

# **BRISTOL BAY Subsistence Regional Advisory Council**



Carl Johnson

*Salmon strips in a smokehouse in Naknek.*

## **Meeting Materials**

March 28, 2012

Naknek

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**BRISTOL BAY SUBSISTENCE REGIONAL ADVISORY COUNCIL**

Naknek, Alaska

Bristol Bay Borough Chambers

March 28, 2012

11:00 a.m. – 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.

- 1. **Call to Order** (*Chair*)
- 2. **Roll Call and Establish Quorum** (*Secretary/Coordinator*) ..... 3
- 3. **Welcome and Introductions** (*Chair*)
- 4. **Review and Adopt Agenda** (*Chair*)..... 1
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  - A. Chair (*DFO*)
  - B. Vice Chair (*New Chair*)
  - C. Secretary (*New Chair*)
- 6. **Review and Approve Previous Meeting Minutes** (*Chair*)..... 4
- 7. **Reports**
  - A. Council Member Reports
  - B. Chair’s Report
  - C. 805(c) Report (*Chair*)
- 8. **Tribal Consultation**
- 9. **Regulatory Proposals**
  - A. Call for proposals to change Federal subsistence fish/shellfish regulations – deadline March 30, 2012
- 10. **Old Business** (*Chair*)
  - A. Review and Finalize Draft 2011 Annual Report
  - B. Review of Draft Tribal Consultation Policy ..... 12
  - C. Environmental Assessment on Collection of Antlers in Park Lands (NPS) ..... 28
- 11. **New Business** (*Chair*)

*Agenda*

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A. Confirm date and location of fall 2012 meeting	
B. Select date and location for winter 2013 meeting	
<b>14. Closing Comments</b>	
<b>15. Adjourn (<i>Chair</i>)</b>	

To teleconference into this meeting, dial: 1-866-560-5984, the passcode is 12960066.

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 the Office of Subsistence Management.

## REGION 4—Bristol Bay Regional Advisory Council

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

## MINUTES

### Bristol Bay Subsistence Regional Advisory Council

October 12-13, 2011

City Hall Council Chambers

Dillingham, Alaska

#### Call to Order

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

#### Roll Call and Establish Quorum

Council members present: Nanci Morris Lyon, Alvin Boskofsky, Molly Chythlook, Dan Dunaway, Richard Wilson, Dan O'Hara.

Absent: Peter Abraham, Thomas Hedlund, Moses Toyukak and Dale Myers excused, members had prior commitments. Quorum established.

#### Welcome and Introductions

Madam Chair Chythlook welcomed guests and staff members.

#### Government Agency Employees

Donald Mike	U.S. FWS OSM
Pippa Kenner	U.S. FWS OSM
Chris McKee	U.S. FWS OSM
Steve Fried	U.S. FWS OSM
Bill Schaff	U.S. FWS Becharof/AP NWR
Ron Britton	U.S. FWS Becharof/AP NWR
Orville Lind	U.S. FWS Becharof/AP NWR
Tevis Underwood	U.S. FWS Togiak NWR
Andy Aderman	U.S. FWS Togiak NWR
Jean Gamache	NPS
Troy Hamon	NPS
Mary McBurney	NPS
Glenn Chen	BIA
Gene Virden	BIA
George Pappas	ADFG
Ted Krieg	ADFG

#### NGOs/Public

Verner Wilson                      World Wildlife Fund

#### Review and Adopt Meeting Agenda

Ms. Morris Lyon **moved** to adopt the meeting agenda, second called by Mr. Dunaway.

Discussion: The Council added agenda item H. Fisheries in the Bristol Bay region, Carol Ann Woody presentation in reference to the Pebble mine project. Insert moose biological report, agenda item 11. B. 1. in Unit 9 prior to addressing wildlife proposals.

Question called by Ms. Morris Lyon. Motion carries. Meeting agenda adopted.

### **Review and Adoption of minutes: March 09-10, 2010**

Mr. Dunaway **moved** to adopt the minutes, second by Ms. Morris Lyon. Discussion: No comments or questions on the minutes. Question called. Motion carries, minutes adopted.

### **Chair's Report**

The Council was briefed on the Federal Subsistence Boards 2010 annual report response.

Council comments:

**Council Member reports:** Council members provide oral reports on activities occurring within their communities. Ms. Chythlook reported that BBNA is participating in the State Board of Game meeting testifying on moose and caribou issues in Unit 9.

### **Administrative**

Additional materials were provided to the Council as supplement to the meeting that was not part of the meeting materials. 2010 draft annual report, agency reports from the refuge.

### **Open floor for public comments**

The public has the opportunity to comment on subsistence related issues throughout the meeting and other issues affecting subsistence uses.

Mr. Verner Wilson, WWF, provided an overview on issues that he will be presenting to the Council. Subject issues brought forward are permanent protection of Bristol Bay from offshore drilling, the NPFMC meeting in Nome to support a hardcap of chum salmon bycatch by the Pollock industry, and tribal consultation.

### **2010 Draft Annual Report**

The Council reviewed the draft 2010 Annual Report and provided modification and specific language for wolf and bear management in Unit 9. Specific language added, insert "what parameters would it take to initiate predator management and what are the criteria(s) that has to be met to initiate predator management" and insert language "maintain its increasing concern". Delete language "food in fish camps" and replace "Bristol Bay region with Unit 9". Mr. Dunaway **moved** to adopt the annual report with the changes. Second by Ms. Morris-Lyon. Motion carries.

### **Council Charter Review**

The regional council charters are effective for two years and must be renewed by the Secretaries by October 27 of odd-numbered years. The Council has the opportunity to review its charter on their fall meeting in even numbered years. The Council reviewed its charter and submitted its recommendation to the Board to consider.

### **6. Duties of RAC Item**

d. (1), **insert** "harvest needs"

(1) An identification of current and anticipated subsistence **harvest needs and** uses of fish and wildlife populations within the region.

**Insert** “sound” and “principles” in Item # 6. Duties of Council: d. (3)

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

**Insert** “harvest needs” in Item # 6. Duties of Council: f.

f. Make recommendations on determinations of customary and traditional **harvest needs and** use of subsistence resources.

**9. Membership:** **Insert** “harvest needs”

Ten members who are knowledgeable and experienced in matters relating to subsistence **harvest needs and** uses of fish and wildlife and who are residents of the region represented by the Council.

Mr. Dunaway **moved** to adopt the Council’s recommendation for the Board’s consideration. Second by Ms. Morris-Lyon. Motion carries.

**Wildlife Closure Review and Recommendation**

OSM reviews existing wildlife closures to determine whether original justifications for closures continue to apply and are reviewed every three years. ANILCA allows closures when necessary for the conservation of healthy populations of fish and wildlife. The Councils are consulted to consider OSM preliminary recommendations per Board policy on closures to hunting, trapping, and fishing on Federal Public Lands and Waters in Alaska.

Two closure reviews were presented by Mr. Tom Kron. WCR10-04, Unit 9C remainder and WCR10-06, Unit 9E caribou. The Federal Subsistence Board adopted a special action in August 2005 which temporarily closed Federal public lands in Units 9C remainder and 9E to the hunting of caribou. In April 2006, the Board adopted Proposal WP06-22 to close Federal public lands in Unit 9C remainder and 9E to the hunting of caribou. The Council’s recommendation in 2006 was to support the closure to caribou hunting to all users on Federal public lands.

OSM preliminary conclusion is to maintain status quo. Population surveys indicate the NAPCH has declined and hunting the herd would be detrimental to the population.

Mr. Bill Schaff, refuge manager, provided an update on the biological status of the herd and past survey results.

Ms. Morris-Lyon **moved** to support the OSM conclusion to maintain the closure. Second by Mr. Dunaway. Motion carries.

**Call for Wildlife Proposals**

The OSM announced the opening of wildlife proposals from the public and will be accepting wildlife proposal until the closing date of March 24, 2010.

**Salmon Bycatch in Groundfish Fisheries**

The North Pacific Fishery Management Council staff addressed the Council on salmon bycatch management measures. NPFMC staff present: Nicole Kimball and Diana Stram, fishery analysts; Eric Olson, current chair of the NPFMC; and Dave Benson, vice chair. Note: the NPFMC presentation is technical in nature. Please review the transcript for additional details.

Ms. Kimball presented an overview of the NPFMC actions and future plans of the NPFMC in addressing chum bycatch management measures. Ms. Diana Stram will present the current alternatives that will be before the NPFMC to consider.

The NPFMC will be meeting June 2011 in Nome to select a preliminary preferred alternative. The alternatives before the NPFMC are Alternative 1 to maintain status quo which retains the current program of the Chum Salmon Savings Area closures triggered by separate non-CDQ and CD caps. Alternative 2, Hard Cap with four components for consideration. Alternative 3 to Trigger Closure which has 4 components to consider, and Alternative 4 a Closure with Rolling Hot Spot exemption, this alternative is similar to Alternative 1.

The NPFMC staff provided a powerpoint presentation with a hardcopy for Council members to use as reference of their presentation and a hardcopy of the alternatives listed, *Bering Sea non-Chinook (Chum) Salmon Bycatch Management Measures* (Revised Feb 2011).

The problem: salmon bycatch in the Pollock fisheries. The NPFMC policy goals are to reduce Chinook bycatch, provide incentives at vessel level, and provide opportunities for the Pollock fishery to catch quota. The NPFMC will meet in Nome to formally review the analysis and by Oct or Dec 2011 the NPFMC will develop its tentative final action.

Discussion follows. The RAC will present a formal resolution and position on the bycatch issue. An update of the winter moose hunt was provided for Unit 17A. Ten moose were harvested. Moose surveys for portions of Unit 17C and an area in Unit 18 is ongoing.

#### **Agency Reports**

Mr. Andy Aderman, Togiak NWR wildlife biologist, presented biological report on the Mulchatna and Nushagak Peninsula caribou herds. The report included composition of the populations and ongoing surveys.

Mr. Bill Schaff, Alaska Peninsula/Becharof NWR refuge manager, reported the 2010-11 Federal subsistence brown bear hunt in Unit 9E within the Alaska Peninsula and Becharof NWR. The hunt allows for one brown bear. No applicants for the hunt were issued during the season. Moose surveys and trend counts are being conducted. A total of 151 moose were counted. A new staff has been added to the refuge in an effort to maintain increased communication with area villages. The refuge has acquired funding for the Kanektok trail. A trail located between the historic village of Kanektok to the south end of Becharof Lake.

#### **Office of Subsistence Management**

A briefing statement was made available for the Councils reference on migratory birds issue. Discussion on duck stamps follows.

The Council coordinator provided an update on travel procedures for RAC travel.

Mr. Tom Kron, OSM, provided the Council with an update on the **Secretarial Program Review** to expand the FSB membership by two members, expand deference to RACs, review of the MOU, review of the C&T determination process, and review rural/nonrural process. The Council was referred to a table page 64 of the Meeting Materials, March 9-10, 2011 for their reference. The table outlines the next steps in the Program review and timeline of RAC involvement. The Federal Subsistence Board will review recommendations from the Council and public comments of the Program review on May 3, 2011 and pass its recommendation to the Secretary.

