of fish: Chignik Area

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

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

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



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

(iii) You may take salmon, trout, and char only under the authority of a subsistence fishing permit.

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

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

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

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

Proposed Federal Subsistence Regulations

§__.27(e)(8) Subsistence taking of fish: Chignik Area

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

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

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

*(B) In the ~~open waters~~ **lower 1 mile** of Clark River and Home Creek you may take salmon by snagging (handline ~~or rod and reel~~), spear, bow and arrow, or capture by hand without a permit. The daily harvest and possession limits using these methods are 5 per day and 5 in possession.*

(iii) You may take salmon, trout, and char only under the authority of a subsistence fishing permit.

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

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

(vi) *You may take salmon by seines, gillnets, ~~rod and reel~~, or with gear specified on a subsistence fishing permit, except that in Chignik Lake, **Chignik River from Mensis Point upstream to Chignik Lake you may not use purse seines, and you may not take salmon using gillnet or seine upstream of a point 1 mile from the stream mouth in both Home Creek and Clark River. Also, you may not take salmon using gillnet or seine in all other Chignik Lake tributaries, and in Black River and its tributaries, Black Lake, and Black Lake tributaries. Further, you may not take salmon at any time within 300 feet of the Chignik River weir or in the Chignik River upstream of the Chignik River weir from July 1 through August 31. You may not use purse seines. You may also take salmon without a permit by snagging (by handline ~~or rod and reel~~), using a spear, bow and arrow, or capturing by bare hand except within 300 feet of the Chignik River weir, in the Chignik River upstream of the weir from July 1 through August 31, and upstream of a point 1 mile from the stream mouths of both Clark River and Home Creek.***

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

Existing State Subsistence Regulation

5AAC 01.470 Lawful gear and gear specifications: Chignik Area

(a) *Salmon may be taken by seines and gillnets, or with gear specified on a subsistence fishing permit, except that in Chignik Lake salmon may not be taken with purse seines. A gillnet may not be set, staked, anchored, or otherwise fixed in a stream while it obstructs more than one-half of the width of the waterway and any channel or side channel of the waterway.*

5 AAC 01.475. Waters closed to subsistence fishing: Chignik Area

Salmon may not be taken

(1) *from July 1 through August 31, in the Chignik River from a point 300 feet upstream from the Chignik weir to Chignik Lake;*

(2) *in Black Lake, or any tributary to Black Lake or Chignik Lake, except the waters of Clark River and Home Creek, from each of their confluences with Chignik Lake to a point one mile upstream.*

5 AAC 01.480. Subsistence fish permit: Chignik Area

(a) *Salmon, trout and char may only be taken under the authority of a subsistence fishing permit.*

(b) *Not more than 250 salmon may be taken for subsistence purposes unless otherwise specified on the subsistence fishing permit.*

(c) *A subsistence fisherman shall keep a record of the number of subsistence fish taken by that subsistence fisherman each year. The number of subsistence fish taken shall be recorded on the reverse side of the permit. The record must be completed immediately upon landing subsistence-*

caught fish, and must be returned to the local representative of the department by December 31 of the year the permit was issued.

State Sport Fishing Regulations

5 AAC 65.010. Fishing seasons for Alaska Peninsula and Aleutian Islands Area

(a) Except as otherwise provided in this section and 5 AAC 65.051, sport fishing is permitted year round in the Alaska Peninsula and Aleutian Islands Area.

(b) King salmon may be taken in fresh waters only from January 1 through July 25, except that king salmon may be taken in the Chignik River from January 1 through August 9.

5 AAC 65.020. Bag limits, possession limits, and size limits for Alaska Peninsula and Aleutian Islands Area

(a) Except as otherwise provide in this section, bag limits, possession limits, and size limits for finfish and shellfish in the Alaska Peninsula and Aleutian Islands Area are as follows:

Species: (1) king salmon: in fresh waters: 20 inches or greater in length, 2 per day, 2 in possession; 5 fish annual limit; harvest record is required as specified in 5 AAC 75.006; less than 20 inches in length, 10 per day, 10 in possession; no annual limit. (2) other salmon: 5 per day, 5 in possession, no size limit.

Extent of Federal Public Waters

For purposes of this discussion, the phrase “Federal public waters” is defined as those waters described under 36 CFR 242.3 and 50 CFR 100.3. Federal public waters within the Chignik Management Area include all waters within or adjacent to the Alaska Peninsula National Wildlife Refuge, Aniakchak National Monument and Preserve, and Alaska Maritime National Wildlife Refuge. Chignik Lake, Chignik River, Black Lake, Clark River, and Home Creek are all within the boundary of the Alaska Peninsula National Wildlife Refuge. As such, the Federal Subsistence Management Program has responsibility and jurisdiction to provide for subsistence uses for Federally qualified users (**Alaska Peninsula and Chignik Areas Map 9**).

Customary and Traditional Use Determinations

Residents of the Chignik Area which include the communities of Perryville, Chignik Bay, Chignik Lagoon, Chignik Lake, and Ivanof Bay, have a customary and traditional use determination to harvest salmon in the Chignik Area. Ivanof Bay has no residents at present.

Regulatory History

Prior to 2005, the Chignik River was closed to subsistence salmon fishing by both State and Federal regulations (5 AAC 01.475, §100.27 (e)(8)(ii)). In response to reports that subsistence users had difficulty harvesting enough salmon to meet their needs, the Alaska Board of Fisheries, at its fall 2004 meeting, adopted a proposal to open the Chignik River to subsistence fishing. To protect spawning Chinook salmon, a closure was maintained from a point 300 feet upstream of the ADF&G weir to Chignik Lake for July 1 through August 31. During its January 2006 meeting, the Federal Subsistence Board adopted a similar proposal (FP06-08) to align Federal subsistence regulations with State regulations by allowing

Federal subsistence users to harvest salmon in Chignik River. The Federal Subsistence Board also adopted the July 1 to August 31 closure 300 feet upstream of the weir to protect spawning Chinook Salmon.

To allow additional harvest of late season sockeye salmon and provide a means to harvest an occasional fresh salmon for immediate consumption, the Alaska Board of Fisheries, at its 2008 meeting, adopted a proposal to open Clark River and Home Creek upstream to one mile from their confluence with Chignik Lake (ADF&G 2008). Both the Clark River and Home Creek had traditionally been used by a small number of subsistence users. Opening the rivers above their confluences permitted additional subsistence fishing opportunity while still protecting spawning salmon.

In 2008, Bristol Bay Regional Advisory Council submitted Proposal FP09-11, which sought to align Federal and State subsistence regulations by allowing Federally qualified subsistence users to fish for salmon in Clark River and Home Creek upstream one mile from their confluence with Chignik Lake. The Federal Subsistence Board adopted the regulatory change with an amendment at its January 2009 meeting. The amendment allowed the harvest of salmon in Clark River and Home Creek one mile upstream from their confluences with Chignik Lake without a permit when snagging (using handline or rod and reel), or when using spear, bow and arrow, or capture by hand. To address concerns over harvesting without a permit, the Federal Subsistence Board further modified the regulation to include a daily harvest and possession limit of 5 salmon per day and 5 in possession when snagging (handline or rod and reel), or using spear, bow and arrow, or capture by hand.

During the 2011 regulatory cycle, the Chignik Lake Traditional Council submitted parallel proposals to the Alaska Board of Fisheries (Proposal 96) and the Federal Subsistence Board (Proposal FP11-10). The proponents sought to liberalize fishing areas and methods and means to take salmon for subsistence in the Chignik Area. The Federal Subsistence Board took action on Proposal FP11-10 during its January 2011 meeting, but the Alaska Board of Fisheries took no action on Proposal 96 at its January 2011 meeting. The Federal Subsistence Board adopted the proposal with modification. The modified proposal opened Black Lake and its tributaries and the tributaries to Chignik Lake to Federal subsistence fishing, but prohibited the use of gill nets in those areas with the exception of the lower one mile of Home Creek and Clark River. These closures were kept in place because of a conservation concern for resident species in Black Lake and its tributaries; public testimony indicated gillnets have not been traditionally used in Black Lake and its tributaries (FSB 2001:401). During deliberations the Federal Subsistence Board elected to keep the Chignik River between the weir and Chignik Lake closed to Federal subsistence fishing from July 1 through August 31 to protect spawning Chinook salmon.

Harvest History

Residents of the Chignik Area take salmon through subsistence, commercial, and sport fishing opportunities with seines, gillnets, and/ or rod and reel. In a 2003 ADF&G subsistence survey, information collected by gear type documented that subsistence nets or seines accounted for 74% of all subsistence salmon harvested, rod and reel or hook and line gear accounted for 8%, and retention from commercial harvests accounted for 18%. While subsistence nets or seines are the preferred method of harvest for most salmon species in the Chignik Area, the survey documented only 9% of the Chinook salmon harvest was taken by this method. Most Chinook salmon were harvested by rod and reel (26%) or retained from the commercial harvest (65%), which is directed at sockeye salmon. Chignik Lagoon residents sport fish using rod and reel to harvest Chinook salmon in Chignik River as well as the outlet into the lagoon (Hutchinson-Scarborough et al. 2010). In interviews conducted by ADF&G subsistence staff, some respondents indicated that although they had sport fishing licenses and king salmon stamps, they consider this fishing to be subsistence fishing (Hutchinson-Scarborough et al. 2010).

A subsistence permit is required for subsistence salmon fishing [Appendix A], with an annual limit of 250 salmon per permit. ADF&G has conducted post-season subsistence harvest surveys to collect Chignik Area harvest information from households since 1976 (ADF&G 2005). The purpose of the surveys was to collect harvest information from households that do not obtain or return permits and to add late season harvest information not recorded on permits. The information collected on the surveys was used to adjust harvest estimates. Due to budget constraints, post-season surveys were not conducted in 2010 and 2011, so harvest estimates for those years are based only on returned permits. Comparisons of historic household survey data and permit data for 1984 and 1989 suggested that permit data underestimated subsistence harvest in the Chignik Area subsistence salmon fisheries (Hutchinson-Scarborough and Fall, 1996). This led to local outreach effort by local vendors and ADF&G staff, resulting in more reliable estimates of total harvest in recent years (Hutchinson-Scarborough et al. 2010). In 2010, the subsistence salmon harvest was estimated at 8,148 fish (**Table 1**), which was above both the recent 5 and 10 year averages (Anderson and Nichols, 2012). Sockeye salmon comprised most of the harvest. The 2011 Chignik Area subsistence harvest estimate is not available yet.

Biological Background

All five species of salmon spawn in the Chignik Area, but most of the harvests for both subsistence and commercial fisheries are typically comprised of sockeye salmon (Anderson and Nichols 2012). Salmon escapement is monitored at a site in the lower Chignik River using a weir and associated video equipment, while spawner distribution is documented through aerial surveys of the drainage. The Chignik River drainage produces most of the sockeye salmon in the Chignik Area, and the spawning population consists of both an early and late run. Since the Chignik River weir is not operated throughout the duration of the late run, which extends into September, total escapement has been estimated using time-series analysis. ADF&G has set separate sustainable escapement goals for these runs (early run: 350,000–400,000 sockeye salmon; late run: 200,000–400,000 sockeye salmon) as well as in-river run goals to support subsistence fishing for the late run (August: 25,000 sockeye salmon; September: 25,000 sockeye salmon). No escapement goals have been set for individual tributaries or lakes within the system. While sockeye salmon also spawn within other Chignik Area systems, their numbers are relatively small (less than 1,000 sockeye salmon are usually counted during aerial surveys), and no escapement goals have been set.

In 2011, the total escapement into the Chignik River system was 753,817 sockeye salmon, and was comprised of 488,930 early-run and 264,887 late-run sockeye salmon (Anderson and Nichols, 2012). The 2011 early-run escapement was above the ten-year 2001–2010 average of 412,279 sockeye salmon, while the 2011 late-run escapement was below the 2001–2010 average of 314,170 sockeye salmon. Both 2011 escapements either exceeded or were within the desired escapement goal ranges.

Within the Chignik River system, sockeye salmon spawn in Chignik Lake and its tributaries and Black Lake and its tributaries. Aerial surveys of Black Lake and its tributaries have documented concentrations of early-run spawning sockeye salmon in the Alec River. The most recent five-year average escapement estimate for sockeye salmon in Black Lake tributaries (220,540) has been less than either the ten- (224,644) or twenty- (293,397) year averages (Anderson and Nichols 2012). Due to sedimentation, Black Lake is declining in volume and dissolved oxygen levels over the winter months have been low (Westley et al. 2010). This has reduced the capacity of Black Lake to rear juvenile salmon, and a portion of the juveniles produced in Black Lake has been migrating to Chignik Lake to rear (Westley et al. 2010, Simmons 2009). This is thought to be a factor contributing to greater fluctuations observed in adult returns. Although spawning and rearing conditions have been changing due to sedimentation of Black Lake, no conservation concerns have been identified for either run.

Table 1. Number of subsistence permits issued and returned. Estimated subsistence salmon harvest by species and year from 1977 through 2010. (Modified from Anderson 2012 and Hutchinson-Scarborough 2010).

Year	Permits		Estimated Subsistence Harvest				
	Issued	Returned	Chinook	Sockeye	Coho	Chum	Pink
1977	NA	NA	50	9700	2400	600	1800
1978	NA	NA	50	6000	500	600	2100
1979	NA	NA	14	7750	34	0	262
1980	82	37	6	12475	32	169	478
1981	29	7	0	2049	0	0	0
1982	59	15	3	8532	12	0	2
1983	32	21	0	3078	1319	850	1250
1984	77	64	23	8747	464	204	330
1985	59	48	1	7177	50	25	26
1986	74	38	4	10347	205	77	98
1987	NA	NA	10	7021	278	204	261
1988	80	34	9	9073	1455	142	54
1989	68	23	24	7551	384	147	81
1990	72	23	103	8099	210	115	470
1991	95	58	42	11483	13	81	275
1992	98	19	55	8648	709	145	305
1993	201	141	122	14710	3765	642	1265
1994	219	122	165	13978	4055	382	1720
1995	111	95	98	9563	1191	150	723
1996	119	104	48	7357	2126	355	2204
1997	126	103	28	13442	2678	840	2035
1998	104	72	91	7750	1390	186	1007
1999	106	88	243	9040	1679	136	1191
2000	130	112	163	9561	1802	517	1185
2001	135	122	171	8633	1859	213	2787
2002	120	86	74	10092	1401	23	390
2003	146	127	267	10989	2256	286	1597
2004	104	57	88	7029	1981	202	1047
2005	119	100	224	8171	2112	353	730
2006	113	79	259	8079	1539	275	1035
2007	128	83	84	10191	1936	165	996
2008	89	69	41	7189	877	57	619
2009 ^a	95	82	104	6785	1174	137	707
2010 ^a	124	90	188	8148	1820	222	656

NA = Data not available

^a From 1993 through 2008, postseason household surveys were conducted to supplement harvest data collected through returned permits. Limited budgets prevented administering the surveys for 2009 and 2010, likely resulting in an underestimate of subsistence harvests.

The Chignik River supports the largest Chinook salmon run in the Chignik Area, and the run extends from about mid-June to late August with a peak in mid-July. ADF&G has set a biological escapement goal of 1,300–2,700 Chinook salmon for this run (Anderson and Nichols 2012). The 2011 escapement of 2,728 Chinook salmon was slightly above the upper bound of the escapement goal range, although subsistence and sport harvests estimates are yet to be calculated (Anderson and Nichols 2012). The 2011 escapement was below the 2001–2010 ten-year average of 3,993 Chinook salmon.

Coho salmon spawn in drainages throughout the Chignik Area, and runs extend from mid-August through November (Anderson and Nichols 2012). In 2011, 5,293 coho salmon were counted through the Chignik River weir, which was lower than the ten-year 2001–2010 average of 12,821. Annual counts for the period 2001–2010 have ranged from 103 to 37,113 coho salmon. Late season aerial surveys are used to estimate coho salmon abundance and incremental weather can affect the accuracy of the estimates. Since the run is often still increasing when the weir is dismantled for the season, time-series analysis cannot usually be used to estimate the total run. Due to the late season timing and limited direct effort, ADF&G has not set an escapement goal for the Chignik River coho salmon run. While aerial surveys have been used to monitor escapements into other systems within the Chignik Area, the total number counted is usually less than 2,000 coho salmon. ADF&G considers coho salmon runs to be at sustainable levels in the Chignik Area.

Both pink and chum salmon spawn in drainages throughout the Chignik Area, and runs generally reach their peak abundance in August (Anderson and Nichols 2012). While both species are counted at the Chignik River weir, most spawning is scattered among numerous drainages monitored by aerial surveys. Pink salmon runs can vary greatly in abundance between odd- and even-years, and ADF&G has set area-wide sustainable escapement goals of 200,000 to 600,000 pink salmon for even years and 500,000 to 800,000 pink salmon for odd years. For the period 2001–2011, the number of pink salmon counted through the Chignik River weir has ranged from 1,464 to 22,341 for odd-years and from 2,243 to 22,341 for even-year runs (Anderson and Nichols 2012). In 2011, the area-wide escapement was estimated to be 986,248 pink salmon. For chum salmon, the number counted through the Chignik River weir has ranged from 48 to 408 for the period 2011–2010. ADF&G has set an area-wide sustainable escapement goal of 57,400 chum salmon. In 2009, the area-wide escapement was estimated to be 278,145 chum salmon, which was well above the escapement goal.

Current Events Involving Species

Due to low Chinook salmon counts at the Chignik River weir, the Chinook salmon sport fishery was restricted on July 12, 2012 (ADF&G 2012e). Sport fishing for Chinook salmon 20 inches and greater was limited to catch-and-release only and bait was prohibited in the entire Chignik River drainage downstream to Mensis Point. The closure remained in place until August 9 when the sport fishery was closed by regulation. Chignik River weir Chinook salmon passage was estimated at 1,449 fish for 2012, which falls above the lower end of the biological escapement goal (ADF&G 2012a). Other drainages on the Alaska Peninsula (Sapsuk River Drainage) and Kodiak Island (Karluk and Ayakulik river drainages) are also experiencing low Chinook salmon returns possibly indicating an area wide decrease in Chinook salmon production (ADF&G 2012b, ADF&G 2012c, ADF&G 2012d).

Effects of the Proposal

If adopted, this proposal would not allow purse seine gear use by Federally qualified subsistence users in the Chignik River from Mensis Point upstream while continuing to allow harvest with purse seine gear under State subsistence regulations. Adoption of this proposal also would not allow Federally qualified subsistence users to use rod and reel, which is currently a legal gear type under Federal subsistence

regulations. These restrictions would unnecessarily decrease harvest opportunities currently available to Federal subsistence user in the Chignik Area since there are no conservation concerns that cannot be addressed through in-season management actions. Other proposed regulation changes are unnecessary because they restate language in the current regulations.

OSM PRELIMINARY CONCLUSION

Oppose Proposal FP13-12

Justification

Restricting subsistence users from harvesting fish with a rod and reel would be an unnecessary restriction to existing fishing practices and would decrease current Federal subsistence opportunities for residents of the Chignik Area. Under current Federal subsistence regulations, rod and reel is a recognized method of harvesting subsistence fish. Currently in the Chignik Area, Federally qualified subsistence users harvest salmon using rod and reel in areas open to fishing under State sport fishing regulations. Restricting subsistence users from harvesting fish with a rod and reel would be an unnecessary restriction to existing fishing practices and would decrease current Federal subsistence opportunities for residents of the Chignik Area.

If adopted Federal subsistence users would be more restricted than State subsistence and sport users. While most of the area upstream of Mensis Point is under Federal subsistence fisheries jurisdiction, the remaining area is under State jurisdiction. Restricting the use of purse seine gear in the Chignik River from Mensis Point upstream restricts only those harvesting under Federal subsistence regulations in Federal waters. Those fishing under State subsistence regulations still would be permitted to harvest fish throughout the area. Closing the portion of this area under Federal subsistence fisheries jurisdiction to purse seine gear would decrease Federal subsistence opportunities for residents of Chignik Area.

The other proposed changes already exist in current Federal regulations and are not needed.

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Alaska Department of Fish and Game
Comments to Interagency Staff Committee

Fisheries Proposal FP13-12: Revise salmon methods & means for the lower 1 mile of the Clark River and Home Creek and the Chignik River from Mensis Point upstream to Chignik Lake.

Introduction: The Chignik Regional Aquaculture Association submitted this proposal seeking to eliminate the use of the following gear types:

- rod and reel in the lower one mile of Clark River and Home Creek; and eliminate the use of rod and reel in Chignik Lake;
- rod and reel, purse seines, gillnets, or seines in the Chignik River from Mensis Point upstream to Chignik Lake;
- purse seines, and gillnet or seine for salmon upstream of a point one mile from the stream mouth in both Home Creek and Clark River;
- gillnet or seine for salmon in all other Chignik Lake tributaries, and in Black River and its tributaries, Black Lake, and Black Lake tributaries; and
- take of salmon without a permit by rod and reel within 300 feet of the Chignik River weir, in the Chignik River upstream of the weir from July 1 through August 31, and upstream of a point 1 mile from the stream mouths of both Clark River and Home Creek.