- **Expand FSB membership:** Mr. Dunaway **moved** to adopt the language outlined by the Proposed Federal Regulation to add two public members representing rural Alaskans to the FSB. Second called by Ms. Morris-Lyon. Motion carries.

Mr. Dunaway **moved** to recommend to the FSB to add alternates for the two seats and,  
- criteria/alternates include geographic location and extensive subsistence experience and knowledge and ability to participate in the public process  
- add language, two subsistence qualified users are seated at all times  
- candidate has ability to consult with RAC chairs during public meeting.

Second called by Ms. Morris-Lyon. Motion carries.

- **Deference to RACs:** Briefing provided. No action required. Deference provided for in ANILCA Section 805(c).
- **Review of the MOU:** The Secretary directed the FSB to review the MOU with the RACs and determine the need for the MOU or need for potential changes to clarify Federal authority in regard to the Federal Subsistence Program.

Mr. Dunaway **moved** to support the MOU with recommended language. The Council recommended additional language to the MOU.

II. Purposes. Insert language...*using the best scientific and cultural information and local traditional knowledge (TEK)*

Recommended language in heading III. Guiding Principles. recommendation to include language...*includes keeping an open mind to the possibility of and implementation of predator control when the conservation of a particular species is in peril.*

IV. The FSB and State of Alaska Mutually Agree: add...*and identify tribal as well as other local agency representatives.*

Second called by Ms. Morris-Lyon. Motion carries.

- **Review C&T Determination Process:** The FSB is seeking RAC input on the current C&T determination process. The Council commented that the BBRAC region has no issues with the process as it stands. The current process in place is working.
- **Review Rural/Nonrural Process:** Informational. The FSB will meet in April 6, 2011 in a work session to address the issue to assess whether or not in the State there would be a need for any adjustments in the rural determination process. RAC chairs are invited to attend.

### **FSB Executive Session Policy**

Mr. Tom Kron provided a briefing summary of the FSBs executive session policy. Informational item.

### **Tribal Consultation**

Mr. Tom Kron summarized the current Administration, and by Presidential Order, the importance of tribal consultation across the Federal government. The Board is formally initiating steps to

formally incorporate tribal consultation into the Federal Subsistence Management Program. The Board will hold a public meeting in January 2011 and invite tribes to provide comments on Federal fisheries proposals. Additionally, with the RAC participation, meet to discuss development of tribal consultation protocols for the overall Federal Subsistence Management Program. RAC discuss follows.

Public Testimony

Mr. Sky Starkey testified on the agenda item of Tribal Consultation. Mr. Starkey presented the Yukon Delta RAC resolution that they passed on tribal consultation and participation. The Council's resolution calls for tribal participation on the Board, a voting seat. On consultation, the resolution calls for the Board to contribute to a statewide meeting of tribal leaders to review all the issues and develop recommendations on how tribes think a meaningful tribal consultation should proceed.

Bycatch

Mr. Starkey presented the Yukon Delta RAC resolution on chum bycatch requesting the Board to develop a position that protects subsistence uses and to convey to the North Pacific Management Council on how they regulate bycatch. Similar resolution by the Council encouraged to be submitted. BBRAC discussion.

Ms. Morris-Lyon **moved** to adopt BBRAC resolution regarding chum bycatch in the Bering Sea Pollock Fishery be adopted by the Council. Second called by Mr. Wilson. Question called. Motion carries.

Discussion on Tribal Consultation. Additional opportunity to further comment on the issue will be discussed during the fall meeting of the council. Tribal consultation is an on-going process by the Board to incorporate as much input as possible. Discussion on the issue will be conveyed to the Board at its May 2011 meeting.

Public Testimony

Mr. Joe Klutch, King Salmon AK, testified to the Council on recent State Board of Game actions regarding predator management in Unit 17 and 9. Mr. Klutch appreciated the Council's Annual Report on predator population management.

Mr. Verner Wilson, World Wildlife Fund, addressed the Council and provided the Council with two resolutions for the Council to consider. Resolution requesting the Federal Subsistence Board to permanently protect Bristol Bay and its resources from offshore drilling and a resolution regarding the Pebble mine requesting that the EPA invoke it's .404(c) authority of the Clean Water Act.

Council discussion: The Council discussed the two issues and needed additional information and requested a formal presentation on the two issues to develop an informed decision before developing a position. The Council took no action and requested a formal presentation at its fall 2011 meeting.

Mr. Allen Asplund, Naknek, Ak, testified on the proposed rule to add two members to the current Federal Subsistence Board. Mr. Asplund commented that four members from Alaska should be added. Each representing the four corners of the State and emphasized that the seats should be representatives from rural indigenous candidates. Mr. Asplund also testified on proxy hunting and fishing for local elders. He commented that proxy permits should be available for fishing and harvesting eggs and other subsistence resources.

**Alaska Department of Fish & Game**

Mr. George Pappas updated the Council on recent State staffing.

**National Park Service**

Update on recent redfish management issues within Katmai National Park provided by the Council coordinator. Language on proposed regulatory language recommended by the subcommittee reviewed. The draft proposed regulatory language will be submitted to the State BOF as an Agenda Change Request for consideration to accept a Bristol Bay regional proposal out of cycle.

Mr. Dave Mills, Anchorage NPS, provided the Council a legislative history of red fish harvest in Katmai National Park.

Mr. Neal Labrie and Mr. Ralph Moore, KATM NPS, briefed the Council on management activities in regards to red fish harvest within the park and efforts to maintain the Katmai descendents list with tribal leaders in King Salmon and Naknek.

The Council, in an effort to allow harvest of red fish within the park and maintain the descendents list, Ms. Morris-Lyon **moved** to resolve the descendents list, method and means, and season and bag limits within Katmai National Park for the harvest of red fish, spawned out sockeye salmon, to the Federal Subsistence Board. Motion carries.

Subsistence Resource Commission: The National Park Service presented the Council on the status of the SRC membership for Aniakchak National Monument. The NPS recommended appointing Mr. Mark Kosbruk, Sr. from Port Heiden to fill a vacancy. Mr. Boskofsky **moved** to appoint Mr. Kosbruk, Sr. to the SRC. Second called by Ms. Morris-Lyon. Motion carries.

Mr. Troy Hamon, natural resource chief for Katmai National Park, briefed the Council on moose survey's in the park.

**Other Business**

**Unit 9 Registration Hunt**

The Council was briefed on the recent actions taken by the State Board of Game, the BOG changed Unit 9C and E to a registration hunt for moose.

**NPFMC meeting in Nome**

Madame Chair Chythlook will attend the meeting in Nome in June 2011 representing the Bristol Bay RAC.

**Time and Location of Next meeting**

The next meeting will be October 12-13, 2011 in Dillingham.

Winter meeting March 5-6, 2012 in Naknek, Ak.

Meeting adjourned.

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

\s\ Donald Mike

Donald Mike, DFO  
Regional Advisory Council Coordinator

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

Chair Signature:

## **Federal Subsistence Board DRAFT Tribal Consultation Policy**

Briefing Paper for Regional Advisory Council 2012 Winter Meetings

### ***Introduction***

The Federal Subsistence Board Workgroup for Tribal Consultation has been meeting, listening, consulting, and discussing the development of this policy since June, 2011. The group realizes the significance of this change – that is, the addition of Tribal Consultation - to the Federal Subsistence Management Program. All members of this workgroup have a strong sense of mission, and come to the table with a positive outlook for strengthening federal-tribal relations.

List of Workgroup members:

Della Trumble, Co-Chair, King Cove  
Crystal Leonetti, Co-Chair, US Fish & Wildlife Service  
John W. Andrew, Organized Village of Kwethluk  
Lillian Petershoare, US Forest Service  
Rosemary Ahtuanguaruak, Barrow/Nuiqsut  
Jean Gamache, National Park Service  
Nancy Swanton, National Park Service  
Shawna Larson, Native Village of Chickaloon  
Richard Peterson, Organized Village of Kasaan  
Pete Probasco/Andrea Medeiros, Office of Subsistence Management  
Brenda Takeshorse, Bureau of Land Management  
George Carlson Yaska, Jr., Huslia/Fairbanks  
Bobby Andrew, Native Village of Ekwok  
Glenn Chen/Pat Petrivelli, Bureau of Indian Affairs

### ***Steps Taken to Draft this Policy***

**May 2011 FSB Working Session** - Board assigned the task of writing a protocol to the workgroup. Workgroup was assembled with 7 Tribal and 7 Federal members.

**June 2011** – Workgroup met in Anchorage for 2 days, drafted an interim protocol to be used for the fall cycle of Regional Advisory Council meetings. A Tribal Co-chair was named.

**July 2011** – The Board, at its work session, adopted the two interim protocols – one for Tribes and one for ANCSA Corporations to be used during the fall cycle of Regional Advisory Council meetings for the wildlife proposals.

**July 26, 2011** – Separate letters were sent to Tribes and to ANCSA Corporations the Chair of the FSB regarding consultation on the 2012-2014 Wildlife Proposals and on the development of a long-term consultation protocol.

**August – October 2011** – 12 consultation teleconferences were held to consult on the 2012-2014 Wildlife Proposals. Although this was a first-time process, we are positive that there will be more attendance in the future and we will be doing more outreach to increase awareness of this type of

opportunity. There was a wonderful learning experience for both Tribes & ANCSA Corporations, *and* for federal staff. What we learned during these teleconferences helped us draft this policy.

**September 30, 2011** – A letter was sent to all Tribes inviting them to an in-person consultation in December, with a new draft version of the protocol.

**October 20, 2011** – A consultation with ANCSA Corporations and Tribes was held during the Alaska Federation of Natives annual convention here in Anchorage. It was well attended, and we gained more valuable insight at this meeting.

**December 1, 2011** – A consultation with Tribes was held during the BIA Tribal Service Providers Conference in Anchorage. It was attended by at least 300 people (my estimate) and we learned substantially more.

**December 6-8, 2011** – the workgroup met in Anchorage to consider all verbal and written direction we received from Tribes and ANCSA corporations.

### ***General Concepts of this Draft Policy***

1. The policy should be simple, general, and broad. This reflects the DOI policy. Since it does not prescribe a process on how to consult, we changed the name of it from "protocol" to "policy".
2. There is no need to regurgitate the Department-level policies since we need to follow those anyway. What we attempted with this new policy format, is to utilize the DOI and USDA policies as the base, and focus this policy on Federal Subsistence Management and its unique nature.
3. Keeping this policy simple, general, and broad allows the Board (and Tribes) to remain flexible and adapt to what makes sense for meaningful consultation based on the scope and issues being consulted about.
4. The DOI is drafting a "supplemental consultation policy for ANCSA corporations". The workgroup is mirroring this format, knowing that the DOI has had Department-level Solicitors in agreement on this approach.

### ***Themes of this Draft Policy***

- Training – For the Board, Staff, and Tribes and ANCSA Corporations
- Adaptability/Living Document – this document can change based on regular reviews and it allows us to adapt to varying situations.
- “How to” is not included here, but intended to be written after a final policy is adopted

### ***Next Steps and Timeline***

1) Further Board direction given to workgroup at the January Board meeting, changes are incorporated into the document in the RAC books.