The proposal states further that: salmon may not be taken at any time within 300 feet of the Chignik River weir or in the Chignik River upstream of the Chignik River weir from July 1 through August 31.

Impact on Subsistence Users: If adopted as proposed, federally-qualified subsistence users would be allowed to subsistence fish in the Chignik River watershed, with the exception of the abovementioned exclusions.

Impact on Other Users: If this proposal is adopted it will restrict or prohibit sport and recreational users from using rod and reel in the abovementioned areas. Adoption of this proposal (amended or otherwise) could have significant impacts on other users, particularly anglers but potentially the commercial fishery. Additional inriver harvesting (either documented or perceived) of king salmon by subsistence fishers is likely to result in more conservative inseason management of the sport fishery in order to ensure escapement objectives are met, which at least occasionally will result in decreased sport fishing opportunity. Likewise, concern over achievement of the king salmon escapement goal as a result of increased inriver harvest may impact status quo management of the commercial salmon fishery in Chignik Bay.

Opportunity Provided by State: Gillnets and purse seines are allowable gear under state subsistence regulations. The State of Alaska provides a subsistence preference on all lands and provides liberal salmon subsistence fisheries on the Alaska Peninsula. Subsistence fisheries in the Chignik area provide an annual household limit of 250 fish, and subsistence fishermen can be authorized to take more, if needed. For the Chignik area subsistence salmon fishery, gear types allowed include gillnets and seines, except purse seines may not be used in Chignik Lake.

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Gillnets may be used in Clark River and Home Creek one linear mile upstream from their confluences with Chignik Lake. Additional gear types can be added to the state subsistence permit (5 AAC 01.470).¹

State subsistence permits for each management area carry stipulations specific to that area, such as timing restrictions to separate subsistence and commercial fishing, gillnet length limits in areas open to commercial fishing, and waters closed to subsistence fishing. Commercial salmon license holders and Commercial Fisheries Entry Commission (CFEC) salmon permit holders in this area may subsistence fish for salmon during a commercial salmon fishing period (5AAC01.485), but may not subsistence fish 12 hours before or 12 hours after each commercial fishing period. Commercial salmon license holders and CFEC permit holders in the Chignik Management Area that subsistence fish in Chignik Lagoon, Chignik Lake, or Chignik River are required to contact department staff at the Chignik weir in order to separate the reporting of subsistence and commercial harvests.

The Alaska Board of Fisheries (BOF) established a combined amount reasonably necessary for subsistence (ANS) for communities in the Alaska Peninsula area as 34,000–56,000 salmon annually. The combined ANS for the Chignik Area (Chignik Bay and the Central and Eastern districts of the Chignik Management Area) is 7,700–14,250 salmon annually. Liberal state subsistence fisheries are allowed on all lands (state, federal, and private), so adoption of this proposal is not necessary to provide a meaningful subsistence opportunity.

Conservation Issues: No salmon stocks on the Alaska Peninsula are currently listed as “stock of concern” by the BOF. Recent late-run sockeye salmon returns, which return primarily to Chignik Lake and its tributaries, have decreased slightly recently. If the Federal Subsistence Board approves this proposal, but does not require a federal permit, increases in undocumented in-tributary exploitation would not be detectable due to the lack of a federal reporting requirement. Significant increases of unreported harvest in Chignik River watershed may lead to conservation issues that would not be detected in a timely manner and may require severe fishery restrictions when detected.

The July 1 through August 31 subsistence fishery closure was established by the BOF in Chignik River many years ago to prevent inadvertent harvest and harassment of spawning Chinook salmon. Reopening the Chignik River to subsistence fishing with gillnets would have immediate impacts on the Chinook salmon population that spawns in approximately 80% of the 1.8 river miles that extends from the outlet of Chignik Lake downstream to the department’s Chignik weir and near the outlet of Chignik Lake. Chinook salmon have not been found to habitually transit beyond Chignik Lake.

The Federal Subsistence Board recently liberalized allowable methods and means for federal subsistence fisheries and eliminated permitting and reporting requirements for federally-qualified users who utilize rod and reel, bow and arrow, spear, bare-hand capture, and snagging.

¹ [5 AAC 01.470. Lawful gear and gear specifications](#)

(a) Salmon may be taken by seines and gillnets, or with gear specified on a subsistence fishing permit, except that in Chignik Lake salmon may not be taken with purse seines.

(b) Fish other than salmon may be taken by gear listed in 5 AAC [01.010\(a\)](#), unless restricted under the terms of a subsistence fishing permit.

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Elimination of permitting and reporting requirements by federally-qualified users causes the department serious concern about localized depletion of sockeye salmon stocks in Chignik River watershed tributaries, especially if a significant increase of harvest results. Since the Federal Subsistence Board does not monitor the federal subsistence fishery in this area, authorizing additional freshwater subsistence fisheries that target unmonitored wild stocks is not consistent with principles of sound management and conservation of fish and wildlife resources.

Three Federal Subsistence Board members discussed their support of proposal FP08-11 at the December 2007 meeting because the expected increase in harvest was estimated to be reasonably small and the proponent's intent was to harvest one or two fish at a time (Federal Subsistence Board Transcripts, December 20, 2007, pages 228 and 229). Further discussion by the Federal Subsistence Board and Regional Advisory Council chairs also focused on liberalizing federal subsistence users' methods and means to allow for harvests of individual salmon for immediate sustenance, while traveling lightly in the course of camping, berry picking, or hunting. Discussions did not consider impacts that adoption of FP08-11 would have on sockeye salmon stocks within Clark River and Home Creek, because both were closed to federal subsistence fishing at the time. The impacts of cumulative unreported harvests from creeks that are near communities and easily accessible were also not considered by the Federal Subsistence Board.

The Federal Subsistence Board approved FP08-11, which liberalized methods and means to allow snagging, bare-hand capture, and similar means for light travelers on the Alaska Peninsula and eliminated reporting requirements, based on information that suggested the level of harvest would be a small number of fish by subsistence users traveling lightly in the field. During 2008, the department received reports of federal subsistence users harvesting their winter supply of salmon from these tributaries of concern by federal methods and means and without the benefit of permits and harvest reporting. As stated in objections to FP08-11, the department has serious conservation concerns with unreported harvests and the liberalized methods and means. Those concerns increase with consideration of FP09-11 and FP11-10, and the potential of significant federal subsistence harvests in Home Creek and Clark River.

Enforcement Issues: None noted at this time.

Jurisdiction Issues: While standing on state and private lands (including state-owned submerged lands and shore lands), persons must comply with state laws and regulations. If this proposal is adopted, detailed maps are needed that depict land ownership and specific boundaries of areas where federal regulations are claimed to apply in order to reduce risk of violation for federal subsistence fishermen. During the December 2007 Federal Subsistence Board meeting, Alaska wildlife trooper testimony (Federal Subsistence Board Transcripts December 11, 2007, pages 89-91) explained the importance of users understanding and knowing jurisdiction and land status. When an enforcement officer encounters an individual conducting an activity that is prohibited by state regulations while standing on state or private lands, including state-owned submerged lands, the person may be cited.

Other Issues: An identical proposal (#96) was submitted to the BOF for consideration during the January 16–18, 2011, meeting in Anchorage. Proposal 96 was supported unanimously by the Chignik Advisory Committee, it was supported with modifications by the USFWS/Federal Subsistence Management Program, and the BOF voted to take “no action” on this proposal.

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A similar Fisheries Proposal (FP)11-10, submitted by the Chignik Lake Traditional Council to the Federal Subsistence Board, requested the same changes to federal subsistence fishing regulations for the Chignik Management Area as proposals 95 and 96 brought before the BOF in 2011. In addition, FP11-10 requests elimination of the July 1 through August 31 salmon fishing closure in the Chignik River from a point 300 feet upstream from the Chignik weir to Chignik Lake.

The Federal Subsistence Management Program has stated concern that opening the tributaries of Black and Chignik lakes to subsistence salmon fishing with nonselective fishing gear types, such as gillnets, could potentially result in unsustainable harvests of other, nontarget, species (for example, Dolly Varden/char). These other species may be more susceptible to overfishing than the more abundant salmon species, but fishing effort is expected to be low. If either of these proposals is adopted, harvest of nontarget species would need to be monitored to ensure they remain within sustainable limits.

Alaska Statute 16.05.258, 'Subsistence Use and Allocation of Fish and Game', defines a subsistence priority for state-managed fisheries in the context of resource abundance (and not the context of parity based on geographic location of fishing effort) and also directs the Board of fisheries when adopting regulations to provide a "reasonable opportunity" for subsistence use. There are numerous examples under both state and federal regulations where 'reasonable opportunity' is provided for subsistence use without also matching the open waters boundaries of subsistence fishing with those of angling (e.g., all freshwaters of Afognak Island are closed to state/federal subsistence but open to sport fishing). The Department cautions the board to avoid confusing "priority use" with "reasonable opportunity" as it considers this proposal.

The Bristol Bay Federal Subsistence Regional Advisory Council (Council) met September 23, 2010, and recommended to support FP11-10 with modifications, including retaining the July 1 through August 31 closure of the Chignik River. The Council recommended opening these areas to subsistence use, and pointed out that these areas are already open to sport fishing. Finally, the Council was concerned about the potential need of multiple or dual federal/state permits and preferred seeing the same changes in both federal and state regulations, if possible, to avoid the need for separate/dual permits.

The Office of Subsistence Management (OSM) staff recommendation to the Federal Subsistence Board is to support FP11-10 with modifications including but not limited to: 1) opening the areas of Black Lake and its tributaries to subsistence fishing, but excluding the use of gillnets and seine gear; 2) removing the requested restriction for using "hook and line" gear in the Chignik River; 3) retaining the existing July 1 through August 31 fishing closure in the Chignik River above the ADF&G weir; and 4) retaining the prohibition of purse seine (both power and hand) in Chignik Lake.

The Federal Subsistence Board considered FP11-10 during its January 19–21, 2011, meeting in Anchorage and approved it as modified by the Regional Advisory Council [The 300-foot closure upstream of Chignik River weir was established for safety reasons and to prevent interference with weir operations; this closed area should be retained. The July 1

ADF&G Comments on FP13-12
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through August 31 subsistence fishery closure in Chignik River was established to protect spawning Chinook salmon and these closure dates should be retained. The Department recommends against adopting gillnets as a legal gear type for federal subsistence fishing in Black Lake or tributaries of Black and Chignik lakes, and Chignik River because opening these tributaries to subsistence salmon fishing with nonselective fishing gear types such as gillnets could potentially result in unsustainable harvests of other nontarget species (for example, Dolly Varden/char).

Recommendation: Oppose.

FP13-13 Executive Summary	
General Description	<p>Proposal FP13-13 requests the taking of salmon be permitted above the weir in Chignik River with no restriction on gear type. Currently, the area upstream of the Alaska Department of Fish and Game (ADF&G) weir is closed to harvest from July 1 through August 31 under Federal subsistence regulations. The proponent also requests that the taking of salmon by gillnets be permitted in Black Lake, any tributary to Black Lake, and Chignik Lake. <i>Submitted by Alvin Boskofsky on behalf of the Chignik Lake Traditional Council</i></p>
Proposed Regulation	<p>§__.27(i)(8)</p> <p><i>(i) You may take fish other than salmon, rainbow/steelhead trout, or char at any time, except as may be specified by a subsistence fishing permit. For salmon, Federal subsistence fishing openings, closings and fishing methods are the same as those issued for the subsistence taking of fish under Alaska Statutes (AS 16.05.060), unless superseded by a Federal Special Action. If you take rainbow/steelhead trout incidentally in other subsistence net fisheries, you may retain them for subsistence purposes.</i></p> <p><i>(ii) You may not take salmon in the Chignik River, from a point 300 feet upstream of the ADF&G weir to Chignik Lake from July 1 through August 31. You may not take salmon (including Chinook salmon from July 1 – August 31 in the Chignik River) by gillnet in Black Lake or any tributary to Black or Chignik Lakes and Chignik River. You may take salmon in the waters of Clark River and Home Creek from their confluence with Chignik Lake upstream 1 mile.</i></p> <p><i>(A) In the open waters of Clark River and Home Creek you may take salmon by gillnet under the authority of a State permit.</i></p> <p><i>(B) In the open waters of Clark River and Home Creek you may take salmon by snagging (handline or rod and reel), spear, bow and arrow, or capture by hand without a permit. The daily harvest and possession limits using these methods are 5 per day and 5 in possession.</i></p>
OSM Preliminary Conclusion	<p>Support Proposal FP13-13 with modifications to open Chignik River from to harvest of salmon with rod and reel between January 1 and August 9. The harvest limit would match the State sport fish bag limit for daily harvest limits and daily possession limits. However, no annual harvest limit would be imposed on Federally qualified subsistence users. If adopted the modified proposal deviates from State subsistence regulations and may require a Federal permit.</p>

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WP13-13 Executive Summary (continued)

OSM Preliminary Conclusion
(Continued)

The modified regulation should read:

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

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

(10) You may not take fish for subsistence uses within 300 feet of any dam, fish ladder, weir, culvert or other artificial obstruction, unless otherwise indicated. § _____.27(i)(8)

Subsistence taking of fish: Chignik Area

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

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

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

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

(C) You may take salmon in the Chignik River with rod and reel, from a point 300 feet upstream of the ADF&G weir to Chignik Lake from January 1 through August 9. Chinook salmon: 20 inches or greater in length, 2 per day, 2 in possession; less than 20 inches in length, 10 per day, 10 in possession; other salmon: 5 per day, 5 in possession, no size limit.

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WP13-13 Executive Summary (continued)	
OSM Preliminary Conclusion (Continued)	<p><i>(iii) You may take salmon, trout, and char only under the authority of a subsistence fishing permit [see Appendix A].</i></p> <p><i>(iv) You must keep a record on your permit of subsistence-caught fish. You must complete the record immediately upon taking subsistence-caught fish and must return it no later than October 31.</i></p> <p><i>(v) If you hold a commercial fishing license, you may only subsistence fish for salmon as specified on a State subsistence salmon fishing permit.</i></p> <p><i>(vi) You may take salmon by seines, gillnets, rod and reel, or with gear specified on a subsistence fishing permit, except that in Chignik Lake, you may not use purse seines. You may also take salmon without a permit by snagging (by handline or rod and reel), using a spear, bow and arrow, or capturing by bare hand.</i></p> <p><i>(vii) You may take fish other than salmon by gear listed in this part unless restricted under the terms of a subsistence fishing permit.</i></p>
Bristol Bay Regional Council Recommendation	
Interagency Staff Committee Comments	
ADF&G Comments	Oppose
Written Public Comments	None

DRAFT STAFF ANALYSIS FP13-13

ISSUES

Proposal FP13-13, submitted by Alvin Boskofsky on behalf of the Chignik Lake Traditional Council, requests the taking of salmon be permitted above the weir in Chignik River with no restriction on gear type. Currently, the area upstream of the Alaska Department of Fish and Game (ADF&G) weir is closed to harvest from July 1 through August 31 under Federal subsistence regulations. The proponent also requests that the taking of salmon by gillnets be permitted in Black Lake, any tributary to Black Lake, and Chignik Lake.

DISCUSSION

The proponent requests that regulations for harvest of salmon be liberalized in the Chignik Area to provide additional harvest opportunities for Federally qualified subsistence users. Chinook salmon spawn in the 1.8 river miles that extend from the outlet of Chignik Lake downstream to the weir (FSB 2011:409). Currently, to prevent over harvest or harassment of these salmon, subsistence users may not fish in the Chignik River, from a point 300 feet upstream of the ADF&G weir from July 1 through August 31 under both Federal and State regulations. The proponent requests that gillnets be allowed in Black Lake to harvest spawned-out sockeye. Gillnets are not allowed in Black Lake and its tributaries because of potential conservation concerns for resident species (FSB 2011:399). Federally qualified subsistence users may harvest salmon with seines, rod and reel, snagging, spear, bow and arrow or hand capture in Black Lake, any tributary to Black Lake, and Chignik Lake. The use of these gear types allows the user to target salmon while conserving resident species.

Federal regulations require that Federally qualified subsistence users have a subsistence fishing permit (issued by the State of Alaska) to take salmon with seines or gillnets in the Chignik Management Area. However, Federally qualified subsistence users are not required to have a State permit to take salmon by snagging (hand line, rod and reel), spear, bow and arrow, or capture by hand in the Chignik Management Area, because State regulations do not allow the subsistence take of salmon by these methods. According to residents and managers, subsistence salmon harvests using these methods are likely low since most people use these methods to catch an occasional fresh fish (BBRAC 2008).

State sport fishing regulations allow for sport fishing throughout the Chignik Area, including sections of Chignik River upstream of the weir and Black Lake and its tributaries. Chinook salmon can be harvested in the Chignik River under State regulations from January 1 through August 9. This allows harvest of Chinook salmon under State sport fishing regulations in a portion of the Chignik River that is closed to Federally qualified subsistence users beginning July 1.

Existing Federal Subsistence Regulations

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

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

take rainbow/steelhead trout incidentally in other subsistence net fisheries, you may retain them for subsistence purposes.

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

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

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

Proposed Federal Subsistence Regulations

§ __.27(i)(8) Subsistence taking of fish: Chignik Area

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

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

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

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

Existing State Subsistence Regulations

5AAC 01.470 Lawful gear and gear specifications: Chignik Area

(a) Salmon may be taken by seines and gillnets, or with gear specified on a subsistence fishing permit, except that in Chignik Lake salmon may not be taken with purse seines. A gillnet may not be set, staked, anchored, or otherwise fixed in a stream while it obstructs more than one-half of the width of the waterway and any channel or side channel of the waterway.

5 AAC 01.475. Waters closed to subsistence fishing: Chignik Area

Salmon may not be taken

(1) from July 1 through August 31, in the Chignik River from a point 300 feet upstream from the Chignik weir to Chignik Lake;

(2) in Black Lake, or any tributary to Black Lake or Chignik Lake, except the waters of Clark River and Home Creek, from each of their confluences with Chignik Lake to a point one mile upstream.

5 AAC 01.480. Subsistence fish permit: Chignik Area

(a) Salmon, trout and char may only be taken under the authority of a subsistence fishing permit [see Appendix A].

(b) Not more than 250 salmon may be taken for subsistence purposes unless otherwise specified on the subsistence fishing permit.

(c) A subsistence fisherman shall keep a record of the number of subsistence fish taken by that subsistence fisherman each year. The number of subsistence fish taken shall be recorded on the reverse side of the permit. The record must be completed immediately upon landing subsistence-caught fish, and must be returned to the local representative of the department by December 31 of the year the permit was issued.

State Sport Fishing Regulations

5 AAC 65.010. Fishing seasons for Alaska Peninsula and Aleutian Islands Area

(a) Except as otherwise provided in this section and 5 AAC 65.051, sport fishing is permitted year round in the Alaska Peninsula and Aleutian Islands Area.

(b) King salmon may be taken in fresh waters only from January 1 through July 25, except that king salmon may be taken in the Chignik River from January 1 through August 9.

5 AAC 65.020. Bag limits, possession limits, and size limits for Alaska Peninsula and Aleutian Islands Area

(a) Except as otherwise provide in this section, bag limits, possession limits, and size limits for finfish and shellfish in the Alaska Peninsula and Aleutian and Aleutian Islands Area are as follows:

Species: (1) king salmon: in fresh waters: 20 inches or greater in length, 2 per day, 2 in possession; 5 fish annual limit; harvest record is required as specified in 5 AAC 75.006; less than 20 inches in length, 10 per day, 10 in possession; no annual limit. (2) other salmon: 5 per day, 5 in possession, no size limit.

Extent of Federal Public Waters

For purposes of this discussion, the phrase “Federal public waters” is defined as those waters described under 36 CFR 242.3 and 50 CFR 100.3. Federal public waters within the Chignik Management Area include all waters within or adjacent to the Alaska Peninsula National Wildlife Refuge, Aniakchak

National Monument and Preserve, and Alaska Maritime National Wildlife Refuge. Chignik Lake, Chignik River, Black Lake, Clark River, and Home Creek are all within the boundary of the Alaska Peninsula National Wildlife Refuge. As such, the Federal Subsistence Management Program has responsibility and jurisdiction to provide for subsistence uses for Federally qualified users (**Map 1**).

Customary and Traditional Use Determinations

Residents of the Chignik Area which include the communities of Perryville, Chignik Bay, Chignik Lagoon, Chignik Lake, and Ivanof Bay, have a customary and traditional use determination to harvest salmon in the Chignik Area. Ivanof Bay has no residents at present.

Regulatory History

Please refer to proposal FP 13-12

Harvest History

Please refer to proposal FP 13-12

Biological Background

Please refer to proposal FP 13-12

Effects of the Proposal

If this proposal is adopted as written, it would allow Federally qualified subsistence users to use any gear type to harvest salmon in an area of the Chignik River that is currently closed because of conservation concerns. During spawning large numbers of Chinook salmon are present on the spawning grounds above the weir. Allowing subsistence user to deploy seines and gillnets during a time and in a place of peak Chinook salmon spawning activity could result in over harvest of Chinook salmon. Currently, Black Lake and its tributaries are open to gear types that allows for a selective harvest. Allowing the use of gillnets to target spawned out salmon in Black Lake and its tributaries could result in inadvertent harvest of resident species possibly creating a conservation concern.