- 2) Regional Advisory Councils will review and discuss the Policy and provide feedback through staff to the Working Group.
- 3) A letter from the Board to Tribes and Corporations will go out mid-February asking for feedback on the new draft policy.
- 4) Workgroup and Interagency Staff Committee to meet in April (via tele- or video conference) to incorporate any changes from RAC discussions or written feedback from Tribes/Corporations
- 5) Meet with Board members, whichever are available, to discuss new draft prior to the May FSB meeting - including in-depth discussion about implementation guidelines
- 6) Adopt policy at May FSB meeting
- 7) Finalize Implementation Guidelines

### ***Questions for Regional Advisory Councils***

- Do you feel this policy is going in the right direction? If not, why not?
- Is there anything else that the workgroup needs to consider?
- Do you feel that Tribes concerns from the consultations *have been* or *will be* meaningful to the Regional Advisory Council consideration on each topic?

*Thank you, Regional Advisory Councils, for your consideration of the Tribal Consultation Policy and any feedback that you might provide.*

1     *“Tribes and Alaska Native peoples have been this lands’ first conservationists and first multiple*  
2             *use land managers.” - Lillian Petershoare, Workgroup Member, USFS*

3

4

## Federal Subsistence Board

5

## Tribal Consultation Policy

6

7

Draft: 1/19/2012

8

### Preamble

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

16     The United States has a unique legal and political relationship with Indian tribal governments, which has  
17     been established through and confirmed by the Constitution of the United States, statutes, executive  
18     orders, judicial decisions and treaties. In recognition of that special relationship, and pursuant to  
19     direction given by the Secretaries of the Interior and Agriculture to implement Executive Order 13175 of  
20     November 2000, “Consultation and Coordination with Indian Tribal Governments”, and to meet the  
21     requirements of the Presidential Memorandum of November 5, 2009, “Subject: Tribal Consultation”, the  
22     Federal Subsistence Board (Board) is developing this Government-to-Government Tribal Consultation  
23     Protocol. This Policy affirms the Federal government’s responsibility to engage in regular and  
24     meaningful consultation and collaboration with Federally recognized Indian Tribes on matters that may  
25     have substantial effects on Alaska Tribes. This Policy also upholds the Congressional mandate to  
26     implement the provisions of the Alaska National Interest Lands Conservation Act (ANILCA) of 1990, P.L.  
27     66-487, which, with its implementing regulations, defines the roles and responsibilities of the  
28     Departments of the Interior and Agriculture in administering subsistence management of fish and  
29     wildlife on Federal public lands.

30     Government-to-government consultation undertaken through the Board’s process is a direct two-way  
31     communication conducted in good faith to secure meaningful participation in the decision-making  
32     process to the full extent allowed by law. The Board will take into consideration the Tribes’ concerns  
33     brought forth through the consultation process (as defined in this policy) before making its final  
34     decision(s).

1 Two Department level consultation policies provide the foundation for this policy. They are the  
2 Department of the Interior's *Policy on Consultation with Indian Tribes (2011)* and the Department of  
3 Agriculture's *2010 Action Plan for Consultation and Collaboration*. This policy is consistent with the  
4 Department-wide consultation policies, and it expands on them to apply consultation to the Federal  
5 subsistence management program.

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

## 8 Background

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

22 The Federal Subsistence Management Program regulations can be found in the Code of Federal  
23 Regulations (CFR) at 50 CFR 100 and 36 CFR 242. The regulations have four subparts. Subparts A and B  
24 are within the sole purview of the Secretaries of the Department of the Interior and Department of  
25 Agriculture. Responsibility and decisions relating to the provisions of Subparts C and D are delegated by  
26 the Secretaries to the Federal Subsistence Board. Subpart C contains Board Determinations, including  
27 rural and customary and traditional use determinations, while subpart D consists of the regulations for  
28 taking fish, wildlife and shellfish.

## 29 Goals

30 With respect to the Federal Subsistence Management Program:

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

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

4

5    

## Consultation

## 6       1. Communication

7       Information sharing between Tribes and the Board/Federal staff is encouraged to occur early  
 8       and often. Communication between the Federal agencies and Tribes will occur in a timely  
 9       manner to maximize opportunities to provide input to the Board’s decisions. For in-season  
 10      management decisions, formal consultation is not always possible, but 2-way communication  
 11      will take place prior to implementing those decisions. When issues are brought by Tribes which  
 12      the Board does not have jurisdiction, the Board and Federal staff will provide Tribes with contact  
 13      information for the correct state or Federal agency related to the issue, as well as provide the  
 14      relevant state or Federal agency the Tribe’s contact information. Information sharing will  
 15      include but is not limited to sharing of traditional knowledge, research and scientific data.

## 16      2. Roles and Responsibilities

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

22      3. Topics for consultation are listed under the definition for “Action with Tribal Implications”.  
 23      They may also include, but are not limited to:

- 24      • For regulations: (e.g., taking of fish, wildlife and shellfish - harvest amounts, methods  
 25      and means, cultural and educational permits and funerary/mortuary ceremonies;  
 26      emergency and temporary special actions; customary and traditional use  
 27      determinations and customary trade)
- 28      • Policies and guidance documents [[Note: this is consistent with page 3 “Definitions” of  
 29      DOI Policy “Departmental Action with Tribal Implication” and cite USDA policy here.](#)]
- 30      • Budget and priority planning development [[Note: this is consistent with page 16 USDA  
 31      Action Plan for Tribal Consultation and Collaboration \(Nov 2009\) and page 3  
 32      “Definitions” of DOI policy – “Departmental Action with Tribal Implication” – specifically  
 33      “operational activity”.](#)]
- 34      • Agreements (e.g. Cooperative Agreement, Memorandum of Understanding, Funding  
 35      Agreement)

36

## 37      4. Timing

1           Timing of consultation will need to be respectful to both the Federal subsistence management  
2           cycle and to Tribal timeframes for doing business. Implementing this policy includes providing  
3           early notification, methods of notice, availability of Federal analyses, time and place of Federal  
4           Subsistence Regional Advisory Council meetings and Board meetings. This is described further in  
5           Appendix “A: Federal Subsistence Consultation Implementation Guidelines”. A chart showing  
6           the Federal subsistence management cycle is in Appendix “B: Federal Subsistence Management  
7           Cycle.”

#### 8           5. Methods

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

16

### 17        Accountability and Reporting

18        The Board will monitor consultation effectiveness and report information to the Secretaries, pursuant to  
19        the Department of the Interior and Department of Agriculture policies. On an annual basis, the Board  
20        shall evaluate whether the policy has been implemented and is effective, including progress towards  
21        achieving the seven goals outlined in this policy. The Board will actively seek feedback from Tribes on  
22        the effectiveness of consultation, and the evaluation will reflect this feedback. The Board shall modify  
23        the consultation process to address needed enhancements, as identified through the annual review. The  
24        Board will provide Tribes an oral and written summary through the Board meeting process, of the  
25        evaluation and changes, if any. This will assist the Board in meeting its obligations to report annually to  
26        the Secretaries of the Department of the Interior and Department of Agriculture.

27

28

### 29        Training

30        The program will adhere to the Department of the Interior and Department of Agriculture consultation  
31        policies for training of Federal staff. The Board recognizes the unique traditional values, culture and  
32        knowledge Tribes bring to the process and shall incorporate Tribes into the training for the Board and  
33        staff. The Federal Subsistence Board will strive to accompany subsistence users to gain direct experience  
34        in traditional Alaska Native hunting and fishing activities. In addition, the program will offer Federal  
35        Subsistence Management training to Tribes. A list of possible venues to provide training is included in  
36        Appendix “C: Venues for Training.”

1

2 **Alaska Native Corporation Consultation**

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

5

6

7

8

9 Adopted by the Board on \_\_\_\_\_,

\_\_\_\_\_

10

Tim Towarak, Chair

11

cc: Secretary of the Interior

12

Secretary of Agriculture

13

Federally Recognized Tribes in Alaska

14

Federal Subsistence Board

15

Office of Subsistence Management

16

Interagency Staff Committee

17

State of Alaska, ADF&G Federal Liaison

## Definitions

1

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

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

6 ANCSA Corporations – As defined in 43 U.S.C. § 1606, those regional and village corporations formed by  
7 Congress through the Act to provide for the settlement of certain land claims of Alaska Natives, approved  
8 December 18, 1971, as amended.

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

15 Consultation – When the Federal government’s actions and decisions may affect Tribal interests, the process of  
16 effective and meaningful government to government communication and coordination between appropriate  
17 Federal agency(ies) and Tribes conducted prior to action being taken or implementing decisions that may affect  
18 Tribes.

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

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

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

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

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

1 Regional Advisory Councils – Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) provides a  
2 foundational role for the ten Regional Advisory Councils in the development of regulations guiding the taking of  
3 fish and wildlife on Federal public lands in Alaska. Council members, a majority of whom are rural subsistence  
4 users, are appointed by the Secretary. In making its regulatory decisions, the Board must follow the  
5 recommendations of the Regional Advisory Councils unless they are not supported by substantial evidence,  
6 violate recognized principles of fish and wildlife conservation, or would be detrimental to the satisfaction of  
7 subsistence needs (805(c) of ANILCA). Deference to the Councils ensures that rural residents have a meaningful  
8 role in the management of fish and wildlife and subsistence uses, as envisioned by Congress.

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

12

13

14

15 **List of Appendices and Supplements**

16 APPENDIX A: Federal Subsistence Consultation Implementation Guidelines

17 APPENDIX B: Federal Subsistence Management Cycle

18 APPENDIX C: Venues for FSMP Training

19 Supplemental Policy on Consultation with ANCSA Corporations

DRAFT FOR EDITING

**Federal Subsistence Board**  
**Alaska Native Claims Settlement Act (ANCSA) Corporation Consultation**  
**Policy**

***Supplement of the Federal Subsistence Board Tribal Consultation Policy***

*\*Note to reviewer: This supplemental policy for consultation with ANCSA corporations is adapted from the DOI DRAFT Policy on Consultation with Alaska Native Claims Settlement Act (ANCSA) Corporations. Where ANILCA or FSMP provisions required extra explanation for this policy, it was added and is indicated as additions in italics.*

**I. Preamble**

In compliance with Congressional direction, this Policy creates a framework for consulting with ANCSA Corporations. Pursuant to the Alaska Native Claims Settlement Act (ANCSA) of 1971, ANCSA Corporations were established to provide for the economic and social needs, including the health, education and welfare of their Native shareholders. Congress also required that “[t]he 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 Number 13175.” Pub. L. No. 108-199 as amended by Pub. L. No. 108-447.

The Federal Subsistence Board (Board) distinguishes the federal relationship to ANCSA Corporations from the Tribal government-to-government relationship enjoyed by any federally recognized Indian Tribe, and this Policy will not diminish in any way that relationship and the consultation obligations towards federally recognized Indian Tribes. Recognizing the

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distinction, the Board is committed to fulfilling its ANCSA Corporation consultation obligations by adhering to the framework described in this Policy.

*The Department of Interior is in the development stages of the Department-wide Policy on Consultation with ANCSA Corporations [this is slated to be finished in spring or summer 2012 – finalize this sentence at that time] and the U.S. Department of Agriculture has a policy in place for Consultation with Tribes and ANCSA Corporations. The Board will follow the Department-level policies; and for the purpose of Federal Subsistence Management, this policy further clarifies the Federal Subsistence Board’s responsibilities for consultation with ANCSA Corporations.*

## **II. Guiding Principles**

*The Alaska National Interest Lands Conservation Act (ANILCA) is a law that has a foundation built on conservation. ANILCA Section 802(3) provides direction for interactions with Alaska Native corporations: “except as otherwise provided by this Act or other Federal laws, Federal land managing agencies, in managing subsistence activities on the public lands and in protecting the continued viability of all wild renewable resources in Alaska, shall cooperate with adjacent landowners and land managers, including Native Corporations, appropriate State and Federal agencies and other nations.”*

## **IV. Policy**

*The Board will consult with ANCSA Corporations that own land within or adjacent to boundaries of federal conservation units in which that land or its resources may be affected by regulations enacted by the Board.*

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*ANCSA Corporations may also initiate consultation with the Board by contacting the Office of Subsistence Management Native Liaison.*

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### **Consultation Implementation Guidelines**

Guidelines for implementing the Board's policies for consultation with Tribes would provide details about how the policy would be carried out. It might best be developed by a work group comprised of a balanced number of Tribal leaders and Federal staff, similar to the approach taken in developing the consultation policy. It could be comprised of members different from or in addition to those who served on the consultation policy work group. For example, Federal staff on the work group might include representation from the Office of Subsistence Management, Interagency Staff Committee, agency Native Liaisons, local land managers and/or law enforcement. Tribal members of the consultation policy work group mentioned repeatedly that, currently, most consultation occurs with local land managers and local biologists, cultural resource professionals and/or subsistence specialists; thus, a voice from the field would be beneficial in drafting the guidelines. The work group would reflect the broad interests, knowledge and experiences of subsistence users and Federal land managers.

Ideas and suggestions raised during the development of the Tribal consultation policy, as well as experience and information gained through Tribal consultations and Federal staff input should be considered in drafting the implementation guidelines.

The format for the implementation guidelines could follow the format used for the consultation policy. Major headings would mirror those used for the policy:

Communication

Roles and Responsibilities

Timing

Methods

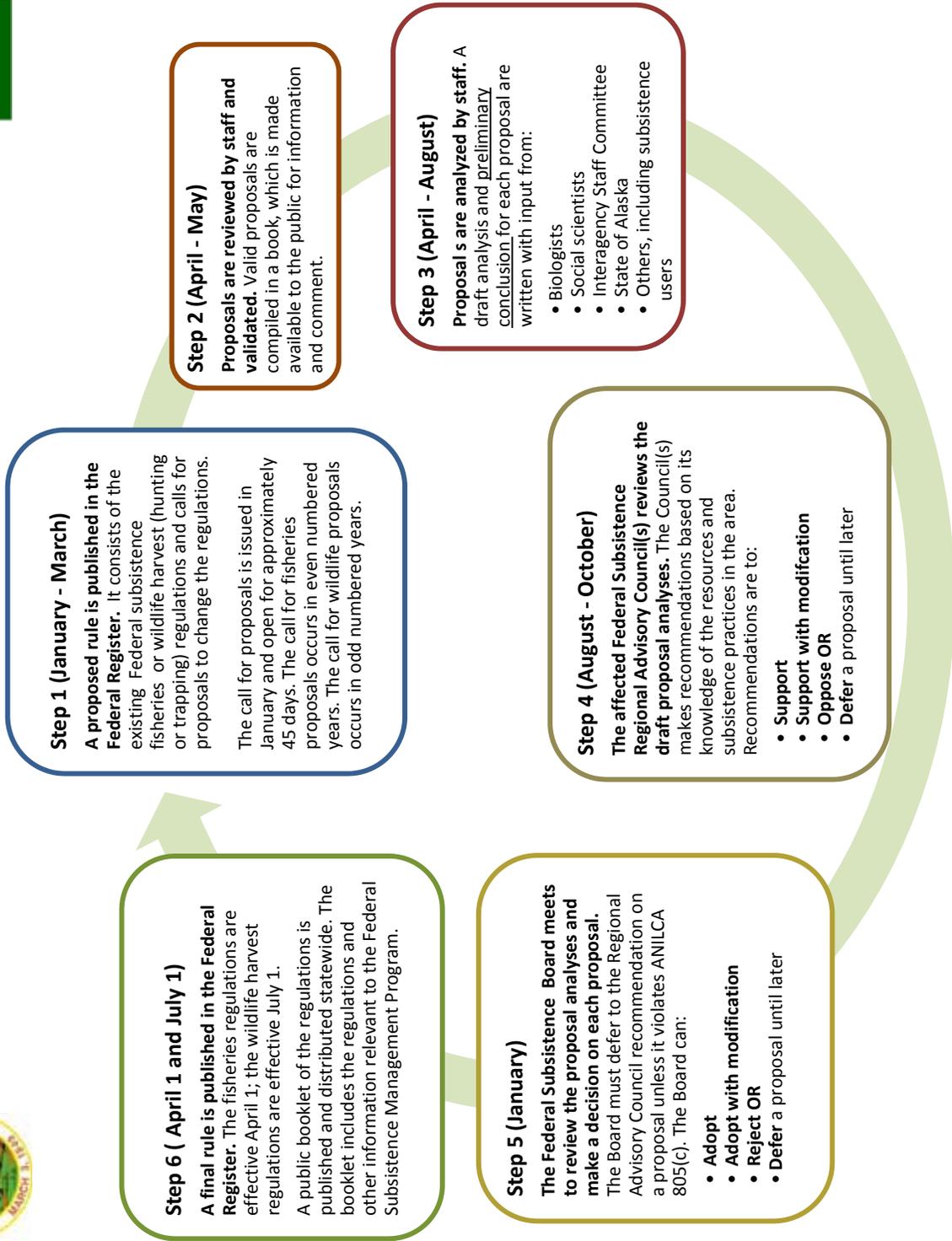
Accountability and Reporting

Training

Note: A list of ideas and recommendations raised during consultations, staff input, and workgroup meetings is being compiled and can be provided upon request.



## FEDERAL SUBSISTENCE MANAGEMENT PROGRAM REGULATORY PROCESS AT A GLANCE



**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



**United States Department of the Interior**  
**NATIONAL PARK SERVICE**

Alaska Region  
240 West 5<sup>th</sup> Avenue, Room 114  
Anchorage, Alaska 99501

IN REPLY REFER TO:

L7617(AKRO-EPC)

JAN 25 2012

Dear Interested Citizen, Agency, Tribe, or Organization:

Enclosed for your review is an executive summary briefing of an environmental assessment (EA) in which the National Park Service (NPS) is considering promulgating new regulations to allow subsistence collections and uses of shed or discarded animals parts and plants to make handicrafts for personal or family uses, for barter, or to sell. Collection activities would only be allowed in NPS areas where subsistence is authorized in accordance with Titles II and VIII of the Alaska National Interest Lands Conservation Act (ANILCA) of 1980. The EA evaluates the effects of alternatives for managing the collections of plants and inedible animal parts from naturally shed (including natural mortality) or discarded (from hunters) for subsistence uses by qualified local rural residents. The NPS goal is to authorize these uses in a manner to prevent or minimize adverse impacts to other park resources, values, and uses.

The NPS is considering this action because Alaska rural residents asked the NPS to consider allowing these collection activities in ANILCA units with subsistence provisions because NPS national regulations at 36 CFR 2.1 presently prohibit the "Possessing, destroying, injuring, defacing, removing, digging, or disturbing from its natural state any living or dead wildlife or fish, or parts or products thereof, such as antlers or nests."

The EA was completed in accordance with the National Environmental Policy Act of 1969 and the regulations of the Council on Environmental Quality (40 CFR 1508.9).

The comment period for the EA will extend 60 days, beginning February 7, 2012, and ending April 7, 2012. Please send written comments to:

Attn: Bud Rice  
National Park Service  
240 West 5<sup>th</sup> Avenue  
Anchorage, Alaska 99501

Those of you with Internet access can review the EA online and post your comments using the Planning, Environment, and Public Comment (PEPC) program located on the NPS public comment website at: <http://parkplanning.nps.gov>

Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment – including your personal identifying information – may be made publicly available at any time. While you can ask us to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. We will always make submissions from organizations or businesses, and from individuals identifying themselves as representative of or officials of organizations or businesses, available for public inspection in their entirety.

If you have any questions about the EA or need hard copies, please call Bud Rice at (907) 644-3530 or Sandy Rabinowitch at (907) 644-3596. Thank you for your interest in this project.

Sincerely,

//Signed//

Debora Cooper for  
Sue E. Masica  
Regional Director, Alaska Region

cc:

Frank Hays, Superintendent, Western Arctic National Parklands  
Jeanette Pomrenke, Superintendent, Bering Land Bridge National Preserve  
Greg Dudgeon, Superintendent, Gates of the Arctic National Park & Preserve/  
Yukon-Charley Rivers National Preserve  
Rick Obernesser, Superintendent, Wrangell-St. Elias National Park & Preserve  
Paul R. Anderson, Superintendent, Denali National Park & Preserve  
Joel Hard, Superintendent, Lake Clark National Park & Preserve  
Ralph Moore, Superintendent, Aniakchak National Monument & Preserve/  
Katmai National Preserve  
Susan Boudreau, Superintendent, Glacier Bay National Preserve

## Overview Statement

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<b>Bureau:</b>	<b>National Park Service (NPS)</b>
<b>Unit:</b>	<b>Alaska Region</b>
<b>Date:</b>	<b>January 2012</b>
<b>Title:</b>	<b>Subsistence Collections of Shed or Discarded Animal Parts &amp; Plants</b>

---

**Issue:** Federally qualified subsistence users have requested the NPS to authorize subsistence collections and uses of shed or discarded animal parts and plants in NPS Alaska Region units for personal and family uses and to make and sell handicrafts. The NPS has a regulation at 36 Code Federal Regulations 2.1 that prohibits the “Possessing, destroying, injuring, defacing, removing, digging, or disturbing from its natural state: Living or dead wildlife and fish, or their parts or products thereof, such as antlers or nests.” The Alaska National Interest Lands Conservation Act Title VIII authorizes subsistence uses “for making and selling handicraft articles out of nonedible byproducts of wildlife resources taken . . .” The NPS has drafted an environmental assessment (EA) to analyze the impacts of alternatives that would allow subsistence collections and uses of shed or discarded animal parts and plants to make into handicrafts and use for personal or family purposes or to sell. A regulation may be proposed following the public review of the EA and NPS’s decision on how to proceed on the requested action.