OSM PRELIMINARY CONCLUSION

Support Proposal FP13-13 with modifications to open Chignik River to the harvest of salmon with rod and reel between January 1 and August 9. The harvest limit would match the State sport fish bag limit for daily harvest limits and daily possession limits. However, no annual harvest limit would be imposed on Federally qualified subsistence users. If adopted the modified proposal deviates from State subsistence regulations and may require a Federal permit.

The modified regulation should read:

§ __.27(i)(8) Subsistence taking of fish: Chignik Area

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

take rainbow/steelhead trout incidentally in other subsistence net fisheries, you may retain them for subsistence purposes.

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

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

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

(C) You may take salmon in the Chignik River with rod and reel, from a point 300 feet upstream of the ADF&G weir to Chignik Lake from January 1 through August 9. Chinook salmon: 20 inches or greater in length, 2 per day, 2 in possession; less than 20 inches in length, 10 per day, 10 in possession; other salmon: 5 per day, 5 in possession, no size limit.

Justification

Adoption of a modification to FP13-13 would open an area to Federally qualified subsistence users that is currently open to those harvesting under State sport fishing regulation. Adopting this modified proposal would put into Federal regulation existing fishing practices of local residents while providing a Federal subsistence priority from January 1 through August 9. Opening this areas is not expected to significantly increase the harvest due to low anticipated participation.

Because the potential exist that the use of gillnets in Black Lake and its tributaries could create a conservation concern, the OSM preliminary conclusion suggest that gillnet use remains restricted to Chignik River, Chignik Lake and in open waters of Clark River and Home Creek. Currently, Federally qualified subsistence users can harvest salmon in Black Lake and its tributaries with by seines, rod and reel and snagging (by handline or rod and reel), using a spear, bow and arrow, or capturing by bare hand.

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Alaska Department of Fish and Game
Comments to Interagency Staff Committee

Fisheries Proposal FP13-13: Open closed areas in the Chignik River drainage for the taking of spawned out sockeye salmon by gillnet.

Introduction: The Chignik Traditional Council submitted this proposal in order to obtain additional opportunities to harvest spawned-out sockeye salmon for subsistence and stipulates the following:

1. Eliminate the 300-foot closure upstream of Chignik River weir.
2. Eliminate the July 1 through August 31 subsistence fishery closure in Chignik River.
3. Expand legal gear types for federal subsistence fishing in Black Lake or tributaries of Black and Chignik lakes and Chignik River to include gillnets.

Impact on Subsistence Users: If adopted as proposed, federally-qualified subsistence users would be allowed to subsistence fish in the Chignik River watershed with a gillnet under the authority of a federal subsistence fishing permit. If adopted, federal subsistence users who choose to use a gillnet would be restricted to Chignik River, Chignik Lake, the lower one mile of Clark River and Home Creek, and Black Lake or tributaries of Black and Chignik lakes. The Federal Subsistence Board authorized expanded methods and means, and eliminated some permit and reporting requirements in the Chignik River watershed. If this proposal is adopted, federal regulations would allow federally-qualified subsistence users to utilize methods and means significantly different from those allowed under state regulations in the tributaries of Chignik and Black lakes (with the exception of Clark River and Home Creek, neither of which require a federal subsistence permit or other reporting method). Though this proposal does not request that all gear types be allowed for federal subsistence fishing in the tributaries of Chignik and Black lakes, as allowed in the Clark River and Home Creek, state regulations prohibit using spears and hook and line for subsistence fishing. Adoption of this proposal would expose federally-qualified users to state citation because there are no federal public lands in the Chignik River watershed. Fishermen using methods and means not authorized under state law or who fish in areas closed to subsistence fishing in state regulations would risk being cited while standing on state and private land, including state-owned submerged lands and shore lands.

Impact on Other Users: None noted at this time.

Opportunity Provided by State: Gillnets and purse seines are allowable gear under state subsistence regulations. The State of Alaska provides a subsistence preference on all lands and provides liberal salmon subsistence fisheries on the Alaska Peninsula. Subsistence fisheries in the Chignik area provide an annual household limit of 250 fish, and subsistence fishermen can be authorized to take more if needed. For the Chignik area subsistence salmon fishery, gear types allowed include gillnets and seines, except purse seines may not be used in Chignik Lake. Gillnets may be used in Clark River and Home Creek one linear mile upstream from their confluences with Chignik Lake. Additional gear types can be added to the state subsistence permit (5 AAC 01.470).¹

¹ [5 AAC 01.470. Lawful gear and gear specifications](#)

State subsistence permits for each management area carry stipulations specific to that area, such as timing restrictions to separate subsistence and commercial fishing, gillnet length limits in areas open to commercial fishing, and waters closed to subsistence fishing. Commercial salmon license holders and Commercial Fisheries Entry Commission (CFEC) salmon permit holders in this area may subsistence fish for salmon during a commercial salmon fishing period (5AAC01.485), but may not subsistence fish 12 hours before or 12 hours after each commercial fishing period. Commercial salmon license holders and CFEC permit holders in the Chignik Management Area that subsistence fish in Chignik Lagoon, Chignik Lake, or Chignik River are required to contact department staff at the Chignik weir in order to separate the reporting of subsistence and commercial harvests.

The Alaska Board of Fisheries (BOF) established a combined amount reasonably necessary for subsistence (ANS) for communities in the Alaska Peninsula area as 34,000–56,000 salmon annually. The combined ANS for the Chignik Area (Chignik Bay and the Central and Eastern districts of the Chignik Management Area) is 7,700–14,250 salmon annually. Liberal state subsistence fisheries are allowed on all lands (state, federal, and private), so adoption of this proposal is not necessary to provide a meaningful subsistence opportunity.

Conservation Issues: No salmon stocks on the Alaska Peninsula are currently listed as “stock of concern” by the BOF. Recent late-run sockeye salmon returns, which return primarily to Chignik Lake and its tributaries, have decreased slightly recently. If the Federal Subsistence Board approves this proposal, but does not require a federal permit, increases in undocumented in-tributary exploitation would not be detectable due to the lack of a federal reporting requirement. Significant increases of unreported harvest in Chignik River watershed may lead to conservation issues that would not be detected in a timely manner and may require severe fishery restrictions when detected.

The July 1 through August 31 subsistence fishery closure was established by the BOF in Chignik River many years ago to prevent inadvertent harvest and harassment of spawning Chinook salmon. Reopening the Chignik River to subsistence fishing with gillnets would have immediate impacts on the Chinook salmon population that spawns in approximately 80% of the 1.8 river miles that extends from the outlet of Chignik Lake downstream to the department’s Chignik weir and near the outlet of Chignik Lake. Chinook salmon have not been found to habitually transit beyond Chignik Lake.

The Federal Subsistence Board recently liberalized allowable methods and means for federal subsistence fisheries, and eliminated permitting and reporting requirements for federally-qualified users who utilize rod and reel, bow and arrow, spear, bare-hand capture, and snagging. Elimination of permitting and reporting requirements by federally-qualified users causes the department serious concern about localized depletion of sockeye salmon stocks in Chignik River watershed tributaries, especially if a significant increase of harvest results. Since the Federal

(a) Salmon may be taken by seines and gillnets, or with gear specified on a subsistence fishing permit, except that in Chignik Lake salmon may not be taken with purse seines.

(b) Fish other than salmon may be taken by gear listed in 5 AAC [01.010\(a\)](#), unless restricted under the terms of a subsistence fishing permit.

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Subsistence Board does not monitor the federal subsistence fishery in this area, authorizing additional freshwater subsistence fisheries that target unmonitored wild stocks is not consistent with principles of sound management and conservation of fish and wildlife resources.

Three Federal Subsistence Board members discussed their support of proposal FP08-11 at the December 2007 meeting because the expected increase in harvest was estimated to be reasonably small and the proponent's intent was to harvest one or two fish at a time (Federal Subsistence Board Transcripts, December 20, 2007, pages 228 and 229). Further discussion by the Federal Subsistence Board and Regional Advisory Council chairs also focused on liberalizing federal subsistence users' methods and means to allow for harvests of individual salmon for immediate sustenance while traveling lightly in the course of camping, berry picking, or hunting. Discussions did not consider impacts that adoption of FP08-11 would have on sockeye salmon stocks within Clark River and Home Creek, because both were closed to federal subsistence fishing at the time. The impacts of cumulative unreported harvests from creeks that are near communities and easily accessible were also not considered by the Federal Subsistence Board.

The Federal Subsistence Board approved FP08-11, which liberalized methods and means to allow snagging, bare-hand capture, and similar means for light travelers on the Alaska Peninsula and eliminated reporting requirements, based on information that suggested the level of harvest would be a small number of fish by subsistence users traveling lightly in the field. During 2008, the department received reports of federal subsistence users harvesting their winter supply of salmon from these tributaries of concern by federal methods and means and without the benefit of permits and harvest reporting. As stated in objections to FP08-11, the department has serious conservation concerns with unreported harvests and the liberalized methods and means. Those concerns increase with consideration of FP09-11 and FP11-10 and the potential of significant federal subsistence harvests in Home Creek and Clark River.

Enforcement Issues: None noted at this time.

Jurisdiction Issues: While standing on state and private lands (including state-owned submerged lands and shore lands), persons must comply with state laws and regulations. If this proposal is adopted, detailed maps are needed that depict land ownership and specific boundaries of areas where federal regulations are claimed to apply in order to reduce risk of violation for federal subsistence fishermen. During the December 2007 Federal Subsistence Board meeting, Alaska wildlife trooper testimony (Federal Subsistence Board Transcripts December 11, 2007, pages 89-91) explained the importance of users understanding and knowing jurisdiction and land status. When an enforcement officer encounters an individual conducting an activity that is prohibited by state regulations while standing on state or private lands, including state-owned submerged lands, the person may be cited.

Other Issues: An identical proposal (#96) was submitted to the BOF for consideration during the January 16–18, 2011, meeting in Anchorage. Proposal 96 was supported unanimously by the Chignik Advisory Committee, it was supported with modifications by the USFWS/Federal Subsistence Management Program, and the BOF voted to take “no action” on this proposal.

ADF&G Comments on FP13-13
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A similar Fisheries Proposal (FP) 11-10, submitted by the Chignik Lake Traditional Council to the Federal Subsistence Board, requested the same changes to Federal subsistence fishing regulations for the Chignik Management Area as State Proposals 95 and 96. In addition, FP 11-10 requests elimination of the July 1 through August 31 salmon fishing closure in the Chignik River from a point 300 feet upstream from the Chignik weir to Chignik Lake.

The Federal Subsistence Management Program is concerned that opening the tributaries of Black and Chignik lakes to subsistence salmon fishing with nonselective fishing gear types, such as gillnets, could potentially result in unsustainable harvests of other nontarget species (for example, Dolly Varden/char). These other species may be more susceptible to overfishing than the more abundant salmon species, but fishing effort is expected to be low. If either of these proposals is adopted, harvest of nontarget species would need to be monitored to ensure they remain within sustainable limits.

The Bristol Bay Federal Subsistence Regional Advisory Council (Council) met September 23, 2010, and recommended to support FP11-10 with modifications including retaining the July 1 through August 31 closure of the Chignik River. During that meeting, the Council did not express any concerns about overharvest of nonsalmon species if the area is open to subsistence salmon fishing because effort is expected to be low. The Council recommended opening these areas to subsistence use, and pointed out that these areas are already open to sport fishing. Finally, the Council was concerned about the potential need of multiple or dual federal/state permits and preferred seeing the same changes in both federal and state regulations, if possible, to avoid the need for separate/dual permits.

The Office of Subsistence Management (OSM) staff recommendation to the Federal Subsistence Board is to support FP11-10 with modifications including but not limited to: 1) opening the areas of Black Lake and its tributaries to subsistence fishing, but excluding the use of gillnets and seine gear; 2) removing the requested restriction for using "hook and line" gear in the Chignik River; 3) retaining the existing July 1 through August 31 fishing closure in the Chignik River above the ADF&G weir; and 4) retaining the prohibition of purse seine (both power and hand) in Chignik Lake.

The Federal Subsistence Board considered FP11-10 during its January 19-21, 2011, meeting in Anchorage and approved it as modified by the Regional Advisory Council. The 300-foot closure upstream of Chignik River weir was established for safety reasons and to prevent interference with weir operations; this closed area should be retained. The July 1 through August 31 subsistence fishery closure in Chignik River was established to protect spawning Chinook salmon and these closure dates should be retained. The Department recommends against adopting gillnets as a legal gear type for federal subsistence fishing in Black Lake or tributaries of Black and Chignik lakes, and Chignik River because opening these tributaries to subsistence salmon fishing with nonselective fishing gear types such as gillnets could potentially result in unsustainable harvests of other nontarget species (for example, Dolly Varden/char).

Recommendation: Oppose.

Briefing for Regional Advisory Councils – Fall Cycle, 2012

on

Draft Memorandum of Understanding for Coordinated Interagency Fish and Wildlife Management for Subsistence Uses on Federal Public Lands in Alaska

ACTION: Please develop and provide to the Board and Working Group your Regional Advisory Council comments concerning this DRAFT revised MOU. If the public, Tribes, or ANCSA Corporations wish to provide comments for your consideration, please allow for that during the time on your agenda for this topic. Thank you!

One of the action items resulting from the 2009 Federal Subsistence Program review initiated by Secretary of the Interior, Ken Salazar, was to “Review, with Regional Advisory Council (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.”

The 2008 MOU was distributed to the RACs during the winter 2011 meetings with a request for their comment. A summary document of all comments received is attached. The Federal Subsistence Board requested that a State/Federal Working Group be formed to review the comments and provide recommendations for changes to the MOU.

State and Federal MOU working group members¹ met twice over the winter 2012 to review the Regional Advisory Council (RAC) and other comments received, and develop proposed modifications to the 2008 MOU.

A revised version has been prepared for review which includes notes providing rationale for each recommended change (attached). On July 18, 2012, the Federal Subsistence Board approved the draft MOU for comment by Regional Advisory Councils, State Advisory Committees and the public, and for consultation with Tribes and ANCSA Corporations.

Some of the noteworthy modifications to this document are discussed here:

GENERAL CHANGES

1. *Plain language:* Several Councils requested that plain language be used wherever possible. A few changes were made in response as indicated in the document. We would appreciate if Councils can suggest additional such changes.

¹ Working Group Members: State: Jennifer Yuhas – ADF&G; Federal: Pete Probasco – OSM, Sandy Rabinowitch – NPS, Jerry Berg – FWS, and Steve Kessler – USFS.

2. *Reordering:* The MOU is reformatted to consistently place Federal language before State language as this MOU focuses on the Federal Subsistence Program and Federal public lands. This partially addresses multiple Councils' concerns about the tone of the MOU.
3. *Glossary and definition of terms:* Rather than creating a glossary or defining terms we have spelled out text fully and tried to use plain language.

SOME SPECIFIC CHANGES

4. *Traditional Ecological Knowledge (TEK):* Multiple Councils wanted TEK added wherever "scientific information" was used. We have responded by adopting the ANILCA terminology knowledge of "customary and traditional uses" in a number of areas because it provides clarity and is consistent with ANILCA.
5. *Predator management:* There were a number of comments specific to active management and its application to the Federal program. We interpreted this as a desire by some RACs to have the Federal program involved in predator management. We added to the MOU a section that quotes from the Board's Predator Management Policy (III, #2).
6. *State Management Plans:* The current MOU states that State fish and wildlife management plans will be used as the initial basis for management actions. This has been changed as shown in IV, #11, to use Federal, State and cooperative plans.
7. *Evaluate MOU:* The Southeast RAC requested a way to evaluate whether the MOU is accomplishing its goals. Language has been added specifically recognizing an annual opportunity for RACs and ACs to comment on how the MOU is working and for those comments to be provided to and be considered by the signatories. (See V, #8.) (Note commitment for future action)
8. *Protocol Review:* Multiple Councils asked that existing protocols be reviewed and updated. The intent is to follow up with review of these protocols after adoption of this updated MOU. (Note commitment for future action)

The following schedule is proposed to complete and sign the revised MOU

Proposed Schedule

June-July 2012	Revised version is provided to the Federal Subsistence Board and State for review/approval to move forward with RAC and AC review. FSB approval occurred on July 18, 2012.
August-October 2012	RACs and ACs review and provide comments. Tribes / ANCSA Corporations are invited to consult on the revised version at Council meetings or by special request to OSM. At least one Federal MOU working group member participates in each RAC meeting to dialogue about the revised draft. Attendance is in-person if possible and otherwise by conference call.

Memorandum of Understanding

- | | |
|---------------------|--|
| November 2012 | Federal & State MOU working group addresses comments received. MOU working group develops list of remaining issues. |
| November-December | Signatories (FSB / State) each meet with their respective agency staff to discuss the revised version and issues, if any; sends comments to the MOU working group. |
| November-December | MOU working group meets to resolve signatories' issues, if any, based on direction from their signatories. |
| January 22-24, 2013 | Federal Subsistence Board public meeting and final Tribal/ANCSA Corporation consultation. Signatories (FSB, BOG, BOF, and ADF&G) meet to work out final details and agree to sign revised MOU. This meeting also serves as the annual MOU meeting. |

SUMMARY OF WINTER 2011 COUNCIL COMMENTS ON THE MEMORANDUM OF UNDERSTANDING

The **Seward Peninsula Council** supported the current wording of the MOU. Consistent with the MOU, the Council voted to send a letter to ADF&G asking that a check-box be added on the State harvest tag/registration permit report forms for hunters to specify if they were hunting under Federal subsistence regulations.

The **Western Interior Council** supported the MOU in concept, and also recommended that the following language be incorporated into the preamble of an amended MOU:

ANILCA, Title VIII requires the Federal land managers to adhere fish and wildlife management consistent with sound management principles, and the conservation of healthy populations of fish and wildlife in accordance with recognized scientific principles and the purposes for each unit established. The Federal managers shall scientifically delineate and maintain healthy populations. If state management Boards actions jeopardize fish or wildlife population health, Federal managers shall preempt State regulations to assure population health in accordance with ANILCA to protect subsistence uses.

The **Eastern Interior Council** supported the MOU in concept. Several members expressed frustration regarding the lack of sharing of data between agencies. The Council asked that this concern be expressed to the Federal Board.

The **North Slope Council** was supportive of the MOU and felt that it is a valuable document. It also recommended the following changes:

Section I, paragraph 2: Change “such as” to “*especially.*”

Wording needs to be added throughout the MOU wherever it says who is involved in the MOU to include “*knowledgeable subsistence uses and/or tribal representatives.*” For example, the following edit should be made:

Section IV, number 9: To designate liaisons for policy communications and, as appropriate, to identify *tribal and/or* local agency representatives who are knowledgeable about subsistence uses....

The **Yukon Kuskokwim Delta Council** requested that the MOU be written in plain language so that people who speak English as a second language can understand it better. The specific guidance for edits was as follows:

Section III. Guiding principle, number 5: After the end of the principle, after “and,” add: “*through active management where conservation of the resource or continuation of subsistence uses is of immediate concern, reviews shall not delay timely management action.*”

Section IV, number 9, addition in italics: “To designate liaisons for policy communications and, as appropriate, to identify *tribal and/or* local agency representatives...”. The point the Council wanted to make was that tribes should be communicated with and not city offices. Several commenters said that tribal governments are more active in fish and wildlife management issues than the village corporations or city governments. Tribal governments have more influence on the Federal process than city governments. City governments know what the State wants them to do and are reluctant to be involved in Tribal affairs.

Section IV, number 10: The Council focused some discussion on this portion: “...*provide advance notice to Council and/or State Advisory Committee representatives. . . before issuing special actions or emergency orders.*” Council members noted that they do not hear about changes to regulations. They would like to make sure that Council members and State Advisory Committee members are told when there are special actions or emergency orders. No change in the MOU was suggested. This had to do with informing after special actions and emergency orders were implemented.

Section IV, number 12: “...reporting systems”. Council members noted there is a problem with relying on locals reporting harvests using the harvest ticket system. They always run out of harvest tickets and don’t receive enough. It was suggested that harvest tickets should be distributed through the Tribal council or city office and not the store. Chairman Lester Wilde reminded people that harvest tickets are good until June of the next year; harvest tickets are good all throughout the fall and winter seasons.

The **Bristol Bay Council** is pleased with the MOU and asked that the State and Federal governments work together whenever there are subsistence concerns. The Council supported the MOU with the following edits and additions:

III. Guiding Principles

- (1) ... other entities. *This includes keeping an open mind to the possibility of and implementation of predator control when the conservation of a particular species is in peril;*
- (2) Use best available ...and local traditional *and ecological* knowledge (*TEK*) for decisions...for subsistence use on *harvests* on Federal Public Lands.

IV. The FSB and State of Alaska Mutually agree:

- (2) To recognize that State and Federal...data and information and cultural *TEK* information are important...
- (9) To designate.to identify *Tribal and/or* local agency...

The **Southcentral Council** supported the MOU in principle, but had a number of comments. The Council agreed that the two programs (ADF&G, and FSMP) need to coordinate because both have different mandates. Additional revisions recommended by the Council included strengthening the Tribal consultation component, ensuring that the third paragraph in Section IV is clear that it only references the State Program (and not that the Federal Program is agreeing to that mandate) and suggesting that *TEK* be added as an important source of information whenever biological information is mentioned. The Council also suggested that Federal terms AND State terms be included in the MOU (i.e., harvestable surplus is a State term). The Council is interested in getting feedback once the MOU is revised.