### Background:

- Two NPS units have regulations allowing subsistence users in Kobuk Valley National Park and Gates of the Arctic National Preserve (Western or Kobuk River Unit) to collect plant materials to make them into handicrafts and sell.
- The NPS Subsistence Management Team has briefed Subsistence Resource Commissions (SRC) repeatedly on progress on the project, and the SRC Chairs were briefed on 10/18/2011.
- Conservation groups were briefed on the potential environmental assessment and regulation in 2010.
- Contact with the State of Alaska has occurred with Jennifer Yuhus (ADFG) and Saunders McNeil (Alaska Department of Commerce, Community, and Economic Development)

### Current Status:

- An EA is out for a 60-day public review from February 7 to April 7, 2012.
- The NPS Regional Director identified Alternative D as the Preferred Alternative.
- Draft regulations have been prepared as an appendix to the EA to provide the reviewer with examples of how the regulations might be expressed for each action alternative.

### Key Stakeholders Positions of Interested Parties:

- Subsistence groups prefer the least restrictions on collections that could limit materials to make and sell handicrafts.
- Conservation groups are concerned about liberal collections for subsistence uses within NPS areas in Alaska.
- The State of Alaska recognizes that subsistence collections of materials to make and sell handicrafts is a large industry of over \$100 million dollars per year; however, the State has expressed caution over the use of some materials, such as bear claws.

**Action Needed:**

- Do you need a full copy of the EA for comment and review?
- Which alternative(s) are best for your areas and why?
- How important would it be for your communities to be able to collect nonedible shed or discarded animal parts and plants from NPS areas to make and sell handicrafts?

**Contacts:**

Sandy Rabinowitch, Project Manager 907-644-3596  
Bud Rice, Project NEPA Manager 907-644-3530



## Subsistence Collections & Uses of Shed or Discarded Animal Parts and Plants from NPS Areas in Alaska

### *Public Review Environmental Assessment*



National Park Service  
U.S. Department of the Interior  
Alaska Region

---

## Subsistence Collections & Uses of Shed or Discarded Animal Parts and Plants from NPS Areas in Alaska

### *Public Review Environmental Assessment*

January 2012

#### Note to Reviewers

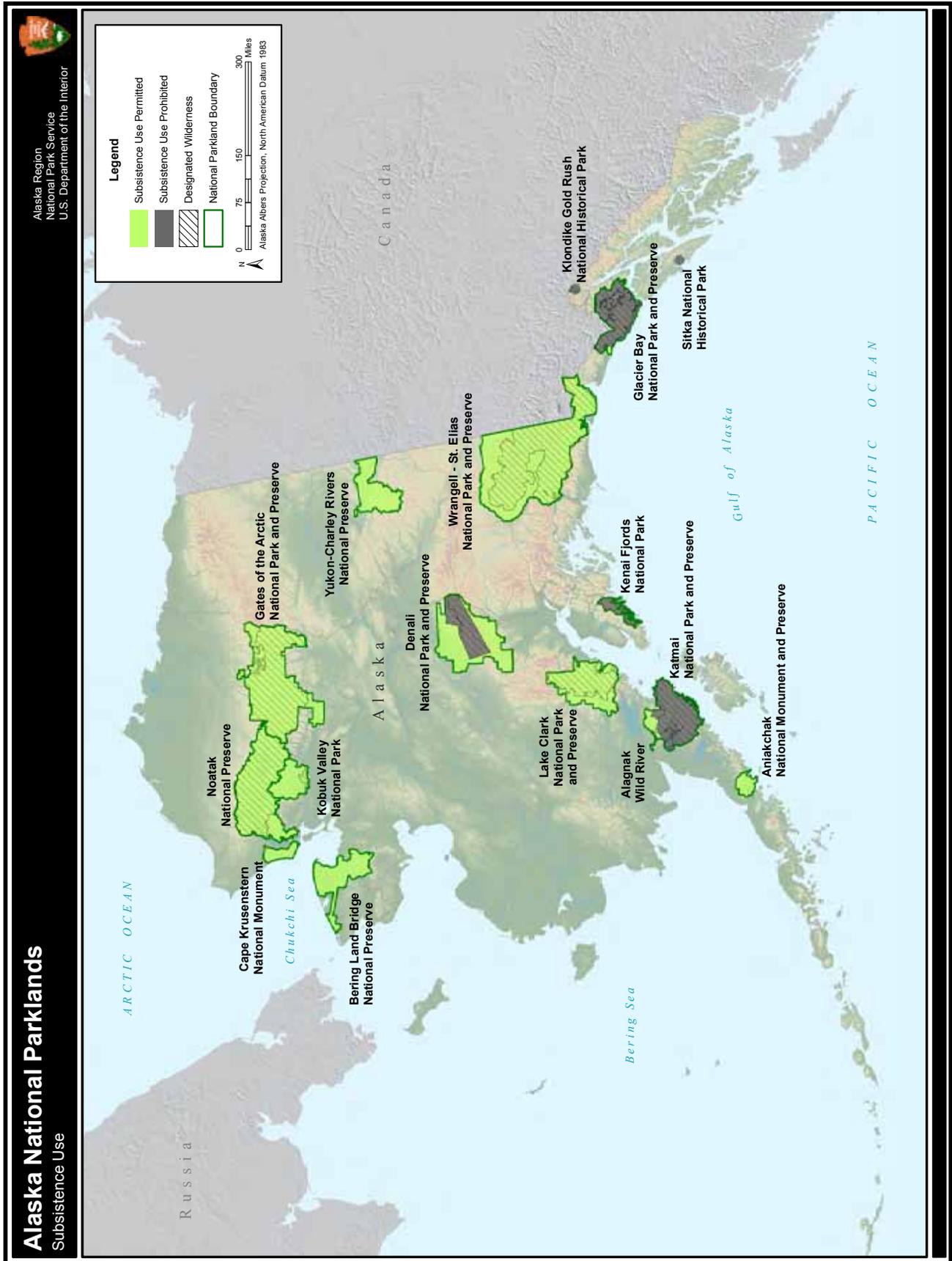
If you wish to comment on this document, you may mail comments to:

Bud Rice  
Environmental Protection Specialist  
National Park Service  
Alaska Regional Office  
240 West 5th Avenue  
Anchorage, AK 99501

You may also comment online. Go to <http://parkplanning.nps.gov/> and retrieve this document on the web site to provide comments electronically.

Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment, including personal identifying information, may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee we be able to do so.

Mention by the U.S. Department of the Interior National Park Service of trade names or commercial products do not constitute endorsement or recommendation for use.



**Eastern Interior Alaska Subsistence  
Regional Advisory Council**

**c/o Office of Subsistence Management  
101 12th Avenue, Room 110  
Fairbanks, Alaska 99701**

**Phone: 1-(907)-456-0277 or 1-800-267-3997**

**Fax: 1-(907)-456-0208**

**E-mail: Vince\_Mathews@fws.gov**

May 14, 2007

Marcia Blaszak, Regional Director  
National Park Service – Alaska  
240 West 5<sup>th</sup> Avenue  
Anchorage, Alaska 99501

**Subject: Gathering of Shed Antlers on National Park Service Lands**

Dear Regional Director Blaszak:

The Eastern Interior Alaska Subsistence Regional Advisory Council (Council) requests the prohibition of collecting antlers or horns, naturally shed or discarded by hunters, on National Park Service (NPS) lands be removed (36 CFR 2.1 (a) (1) (i)). We believe the NPS should allow this collection by Federally qualified subsistence users, as there is a long history of utilizing antlers and horns to make handicrafts, and other items, as an important part of the subsistence way of life in Alaska. We also believe that allowing this collection to occur would not result in any conservation concern (i.e. overharvest), because the making of handicrafts is labor intensive, time consuming and, thus, inherently limits the amount of resource that is sought and utilized at any given time.

Our Council became aware of this prohibition on NPS lands when we were developing our recommendation on Federal subsistence wildlife proposal, WP07-04, a combination of two proposals submitted by our Council and the Upper Tanana/40-Mile Fish and Game Advisory Committee. The proposal requested the Federal Subsistence Board to allow the sale of horns and antlers from goat, sheep, deer, elk, caribou, muskox, and moose that have been naturally shed or removed from the skull of an animal harvested on Federal public lands by Federally qualified subsistence users. It was noted in our Council meeting materials, as well as during the Federal Subsistence Board's deliberation, that shed antlers are not regulated under the Federal Subsistence Management Program. This factored into the Board's decision to adopt the proposal with the modification to address only animals "legally harvested", with clarifying language regarding removal of horns or antlers from the skull.

Thank you for your consideration of our request. The Council looks forward to your response outlining the steps that the National Park Service will be taking to correct this oversight of a

traditional subsistence activity on its lands. For your information, our next public meeting is scheduled for October 16-17, 2007 in Fort Yukon. If you have questions, please contact me directly (1-907-883-2833) or our Regional Coordinator, Vince Mathews. His contact information can be found in our letterhead.

Sincerely,

//Signed//

Sue Entsminger, Chair

cc: Eastern Interior Council members  
Jack Reakoff, Chair, Western Interior Alaska Subsistence Regional Advisory Council  
Don Rivard, Office of Subsistence Management



**United States Department of the Interior**  
**NATIONAL PARK SERVICE**

Alaska Region  
240 West 5<sup>th</sup> Avenue, Room 114  
Anchorage, Alaska 99501

IN REPLY REFER TO:  
L30(AKRO-SUB)

(1) (1) (1) (1) (1)

Sue Entsminger, Chair  
Eastern Interior Regional Advisory Council  
101 12<sup>th</sup> Avenue, Room 110  
Fairbanks, Alaska 99701

Dear Ms. Entsminger:

The National Park Service (NPS) has received your letter of May 14, 2007, and as you know, a local NPS representative spoke to you in August to ensure we clearly understood your request. Based upon your letter and subsequent clarifications, we understand the following allowances are being sought:

- 1) That subsistence users be allowed to collect shed or discarded horns and antlers from NPS lands and that they could then be used for family or personal use.
- 2) That after such horns and antlers are collected, they could be made into handicrafts and sold, and
- 3) That horns and antlers could be sold in a raw state under the auspices of the Alaska National Interest Lands Conservation Act (ANILCA) definition of customary trade.

To evaluate your request, I convened a work group comprised of staff representing each park area in Alaska as well as members from our law enforcement and subsistence teams. This group met several times and then presented the issue to all of the park superintendents in the state. After carefully reviewing your request, we have developed a strategy to work with you on the first two issues mentioned above.

The NPS staff will first work with each park Subsistence Resource Commission to determine their individual interest and needs with these issues. Depending on the outcome of these discussions, the NPS will then develop options that meet agency and commission needs. These options will then be appropriately evaluated through the National Environmental Policy Act (NEPA) process. Depending on the outcome of this evaluation, regulations may then be developed under a formal rule making process. Since these steps may involve groups from around the state, the NEPA and the rule making process could take 18-24 months each. Please understand that there are no guarantees as to the outcome of the process, as the process will drive the decisions to be made.

As far as item number three above, unfortunately we cannot allow the selling of horns and antlers that have not been made into handicrafts, under customary trade provisions.

NPS staff knowledgeable about this request will attend your next meeting in Ft. Yukon in order to explain this strategy and process in detail.

I look forward to working with you, the Regional Advisory Council, as well as the Subsistence Resource Commissions on this request.

Sincerely,

//Signed//

Marcia Blaszk  
Regional Director



**Gates of the Arctic National Park  
Subsistence Resource Commission  
210 First Avenue  
Fairbanks, AK 99701  
Tel. (907) 455-0621**

**Hunting Program Recommendation 99-01 (#20): Customary Trade**

The National Park Service should revise customary trade regulations for Gates of the Arctic National Park and Preserve to better reflect traditional practices of local residents. The Commission recommended regulatory revisions to accommodate the following local customary practices:

- 1) Gathering plant materials for making and selling of handicrafts. These wild renewable materials include, but are not limited to roots, tree bark, wood and lichens. Uses include, but are not limited to making of snowshoes, dogsleds, baskets and various arts and crafts, etc. The materials are harvested in very limited amounts and the practice is not detrimental to park resources.
- 2) Another practice overlooked in National Park Service regulations is the small scale manufacture of handicraft articles from horn, antler and bone which are shed or are from animals that have died naturally or such parts discarded or by other subsistence users. The large-scale sale of these resources should not be allowed. The making of handicrafts is labor intensive, time consuming and inherently limits the amount of resource that is sought and utilized.

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Table 2.1 Summary Comparison of the Alternatives

Alternative Element ▼	Alt. A No-Action	Alt. B Broad Eligibility and No Permits	Alt. C Eligibility Restricted by Areas with Discretionary Permits	Alt. D Eligibility Restricted by Areas and Species with Required Permits
Requires promulgation of new regulations	No	Yes	Yes	Yes
Eligible persons for Parks & Monuments:	N/A	People who live in a resident zone or have a Section 13.440 permit	People who live in a resident zone or have a Section 13.440 permit <b>and</b> who have a Federal Subsistence Board Customary & Traditional Use Finding for <b>any</b> wildlife species <b>in each</b> GMU or subunit in the park or monument.	People who live in a resident zone or have a Section 13.440 permit <b>and</b> who have a Federal Subsistence Board Customary & Traditional Use Finding for <b>each</b> wildlife species <b>in each</b> GMU or subunit in the park or monument.
Eligible person for Preserves are:	N/A	People who have a Federal Subsistence Board Customary & Traditional Use Finding for <b>any</b> wildlife species in the Preserve	People who have a Federal Subsistence Board Customary & Tradition Use Finding for <b>any</b> wildlife species <b>in each</b> GMU or subunit of the preserve	People who have a Federal Subsistence Board Customary & Tradition Use Finding for <b>each</b> wildlife species <b>in each</b> GMU or subunit of the preserve
Addresses request to allow collections.	No	Yes	Yes	Yes
Conditions placed on the collection of plant materials to make into handicrafts and sell	Allowed only in 2 units <sup>1</sup>	No	Discretionary ( Pending consultation with appropriate SRC and a decision by Superintendent)	Mandatory
Conditions placed on the collection of horns, antlers, and bones for personal/family use or to make into handicrafts and sell	No collections allowed	No, except in emergency situations using closure authority and superintendents compendia; no individual permits to be required	Discretionary ( Pending consultation with appropriate SRC and a decision by Superintendent)	Mandatory ( Pending consultation with appropriate SRC and a decision by Superintendent)
Permit required	No	No	Discretionary ( Pending consultation with appropriate SRC and decision by the Superintendent)	Yes

<sup>1</sup> Existing regulations allow collections of plants to make and sell handicrafts in KOVA and GAAR Preserve Western Unit.



**United States Department of the Interior**  
**NATIONAL PARK SERVICE**

Alaska Region  
240 West 5<sup>th</sup> Avenue, Room 114  
Anchorage, Alaska 99501

IN REPLY REFER TO:  
N1427 (AKRO – SUBS)

OCT 17 2007

Mr. Pollack Simon, Sr., Chairman  
Gates of the Arctic National Park  
Subsistence Resource Commission  
4175 Geist Road  
Fairbanks, Alaska 99709-3420

Dear Mr. Simon:

I am responding to your letter regarding Gates of the Arctic National Park Subsistence Resource Commission (SRC) Hunting Plan Recommendation 99-01 (#20) - Customary Trade on behalf of the Secretary of Interior. Your letter requests the National Park Service develop subsistence regulations to allow limited gathering of plant, horn, antler and bone materials for making and selling handicrafts articles. These recommendations appear consistent with provisions of the Alaska National Interest Lands Conservation Act (ANILCA), including Section 803 which provides for the making and selling of handicraft articles made from these types of materials. Gathering of plant material for handicrafts is already allowed in the Gates of the Arctic National Preserve. Gathering of plant, horn, antler, and bone materials in the park, and the addition of these to the current allowance of plant material in the preserve, will require new regulations.

Your recommendations will be appropriately evaluated through the National Environmental Policy Act (NEPA) process. Depending on the outcome of this evaluation, regulations may then be developed under a formal rule making process. Since these steps may involve input from around the state, the NEPA and the rule making process could take 18-24 months each. Please understand that there are no guarantees as to the outcome of the process, as the process will drive the decisions to be made.

We appreciate your interest in this important subsistence management issue. Thank you for your continued commitment of service to the SRC program. Your questions and comments are welcome and should be directed to the park superintendent at (907) 457-5752.

Sincerely,

//Signed//

Marcia Blaszak  
Regional Director

cc:

Carolyn J. Howard, DOI, Office of Executive Secretariat  
Judy Gottlieb, Associate Regional Director, Subsistence and Partnerships  
Dave Mills, Subsistence Team Manager, Alaska Region  
Jack Reakoff, Vice Chair, Gates of the Arctic National Park SRC  
Superintendent, Gates of the Arctic National Park and Preserve

Table 2.2 Summary Impacts of the Alternatives

Alternative Impact Topic	Alt. A No-Action	Alt. B Broad Eligibility & No Permits	Alt. C Eligibility Limited to Areas & Discretionary Permits	Alt. D Eligibility Limited to Areas and Species with Permits
Subsistence	Minor adverse impact on subsistence gathering and uses	Minor beneficial impact on subsistence gathering and uses	Minor beneficial impact on subsistence gathering and uses, but more restrictive than alternative B with reduced collections areas and discretionary permits	Minor beneficial impact on subsistence gathering and uses, but more restrictive than alternatives B & C with limited collections areas and mandatory permits
Local Rural Economic Conditions	Minor adverse effects on subset of 75,000 local rural residents	Minor beneficial effects on a subset of 75,000 local rural residents	Minor beneficial effects on a slightly smaller subset of 75,000 local rural residents than for alternative B	Minor beneficial effects on a smaller and more local subset of 75,000 rural residents than alt's B & C
Cultural Resources	Minor adverse impact to ethnographic resources	Minor adverse impacts with minor positive effects on ethnographic resources	Minor adverse impacts with minor positive effects on ethnographic resources	Minor adverse impacts with minor positive effects on ethnographic resources
Vegetation	No effects	Minor adverse effects	Minor adverse effects, but less effect than in alternative B due to more restrictive collection areas and discretionary permitting.	Minor adverse effects, but fewer effects than in alternatives B & C due to more restrictions on collections.
Wildlife and Habitat	No effects	Minor adverse effects	Minor adverse effects, but slightly less than with alternative B	Minor adverse effects, but slightly less than alternatives B and C
Recreation and Scenic Values	No effects	Minor adverse effects	Minor adverse effects	Minor adverse effects
Wilderness	No effects	Minor adverse effects	Minor adverse effects	Minor adverse effects

Table 3.3 Rural Residents in GMUs with C&T for antlered or horned species and wolves by Preserve

Species/ Preserve	Caribou	Moose	Deer	Sheep	Mt. Goat	Muskox	Wolf
<b>ANIA</b>	Residents of 9B, 9C, 9E, 17, Nelson Lagoon & Sand Point	Residents of 9A, B, C, & E					Residents of 6, 9, 10 (Unimak Is. Only), 11-13, 16-26, & Chickaloon
<b>BELA</b>	In <u>GMU 22</u> , residents of 21D, 22, 23, and 24; In <u>GMU 23</u> , residents of 21D, 22, 23, 24 (Wiseman), 26A, and Galena	In <u>GMU 22</u> , residents of GMU 22; in <u>GMU 23</u> , residents of GMU 23.				In <u>GMU 22B</u> west of Darby Mtns, residents of 22B & 22C; in <u>GMU 22D</u> , residents of 22 B –E, but not St. Lawrence Is.; in <u>GMU 22E</u> , residents of 22 E, but not Little Diomedes Is.	In <u>GMU 22</u> residents of 21D (N & W of Yukon River), 22, 23, and Kotlik; in <u>GMU 23</u> residents of 6, 9, 10 (Unimak Is. Only), 11-13, 16-26, & Chickaloon
<b>DENA</b>	In <u>GMU 16B</u> , all rural residents; in <u>GMU 19C</u> , Village, McGrath, Nicholai, and Telida; in <u>GMU 19D</u> , residents of 19D, Lime Village, Sleetmute, and Stony River; in <u>GMU 20C</u> , residents of 20C east of Teklanika River, in Cantwell, Lake Minchumina, Manley Hot Springs, Minto, Nenana, Nikolai, Tanana, Telida and between MP 216-239 and 300-309 of Parks Hwy; no	In <u>GMU 16B</u> , residents of 16B; in <u>GMU 19C</u> , residents of 19; in <u>GMU 19D</u> , residents of 19 and Lake Minchumina; in <u>GMU 20C</u> , residents of 20C (not in DENA) and Cantwell, Manley, Minto, Nenana, Nikolai, Tanana, Telida, McKinley Village, and between MP 216-		In <u>GMU 16B</u> , no subsistence priority; in <u>GMU 19</u> , all rural residents.			In <u>GMUs 16</u> , 19, & 20, residents of 6, 9, 10 (Unimak Is. Only), 11-13, 16-26, & Chickaloon