The **Northwest Arctic Council** generally supported the concept of the MOU. Several members expressed concerns about what is actually stated in the MOU. The Council would like to see the MOU written in plain language so it can be easily understood. Some of the members expressed concerns that the MOU was not vetted through the Councils and there was no consultation with the affected users. There was only one specific comment on language found in the MOU. One member felt that the second paragraph in the Preamble was misleading:

WHEREAS, ...”subject to preferences among beneficial uses, such as providing a priority for subsistence harvest and use of fish and wildlife...”.

The Council member felt that the State manages resources providing for equal access to everyone, not any one group and especially not subsistence users.

Kodiak Aleutians Council supports the idea of the MOU, as it reduces redundancy and includes local input as possible. The MOU basically states that the State and Federal Programs will try and work things out and cause the least adverse impact possible to subsistence users, which the Council supports. One Council member stated that she wasn't sure how the MOU addresses the Unimak issue, but that overall it is a good idea to continue to work together.

The **Southeast Council** drafted a letter to the Board concerning this issue. The Council agrees that an agreement describing communication and coordination protocols between Federal and State governments and supporting agencies is required for effective management of fish and wildlife resources. The Council had the following general comments and concerns: that the MOU is unnecessarily difficult to understand and should be rewritten in plain language; that there has been testimony that the information sharing protocol has not been working as intended and that document should also be reviewed; that information vital for management of fish and wildlife is more than scientific data- the role of traditional ecological knowledge needs to be emphasized; that the wording and tone of the agreement appears to highlight the role of the State in how the Board manages subsistence and minimize the role of the Councils; that there needs to be a process to evaluate and monitor whether the "Purposes" and Guiding Principles" of cooperation are working to the advantage of subsistence users and that there needs to be a process to monitor and evaluate how the information sharing protocol is working.

The Council had the following specific recommendations:

Section IV, Paragraph 3: Delete the reference to Alaska Statute 16.05.258 in the last sentence. The Federal program is concerned with providing a priority for rural residents. That is the paramount distinction between the State and Federal management programs and should be made clear in this section. The Council rejects the reasonable opportunity standard specified in the State statute.

Section IV, Paragraph 11: delete the second sentence that begins "Consider State fish..." There is no need to incorporate State rules unnecessarily into the Federal program. If there is need to adopt a management plan or policy, it should be considered rulemaking and be subject to our regular public process. The standards for addressing subsistence needs and priority are different under State and Federal rules so it is impossible for the Board to commit to providing for subsistence priority under both Federal and State law.

MOU draft for comment, approved for distribution by FSB on 7-18-12

MEMORANDUM OF UNDERSTANDING

For

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

between the

Federal Subsistence Board

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

and

State of Alaska

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

I. PREAMBLE

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

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

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

Comment [SPR1]: Two members added.

Comment [SPR2]: Plain English, consistent with Southeast, Yukon- Kuskokwim Delta and Northwest Arctic Regional Advisory Councils comments.

Comment [SPR3]: MOU reformatted to consistently place federal language before state language. Thus this section is moved to just below the next paragraph. This change (along with others) is responsive to the Southeast Regional Advisory Council's concern that wording and tone of the MOU appears to highlight the role of the State.

Comment [SK4]: Addition responds to Western Interior Regional Advisory Council's recommendation to recognize use of scientific principles of management

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Secretaries primarily implement this priority through the Federal Subsistence Board, providing for public participation through Regional Advisory Councils authorized by ANILCA §805 and Federal regulations (above); and,

Comment [SPR5]: Addition to clarify that all implementation is not accomplished by Federal Board. (For example, designation of NPS resident zone communities.)

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

Comment [SPR6]: Paragraph relocated from above.

Comment [SPR7]: North Slope Regional Advisory Council requested the "such as" be replaced with "especially". No change made.

Comment [SPR8]: Northwest Arctic Regional Council felt this phrase was misleading and that the State manages resources providing for equal access to everyone, not any one group, and especially not subsistence users. No change made.

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

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

II. PURPOSES

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

Comment [SPR9]: Clarifies that federal management under Title VIII differs from state mandates. – This addition is made in part to respond to Southeast Regional Advisory Council's concern regarding the relationship between the Federal and State programs.

Comment [SPR10]: Plain language and a clarifying addition.

III. GUIDING PRINCIPLES

1) Ensure conservation of fish and wildlife resources while providing for continued uses of fish and wildlife, including a priority for subsistence uses, through interagency subsistence management and regulatory programs that promote coordination,

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cooperation, and exchange of information between ~~State and~~ Federal ~~and State~~ agencies, regulatory bodies, Regional Advisory Councils and/or State Advisory Committees, state and local organizations, tribes and/or other Alaska Native organizations, and other entities;

~~22)~~ Recognize that “wildlife management activities on Federal public lands, other than the subsistence take and use of fish and wildlife, such as predator control and habitat management, are the responsibility of and remain within the authority of the individual land management agencies.” (See *Predator Management Policy Federal Subsistence Board, May 20, 2004.*)

Comment [SPR11]: In response to Bristol Bay Regional Advisory Council comment; however this addition does not adopt their recommendation.

3) Use the best available scientific and cultural information and ~~local~~ knowledge of customary and traditional ~~knowledge~~ uses for decisions regarding fish and wildlife management for subsistence uses on Federal public lands;

Comment [SPR12]: In response to Southeast and Bristol Bay Regional Advisory Council comments seeking addition of Traditional Environmental Knowledge (TEK) language.

~~34)~~ Avoid duplication in research, monitoring, and management;

~~45)~~ Involve subsistence and other users in the fisheries and wildlife management planning processes;

~~56)~~ Promote stability in fish and wildlife management and minimize unnecessary disruption to subsistence and other uses of fish and wildlife resources; and

Comment [SPR13]: Yukon-Kuskokwim Regional Advisory Council wanted to add a comment that “active management” should not be delayed for conservation purposes or to continue subsistence uses.” No change was made in this section as it was interpreted to mean implementation of some level of predator control. Predator control is now addressed in #2 above. The federal program does manage for conservation and to continue subsistence uses consistent with Title VIII of ANILCA.

~~67)~~ Promote clear and enforceable hunting, fishing, and trapping regulations.

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

1) To cooperate and coordinate their respective research, monitoring, regulatory, and management actions to help ensure the conservation of fish and wildlife populations for subsistence use on ~~federal~~ Federal public lands.

2) To recognize that ~~State and~~ Federal ~~and State~~ historical and current harvest and population data and ~~information~~ local knowledge of customary and ~~cultural information~~ traditional uses are important components of successful implementation of Federal responsibilities under ANILCA Title VIII.

Comment [SPR14]: In response to Southeast and Bristol Bay Regional Advisory Council comments seeking addition of TEK language.

~~3)~~ To ~~provide~~ recognize a Federal priority for rural residents on Federal public lands for subsistence uses of fish and wildlife resources ~~and~~ Additionally, to allow for other uses of fish and wildlife resources when harvestable surpluses are sufficient, consistent with ANILCA and Alaska Statute 16.05. ~~258.~~

Comment [SPR15]: In response to the Southeast and Southcentral Regional Advisory Councils concerns about interpretation of this paragraph. This was re-written to emphasize the federal priority on federal lands while also recognizing other uses consistent with ANILCA mandates. The Alaska Statute refers to other uses allowed by ANILCA when resources are sufficient for all users.

4) To recognize that cooperative funding agreements implementing the provisions of this MOU may be negotiated when necessary and as authorized by ANILCA §809 and other appropriate statutory authorities. Federal funding agreements for cooperative research and monitoring studies of subsistence resources with organizations representing local subsistence

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users and others will be an important component of information gathering and management programs.

5) To recognize that ~~State and Federal~~ and State scientific standards for conservation of fish and wildlife populations are generally compatible. When differences interpreting data are identified, the involved agencies should appoint representatives to seek resolution of the differences.

6) To cooperatively pursue the development of information to clarify ~~state~~Federal and federalState regulations for the public.

7) To recognize that the signatories may establish protocols or other procedures that address data collection and information management, data analysis and review, in-season fisheries and wildlife management, and other key activities and issues jointly agreed upon that affect subsistence uses on Federal public lands. (See Appendix)

~~8) To provide an opportunity, through interagency Federal State technical committees, for appropriate scientific staff, along with Regional Advisory Council and/or State Advisory Committee representatives, subsistence users, and other members of the public to discuss and work cooperatively between Federal and State staff and other groups, such as RACs, Regional Advisory Councils, ACs, State Advisory Committees, and tribes, as appropriate to review data analyses associated with proposal analyses and resource and harvest assessment and monitoring.~~

Comment [SPR16]: Clarify current practices and use of plain language.

~~9) To designate liaisons for policy and program communications and, as appropriate, to identify local agency representatives for efficient day-to-day communication, field operations, and data retrieval/coordination between the State and Federal and State programs.~~

Comment [SPR17]: The North Slope Regional Advisory Council wanted representatives that were knowledgeable about subsistence uses. Additionally the North Slope, Bristol Bay and Yukon-Kuskokwim Regional Advisory Councils requested addition of tribal representatives. These were not added because Tribes are not signatories to this MOU and it is meant to facilitate communication and coordination.

10) To provide adequate opportunity for the appropriate Federal and State agencies to review analyses and justifications associated with special actions and emergency orders affecting subsistence uses on Federal public lands, prior to implementing such actions. Where possible and as required, ~~State and Federal~~ and State agencies will provide advance notice to Regional Advisory Council and/or State Advisory Committee representatives, tribes and other interested members of the public before issuing special actions or emergency orders. Where conservation of the resource or continuation of subsistence uses is of immediate concern, the review shall not delay timely management action.

Comment [SPR18]: The Yukon-Kuskokwim Regional Advisory Council is concerned that they do not received advanced notice about special actions. The Board will direct the Office of Subsistence Management and request that the local field staff to increase their effort at notifying the Council.

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

Comment [SPR19]: This paragraph was rewritten in response the Southeast Regional Advisory Council's comment regarding using State management plans. The re-written text seeks to respond to this concern by now having a more balanced approach to use of management plans. Tribes were added to reflect the Federal Subsistence Board Tribal Consultation Policy.

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

Comment [SPR20]: The Yukon-Kuskokwim Regional Advisory Council noted their problem of using the State's harvest tickets as they are not always available. A new harvest reporting system has not been developed. We have clarified that federal permits are needed in specific circumstances.

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

Comment [SPR21]: Tribes were added to reflect the Federal Subsistence Board Tribal Consultation Policy.

V. GENERAL PROVISIONS

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

Comment [SPR22]: Plain language.

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

Comment [SPR23]: The Eastern Interior Regional Advisory Council asked that supplemental protocols be reviewed and updated. The Southeast Regional Advisory Council also felt the Information Sharing Protocol was not working well. The intent is to follow up with review of these protocols after adoption of this updated MOU. (Note commitment for future action)

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

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

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

Comment [SPR24]: Clarifies responsibilities and uses plainer language.

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

7) This MOU becomes effective upon signing by all signatories and will remain in force until such time as the Secretary of the Interior determines that the State of Alaska has implemented a subsistence management program in compliance with Title VIII of ANILCA, or, signatories terminate their participation in this MOU by providing 60 days written notice. Termination of participation by one signatory has no impact on this MOU's effectiveness between the remaining signatories.

8) Regional Advisory Councils and State Advisory Committees will be asked annually to provide comments to the signatories concerning Federal/State coordination of this MOU. The signatories will meet annually, or more frequently if necessary, to review coordinated programs established under this MOU, to consider Regional Advisory

Comment [SPR25]: This added text responds to the Southeast Regional Council's comments which requested a way to evaluate whether the MOU is accomplishing its goals.

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[Council and State Advisory Committee comments](#), and to consider modifications to this MOU that would further improve interagency working relationships. Documentation of the review and consideration of any modifications within the scope of this understanding shall be made by mutual consent of the signatories, in writing, signed and dated by all parties. If no review is conducted, this MOU will expire 5 years after the most recent review was conducted.

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

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

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

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

Comment [SPR26]: Tribes were added to reflect the Federal Subsistence Board Tribal Consultation Policy.

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SIGNATORIES

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

Commissioner
Alaska Department of Fish and Game
Date:

Chair of the Federal Subsistence Board
Date:

Chair
Alaska Board of Fisheries
Date:

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

Chair
Alaska Board of Game
Date:

Regional Forester
U.S. Forest Service
Date:

Regional Director
National Park Service
Date:

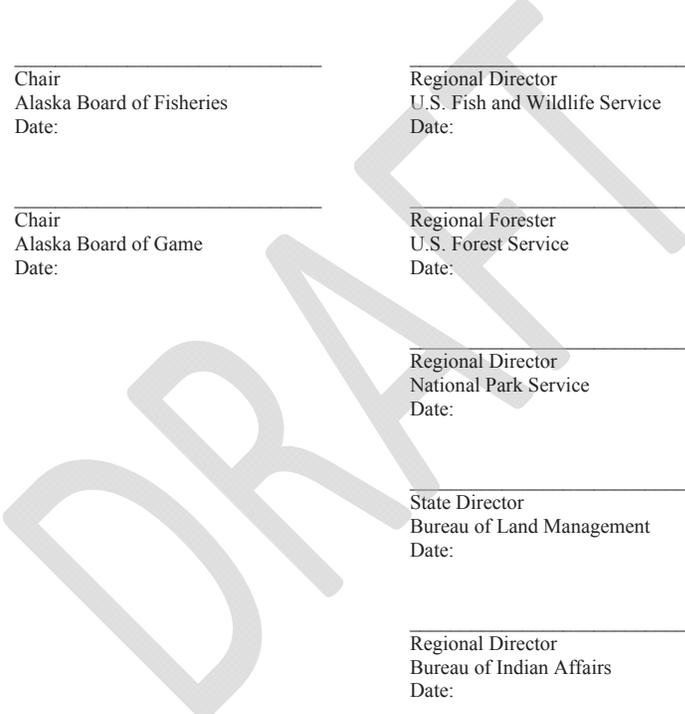
State Director
Bureau of Land Management
Date:

Regional Director
Bureau of Indian Affairs
Date:

Member of the Federal Subsistence Board
Date:

Member of the Federal Subsistence Board
Date:

Comment [SK27]: This page has been reformatted to correct titles and add two members to the Federal Subsistence Board.



MOU draft for comment, approved for distribution by FSB on 7-18-12

APPENDIX

SCOPE FOR PROTOCOLS AND/OR PROCEDURES

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

Bristol Bay Alaska Subsistence Regional Advisory Council

c/o U.S. Fish & Wildlife Service

1011 East Tudor Road, MS 121

Anchorage, Alaska 99503

Phone: 907-786-3888 or 1-800-478-1456, Fax: 907-786-3898

RAC BB12008.CJ

AUG 08 2012

Mr. Tim Towarak, Chair
Federal Subsistence Board
1011 East Tudor Road, MS 121
Anchorage, Alaska 99503

Dear Mr. Towarak:

This letter is the 2011 annual report of the Bristol Bay Subsistence Regional Advisory Council (Council). The Council has permissive authority to submit the report under Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA), Section 805(a)(3)(D). At its public meeting held in Dillingham, Alaska on October 12 -13, 2011, the Council brought forward the following concerns and recommendations for its 2011 report and approved the annual report at its March 28, 2012, meeting held in Naknek, Alaska.

1. Red Fish Harvest Naknek River Drainage

The Council recognizes that the harvest of “red fish” (spawning sockeye salmon with no commercial value) within the Naknek River drainage has been an important subsistence harvest practice for generations by rural residents of the King Salmon, Naknek, and South Naknek communities.

However, current State and National Park Service regulations only allow for the harvest of red fish within the Naknek River drainage in specific areas. The Council encourages and requests the National Park Service and other agencies to continually cooperate with the Katmai descendants and rural residents to ensure the practice of red fish harvest continues under existing regulations by King Salmon, Naknek, and South Naknek and other qualified rural residents.

2. North Pacific Chinook Bycatch

Chinook salmon within the Bristol Bay river drainages experienced moderate returns in 2010. Given the importance of this resource to Bristol Bay residents as a subsistence resource, more needs to be done to ensure increased productivity of Chinook salmon in the region.

Mr. Tim Towarak

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The Council requests a status report from the North Pacific Fisheries Management Council (NPFMC) on its efforts to minimize bycatch of Chinook salmon entering into Alaska river drainages. The Council also requests to be continually involved in the NPFMC's public meeting process by sending Council delegates to its meetings so they may testify on behalf of regional residents and to be informed of the NPFMC's actions. This means that the Board must do whatever is necessary to ensure that funds are available to provide for such travel by Council members.

Thank you for the opportunity for this Council to assist the Federal Subsistence Program to meet its charge of protecting subsistence resources and uses of these resources on Federal public lands and waters. The Council looks forward to continuing discussions about the issues and concerns of subsistence users of the Bristol Bay Region. If you have questions about this report, please contact me through Donald Mike, Regional Council Coordinator, with the Office of Subsistence Management at (800) 478-1456 or (907) 786-3629.

Sincerely,
/S/

Molly Chythlook, Chair
Bristol Bay Subsistence
Regional Advisory Council

cc: Federal Subsistence Board
Bristol Bay Subsistence Regional Advisory Council
Interagency Staff Committee
Pete Probasco, Assistant Regional Director, OSM
Kathy O'Reilly-Doyle, Deputy Assistant Regional Director, OSM
Carl Johnson, Council Coordinator Div. Chief, OSM
Donald Mike, Council Coordinator, OSM
Administrative Records



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

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



SEP 13 2012

FWS/OSM 12049.CJ

Ms. Molly B. Chythlook, Chair
Bristol Bay Subsistence
Regional Advisory Council
1356 Nerka Drive
P.O. Box 692
Dillingham, Alaska 99576

Dear Ms. Chythlook:

This letter responds to the Bristol Bay Subsistence Regional Advisory Council's (Council) 2011 Annual Report as approved at its winter 2012 meeting. The Secretaries of the Interior and Agriculture have delegated the responsibility to respond to these reports to the Federal Subsistence Board (Board). The Board appreciates your effort in developing the Annual Report and values the opportunity to review the issues brought forward concerning your region. Annual Reports allow the Board to become more aware of the issues that fall outside of the regulatory process and affect subsistence users in your region.

The Board has reviewed your Annual Report and offers the following responses:

Issue 1: Red Fish Harvest Naknek River Drainage

The Council recognizes that the harvest of "red fish" (spawning sockeye salmon with no commercial value) within the Naknek River drainage has been an important subsistence harvest practice for generations by rural residents of the King Salmon, Naknek, and South Naknek communities.

However, current State and National Park Service regulations only allow for the harvest of red fish within the Naknek River drainage in specific areas. The Council encourages and requests the National Park Service and other agencies to continually cooperate with the Katmai descendants and rural residents to ensure the practice of red fish harvest continues under existing regulations by King Salmon, Naknek, and South Naknek and other qualified rural residents.

Response

The conditions allowing for the harvest of “red fish” within the Naknek River drainage of Katmai National Park (Park) are determined by the National Park Service. The Park itself is not subject to the Federal Subsistence Management Program under Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA). At present, redfish harvest is allowed within Katmai National Park under 36 CFR 13.1204:

Local residents who are descendants of Katmai residents who lived in the Naknek Lake and River Drainage will be authorized, in accordance with State fishing regulations or conditions established by the Superintendent, to continue their traditional fishery for red fish (spawned-out sockeye salmon that have no significant commercial value).

Additionally, the National Park Service office in King Salmon is working with the Naknek Native Village Council and King Salmon Tribe to produce an updated list of those eligible to harvest “red fish” within the Naknek River drainage of Katmai National Park.

Issue 2: North Pacific Chinook Bycatch

Chinook salmon within the Bristol Bay river drainages experienced moderate returns in 2010. Given the importance of this resource to Bristol Bay residents as a subsistence resource, more needs to be done to ensure increased productivity of Chinook salmon in the region.

The Council requests a status report from the North Pacific Fishery Management Council (NPFMC) on its efforts to minimize bycatch of Chinook salmon entering into Alaska river drainages. The Council also requests to be continually involved in the NPFMC’s public meeting process by sending Council delegates to its meetings so they may testify on behalf of regional residents and to be informed of the NPFMC’s actions. This means that the Board must do whatever is necessary to ensure that funds are available to provide for such travel by Council members.

Response

The population levels of Chinook salmon are an issue of statewide concern. Governor Sean Parnell recently addressed this year’s low Chinook salmon runs, as well as the closures and restrictions, and requested a Federal disaster declaration in relation to the Yukon and Kuskokwim River Chinook salmon stocks. The governor’s request also addressed the lower populations in the Cook Inlet Chinook salmon stocks. He has directed the Alaska Department of Fish & Game to assemble a team of Alaska’s top fisheries scientists to develop and implement a fisheries research plan, which will be completed this fall. It is expected the plan will evaluate the state of Alaska’s Chinook salmon stocks, investigate the cause of the declines, and make recommendations for improving Chinook salmon stocks. It is worth noting, however, that the

Ms. Molly B. Chythlook

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Nushagak River not only exceeded its escapement goals of Chinook salmon this year, but nearly doubled last year's cumulative escapement.