Species/ Preserve	Caribou	Moose	Deer	Sheep	Mt. Goat	Muskox	Wolf
<b>GAAR</b>	subistence for NPS residents at DENA HQ. In <u>GMU 23</u> , residents of 21D (west of Koyukuk & Yukon rivers), 22, 23, Wiseman, 26A, & Galena; in <u>GMU 24</u> , residents of 24, Anaktuvuk Pass, Galena, & Anaktuvuk Pass, Galena, Kobuk, Koyukuk, Stevens Village, & Tanana; in <u>GMU 26A</u> , residents of 26, Anaktuvuk Pass, & Point Hope; in <u>GMU 26B</u> , residents of 26, Anaktuvuk Pass, Point Hope, & along Dalton Hwy in 24.	239 and 300-309 of Parks Hwy. In <u>GMU 23</u> , residents of 23; in <u>GMU 24</u> , residents of 24, Anaktuvuk Pass, Galena, & Koyukuk; in <u>GMU 26</u> , residents of 26, Anaktuvuk Pass, and Point Hope (not Prudhoe Bay workers)		In <u>GMU 23</u> , residents of 23; in <u>GMU 24</u> , residents of 24 residing north of the Arctic Circle, Anaktuvuk Pass, Allakaket, Alatna, Hughes, & Huslia; in <u>GMU 26A</u> , residents of 26, Anaktuvuk Pass & Point Hope; in <u>GMU 26B</u> , residents of 26, Anaktuvuk Pass, Point Hope, & Wiseman.			In <u>GMUs 23, 24, &amp; 26</u> , residents of 6, 9, 10 (Unimak Is. Only), 11-13, 16-26, & Chickaloon
<b>GLBA</b>		Residents of 5A	Rural residents of Yakutat		Residents of 5A		Residents of 5A
<b>KATM</b>	Residents of 9B, 9C, 17, and Egegik	Residents of 9A, 9B, 9C, & 9E					Residents of 6, 9, 10 (Unimak Is. Only), 11-13, 16-26, & Chickaloon
<b>LACL</b>	In <u>GMU 9B</u> , residents of 9B, 9C, & 17; in <u>GMU 17B</u> , residents of 9B, Lime Village, and Stony River; in <u>GMU 19B</u> , residents of 19A, 19B, 18 upstream of and including Johnson River, St. Marys, Marshall, Pilot Station, & Russian Mission	In <u>GMU 9B</u> , residents of 9A, 9B, 9C, & 9E; in <u>GMU 17B</u> , residents of 17, Nondalton, Levelock, Goodnews Bay, and Platinum; in <u>GMU 19B</u> , residents of 19A, 19B, 18 upstream of and including		In <u>GMU 9B</u> , residents of Iliamna, Newhalen, Nondalton, Pedro Bay, & Port Alsworth; in <u>GMU 17B</u> , all rural residents.			In <u>GMUs 9, 17, &amp; 19</u> , residents of 6, 9, 10 (Unimak Is. Only), 11-13, 16-26, & Chickaloon

Species/ Preserve	Caribou	Moose	Deer	Sheep	Mt. Goat	Muskox	Wolf
<b>NOAT</b>	Residents of 21D, 22, 23, 23 (Wiseman), 26A & Galena	Johnson River, St. Marys, Marshall, Pilot Station, & Russian Mission Residents of 23		Residents of 23 north of Arctic Circle & Point Lay		Residents of 23	Residents of 6, 9, 10 (Unimak Is. Only), 11-13, 16-26, & Chickaloon
<b>WRST</b>	In <u>GMU 11</u> north of Sanford River, residents of 11, 12, 13A-D, Healy Lake, Chickaloon, & Dot Lake; in remainder <u>GMU 11</u> , residents of 11, 13A-D & Chickaloon; in <u>GMU 12</u> , residents of 12, Dot Lake, Chistochina, Gakona, Mentasta Lake, & Slana.	In <u>GMU 5</u> , residents of 5; in <u>GMU 6</u> , residents of 5A, 6A-C; in <u>GMU 11</u> north of Sanford River, residents of 11, 12, 13A-D, Healy Lake, Chickaloon, & Dot Lake; in remainder <u>GMU 11</u> , residents of 11, 13A-D & Chickaloon; in <u>GMU 12</u> , residents of 12, 13A-D, Chickaloon, Dot Lake, and Healy Lake (see manual for details)	In <u>GMU 5B</u> , residents of Yakutat; in <u>GMU 6</u> , all rural residents.	In <u>GMU 11</u> north of Sanford R., residents in <u>GMU 12</u> , Chistochina, Chitina, Copper Center, Dot Lake, Gakona, Glennallen, Gulkana, Healy Lake, Kenny Lake, Mentasta Lake, Slana, McCarthy/ South Wrangell/ South Park, Tazlina, Tonsina, Nabesna Road MP 0-46 and McCarthy Road MP 0-62. In remainder <u>GMU 11</u> , residents of Chistochina, Chitina, Copper Center, Dot Lake, Gakona, Glennallen, Gulkana, Helay Lake, Kenny Lake, Mentasta Lake, Slana, McCarthy/ South Wrangell/ South Park, Tazlina, Tonsina, Tok Cutoff Road MP 79-110, Nabesna Road MP 0-46 and McCarthy Road MP 0-62. In <u>GMU 12</u> , residents in <u>GMU 12</u> , Chistochina, Mentasta, Dot Lake, and Healy Lake.	In <u>GMU 5B</u> , residents of 5B; in <u>GMU 6A</u> , residents of 5A, 6C, Chenega Bay, and Tatitlek; in <u>GMU 11</u> , residents of 11, Chitina, Chistochina, Copper Center, Gakona, Glennallen, Gulkana, Mentasta Lake, Slana, Tazlina, Tonsina, & Dot Lake.		In <u>GMU 5B</u> , all residents of 5A; in <u>GMU 6A</u> , residents of 5A, 6, 9, 10 (Unimak Is. Only), 11-13, 16-26, & Chickaloon; in <u>GMU 11 &amp; 12</u> , residents of 6, 9, 10 (Unimak Is. Only), 11-13, 16-26, & Chickaloon

<b>YUCH</b>	In GMU 20E, rural residents of 12, 20D & E	In GMU 20E, rural residents of 20E, 12 (north of WRST Preserve), Circle, Central, Dot Lake, Healy Lake, and Mentasta Lake.					In GMUs 20E & 25 B&C, residents of 6, 9, 10 (Unimak Is. Only), 11-13, 16-26, & Chickaloon
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Table 3.29 Distribution of wildlife with horns and antlers by NPS units in Alaska

<b>SPECIES PARK</b>	<b>Moose</b>	<b>Caribou</b>	<b>Deer</b>	<b>Dall's Sheep</b>	<b>Mt. Goat</b>	<b>Muskox</b>	<b>Bison</b>
Alagnak	X	X					
Aniakchak	X	X					
Bering Land Bridge	X	X				X	
Cape Krusenstern	X	X		X		X	
Denali	X	X		X	X		
Gates of the Arctic	X	X		X		X	
Glacier Bay	X		X		X		
Katmai	X	X					
Kobuk Valley	X	X		X		X	
Lake Clark	X	X		X			
Noatak	X	X		X		X	
Wrangell-St. Elias	X	X	X	X	X		X
Yukon- Charley	X	X		X		X	

## APPENDIX A ALTERNATIVE REVISED REGULATIONS

**[Note: The subsistence regulations for Alaska in 36 CFR Part 13, Subpart F amend in part the NPS general system-wide regulations and the Alaska general region-wide regulations (see 36 CFR 13.2(c)). For that reason, the likely location of the suggested revisions below is in Subpart F between 13.400 and 13.495.]**

### No Action Alternative

#### **Alternative A:**

No Change – The current restrictions on the collection and use of plants and shed or discarded wildlife parts for subsistence use by local rural residents would remain unchanged.

### Action Alternatives

#### **Alternative B - Collections Unlimited and No Permits:**

13.4xx

(a) Local rural residents may collect shed or discarded wildlife parts and plant materials not otherwise regulated in this Part for:

- (1) personal or family use and barter, or
- (2) the making and selling of handicraft articles

(b) For purposes of this section *handicraft* is a finished product in which the shape and appearance of the natural material has been substantially changed by the skillful use of hands, such as sewing, carving, etching, scrimshawing, painting, or other means, and which has substantially greater monetary and aesthetic value than the unaltered natural material alone.

(d) For purposes of this section the definition of *local rural resident* in 13.420(1), (2) includes for preserves federally qualified subsistence users eligible to take any wildlife species within the preserve in accordance with regulations adopted by the Federal Subsistence Board.

(e) Optional (prohibition is also in 2.1): Collection of horns, antlers, bones, and plants is prohibited except as authorized by this section or 2.1 of this chapter.

#### **Alternative C –Collections Limited by Areas and Discretionary Permits:**

13.4xx

(a) In accordance with conditions established by the superintendent, local rural residents may collect shed or discarded wildlife parts and plant material not otherwise regulated in this Part for:

- (1) personal or family use and barter, or
- (2) the making and selling of handicraft articles.

(b) Violating conditions established by the superintendent is prohibited.

*Public Review EA - Subsistence Collections of Shed or Discarded Animal Parts and Plants –  
NPS Alaska Region January 2012*

(c) For purposes of this section *handicraft* is a finished product in which the shape and appears of the natural material has been substantially changed by the skillful use of hands, such as sewing, carving, etching, scrimshawing, painting, or other means, and which has substantially greater monetary and aesthetic value than the unaltered natural material alone.

(d) For purposes of this section the definition of *local rural resident* in 13.420(1), (2) includes for preserves federally qualified subsistence users eligible to take any wildlife species within the applicable GMU in the preserve in accordance with regulations adopted by the Federal Subsistence Board.

(e) Optional (prohibition is also in 2.1): Collection of horns, antlers, bones, and plants is prohibited except as authorized by this section or 2.1 of this chapter.

**Alternative D – Collections Limited by Area and Species with Permits (NPS Preferred):**

13.4xx

(a) The superintendent may issue local rural residents a permit for the collection of shed or discarded wildlife parts and plant material not otherwise regulated in this Part for:

- (1) personal or family use, or
- (2) the making and selling of handicraft articles.

(b) Violating permit conditions established by the superintendent is prohibited.

(c) For purposes of this section *handicraft* is a finished product in which the shape and appears of the natural material has been substantially changed by the skillful use of hands, such as sewing, carving, etching, scrimshawing, painting, or other means, and which has substantially greater monetary and aesthetic value than the unaltered natural material alone.

(d) For purposes of this section the definition of *local rural resident* in 13.420(1), (2) includes for preserves federally qualified subsistence users eligible to take any wildlife species within the applicable GMU in the preserve in accordance with regulations adopted by the Federal Subsistence Board.

(e) For all local rural residents of parks, monuments, and preserves, collection of shed or discarded wildlife parts is limited to such wildlife parts for which the collecting local rural resident has a Customary and Traditional (C&T) use determination by the Federal Subsistence Board for that species of wildlife in that location.

(f) Optional (prohibition is also in 2.1): Collection of horns, antlers, bones, and plants is prohibited except as authorized by this section or 2.1 of this chapter.

## Appendix C

### Possible Management Conditions for Collections

- 1.) A report of materials collected will be submitted by the collector at the end of the collection period.
- 2.) A collector may designate another qualified person to collect for them under specific conditions.
- 3.) The use of collected horns, antlers, bones and other animal parts or plants may be made into handicrafts (as defined by (36 CFR 13.xxx) (the intention is to use the same definition as the Federal Subsistence Board and State of Alaska definition) and sold, bartered or traded as part of customary trade.
- 4.) Horns or antlers may not be attached to any part of the skull or made to represent a big game trophy.
- 5.) Collections are limited to ( \_\_Number annually) ( \_\_Number per day) ( \_\_Number in possession) ( \_\_Number of pounds daily, annually or in possession).
- 6.) The following areas: \_\_\_\_\_, in (park, monument or preserve) are closed to collecting during the specified time period.
- 7.) Sales, by the collector may not constitute a significant commercial enterprise.
- 8.) The sale of raw/un-worked material is prohibited.