The NPFMC took action in 2009 to recommend a new approach to managing Chinook salmon bycatch in the Bering Sea Pollock fishery under Amendment 91. This new approach combines a limit on the amount of Chinook salmon that may be caught incidentally with incentive plan agreements and performance standard to reduce bycatch. This program was designed to minimize bycatch to the extent practicable in all years, prevent bycatch from reaching the limit in most years, while providing the Pollock fleet with the flexibility to harvest the total allowable catch. This program was implemented by the National Marine Fisheries Service starting with the 2011 fishing season. Previously, Chinook salmon bycatch had been managed in the Bering Sea through triggered time and area closures and most recently by a fleet-managed rolling hot spot (RHS) bycatch avoidance program. The NPFMC is currently developing a separate program for managing the bycatch of chum salmon in the Bering Sea Pollock fishery.

The analysis for Amendment 91, information on historical Chinook salmon bycatch trends, incentive plan agreements and other information on Chinook salmon bycatch management and monitoring can be found at <http://alaskafisheries.noaa.gov/sustainablefisheries/bycatch/default.htm>.

In addition, up-to-date Chinook salmon bycatch levels in the Bering Sea/Aleutian Islands commercial Pollock fishery can be found at: http://alaskafisheries.noaa.gov/sustainablefisheries/inseason/chinook_salmon_mortality.pdf

If you would like hard copies of either of these documents, you may request them through your Council Coordinator.

The Board, through the Office of Subsistence Management (OSM), has funded representatives of affected Regional Advisory Councils to attend several meetings of the NPFMC over the past several years to address salmon bycatch issues. Future sponsorships will continue to be determined on a case-by-case basis, based on the relevancy and importance of the issues and on the availability of funding. Decreased funding may also require participation at future meetings to be attended via remote access. However, at the very least, OSM can assist in facilitating updates from the NPFMC in the future as needed.

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

Ms. Molly B. Chythlook

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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,
/S/

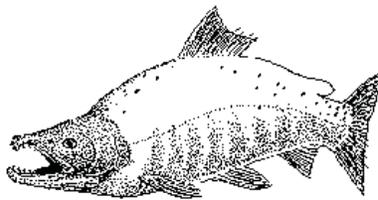
Tim Towarak, Chair
Federal Subsistence Board

cc: Bristol Bay Subsistence
Regional Advisory Council
Federal Subsistence Board
Interagency Staff Committee
Pete Probasco, Assistant Regional Director, OSM
Kathy O'Reilly-Doyle, Deputy Assistant Regional Director, OSM
Carl Johnson, Council Coordination Division Chief, OSM
Donald Mike, Council Coordinator, OSM
Administrative Records

DRAFT

PRIORITY INFORMATION NEEDS

FEDERAL SUBSISTENCE FISHERIES



2014 Fisheries Resource Monitoring Program

Office of Subsistence Management
U.S. Fish and Wildlife Service
1011 E. Tudor Road
Anchorage, Alaska 99503-6199

1-800-478-1456 or 907-786-3888 Voice
907-786-3612 Fax

The Office of Subsistence Management (OSM) invites the submission of proposals for fisheries investigation studies to be initiated under the 2014 Fisheries Resource Monitoring Program (Monitoring Program). Taking into account funding commitments for ongoing projects, and contingent upon Congressional funding, we anticipate approximately \$4.8 million available in 2014 to fund new monitoring and research projects that provide information needed to manage subsistence fisheries for rural Alaskans on Federal public lands. Funding may be requested for up to four years duration.

Although all proposals addressing subsistence fisheries on Federal public lands will be considered, the 2014 Request for Proposals is focused on priority information needs. The Monitoring Program is administered by region, those being the Northern, Yukon, Kuskokwim, Southwest, Southcentral, and Southeast regions. Strategic plans developed by workgroups of Federal and State fisheries managers, researchers, Regional Advisory Council members and other stakeholders, have been completed for three of the six regions: Southeast, Southcentral (excluding Cook Inlet Area), and Southwest Alaska. These plans identify prioritized information needs for each major subsistence fishery and can be viewed on or downloaded from OSM's website: <http://alaska.fws.gov/asm/index.cfm>. Independent strategic plans were completed for the Yukon and Kuskokwim regions for salmon in 2005, and jointly for whitefish in 2012. For the Northern Region and the Cook Inlet Area, priority information needs were developed with input from Regional Advisory Councils, the Technical Review Committee, Federal and State managers and staff from OSM.

This document summarizes priority information needs for 2014 for all six regions and a multi-regional category that addresses priorities that extend over two or more regions. Investigators preparing proposals for the 2014 Monitoring Program should use this document and relevant strategic plans, and the Request for Proposals, which provides foundational information about the Monitoring Program, to guide proposal development. While Monitoring Program project selections may not be limited to priority information needs identified in this document, proposals addressing other information needs must include compelling justification with respect to strategic importance.

Monitoring Program funding is not intended to duplicate existing programs. Agencies are discouraged from shifting existing projects to the Monitoring Program. Where long-term projects can no longer be funded by agencies, and the project provides direct information for Federal subsistence fisheries management, a request to the Monitoring Program of up to 50% of the project cost may be submitted for consideration. For Monitoring Program projects for which additional years of funding is being requested, investigators should justify continuation by placing the proposed work in context with the ongoing work being accomplished.

Because cumulative effects of climate change are likely to fundamentally affect the availability of subsistence fishery resources, as well as their uses, and how they are managed, investigators are requested to consider examining or discussing climate change effects as a component of their project. Investigators conducting long-term stock status projects will be required to participate in a standardized air and water temperature monitoring program. Calibrated temperature loggers and associated equipment, analysis and reporting services, and access to a temperature database will be provided. Finally, proposals that focus on the effects of climate change on subsistence fishery resources and uses, and that describe implications for subsistence management, are specifically requested. Such proposals must include a clear description of how the project would measure or assess climate change impacts on subsistence fishery resources, uses, and management.

Projects with an interdisciplinary emphasis are encouraged. The Monitoring Program seeks to combine ethnographic, harvest monitoring, traditional ecological knowledge, and biological data to aid in

management. Investigators are encouraged to combine interdisciplinary methods to address information needs, and to consider the cultural context of these information needs.

Collaboration and cooperation with rural communities is encouraged at all stages of research planning and implementation of projects that directly affect those communities. The Request for Proposals describes the collaborative process in community-based research and in building partnerships with rural communities.

The following sections provide specific regional and multi-regional priority information needs for the 2014 Monitoring Program. They are not listed in priority order.

Northern Region Priority Information Needs

The Northern Region is divided into three areas which reflect the geographic areas of the three northern Regional Advisory Councils (Seward Peninsula, Northwest Arctic, and North Slope). Together, the three areas comprise most of northern Alaska, and contain substantial Federal public lands. Since 2001, the three northern Regional Advisory Councils have identified important fisheries issues and information needs for their respective areas. The Seward Peninsula and Northwest Arctic Councils have identified salmon and char fisheries as being the most important fisheries for their areas. The North Slope Council identified Arctic char, Dolly Varden, whitefish, lake trout, and Arctic grayling fisheries as most important for its area. In addition, these Councils have expressed concern about the effects of climate change on subsistence fishery resources. The Multi-regional priority information needs section at the end of this document includes climate change research needs.

For the Northern Region, the 2014 Request for Proposals is focused on the following priority information needs:

- Baseline harvest assessment and monitoring of subsistence fisheries in the Northwest Arctic and North Slope regions.
- Historic trends and variability in harvest locations, harvests and uses of non-salmon fish.
- Iñupiaq taxonomy of fish species, Iñupiaq natural history of fish, land use, place name mapping, species distribution, and methods for and timing of harvests. Species of interest include sheefish, northern pike, or other subsistence non-salmon fish in the Northwest Arctic region.
- Harvest and use of fish species by residents of Shishmaref.

Yukon Region Priority Information Needs

Since its inception, the Monitoring Plan for the Yukon Region has been directed at information needs identified by the three Yukon River Regional Advisory Councils (Yukon-Kuskokwim Delta, Western Interior, and Eastern Interior) with input from subsistence users, the public, Alaska Native organizations, Federal and State agencies, and partner agencies and organizations. The U.S./Canada Yukon River Salmon Joint Technical Committee Plan has been used to prioritize salmon monitoring projects in the Alaskan portion of the Yukon River drainage. Additionally, a research plan for whitefish has identified priority information needs for whitefish species in the Yukon and Kuskokwim river drainages.

For the Yukon Region, the 2014 Request for Proposals is focused on the following priority information needs:

- Reliable estimates of Chinook and chum salmon escapements (e.g., weir and sonar projects).
- Effects on salmon stocks (e.g., gillnet dropout mortality) and subsistence users of fishery management practices implemented to conserve Chinook salmon (e.g., gillnet mesh size, gillnet depth, and windowed openings).
- Methods for including “quality of escapement” measures (e.g., egg deposition, size composition, habitat utilization) in establishing Chinook salmon spawning goals and determining the reproductive potential of spawning escapements.
- Contemporary economic strategies and practices in the context of diminished salmon runs. Topics may include an evaluation of barter, sharing, and exchange of salmon for cash, as well as other economic strategies and practices that augment and support subsistence activities. Of particular interest are distribution networks, decision making, and the social and cultural aspects of salmon harvest and use.
- Description of changes through time in gillnet use (set versus drift, and by mesh size) for Chinook salmon subsistence harvest in the mainstem Yukon River, in context with harvest and escapement levels.
- Complete genetic baseline sampling and population marker development for sheefish spawning populations in the Yukon River drainage.
- Harvest, use, and associated contextual information for whitefish by species in lower Yukon River drainage communities.
- Retrospective analyses concerning effects of natural disasters (e.g. floods, fires) on salmon rearing and spawning habitat and subsistence activities.
- Arctic lamprey population assessment, including abundance, migration patterns, and habitat needs.

Kuskokwim Region Priority Information Needs

Since 2001, the Yukon-Kuskokwim Delta and Western Interior Regional Advisory Councils, with guidance provided by the Kuskokwim Fisheries Resource Coalition, have identified a broad category of issues and information needs in the Kuskokwim Region. These include collection and analysis of traditional ecological knowledge; harvest assessment and monitoring; salmon run and escapement monitoring; non-salmon fish population monitoring; and marine/coastal salmon ecology. Additionally, a research plan for salmon and a research plan for whitefish have been used to prioritize monitoring projects for salmon and whitefish. These were reviewed to ensure that remaining priority information needs were considered.

For the Kuskokwim Region, the 2014 Request for Proposals is focused on the following priority information needs:

- Reliable estimates of Chinook, chum, sockeye, and coho salmon escapement.

- Effects on salmon stocks and users of fishery management practices implemented to conserve Chinook salmon.
- Methods for including “quality of escapement” measures (e.g., egg deposition, size composition, habitat utilization) in establishing Chinook salmon spawning goals and determining the reproductive potential of spawning escapements.
- Harvest, use, and associated contextual information for whitefish by species in upper Kuskokwim River drainage communities. Communities of interest include McGrath, Telida, Nikolai, Takotna, and Lime Village.
- Contextual information associated with whitefish harvest by species in central Kuskokwim River drainage communities to supplement information from previous research. Communities of interest include Upper Kalskag, Lower Kalskag, Aniak, Chuathbaluk, Red Devil, Sleetmute, Stony River, and Crooked Creek.
- Harvest, use, and associated contextual information for whitefish by species in lower Kuskokwim River drainage communities. Specific groups of communities of interest are Kwethluk, Akiachak, Napaskiak, and Tuluksak, or Cheforak, Kipnuk, Kongiganak, and Kwigillingok.
- Broad whitefish population assessment, including distribution and age structure.
- Location and timing of Bering cisco spawning populations in the Kuskokwim River drainage.
- Complete genetic baseline sampling and population marker development for sheefish spawning populations in the Kuskokwim River drainage.
- Estimate the number of salmon, by species, transported from the Kuskokwim River drainage each year by Federal and State subsistence users.

Southwest Region Priority Information Needs

Separate strategic plans were developed for the Bristol Bay-Chignik and Kodiak-Aleutians areas, corresponding to the geographic areas covered by the Bristol Bay and Kodiak/Aleutians Regional Advisory Councils. These strategic plans were reviewed to ensure that remaining priority information needs were considered.

For the Southwest Region, the 2014 Request for Proposals is focused on the following priority information needs:

- Obtain reliable estimates of Chinook salmon escapements.
- Environmental, demographic, regulatory, cultural, and socioeconomic factors affecting harvest levels of salmon for subsistence use in the Kodiak Area. Researchers should consider evaluating factors influencing use patterns and describing the socioeconomic impacts of other fisheries.

Southcentral Region Priority Information Needs

A strategic plan was developed for Prince William Sound-Copper River and an abbreviated strategic planning process was employed for Cook Inlet. These sources were reviewed to ensure that remaining priority information needs were considered.

For the Southcentral Region, the 2014 Request for Proposals is focused on the following priority information needs:

- Obtain reliable estimates of Chinook salmon escapement into Copper River.
- Mapping of lifetime and current subsistence use areas for harvest of salmon and non-salmon fish species by residents of Ninilchik, Hope, and Cooper Landing. Research should include intensity of use and use on Federal public lands and waters.
- Harvest, use, and associated contextual information for salmon and nonsalmon by species in communities of the Copper River Basin, updating previous research supported by the Monitoring Program.

Southeast Region Priority Information Needs

A strategic plan was developed for Southeast Region in 2006 and is reviewed and updated annually to ensure that priority information needs are identified. The 2014 Request for Proposals is focused on priority information needs for eulachon and sockeye salmon.

For the Southeast Region, the 2014 Request for Proposals is focused on the following priority information needs:

Eulachon

- Provide an index of escapement for Unuk River and Yakutat Forelands eulachon.

Sockeye Salmon

- Obtain reliable estimates of sockeye salmon escapement. Stocks of interest include: Hetta, Karta, Sarkar, Hatchery Creek, Redoubt, Gut Bay, Falls, Kah Sheets, Salmon Bay, Klag, Sitkoh, Kook, Kanalku, Hoktaheen, and Neva.
- Document in-season subsistence harvest of sockeye salmon. Stocks of interest include: Hetta, Hatchery Creek, Gut Bay, Falls, Kah Sheets, Salmon Bay, Klag, Kanalku, and Hoktaheen.

Multi-Regional Priority Information Needs

The Multi-regional category is for projects that may be applicable in more than one region. For the Multi-Regional category, the 2014 Request for Proposals is focused on the following priority information needs:

- Changes in subsistence fishery resources and uses, in the context of climate change where relevant, including but not limited to fishing seasons, species targeted, fishing locations, fish quality, harvest methods and means, and methods of preservation. Include management implications.

- Develop models based on long-term relationships between ocean conditions and production for Bering Sea and Gulf of Alaska Chinook salmon stocks to better understand and respond to changes in run abundance.
- An indexing method for estimating species-specific whitefish harvests on an annual basis for the Kuskokwim and Yukon drainages. Researchers should explore and evaluate an approach where sub-regional clusters of community harvests can be evaluated for regular surveying with results being extrapolated to the rest of the cluster, contributing to drainage-wide harvest estimates.
- Evaluation of conversion factors used to estimate edible pounds from individual fish, and from unorthodox units such as tubs, sacks, or buckets.

REGULATORY CYCLE REVIEW BRIEFING

Issue

During this past regulatory cycle, several Subsistence Regional Advisory Councils (Councils) have requested that the fall meeting window be moved to later in the year so meetings could occur in November after fall subsistence activities are finished. Additionally these Councils would like to see the January Federal Subsistence Board (Board) meetings moved to later in the year, possibly April or May stating that the move would: avoid overlap with other meetings such as the Board of Fish and the Board of Game; avoid the post-holiday rush; and avoid the travel of Council members that leave family to fend for themselves during one of the coldest months of the year. The Board met in May 2012 and discussed this issue and decided not to take action at that time, but to refer the issue back to the Councils for their recommendations.

Background

In 2003, a committee made up of Board staff, reviewed the regulatory cycle; the committee examined the historical timing of events in the Federal Subsistence Management Program's regulatory cycles and identified what was working well and where improvements could be made. Alternatives were developed to address issues and concerns. Each alternative was evaluated in terms of effectiveness, efficiency, cost, risks of compromising quality or customer service, ramifications for other subsistence program elements and other considerations. One of the issues addressed was the timing of Regional Advisory Council and Federal Subsistence Board meetings.

Several changes were made following this review:

1. The fall meeting window was expanded.

Historically, the meeting window was approximately 5–6 weeks and ran from early September to mid-October. The meeting window was expanded to mid-August to mid-October, adding approximately 3 weeks to the fall meeting window. Since 2003, in an effort to further accommodate the Councils, meetings have been allowed to be scheduled outside the meeting window (Table 1).

2. The effective date for subsistence fishing regulations was moved from 1 March to 1 April in 2005.
3. The Federal Subsistence Board meeting to address fisheries proposals was moved from early December to mid-January.

While subsistence fisheries occur in Alaska year-round, most subsistence fishing activities occur in spring, summer and fall. The March 1 effective date for the subsistence fisheries regulations was 4–12 weeks before most spring subsistence fisheries start across the state. Shifting the effective date for these regulations to April 1, allowed the publication of the regulations after various winter subsistence fisheries and the Southeast Alaska spring hooligan fishery.

Recommendations

Staff reviewed the current regulatory cycles (**Table 2**) and developed the following recommendations (**Table 3**):

1. Hold the Board's meeting to review proposed changes to the wildlife hunting and trapping regulations in early April.

The Board's wildlife meeting should be held no later than early April to ensure the regulations are published in the Federal register and the public book is published and distributed prior to the 1 July effective date. Historically, the Board meeting for wildlife occurred in early May; however, often there were problems getting the regulations published and distributed in a timely manner.

2. Extend the Regional Council meeting window into early November. This would have minimal impacts.
3. Hold the Board meeting to review proposed changes to the subsistence fisheries regulations no later than early January.

Based on the current effective date of 1 April for these regulations, it is impractical to change the Board meeting date any later than early January. Doing so would not allow staff the time to finalize the regulations and get them published in the Federal register and in the public regulations booklet. Note: In recent years, moving the regulations through the surname process in D.C. has taken considerably more time, which needs to be taken into account.

4. Maintain the current effective date for the subsistence fisheries regulations.

Historically, the Board held its meeting to review subsistence fisheries in December and the regulations became effective on 1 March. Following the 2003 regulatory cycle review, both of these dates were changed: the Board meeting was shifted into January and the effective date for the subsistence fisheries regulations was changed to 1 April. The effective date was changed to allow for the publication of the regulations after various winter subsistence fisheries and the Southeast Alaska spring hooligan fishery. In addition, regulatory years are defined in 50 CFR 100.25(a) and if these are changed it would need to go through the regulatory process, this is not a purely administrative action, it would require rule making, including a proposal to be submitted for public review. However, this is a plausible solution if the desire is to avoid all Board meetings conducted in January.

Reference tables for above narrative.

Table 1. Past FSB Meeting Dates.

Year	FSB Wildlife meeting dates (# of proposals)	FSB Fisheries meeting dates (# of proposals)
2003	May 20–22 (53)	December 9–11 (40)
2004	May 18–21 (87)	Due to a change in meeting cycles, there was no Fishery Board Meeting in 2004. The Fish Proposals submitted in 2004 were addressed in Jan. 2005.
2005	May 3–4 (20)	January 11–13 (30)
2006	May 16–18 (69)	January 10–12 (34)
2007	April 30 – May 2 (63)	January 9–11 (26)
2008	April 29 – May 1 (54)**	—
2009	—	January 13–15 (14)
2010	May 18 – 21 (105)	—
2011	—	January 18–20 (15)
2012	January 17–20 (100)	—
2013	—	January 22–24 (28)
Fisheries regulations became effective on 1 March, until 2006 when the effective date was changed to 1 April		
Wildlife regulations become effective on 1 July		
**Start of the two year cycle		

Table 2. Current Regulatory Cycle.

Fisheries		Wildlife
January – March	Proposal Period	January – March
February – March	Councils Meet to develop proposals	February – March
April – June	Comment Period	April – June
April – August	Staff Analyses Prepared	April – August
August – October	Councils meet to make Recommendations	August – October
November	Staff committee Meets	November
January	Federal Subsistence Board Meets	January
April 1	New Regulatory Year Begins	July 1

Table 3. Proposed Changes to the Regulatory Cycles

Fisheries		Wildlife
January – March	Proposal Period	January – March
February – March	Councils Meet to develop proposals	February – March
April – June	Comment Period	April – June
April – August	Staff Analyses Prepared	April – August
August – October Early November	Councils meet to make Recommendations	August – October Early November
November	Staff committee Meets	November
January Early April	Federal Subsistence Board Meets	January Early April
April July 1	New Regulatory Year Begins	July 1

GUIDANCE ON ANNUAL REPORTS

Background

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

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

Report Content

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

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

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

Report Clarity

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

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

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

Report Format

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

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

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

Bristol Bay Subsistence Regional Advisory Council

CHARTER

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

- (3) A recommended strategy for the management of fish and wildlife populations within the region to accommodate such subsistence uses and needs; and
 - (4) Recommendations concerning policies, standards, guidelines and regulations to implement the strategy.
 - e. Appoint three members to the Lake Clark National Park and three members to the Aniakchak National Monument Subsistence Resource Commissions, in accordance with Section 808 of the Alaska National Interest Lands Conservation Act (ANILCA).
 - f. Make recommendations on determinations of customary and traditional use of subsistence resources.
 - g. Make recommendations on determinations of rural status.
 - h. Provide recommendations on the establishment and membership of Federal local advisory committees.
5. **Agency or Official to Whom the Council Reports.** The Council reports to the Federal Subsistence Board Chair, who is appointed by the Secretary of the Interior with the concurrence of the Secretary of Agriculture.
 6. **Support.** The U.S. Fish and Wildlife Service will provide administrative support for the activities of the Council through the Office of Subsistence Management.
 7. **Estimated Annual Operating Costs and Staff Years.** The annual operating costs associated with supporting the Council's functions are estimated to be \$125,000, including all direct and indirect expenses and .75 staff years.
 8. **Designated Federal Officer.** The DFO is the Subsistence Council Coordinator for the region or such other Federal employee as may be designated by the Assistant Regional Director - Subsistence, Region 7, U.S. Fish and Wildlife Service. The DFO is a full-time Federal employee appointed in accordance with Agency procedures. The DFO will:
 - Approve or call all of the Council and subcommittee meetings;
 - Prepare and approve all meeting agendas;
 - Attend all Council and subcommittee meetings;
 - Adjourn any meeting when the DFO determines adjournment to be in the public interest; and
 - Chair meetings when directed to do so by the official to whom the advisory committee reports.

9. Estimated Number and Frequency of Meetings. The Council will meet 1-2 times per year, and at such times as designated by the Federal Subsistence Board Chair or the DFO.

10. Duration. Continuing.

11. Termination. The Council is subject to biennial review and will terminate 2 years from the date the charter is filed, unless prior to that date, the Charter is renewed in accordance with the provisions of Section 14 of the FACA. The Council will not meet or take any action without a valid current charter.

12. Membership and Designation. The Council's membership is composed of representative members as follows:

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

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

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

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

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

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

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

//Signed//

Secretary of the Interior

DEC - 2 2011

Date Signed

DEC 03 2011

Date Filed

STAFFING UPDATE

Kathy O'Reilly-Doyle was hired as the new Deputy Assistant Regional Director for the Office of Subsistence Management. Kathy previously worked for the U.S. Fish & Wildlife Service Branch of Habitat Restoration in Arlington Virginia, providing national oversight and implementation of the Partners for Fish and Wildlife Act.

Jack Lorrigan was hired as the new Native Liaison for the Office of Subsistence Management. Jack comes to OSM from the U.S. Forest Service where he worked in Sitka as a Subsistence Biologist. Prior to that, he was the Natural Resources Director for the Sitka Tribe.

Dr. David Jenkins was hired as the new Policy Coordinator for the Office of Subsistence Management. Dr. Jenkins was previously a staff anthropologist with OSM and had been the acting Policy Coordinator for several months. He has over a decade of teaching experience in anthropology, history, and environmental studies at MIT, Bates College in Maine, and the University of Arizona.

George Pappas was hired as the new State Subsistence Liaison for the Office of Subsistence Management. George has extensive experience working with State-Federal subsistence issues, and has worked with many of us since 2007 in his role as the Program Coordinator for the Alaska Department of Fish and Game's Federal Subsistence Liaison Team.

Melinda Hernandez was hired as one of the new Council Coordinators. Melinda comes to OSM from the U.S. Forest Service, where she has been working in the southeast on subsistence issues for the past eight years.

Eva Patton was hired as one of the new Council Coordinators. Eva has a background as a fisheries biologist and has been working in Bethel for the last seven years through the Partners for Fisheries Monitoring Program.

Trent Liebiech was hired as a fisheries biologist for the Office of Subsistence Management. Trent previously worked at the Izembek National Wildlife Refuge as an aquatic ecologist for two years. Prior to that, he was with the National Marine Fisheries Service for 6 years in the Atlantic salmon program through the Protected Resources Division.

Tom Evans has hired as a wildlife biologist for the Office of Subsistence Management. Tom previously worked for 20 years in the Marine Mammals Management office for Region 7 U.S. Fish & Wildlife Service, working primarily as a polar bear biologist.

Pam Raygor has hired as an Administrative Support Assistant for the Office of Subsistence Management. Pam previously worked as the Parish Administrator for the Holy Family Cathedral in Anchorage.

BUDGET UPDATE

The Office of Subsistence Management has experienced a declining budget since 2001 due to the economy and other factors beyond its control. FY2013 travel budgets may possibly be further reduced by 30% of FY2010 funding levels. These types of reductions will make it necessary for Regional Advisory Councils to continue to meet in communities that provide the greatest cost efficiencies. We will

continue to provide the Regional Advisory Councils with budget briefings to help them develop a better understanding of what cuts are being proposed and how these cuts will affect the Federal Subsistence Management Program. As a result of these continued cuts, travel outside of normal Council meetings in the future will be very limited.

COUNCIL MEMBERSHIP APPLICATION/NOMINATION UPDATE

The Office of Subsistence Management sent out over 1,500 Regional Advisory Council applications in direct mailings to individuals, villages, municipalities, Tribal organizations, ANCSA corporations, and various non-profit organizations. The application period closed on February 18, 2012. In total, OSM received 67 applications and nominations. However, OSM received low numbers of applications for the northern regions: Seward Peninsula, Western Interior, Eastern Interior, Northwest Arctic and North Slope. In two instances, there were only enough applications to submit names to fill vacancies; in another instance, the Council will still have a vacant seat under the best case scenario.

The regional nominations panels met in April and May to evaluate and rank the applicants for each region. In June, the Interagency Staff Committee met to consider the panel reports and make recommendations to the Federal Subsistence Board for appointment.

The Federal Subsistence Board, in an executive session on July 18, 2012, voted on the applicants it will forward to the Secretaries of the Interior and Agriculture for appointment. The next step will be to prepare a package to forward those names for vetting and consideration. The Secretary of Interior will issue appointment letters by early December 2012. The Office of Subsistence Management will not have notice of who the appointments are until those letters are issued.

RURAL DETERMINATION PROCESS AND METHOD REVIEW

At its January 2012 public meeting, the Federal Subsistence Board passed a motion to direct staff “to initiate a review of the rural determination process and the rural determination findings through publication of a proposed rule” (FSB January 20, 2012:560).

The intention of the Board is to conduct a global review of rural determination processes, analytical methods, and findings, beginning with public input. Board member Gene Virden referred to the review as a “bottom up process,” which would include public comment, tribal consultations, and Regional Advisory Council recommendations.

Office of Subsistence Management Staff, in conjunction with the Interagency Staff Committee, met to develop a tentative outline of a global review, and to project a timeline for the review.

Staff concluded that a Public Notice published in the Federal Register is the first step. It would ask for public input on rural processes, methods, criteria, and determinations. That Public Notice is being drafted and will be published in January 2013. The winter 2013 Subsistence Regional Advisory Council meeting will provide an initial public forum for comment on the rural determination process, analytical methods, and findings.

The global review, with public, tribal, and Council input, may include the following topics:

- Rural definitions
- Population thresholds
- Rural characteristics
- Aggregation of communities
- Information sources

Other topics of concern may arise through the review process.

The final goal is to develop a rural determination process and through that process to make final determinations on rural status.

BRIEFING ON CONSULTATION POLICIES

The Federal Subsistence Board (Board) adopted its Government-to-Government Tribal Consultation Policy on May 9, 2012. The Board postponed adopting the supplemental ANCSA corporation consultation policy pending the Department of Interior finalizing its own policy on consultation with ANCSA corporations.

The Board directed that the Consultation Workgroup develop implementation guidelines, which will define the responsibilities of the five Federal agencies and the Office of Subsistence Management in the implementation of the Tribal Consultation Policy and supplemental ANCSA corporation consultation policy (once adopted) within the framework of the Federal Subsistence Management Program regulatory review cycles. The goal is to have final implementation guidelines for presentation to the Board sometime in 2013; interim implementation guidelines will be used until the Board adopts the final guidelines. The workgroup will also ensure that the policies are being implemented and identify areas for improvement.

The Board recently sent a letter to Tribes and ANCSA corporations seeking nominations to the workgroup in order to broaden the spectrum of members from the current seven Federal and seven Tribal representatives. In addition, Tribes and ANCSA corporations were notified that opportunities to provide input on the proposed changes to subsistence fisheries regulations will be available at the Subsistence Regional Advisory Council meetings and time will be available for consultation with the Board at the upcoming Board meeting, January 22–24, 2013.

“Tribes and Alaska Native peoples have been this lands’ first conservationists and first multiple use land managers.” - Lillian Petershoare, Workgroup Member, United States Forest Service

Federal Subsistence Board

Government-to-Government Tribal Consultation Policy

Preamble

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

The United States has a unique legal and political relationship with Indian tribal governments, which has been established through and confirmed by the Constitution of the United States, statutes, executive orders, judicial decisions and treaties. In recognition of that special relationship, and pursuant to direction given by the Secretaries of the Interior and Agriculture to implement Executive Order 13175 of November 2000, “Consultation and Coordination with Indian Tribal Governments,” and to meet the requirements of the Presidential Memorandum of November 5, 2009, “Tribal Consultation,” the Board is developing this Government-to-Government Tribal Consultation Policy. This Policy sets out the Board’s responsibility to engage in regular and meaningful consultation and collaboration with Federally recognized Indian Tribes in Alaska on matters that may have substantial effects on them and their members. This Policy also upholds the Congressional mandate to implement the provisions of the Alaska National Interest Lands Conservation Act (ANILCA) of 1980, P.L. 66-487, which, with its implementing regulations, defines the roles and responsibilities of the Departments of the Interior and Agriculture in administering subsistence management of fish and wildlife on Federal public lands.

Government-to-government consultation undertaken through the Board’s process is a direct two-way communication conducted in good faith to secure meaningful participation in the decision-making process to the full extent allowed by law. The Board will consider and respond to the Tribes’ concerns brought forth through the consultation process (as defined in this policy) before making final decisions.

Two Department-level consultation policies provide the foundation for this policy. They are the Department of the Interior’s *Policy on Consultation with Indian Tribes (2011)* and the Department of Agriculture’s *2010 Action Plan for Consultation and Collaboration*. This policy is consistent with the

Government-to-Government Tribal Consultation Policy

Department-wide consultation policies, and it expands on them to apply the policies to the Federal subsistence management program.

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

Background

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

The Federal Subsistence Management Program regulations are published twice in the Code of Federal Regulations (CFR): 50 CFR Part 100 and 36 CFR Part 242. The regulations have four subparts. Subparts A and B are within the sole purview of the Secretaries of the Department of the Interior and the Department of Agriculture. Responsibility and decisions relating to the provisions of Subparts C and D are delegated by the Secretaries to the Federal Subsistence Board. Subpart C concerns Board Determinations, including rural and customary and traditional use determinations, while subpart D consists of the regulations for taking fish, wildlife and shellfish.

Goals

The goals of the Federal Subsistence Management Program are to:

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

Government-to-Government Tribal Consultation Policy

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

Consultation

1. Communication

It is the Board's intention that information sharing between Tribes and the Board/Federal staff will occur early and often. Information sharing includes, but is not limited to, sharing of traditional knowledge, research and scientific data. Communication between the Federal agencies and Tribes will occur in a timely manner to maximize opportunities to provide input to the Board's decisions. For in-season management decisions and special actions, consultation is not always possible, but to the extent practicable, two-way communication will take place before decisions are implemented. When Tribes bring up issues over which the Board does not have jurisdiction, the Board and Federal staff will provide Tribes with contact information for the state or Federal agency that can address the issue and will also provide the tribes' contact information to the relevant state or Federal agency

2. Roles and Responsibilities

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

3. Topics for consultation are listed under the definition for "Action with Tribal Implications." They may include, but are not limited to:

- Regulations (e.g., taking of fish, wildlife and shellfish - harvest amounts, methods and means, cultural and educational permits and funerary/mortuary ceremonies; emergency and temporary special actions; customary and traditional use determinations and customary trade)
- Policies and guidance documents [Note: this is consistent with page 3 "Definitions" of DOI Policy "Departmental Action with Tribal Implication".]
- Budget and priority planning development [Note: this is consistent with page 16 USDA Action Plan for Tribal Consultation and Collaboration (Nov 2009) and page 3 "Definitions" of DOI policy – "Departmental Action with Tribal Implication" – specifically "operational activity".]
- Agreements (e.g. Cooperative Agreements, Memorandum of Understanding, Funding Agreements)

Government-to-Government Tribal Consultation Policy

4. Timing

Timing of consultation will respect both the Federal subsistence management cycle and the Tribal timeframes for doing business. The requirement of early notification, methods of notice, availability of Federal analyses and time and place of Federal Subsistence Regional Advisory Council meetings and Board meetings are described in Appendix A of the “Federal Subsistence Consultation Implementation Guidelines.” A chart showing the Federal subsistence management cycle is in Appendix B of the same document

5. Methods

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

Accountability and Reporting

The Board will monitor consultation effectiveness and report information to the Secretaries, pursuant to the Department of the Interior and Department of Agriculture policies. On an annual basis, the Board will evaluate whether the policy has been implemented and is effective and what progress has been made towards achieving the seven goals outlined in this policy. The Board will actively seek feedback from Federally recognized Tribes in Alaska on the effectiveness of consultation, and the Board’s evaluation will summarize and reflect this feedback. The Board will modify the consultation process to incorporate needed enhancements, as identified through the annual review. The Board will provide Tribes an oral and written summary of the evaluation and changes, if any, in Board meetings with Tribes.

Training

Training on this policy for Federal staff will conform to the requirements of the Department of the Interior and Department of Agriculture consultation policies. The Board recognizes the unique traditional values, culture and knowledge that Tribes can impart and shall incorporate Tribes into the training for the Board and staff. The Board will accompany subsistence users in the field to gain direct experience in traditional Alaska Native hunting and fishing activities. In addition, Federal Subsistence Management training will be offered to representatives of Tribal governments and Tribal members on a regular basis as funding allows. A list of possible venues for training is included in Appendix C: “Venues for Training.”

Government-to-Government Tribal Consultation Policy

Alaska Native Corporation Consultation

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

Adopted by the Board on May 9, 2012

Government-to-Government Tribal Consultation Policy

Definitions

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

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

ANCSA Corporations – As defined in 43 U.S.C. § 1606, those regional and village corporations formed by Congress through the Alaska Native Claims Settlement Act, 43 U.S.C. § 1601 et seq., to provide for the settlement of certain land claims of Alaska Natives.

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

Consultation – The process of effective and meaningful government-to-government communication and coordination between the appropriate Federal agency and Tribe(s) conducted before the Federal government takes action or implements decisions that may affect Tribes.

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

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

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

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

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

Government-to-Government Tribal Consultation Policy

Regional Advisory Councils – Title VIII of ANILCA provides a foundational role for the ten Regional Advisory Councils in the development of regulations guiding the taking of fish and wildlife on Federal public lands in Alaska. Council members, a majority of whom are rural subsistence users, are appointed by the Secretary.

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

List of Appendices

APPENDIX A: Federal Subsistence Consultation Implementation Guidelines

APPENDIX B: Federal Subsistence Management Cycle

APPENDIX C: Venues for FSMP Training

DRAFT April 27, 2012

The Board is directing the Consultation Workgroup to continue the development of the guidelines with agency field manager input. The Workgroup will present a more developed guideline at a future Board meeting.

Appendix A

Interim Implementation Guidelines

for

Fiscal Year 12-13

Federal Subsistence Management Program

Tribal and ANCSA Corporation Consultation

This document provides guidance for the Federal Subsistence Management Program's Tribal Consultation Policy and ANCSA Corporation Consultation Policy. The Office of Subsistence Management Native Liaison, working with the Federal Subsistence Board and Interagency Staff Committee, plays a central role in ensuring the implementation of the Board's consultation policies. The following guideline is intended to be flexible for implementing these policies.

CONSULTATION SCHEDULE FOR THE REGULATORY CYCLE

1. OSM Native Liaison: Notify Tribes and ANCSA Corporations and, on request made to OSM Native Liaison, facilitate consultation on regulatory proposals among the appropriate parties. Prepare written summaries of consultations, ensure appropriate coordination within the Federal Subsistence Program, and maintain records of consultation for the Program.
2. OSM Native Liaison: Coordinate consultation with Tribes and ANCSA Corporations when Team Review analyses are available. Ensure a written summary is prepared of the results of consultation and appropriate coordination within the Federal Subsistence Program.
3. OSM Native Liaison: In coordination with OSM's Subsistence Regional Advisory Council Coordinators and Council Chairs, ensure opportunity for Tribal and ANCSA Corporation input at Council meetings. Summarize pertinent input in writing and ensure appropriate coordination within the Federal Subsistence Program.
4. Opportunity is provided for consultation with Tribes and ANCSA Corporations at Federal Subsistence Board meetings.
5. Consultations may also be requested by Tribes and ANCSA Corporations at any time.



Appendix B FEDERAL SUBSISTENCE MANAGEMENT PROGRAM ANNUAL REGULATORY PROCESS AT A GLANCE



Step 6 (April 1 and July 1)

The Board's adopted proposals become the Final Rule which is published in the Federal Register. The Final Rule contains the regulations in effect for the next two year period. The fisheries regulations are effective April 1; the wildlife harvest regulations are effective July 1.

A public booklet of the regulations is published and distributed statewide. The booklet includes regulations and other information relevant to the Federal Subsistence Management Program.

Step 1 (January - March)

A Proposed Rule is published in the Federal Register. It consists of the existing Federal subsistence regulations for fisheries or wildlife harvest (hunting or trapping) and asks the public to propose changes (proposals) to the existing regulations. The Proposed Rule is issued in January and proposals are accepted for approximately 45 days. The fisheries Proposed Rule is published in even numbered years. The wildlife Proposed Rule is published in odd numbered years.

Step 2 (April - May)

Proposals are reviewed by staff and validated to ensure that they fall within the authority of the Federal Subsistence Board. Valid proposals are compiled in a book, which is made available to the public and the tribes for information and comment. The public comment period is usually open for 60 days.

Step 5 (January)

The Federal Subsistence Board meets to review the proposal analyses, Councils recommendations, and accept testimony. During the meeting, the Council Chairs and a State of Alaska representative serve as liaisons to the Board. The Board must defer to the Council's recommendation on a proposal unless it violates ANILCA 805(c). The Board can:

- Adopt
- Adopt with modification or
- Reject, OR
- Defer until later.

Step 4 (August - October)

The affected Federal Subsistence Regional Advisory Council(s) reviews the draft proposal analyses at their annual fall meeting. The Council(s) makes recommendations based on its knowledge of the resources and subsistence practices in the area, and testimony received during the meeting. Recommendations are to:

- Support
- Support with modification
- Oppose, OR
- Defer until later

Step 3 (April - August)

Proposals are analyzed by federal staff. A draft analysis with preliminary conclusion for each proposal is written, considering received public comments and with input from:

- Federal and state biologists
- Federal and state social scientists
- The federal Interagency Staff Committee
- State of Alaska
- At times subsistence users and others are directly consulted about the implications of the proposals.

Appendix C

Venues for Training

- Bureau of Indian Affairs Tribal Service Providers Conference
- Alaska Forum on the Environment
- Alaska Tribal Conference on Environmental Management
- Alaska Federation of Natives Annual Convention
- Association of Village Council Presidents
- Tanana Chiefs Conference
- Bristol Bay Native Association
- Aleutians Pribilof Islands Association
- Cook Inlet Tribal Council
- Karawek, Inc.
- Maniilaq Association
- Sealaska Heritage Institute
- Central Council of Tlingit and Haida Tribal Assembly
- Southeast Clan Conference
- Arctic Slope Native Association
- Chugach Regional Resources Commission
- Copper River Native Association
- Kodiak Area Native Association
- First Alaskans Institute Elders & Youth Conference
- Alaska Native Professionals Association



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

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



JUN 28 2012

FWS/OSM 12046.AM

Subjects: (1) Nominations to the Board's Consultation Workgroup
(2) Opportunities for consultation on proposed changes to subsistence fishing regulations

Dear Tribal Leader:

Thank you for your meaningful participation in the development of the Federal Subsistence Board's Tribal consultation policy and congratulations to you on this momentous occasion! The Federal Subsistence Board (Board) adopted the Government-to-Government Tribal Consultation Policy on May 9, 2012. The new policy and its three appendices are enclosed.

The Department of Interior (DOI) is working on a policy for consultation with ANCSA corporations¹. The Federal Subsistence Board has decided to wait until the DOI policy is finalized before writing and implementing its supplemental policy on ANCSA corporation consultation. Until that time, the Board is utilizing the attached interim implementation guidelines to consult with ANCSA corporations on Federal subsistence matters.

The next step, in addition to engaging in consultation with your Tribe, is to develop implementation guidelines. The implementation guidelines will define the responsibilities of the five Federal agencies and the Office of Subsistence Management in the implementation of the Tribal consultation policy and supplemental ANCSA corporation consultation policy (once adopted) within the framework of the Federal Subsistence Management Program regulatory review cycles.

The Board's Consultation Workgroup will develop the implementation guidelines. The workgroup will also ensure that we are following the consultation policies and help us evaluate how we are doing and identify areas for improvement.

¹ Consultation with Alaska Native corporations is based on Public Law 108-199, div. H, Sec. 161, Jan. 23, 2004, 118 Stat. 452, as amended by Public Law 108-447, div. H, title V, Sec. 518, Dec. 8, 2004, 118 Stat. 3267, which provides that: "The Director of the Office of Management and Budget and all Federal agencies shall hereafter consult with Alaska Native corporations on the same basis as Indian tribes under Executive Order No. 13175."

1) Nominations to the Board's Consultation Workgroup

The Board is looking to expand the membership of the workgroup from its current membership of seven Federal and seven Tribal representatives to include a broader spectrum of members. To that end, we are now soliciting nominations for Tribal and ANCSA corporation representatives to serve on the Board's Consultation Workgroup and continue its good work.

Please send workgroup nominations to the contact below, either via mail, email, or fax by July 27, 2012. Include the name of the Tribe or ANCSA corporation, the nominee's name, title, and a brief description of their experience with the Federal Subsistence Management Program and/or consultation.

U.S. Fish and Wildlife Service
Office of Subsistence Management
Attention: Andrea Medeiros
1011 East Tudor Road, MS 121
Anchorage, AK 99503

or via e-mail to
subsistence@fws.gov

or via fax at
907-786-3898

Realize that while we strive to expand membership of the workgroup, we must keep the workgroup a reasonable size and not all nominees will be selected. Also, be aware that funding is not likely to be available for participation in this workgroup and that it may be necessary to meet by teleconference. Regardless of who is ultimately appointed to the workgroup, involvement of the Tribes and ANCSA corporations in the continued efforts of the Board to build constructive consultation processes is important to us. We will continue to dialogue with Tribes and ANCSA corporations as we work to develop the implementation guidelines and ANCSA corporation consultation policy. We will also be looking to you for feedback on how we are doing.

2) Consultation on Proposed Federal Subsistence Fishing Regulations

The Federal Subsistence Board is currently engaged in the process to review proposed changes to the Federal subsistence fishing regulations. You may have received a proposal book several weeks ago. The proposal book is also posted to the Federal Subsistence Management Program's website under Public Participation (<http://alaska.fws.gov/asm/public.cfml>) or may be requested by contacting the Office of Subsistence Management by e-mail (above) or by calling 1-800-478-1456 or (907) 786-3888.

Tribal Leader

3

Federal Subsistence Management Program staff are currently working on analyzing the subsistence fisheries proposals. The Board is seeking your input on the proposals and the analyses. We are sensitive to the demands on your time and would like to avoid sending unsolicited documents. If you are interested in participating in the review of the proposals and/or the early drafts of the analyses, please contact the Office of Subsistence Management (see contact information above) and copies will be provided. If your Tribe wants to consult on any proposals, please contact us to schedule a time.

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We are happy to be a part of this moment in history with all Federally recognized Tribes in Alaska and we look forward to many important dialogues in the future.

Sincerely,

/s/ Tim Towarak 

Tim Towarak, Chair
Federal Subsistence Board

Enclosures (2)

cc: Regional Native Non-Profits
Ken Salazar, Secretary of the Interior
Tom Vilsack, Secretary of Agriculture
Federal Subsistence Board
Regional Advisory Council Chairs
Pete Probasco, Assistant Regional Director OSM
Kathy O'Reilly-Doyle, Deputy Regional Director OSM
Administrative Record



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

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



U.S. FOREST SERVICE

JUN 28 2012

FWS/OSM 12047.AM

Subjects: (1) Nominations to the Board's Consultation Workgroup
(2) Opportunities for consultation on proposed changes to subsistence fishing regulations

Dear ANCSA Corporations:

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ANCSA Corporation

3

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/s/ Tim Towarak 

Tim Towarak, Chair
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Administrative Record

National Park Service
U.S. Department of the Interior

Alaska Region



Finding of No Significant Impact

Hunting Guide Concessions Environmental Assessment
Katmai National Preserve, Alaska

September 2012

/S/

Recommended:

Superintendent, Katmai National Park and Preserve

9/13/12

Date

/S/

Approved:

Regional Director, Alaska

9/14/12

Date

FINDING OF NO SIGNIFICANT IMPACT

Hunting Guide Concessions In Katmai National Preserve, Alaska September 2012

The National Park Service (NPS) is soliciting proposals for guided sport hunting services in Katmai National Preserve (Preserve). Guided hunting has occurred in this area before and since the passage of the Alaska National Interest Lands Conservation Act of 1980 (ANILCA), which established the Preserve. Sport hunting is allowed in the Preserve under Federal and non-conflicting State laws and regulations (for GMU 9C), pursuant to ANILCA Sections 203 and 1313 and 36 CFR section 13.40(d). This action will continue guided sport hunting in the Preserve by awarding one or two concession contracts for a 10 year period. The NPS is revising the guide area boundaries and annual client limits for each guide area. The purpose of this revision is to provide for a more equitable distribution of business opportunities and clients to guide area resources while maintaining the purposes and values for which the area was established.

The environmental assessment (EA) evaluated the effects of three alternatives for guided sport hunting in Katmai National Preserve: A) No Action or no contracts to be awarded for guided hunting services; B) Status Quo with two guide areas including one small guide area with 3 annual clients and one large area with 25 annual clients; and C) two more equitably sized guide areas authorizing 12 and 16 clients, respectively.

The NPS has selected Alternative C (*NPS Preferred Alternative*), which will maintain the recent past level of guided clients per year at 28 and adjust the guide areas to two more equitably-sized areas using easily recognizable topographical features. The 141,000-acre Sugarloaf Guide area will be authorized for up to with 12 clients per year, and the 187,000-acre Moraine Creek Guide area will be authorized for up to 16 clients per year.

About 630 comment letters, emails, or postings to the NPS Planning, Environment, and Public Comment (PEPC) web site were received on this EA during a 40-day public comment period from June 25 to August 2, 2012. The public comment period was extended beyond the original 30-day period because the NPS has several major documents out for public review and the review period spanned the July 4 holiday. The extended review period accommodated receipt of comments from area bear-viewing guides, biologists, and environmental organizations.

ALTERNATIVES

Three alternatives were evaluated in the EA.

Alternative A - No Action

Under the No Action alternative, the NPS would not issue a prospectus for guided hunting and concession contracts would not be awarded to provide guided hunting services within Katmai National Preserve for the next 10 years. Subsistence and sport hunting without guides could

continue in the area. Pursuant to State of Alaska regulations, nonresident citizens of the USA could not hunt brown bear in the Preserve without a licensed guide unless accompanied by a close relative who is an Alaska resident at least 19 years old with a license to hunt in Alaska, and nonresident foreigners would not be allowed to hunt any big game species in the Preserve because under State law they must be accompanied by a guide licensed with the State of Alaska. The current contract for guided hunting services in the relatively small Sugarloaf guide area with 3 annual clients would expire at the end of 2012. The concession contract for the much larger Moraine Creek Guide area with up to 25 clients annually was terminated for breach of contract. This alternative provided a baseline for evaluating the effects of the two action alternatives.

Alternative B – Award Guided Hunting Contracts for the original Sugarloaf and the Moraine Creek Guide Areas in the Preserve (*Status Quo*)

Under the Status Quo Alternative the NPS would issue a prospectus to solicit offers for two guided hunting concessioners in the Preserve. One concessioner would be authorized to guide up to 3 clients each year in the 60,000-acre Sugarloaf Guide Area, and the other concessioner would be authorized to guide up to 25 clients each year in the 268,000-acre Moraine Creek Guide Area.

This alternative would provide for a maximum of 28 clients annually, or up to 280 clients over the ten-year contract period. It is expected that guides would tend to focus on harvest of moose in the Sugarloaf guide area and brown bear in the Moraine Creek guide area. This alternative would continue the status quo guide areas and client numbers in place since 2003 (until the Moraine Creek contract was terminated in 2009).

Alternative C - Award Guided Hunting Contracts for the Revised Sugarloaf and Moraine Creek Guide Areas in the Preserve (*NPS Preferred Alternative*)

The NPS would issue a prospectus to solicit offers for two guided hunting services in the Preserve. One concessioner would be authorized to guide up to 12 clients each year in the revised Sugarloaf guide area, and the other concessioner would be allowed to guide up to 16 clients each year in the revised Moraine Creek Guide Area (see attached figure). The Sugarloaf Guide Area would be enlarged to about 141,300 acres to include the Preserve area south of the Alagnak River to its outlet from Kukaklek Lake, south of Kukaklek Lake to the outlet of Nanuktuk Creek, and south of Nanuktuk Creek to the headwaters of its most northerly stem. The size of the Moraine Creek Guide Area would be reduced to about 186,700 acres to include all other NPS Preserve lands north and east of Nanuktuk Creek and north of the Alagnak River and Kukaklek Lake.

This alternative would provide for a maximum of 28 clients annually, or up to 280 clients over the ten-year contract period. This alternative is designed to provide more equitable guiding opportunities in the two guide areas within the Preserve in terms of guide area size and authorized client numbers.

PUBLIC INVOLVEMENT

The EA was issued for public review and comment from June 25 to August 2, 2012. The EA was mailed to about 75 parties including state and federal agencies, federally recognized tribes in the area, communities, organizations, and individuals, and it was posted on the NPS PEPC website. A press release announced the availability of the EA to the general public, and a second press release announced the extension of the comment period.

Comments on the EA were received from the State of Alaska, National Parks and Conservation Association (NPCA), the Alaska Professional Hunters Association (APHA), the Alaska Center for the Environment (ACE), various guide businesses, Friends of McNeil River, and over 600 individuals. The NPS identified 15 substantive comments that either raised a new issue not fully addressed in the EA, suggested a reasonable new alternative, proposed or suggested additional mitigation measures, or provided new information or facts that have bearing on the decision. NPS Responses to Public Comment (Appendix A) and Errata (Appendix B) are attached to this FONSI.

DECISION

The NPS decision is to select Alternative C (*Award Guided Hunting Contracts for the Revised Sugarloaf and Moraine Creek Guide Areas in the Preserve*). Alternative C enables the NPS to make a major adjustment to areas and associated client limits for guided hunting service contracts within the Preserve to better apportion area resources and business opportunities and to provide better options for prospective hunters. Furthermore, this alternative continues to provide an opportunity for all interested U.S. citizens to hunt brown bear and foreign hunters to hunt any big game in the Katmai National Preserve pursuant to federal and State of Alaska laws and regulations.

RATIONALE for the DECISION

Alternative C (*Award Guided Hunting Contracts for the Revised Sugarloaf and Moraine Creek Guide Areas in the Preserve*) satisfies the purpose and need for the project better than the no-action alternative and provides a more equitable distribution of the area resources and business opportunities for guided hunting within the Preserve than Alternative B. Guided sport hunting services are considered to be an appropriate and necessary means to provide hunting opportunities for both Alaska resident and nonresident hunters in Alaska national preserves.

The best available biological data show that observed brown bear numbers in Katmai National Preserve have increased since ANILCA and there is no evidence to show that “high concentrations of brown bears” (EA pages 3-3 and 3-4) have been adversely affected by ongoing guided and unguided hunting in the past 30 years.

Alternative A (*No Action and Environmentally Preferable Alternative*) was not selected because it would result in the termination of guided hunting services within the Preserve, which have occurred both before and after the passage of ANILCA in 1980. Alternative A would eliminate

the opportunity for nonresident U.S. citizens and foreigners to hunt brown bear and other big game species in the preserve.

SIGNIFICANCE CRITERIA

The preferred alternative will not have a significant effect on the human environment. This conclusion is based on the following examination of the significance criteria defined in 40 CFR Section 1508.27.”

(1) Impacts that may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that on balance the effect will be beneficial.

The EA evaluated the effects of Alternatives A through C on wildlife (brown bear, moose, and caribou), subsistence uses, recreational uses, and local and regional economies. As documented in the EA the effects of the selected alternative would be mostly minor and adverse or beneficial, depending on the impact topic. There would be no significant restriction of ANILCA Title VIII subsistence uses.

(2) The degree to which the proposed action affects public health or safety.

Authorizing guided sport hunting in two revised more equitably sized guide areas would not likely result in any change with regard to public safety and hunting practices in the Preserve. Because sport hunting seasons are mostly at times when sport fishing and bear-viewing do not occur in the area, safety concerns for other recreational users in the area are not expected.

(3) Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetland, wild and scenic rivers, or ecologically critical areas.

No known important historic or cultural sites and ecologically critical areas would be adversely affected from ongoing guided sport hunting in the Preserve. A portion of the Katmai Wilderness occurs in the southwest part of the Preserve Sport hunting is a consistent purpose and use of the Preserve.

(4) The degree to which effects on the quality of the human environment are likely to be highly controversial.

The guided hunting concession contracts are not expected to have a measureable effect on the quality of the human environment because guided sport hunting has occurred for decades in the Preserve area up until the present time with no apparent adverse effects on the resources and values for which the area was established. Some parties expressed concern that guided sport hunting would adversely affect “high concentrations of brown bears” in the Preserve pursuant to ANILCA section 202(2), but biological data show that brown bear numbers and concentrations have increased in recent years, most probably due to large runs of salmon.

(5) The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.

The effects of the selected alternative do not involve unique or unknown risks.

(6) The degree to which the action may establish a precedent of future actions with significant effects or represents a decision in principle about a future consideration.

Some parties expressed concern that this action could set a precedent for other NPS areas in Alaska. Sport hunting in national preserves in Alaska is authorized pursuant to ANILCA Sections 203 and 1313 and guided and unguided sport hunting have occurred in this area since the Act passed and prior to the area's establishment.

(7) Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts.

Subsistence and unguided sport hunting also occur in the Preserve; however, subsistence take of brown bears in the Preserve is very low to nonexistent, and the take of brown bears by unguided sport hunters tends to be about 30% of the total take in the area. The guided sport hunter take of moose in the Preserve has been low (0-4 moose/year) and is expected to be even lower if a guide concession in the expanded Sugarloaf Guide area has potential to guide more clients for brown bears. The ongoing harvest of brown bears by guided hunters and a slightly reduced harvest of moose could result in slightly more moose available for local rural residents. The subsistence and unguided sport hunter take of caribou is very low at present and is not expected to become viable until caribou return to the area in great numbers. The cumulative effect of guided sport hunting take on caribou is expected to be negligible because caribou generally occur in large migratory herds. The overall effect of guided hunting on wildlife populations in the Katmai National Preserve area in addition to hunting by unguided sport and subsistence hunters is expected to be minor.

(8) The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.

The selected alternative would not adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places.

(9) The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.

The selected alternative would not adversely affect an endangered or threatened species or its habitat.

(10) Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.

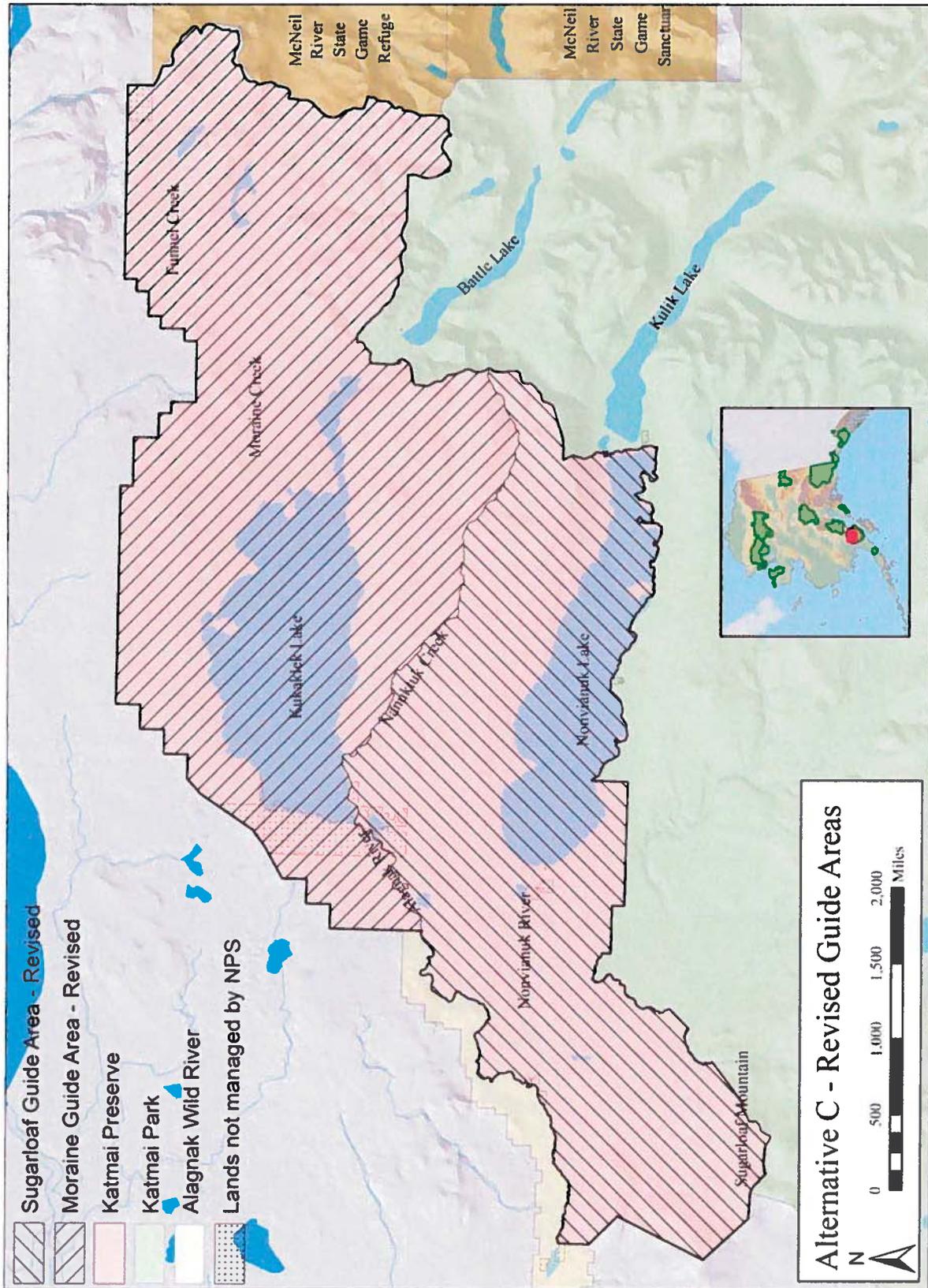
The selected alternative would not violate any Federal, State, or local law.

FINDINGS

The levels of adverse impacts to park resources anticipated from the selected alternative will not result in an impairment of Alaska NPS area resources that fulfill specific purposes identified in the establishing legislation or that are essential to the natural or cultural integrity of the Katmai National Preserve (Appendix B).

The selected alternative complies with the Endangered Species Act, the National Historic Preservation Act, and Executive Orders 11988 and 11990. There will be no significant restriction of subsistence uses as documented by the Alaska National Interest Lands Conservation Act, Title VIII, Section 810(a) Summary Evaluation and Findings.

The National Park Service has determined that the selected alternative does not constitute a major federal action significantly affecting the quality of the human environment. Therefore, in accordance with the National Environmental Policy Act of 1969 and regulations of the Council on Environmental Quality (40 CFR 1508.9), an environmental impact statement is not needed and will not be prepared for this project.



1 | FONSI for Hunting Guide Concessions EA – Katmai National Preserve, Alaska



IN REPLY REFER TO:

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Togiak National Wildlife Refuge
P.O. Box 270
Dillingham, Alaska 99576
Phone 907-842-1063
Fax 907-842-5402

INFORMATION BULLETIN - September 2012

The Roles of Alder and Salmon in Driving Aquatic Productivity Contact: Pat Walsh

In 2010, Togiak Refuge, the University of Illinois, the University of Washington, and ADF&G began a 4-year project to determine the relative role of salmon and alder in controlling productivity in lakes. Both salmon and alder contribute nutrients to lakes: salmon do so via decomposition of carcasses after spawning, and alder does so through nitrifying the soil, and by mobilizing soil nutrients which would otherwise be biologically inaccessible. This project will measure the contribution of nutrients from both sources by analyzing water samples from thirteen Refuge lakes over a four year period. The information that will come from this project will help salmon managers better understand the ecological consequences of harvest. Since 2010, we have installed water quality and quantity monitoring equipment at 13 lakes on Togiak Refuge. We collected and processed water samples in summer and fall 2010, 2011, and 2012 and have begun laboratory analysis for a battery of biological and chemical attributes. We monitored stream discharge in summer and fall at 26 streams entering the study lakes in order to estimate lake water budgets. We performed aerial sockeye salmon surveys at all study lakes and estimated run size in each. We have begun updating an existing landcover map to refine our estimate of alder cover in the study area. A progress report is available.

Cooperative Salmon Escapement Monitoring Projects Contact: Mark Lisac

In 2012 Togiak Refuge provided support to the Native Village of Kwinhagak (NVK) and ADF&G to operate salmon escapement monitoring projects (weirs) on the Kanektok (KRW) and Middle Fork Goodnews Rivers (MFGRW).

On the Middle Fork Goodnews River, ADF&G has monitored Chinook, chum and sockeye salmon escapement since 1980. Escapement goals and management of the commercial fishery are based on salmon escapement at the weir. Togiak Refuge has worked with ADF&G since 1992 to include the coho salmon and Dolly Varden runs in the project operation. ADF&G, Togiak Refuge and the Office of Subsistence Management (OSM) fund the project operation. This weir project also uses an underwater video system which allows the weir to be opened to salmon passage more hours a day. Use of motion sensors and digital recording video can improve fish counting accuracy, especially during periods of high water and poor visibility. The MFGRW was fish tight on 29 June and will continue operation until late September 2012.

On the Kanektok River, ADF&G, NVK and Togiak Refuge worked cooperatively to monitor salmon and Dolly Varden runs since 2001. This project is currently funded by OSM and Coastal Villages Region Fund. Escapement goal ranges have not been established for the Kanektok River because the weir has not been operational for enough years. This weir has operated from 5 July.

Preliminary escapement counts to 29 August (MFGRW) and 15 August (KRW) 2012 are:

	Chinook	Sockeye	Chum	Coho	Pink	Dolly V.
MFGRW	400	26,913	6,826	8,563	6,120	789
KRW	1,475	69,313	20,086	4,246	62,141	20,347

Rainbow Trout Population Identification Contact: Pat Walsh

Togiak Refuge, ADF&G Sport Fish, and the Conservation Genetics Laboratory are working together to inventory populations and determine the genetic relationships between populations of rainbow trout throughout Togiak Refuge. Archived genetic material collected from previous investigations were inventoried and assessed for suitability in the current study. A collection plan for unsampled populations was completed and new tissue collections began in the Goodnews, Kanektok, Igushik, Snake, and Wood River watersheds in summer 2009. Collections continued in Ice Creek and the Osviak River in 2012. It is anticipated that this project will occur through 2014. A progress report is available.

Chinook Salmon Escapement In The Togiak River Watershed Using Radio Telemetry Contact:

Theresa Tanner (Anchorage Fish & Wildlife Field Office)

In 2012 the Anchorage Fish and Wildlife Field Office completed the final year of a five year study to determine Chinook salmon run timing, distribution and abundance in the Togiak River watershed. Chinook salmon were captured and implanted with esophageal radio transmitters, and additional fish were marked with a brightly colored spaghetti tag in the lower river. Movements and final spawning destinations of radio tagged Chinook salmon was documented using seven fixed data-logging receiver stations and a combination of intensive aerial and boat tracking surveys. The known number of Chinook salmon past the Gechiak River weir will be used to extrapolate an escapement estimate for the entire Togiak drainage. This project is currently funded by OSM through 2012. Fishers are asked to contact the Refuge office if they recover any radio tags.

Mulchatna Caribou Contact: Andy Aderman

Togiak Refuge assisted ADF&G with telemetry monitoring flights, radiocollar deployment, satellite data acquisition, data entry and database management. Primary calving areas in 2012 were near Lime Village (Unit 19A) and the mid-Nushagak River area (Unit 17C) similar to the past several years. Caribou were also observed calving in the southern Kilbuck Mountains (Unit 18). A photocensus was attempted on July 6 in the eastern portion of the range, and on July 7 in the west. A composition survey is planned for early October 2012.

Nushagak Peninsula Caribou Contact: Andy Aderman

Eighty-six caribou were reported harvested during the 2011-2012 hunting seasons. This was the third highest harvest since hunting began on this herd in 1995. Radio collars were deployed on five short-yearling females in early April. During late May 2012, 21 of 25 (84.0%) radiocollared caribou produced a calf. A photocensus conducted on July 7, 2012 found a minimum of 902 caribou. A similar effort in 2011 found a minimum of 859 caribou. Ten caribou permits each were made available in Manokotak, Dillingham, and Aleknagik for the fall hunt. Five caribou have been reported harvested as of September 5. A composition survey is planned for early October 2012.

Wolf Predation on Nushagak Peninsula Caribou Contact: Pat Walsh

Using radio telemetry, Togiak Refuge and ADF&G are investigating the seasonality and duration of wolf use of the Nushagak Peninsula, in order to assess whether predation is a likely factor in driving population dynamics of Nushagak Peninsula caribou. From 2007 through 2011, we placed GPS radio transmitters on wolves from two packs located within 30 km of the Nushagak Peninsula. Collars were programmed to record locations every three hours. Tracking flights have been flown monthly to locate

wolves and to download location data from the GPS collars. One of the two packs used the Nushagak Peninsula approximately 36% of the year, spending less than 10% of its time on the Peninsula during winter months, and up to 70% during late summer. Since 2008, wolf use of the Nushagak Peninsula increased steadily, although overall wolf numbers remained relatively constant. During this same time, the Nushagak Peninsula caribou population increased from an estimated 579 to 859. We tentatively conclude that wolf predation has not been the primary population driver for this caribou herd during the years of this study, but that the wolf population has responded to increased caribou abundance by shifting the amount of time it spends on the Peninsula. This study continued through spring 2012, at which time collars were removed from wolves. A final report will be prepared in 2013.

Moose Contact: Andy Aderman

Moose surveys during Mar 14-15, 2012 found 0 moose in the Arolik River drainage; 17 moose in the Kanektok River drainage; and 205 moose in the Goodnews River drainage. Radio collars were deployed on 15 short-yearling females in early April. In May 2012, 22 of 25 radiocollared cows produced a minimum of 35 calves, or 140 calves:100 cows. Twinning rate was 59%. For the first time since hunting was reinstated in 1997, there were no aircraft access restrictions for the GMU 17A fall hunt.

Walrus Contact: Michael Winfree

Togiak National Wildlife Refuge monitored Pacific walrus haulouts located at Cape Peirce and Hagemeister Island in 2011-2012. Remote cameras, which take a photo every hour, were installed on haulout beaches at Cape Peirce in 2010 and on Hagemeister Island in 2011. Furthermore, Togiak Refuge worked with Alaska Peninsula/Becharof National Wildlife Refuge and ADF&G to install cameras at Cape Seniavin and Round Island.

There were 15 haulout events documented at Cape Peirce from October 2011-June 2012. No walrus were documented at Cape Peirce from December 24, 2011 through June 2, 2012. The first haulout of 2012 occurred on June 3, 2012. The peak number of walrus hauled out at Cape Peirce was 486 animals on November 17, 2011. Cameras at Hagemeister Island documented 18 haulout events from June 2011-June 2012. The peak count of walrus using the Hagemeister Island haulout was 568 walrus on September 8, 2011.

Cliff-falling mortality events have been documented at Cape Peirce in 1994-1996, 2005, and 2006-2009. Since 2005, these events have coincided with the increased haulout use late in the fall. One factor causing this is erosion of sand dunes that once acted as a barrier between the haulout and the bluff. Walrus travel up the eroded sand dune and are exposed to cliff ledges. A high-tensile electric fence was constructed across the dune to prevent walrus from accessing the bluff in 2010, and for the second consecutive year zero walrus died at Cape Peirce due to falling off the cliff. Thus, we tentatively accept that the fence is working effectively.

Seabirds Contact: Michael Swaim

Togiak National Wildlife Refuge has monitored seabird populations at Cape Peirce since 1980, making this one of the longest continuously studied seabird colonies in the state of Alaska. During this period, pelagic cormorant populations remained relatively constant, while black-legged kittiwakes and common murre populations both declined.

Eelgrass Monitoring Contact: Michael Swaim

Togiak Refuge has worked with the USGS Alaska Science Center to map and inventory 23 eelgrass beds on the refuge since 2007. Work in 2012 was focused on the reacquisition of aerial imagery in Goodnews Bay and Togiak Bay so these sites could be more accurately mapped.

Water Temperature Monitoring Contact: Michael Swaim

Water temperature has been monitored on 18 streams within the refuge since 1990. We plan to continue monitoring water temperature indefinitely, since these data provide important baseline information that is used by a variety of other biological and climate-related studies.

Quantifying River Discharge Contact: Michael Winfree

Togiak Refuge and the USFWS Water Resources Branch have worked cooperatively since 1999 to acquire baseline hydrologic data of the flow regime (magnitude, duration, timing, frequency, and rate of change) and water quality. A network of stream discharge gages collected stream flow data from 1999-2005 at 20 locations. A subset of five of these stations continued to collect data through fall 2009, after which three of the five stations were removed. We will continue indefinitely to monitor discharge in the Togiak and Kulukak Rivers. Each gage is instrumented with pressure sensors that measure water level every 15 minutes. Five discharge measurements occurred at each site from October 1, 2011 through September 2012.

Salmon River Water Quality Contact: Michael Winfree

The Salmon River drainage, just south of Platinum, has been the site of a placer mine since the 1930's. Major production by the Goodnews Bay Mining Company stopped in 1976. The mine was sold to Hanson Industries in 1980, who in turn sold it to XS Platinum in 2007. In the summer of 2009, re-mining of the old tailings began. In September 2009, Togiak Refuge installed a continuous water-quality gage on the Salmon River. The gage monitors pH, turbidity, specific conductivity, dissolved oxygen, temperature, and depth. The gage runs continuously, taking a reading every 15 minutes. Baseline value estimates from April 1, 2010 through February 29, 2012 were: temperature = 2.4°C, specific conductivity = 78 μ S/cm at 25°C, pH=7.3, turbidity=4.6 NTU, dissolved oxygen= 12.9 mg/L. Baseline values will be further refined with the collection of more data.

Education and Outreach Contact: Terry Fuller

Togiak Refuge has an active education and outreach program including the Migratory Bird Calendar (a Togiak entrant was the state-wide grand prize poster winner) and Junior Duck Stamp contests; National Wildlife Refuge Week; career fairs; production of Bristol Bay Field Notes (aired twice times weekly @ 10 minutes per episode on KDLG); and numerous classroom presentations in 12 villages in the Southwest Region, Lower Kuskokwim, and Dillingham City school districts. Field trips with area students for the 2010-2011 school year included bird walks, animal tracks and ID, archery, salmon life cycles, aquatic resources and bear safety. The refuge website is also a valuable education tool and is available at <http://togiak.fws.gov>. Also, the refuge partners with others to conduct three environmental education camps described below:

Southwest Alaska Science Academy Contact: Terry Fuller

This past July, Togiak Refuge helped with the 11th year of a summer camp aimed at teaching middle and high school students about fisheries science and the importance of salmon to our ecosystem. Students were selected from the Bristol Bay region. During the camp students worked in the field alongside fisheries professionals. Cooperators with the refuge on this project included the Bristol Bay Economic Development Corporation, Bristol Bay Science and Research Institute, University of Alaska, University of Washington School of Fisheries, the Dillingham City and Southwest Region school districts, and the Alaska Department of Fish and Game.

Cape Peirce Marine Science and Yup'ik Culture Camp Contact: Terry Fuller

Togiak Refuge holds a junior high Science camp at Cape Peirce that is designed to educate area students about seabirds, marine mammals and how field studies are conducted. It also introduces them to a variety of outdoor resource related topics and activities.

Due to poor weather conditions (and two attempts to get to Cape Peirce), the camp was abruptly moved to an alternate location (Lake Nunavaugaluk) during 2012. Some of the activities that the students participated in included wilderness survival skills (water, fire, shelter, first aid), catch and release angling, archery, identification of aquatic organisms and canoeing. Other topics that were discussed included Leave No Trace camping practices, bear safety, stewardship and careers with the USFWS. Traditional councils and school districts from throughout western Bristol Bay are cooperators with this camp.

Summer Outdoor Skills and River Ecology Float Camp Contact: Terry Fuller

The 2012 Float Camp took place on the Pungokepuk and Togiak Rivers. Students learned about river ecosystems and how to enjoy them safely and responsibly while taking part in a float trip. Students observed and learned about the many fish, wildlife and plant species found on refuge rivers and streams. Rafting skills, water safety, different angling methods (Catch and Release), Leave No Trace camping practices and bear safety were topics during the trip. Students also participated in other outdoor activities such as outdoor survival skills, identification of juvenile salmonid species and archery. Other topics of discussion included bear safety, Leave No Trace camping practices and careers with the USFWS. On this particular camp students were also able to assist refuge staff with data collection for a water temperature project. This camp helped students understand the biological diversity of riparian ecosystems and the importance of salmon as a nutrient source, while developing a deeper sense of stewardship for local natural resources. Traditional councils and school districts from western Bristol Bay are cooperators in this camp.

River Ranger Program Contact: Allen Miller

The Refuge River Ranger Program was conceived during the public use management planning process and was first implemented in 1991. The program serves many purposes. River Rangers are the main contact source for sport fishermen and local residents. Information distributed to the public includes Service policies, regulations, resource management practices, State sport fish regulations, bear safety, wilderness ethics, Leave-No-Trace camping, and information about private lands to prevent trespass. Rangers document public use occurring on the river along with the location and timing of activities, conflicts between users, and sport fish catch/harvest per unit effort. Rangers also assist Refuge and ADF&G staff at the Kanektok River and Middle Fork Goodnews River weirs, and assist Refuge staff with biological studies. In addition, Rangers patrol campsites for litter, monitor compliance of sport fishing guides, and offer assistance as needed.

Two River Rangers were stationed in the village of Togiak during summer 2012 and patrolled the Togiak River several times each week. One River Ranger was also stationed in Quinhagak and patrolled the Kanektok River. All three rangers were residents of the villages where they were assigned. Two River Rangers stationed out of Dillingham patrolled the north and middle forks of the Goodnews River, and the Kanektok River using inflatable kayaks. Use of kayaks allowed rangers to access the entire length of the Kanektok and Goodnews rivers, which are inaccessible to power boats during most water levels.

BUREAU OF LAND MANAGEMENT
Hunting Guide Capacity Environmental Assessment

The Bureau of Land Management (BLM) Alaska State Office, in cooperation with its District and Field Offices, has begun a process to address commercial hunting guide Special Recreation Permit capacities for BLM public lands in Alaska. The BLM has received public interest and a range of comments on social issues and user conflicts with commercial hunting guides. To address these conflicts, the BLM proposes to complete a statewide hunting guide capacity analysis, through an environmental assessment (EA), to determine the allocation of Special Recreation Permits (SRP) for each Guide Use Area on BLM public lands in Alaska.

The goal of this analysis is to determine the number of guide permits the BLM will issue that allows guides to operate concessions on BLM managed lands. This analysis is not being undertaken to allocate the number of clients served or the number of animals taken. It will simply assign a maximum number of Special Recreation Permits that will be issued for any Guide Use Area which includes BLM managed lands. This analysis will determine the proper allocation of commercial hunting guide permits per Guide Use Area based on user conflicts and social issues associated with commercial hunting guides. These social issues are anticipated to drive the scope of the EA, including the affected environment, the identification of alternatives, the analysis of impacts, and subsequent decisions.

Receiving detailed comments regarding user conflicts (or the lack thereof) related to commercial hunting guides in specific Guide Use Areas will be helpful in completing this analysis. You may submit comments in writing to the BLM the methods listed in the Comment section below.

The initial 60 day scoping period for this project ended September 9, 2012. However, as the range of alternatives are being developed over the next several months, the BLM encourages and welcomes additional comments regarding both the guide capacity study and issues regarding guiding concessions on BLM managed lands in Alaska. Additional opportunities for public participation and consultation will be announced when the draft environmental assessment is ready for public review.

Comments may be submitted by any of the following methods:

Email: BLM_AK_Hunt_Guide_Capacity_Study@blm.gov
Fax: (907) 271-5479. Attn: GUA Comments
Mail: BLM Alaska State Office,
Attn: Hunting Guide Capacity Comments
BLM Alaska, 222 West 7th Avenue, Suite 13
Anchorage, AK 99513

FOR FURTHER INFORMATION CONTACT: For information and/or to have your name added to the mail list, contact Bill Overbaugh, at (907) 271-5508.

Thank you for your interest in Alaska's public lands.

AVCP

ASSOCIATION OF VILLAGE COUNCIL PRESIDENTS
P.O. BOX 219 • BETHEL, ALASKA 99559 • PHONE 543-3521

48TH ANNUAL CONVENTION
BETHEL, ALASKA OCTOBER 3-5, 2012

DRAFT

RESOLUTION 12-10-[CLICK HERE AND TYPE #]

TITLE: Requesting the western population of the Mulchatna Caribou Herd remain “open” to federally qualified users only.

WHEREAS The Association of Village Council Presidents, Inc. (AVCP) is the recognized tribal organization and non-profit Alaska Native regional corporation for its fifty-six member indigenous Native villages within Western Alaska and supports the endeavors of its member villages; and

WHEREAS AVCP fully supports its member villages in all aspects of their self-determination, health and well-being; and

WHEREAS Caribou from the Mulchatna Caribou Herd (MCH) is an important subsistence food source for many people in the Lower Kuskokwim area and Unit 18; and

WHEREAS The MCH experienced an increase to 220,000 animals in 1996; and

WHEREAS After the substantial increase in 1996, the MCH population fell to \leq 30,000 animals today; and

WHEREAS The bull:cow ratio, as of June 30, 2008, was 23:100 cows and at the height of the MCH population in 1996 was 42.4:100 cows; and

WHEREAS Currently, the Alaska Department of Fish & Game, Wildlife Conservation Division, is concerned about the decrease of large bulls which was at 11.3% in 2008 compared to 24% in 1996; and

WHEREAS In 2008, 72.1% of the MCH were cows and in 1996, 56.6% of the MCH were cows; and

WHEREAS The decline of large breeder bulls is a concern for the subsistence hunters of Unit 18 due to their importance in the reproduction, recovery and continued viability of the MCH; and

WHEREAS The current population objective set the Alaska Department of Fish & Game is 100,000 to 150,000 animals; and

WHEREAS The subsistence hunt by Unit 18 residents is likely random (not selective for large bulls) and most hunts occur in winter or spring; and

WHEREAS Non-local resident hunts are likely targeting large bulls in September; and

NOW THEREFORE BE IT RESOLVED THAT the delegates assembled at the 48th annual convention of the Association of Village Council Presidents direct the AVCP administration to seek the closure of hunting to non-local residents for the MCH and advocate for restricting the hunt to federally qualified users, only; and

BE IT FURTHER RESOLVED THAT; the hunt by the federally qualified users be conducted through a federal registration hunt; and

ADOPTED by the Association of Village Council Presidents during its forty-eighth annual convention held at Bethel, Alaska, this 4th day of October, 2012 with a duly constituted quorum of delegates.

CERTIFIED:

Raymond Watson, Chairman

Myron Naneng, President

DRAFT

Winter 2013 Regional Advisory Council Meeting Calendar

February–March 2013 current as of 10/02/12

Meeting dates and locations are subject to change.

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Feb. 10	Feb. 11 <i>Window Opens</i>	Feb. 12 BB—Naknek SP—Nome	Feb. 13	Feb. 14	Feb. 15	Feb. 16
Feb. 17	Feb. 18 HOLIDAY	Feb. 19	Feb. 20 SC—TBA EI—Tok	Feb. 21	Feb. 22	Feb. 23
Feb. 24	Feb. 25	Feb. 26 NS—Barrow	Feb. 27 YKD—Bethel	Feb. 28	Mar. 1	Mar. 2
Mar. 3	Mar. 4	Mar. 5 NWA—Kotzebue WI—Galena	Mar. 6	Mar. 7	Mar. 8	Mar. 9
Mar. 10	Mar. 11	Mar. 12 SE—Ketchikan	Mar. 13	Mar. 14	Mar. 15	Mar. 16
Mar. 17	Mar. 18	Mar. 19	Mar. 20	Mar. 21	Mar. 22 <i>Window Closes</i>	Mar. 23
Mar. 24	Mar. 25	Mar. 26 K/A—Old Harbor/Kodiak	Mar. 27	Mar. 28	Mar. 29	Mar. 30

Fall 2013 Regional Advisory Council Meeting Calendar

August–October 2013 current as of 10/02/12

Meeting dates and locations are subject to change.

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Aug. 18	Aug. 19 WINDOW OPENS	Aug. 20	Aug. 21	Aug. 22	Aug. 23	Aug. 24
	NS—Barrow		NWA—Kiana			
Aug. 25	Aug. 26	Aug. 27	Aug. 28	Aug. 29	Aug. 30	Aug. 31
Sept. 1	Sept. 2 HOLIDAY	Sept. 3	Sept. 4	Sept. 5	Sept. 6	Sept. 7
Sept. 8	Sept. 9	Sept. 10	Sept. 11	Sept. 12	Sept. 13	Sept. 14
Sept. 15	Sept. 16	Sept. 17	Sept. 18	Sept. 19	Sept. 20	Sept. 21
Sept. 22	Sept. 23	Sept. 24	Sept. 25	Sept. 26	Sept. 27	Sept. 28
		SE—Petersburg				
		KA—King Cove/ Cold Bay				
Sept. 29	Sept. 30 END OF FY2013	Oct. 1	Oct. 2	Oct. 3	Oct. 4	Oct. 5
Oct. 6	Oct. 7	Oct. 8	Oct. 9	Oct. 10	Oct. 11 WINDOW CLOSES	Oct. 12