**GATES OF THE ARCTIC NATIONAL PARK  
SUBSISTENCE RESOURCE COMMISSION  
c/o 4175 Geist Road  
Fairbanks, AK. 99709  
(907) 455-0631 or FAX (907) 455-0601**

June 15, 2011

Gates of the Arctic Subsistence Resource Commission  
**Hunting Plan Recommendation 11-01**

A recommendation that requests an increase in the per diem rate for State of Alaska Subsistence Resource Commissions and Federal Regional Advisory Councils.

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The Gates of the Arctic Subsistence Resource Commission (SRC) proposes Hunting Plan Recommendation 11-01, which states that there should be an increase in the per diem rate for all Subsistence Resource Commissions, as well as Federal Regional Advisory Councils. ANILCA Title VIII sec. 808 mandates the establishment of an SRC for each of the national parks where subsistence uses are allowed. The formal involvement of SRCs includes sharing information about traditional subsistence activities and the resources found on federal lands, specifically National Park Service lands. It is integral to the SRC and the management of parklands that well-qualified people serve on the commission, people with a strong knowledge base of the subsistence way of life and the fish and wildlife populations upon which they rely. In order to maintain and fulfill the mandate set forth by ANILCA, it is important to attract and/or retain suitable people who are interested in serving as commission members.

It should also be considered that the cost of living in Alaska is substantially higher than the lower 48. The Gates of the Arctic SRC would like the amount of the Alaska per diem to be set at a rate that reflects the exorbitant costs residents experience in order to live in Alaska. The SRC is requesting at this time an increase in per diem rates so that they reflect the actual costs of living in both urban and rural Alaskan communities.

Recommendation 11-01 would reinforce the commitment the Federal government has taken in upholding the ANILCA mandate related to the formation of Subsistence Resource Commissions and Regional Advisory Councils.

Sincerely,

//Signed//

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Pollock Simon Sr., Gates of the Arctic SRC Chair

//Signed//

Jack Reakoff, Gates of the Arctic SRC Vice-Chair

Cc.

- Secretary of Interior & Pat Pourchot, Special Assistant for Alaska Affairs
- All Regional Advisory Councils in Alaska
- All NPS Subsistence Resource Commissions



Pollock Simon, Sr. (Chairperson), Jack Reakoff (Vice-Chairperson), Levi Cleveland, Taquik Hepa, Tim Fickus, Rachel Riley, Louie Commack, James Nageak, and Chris Zwolinski

## **Status Report on Selected Secretarial Recommendations to the Federal Subsistence Management Program**

1. Develop a proposed regulation to increase the membership on the Federal Subsistence Board to include two additional public members representing subsistence users.
  - **Status:** A final rule was published in the Federal Register on September 12, 2011.
  - Applications/nominations for the two seats were accepted by the Secretary's Office.
  - Final selections were announced January 27, 2012. See the following news release from the Office of the Secretary.
2. Review, with RAC input, the December 2008 Memorandum of Understanding (MOU) with the State to determine either the need for the MOU or the need for potential changes to clarify Federal authorities in regard to the subsistence program.
  - **Status:** The MOU was provided to all ten Regional Advisory Councils for comment during the winter 2011 meeting cycle. Council comments were summarized and reviewed by the Board in summer 2011. The Board proposed to the State that a joint workgroup be re-established to address the changes recommended by the councils.
  - The State accepted the Board's proposal to form a joint MOU workgroup. The work group has had several meetings, and will report back to the Board with proposed changes by May 2012.
3. Review, with RAC input, the rural determination process and present recommendations for regulatory changes.
  - **Status:** The Board held a several executive and work sessions in 2011 to learn about the rural process, and is continuing to develop and review potential courses of
  - At its January 2012 public meeting the Board discussed the rural determination process and the decennial rural determination review. The board directed staff to publish a proposed rule to solicit comments from the public on the rural determination process and the current rural/nonrural determinations. In addition, based on its decision and the Secretarial program review, the Board directed staff to publish a direct final rule to extend the compliance date of the May 2007 final rule on rural determinations until the current review is complete or for five years, whichever comes first.



## United States Department of the Interior

### OFFICE OF THE SECRETARY

1689 C Street, Suite 100  
Anchorage, Alaska 99501-5151

January 27, 2012

PRESS RELEASE

Contact: Pat Pourchot, Special Assistant to the Secretary  
907-271-5485

### **Secretary Appoints Two Public Members to the Federal Subsistence Board**

Secretary of the Interior Ken Salazar today announced the appointment of two public members to the Federal Subsistence Board (FSB). Secretary of Agriculture Tom Vilsack concurred in the appointments of Anthony Christianson of Hydaburg and Charles Brower of Barrow. Following a review of the federal subsistence program in 2010 the Secretaries had recommended that the FSB be expanded to include additional public members representing rural subsistence users. The Board currently consists of a public Chair and five directors of Alaska federal agencies.

Mr. Christianson and Mr. Brower are life-long Alaskans with deep personal knowledge and experience with subsistence. In the review Secretary Salazar asked the Board and the Department to take a number of actions, including the appointment of two additional public Board members, "to provide a more responsive, more effective subsistence program." The Secretary believes that these appointments will go far in bringing increased knowledge of subsistence users and uses to the decision-making process of the Board.

Secretary Vilsack strongly supports the selection of Mr. Christianson and Mr. Brower for service on the Federal Subsistence Board. "Their records of leadership and experience will bring important insight to the work of the Board and represents a new chapter in the working relationship between the federal government and the people of rural Alaska."

Mr. Anthony Christianson is a life-long resident of Southeast Alaska and currently serves as Natural Resource Director for the Hydaburg Cooperative Association, a federally recognized tribal entity. He also serves as Mayor of the City of Hydaburg. Mr. Christianson has participated in a number of programs and studies related to fish and wildlife in Southeast Alaska.

Mr. Charles Brower is a life-long resident of Barrow, Alaska, and currently serves as Special Assistant to the Vice President of the Ukpeavik Inupiat Corporation, the Barrow village corporation. Former positions include Wildlife Department Director for the Native Village of Barrow and Wildlife Department Director for the North Slope Borough. Mr. Brower has served on a number of wildlife commissions including the Alaska Migratory Bird Co-Management Council, the Alaska Nanuuq (polar bear) Commission, and the Eskimo Walrus Commission.

## OFFICE OF SUBSISTENCE MANAGEMENT STAFF CHANGES

In 2011, the Office of Subsistence management had a high number of staff retirements, staff leaving to take positions in other areas of the US Fish and Wildlife Service or positions with other government organizations.

- **Council Coordinator** – Barbara Atoruk (Council Coordinator for North Slope, and Northwest Arctic RAC's) retired. Currently recruiting to fill this position.
- **Council Coordinator** – KJ Mushovic (Council coordinator for Eastern Interior and Southcentral RAC's) left taking another position with Bureau of Land Management in Alaska. Currently Melinda Hernandez from the US Forest Service has been detailed to act as one of our Council Coordinators (Council Coordinator for Western and Eastern Interior RAC's). We are currently recruiting to fill this position on a permanent basis.
- **Native Liaison** – Carl Jack retired. Recruitment is currently underway for this position.
- **Fisheries Division Chief** – Larry Buklis left taking another position with the US Fish and Wildlife Service in Washington State. Stephen Fried was selected as the new Division Chief.
- **Fisheries Biologist** – This position is vacant as the result of Stephen Fried's promotion to Fisheries Division Chief. The recruitment process has been initiated.
- **Fisheries Biologist** – Richard Cannon retired. Currently working with personnel to finalize recruitment paperwork for this position.
- **Fisheries SCEP Student** – Kay Larson-Blair returned to OSM as a SCEP Student.
- **Fisheries SCEP Student** – Stephanie Meggars started as a new SCEP Student.
- **State Liaison for Fisheries** – Rod Campbell retired. Applications for this position have been received. George Pappas has been selected to fill this position.
- **Wildlife Biologist** – Coleen Brown left taking another position with the Department of Transportation in Colorado. Tom Evans has been selected to fill this position.
- **Administrative Support Assistant** – Ron Babb resigned from his position. Recruitment has taken place for this position. A selection has been made and will be finalized by the end of January 2012.
- **Policy Coordinator** – Gary Goldberg took another position with the US Fish and Wildlife Service in Alaska. David Jenkins, anthropologist, is currently acting in this position.
- **Council Coordination Division Chief** – Ann Wilkinson retired. Carl Johnson has been selected as the new Council Coordination Division Chief.
- **Deputy Assistant Regional Director** – Polly Wheeler accepted a position as Deputy Chief of Refuges – Alaska Region for the US Fish and Wildlife Service. Chuck Ardizzone, the Wildlife Division Chief, is currently acting in this position. Kathleen M. O'Reilly-Doyle has been

selected as the new Deputy Assistant Regional Director as should start in her new position sometime in April 2012.

- **Purchasing Agent** – Darcy Herring took another position with Department of Defense. Other staff will assume the duties of this position.
- **Budget Analyst** – Amber Wagner left OSM. Durand Tyler was selected as the new Budget Analyst.
- **Administrative Assistant** – Durand Tyler vacated the Administrative Assistant position. Glenn Westdahl was selected to replace him.
- **Subsistence Outreach Coordinator** – The Publications Specialist position was combined with the Public Affairs position. Former Publications Specialist Andrea Medeiros was selected to fill this new position.
- **Supervisory Secretary** – Verna Miller left OSM. Anita Roberts was selected as the new Supervisory Secretary.



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 - January 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 and 2011 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 will again provide 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). The November storm that ravaged western Alaska destroyed most of the project equipment, including the underwater video gear, stored in Goodnews Bay. Replacement and installation may be delayed in 2012.

***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. A collection trip occurred in the Indian River in summer 2010, but no rainbow trout were encountered. Collections continued in the North Fork Goodnews River in 2011. It is anticipated that this project will occur through 2014. A progress report is available.

***Kanektok River Rainbow Trout Population Identification*** Contact: Mark Lisac

In 2009 the Refuge, Kenai Fish and Wildlife Field Office and ADFG Sport Fish Division implanted radio transmitters in 200 rainbow trout in the Kanektok River. The purpose of this study is to identify the

geographic extent of the population and specifically to document these fishes' overwintering locations, seasonal movements, and to locate potential spawning areas. Thirty-six aerial tracking flights have been conducted between August 2009 and August 2011. Analysis of the information collected is currently being analyzed. Fishers are asked to contact the Refuge office if they recover any radio tags.

***Chinook Salmon Escapement In The Togiak River Watershed Using Radio Telemetry*** Contact: Theresa Tanner (Anchorage Fish & Wildlife Field Office)

In 2011 the Anchorage Fish and Wildlife Field Office completed the fourth year of a five year study to determine Chinook salmon run timing, distribution and abundance in the Togiak River watershed. One hundred seventy-one Chinook salmon were captured and implanted with esophageal radio transmitters, and an additional 122 fish were marked with a brightly colored spaghetti tags 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. A weir operated in the Gechiak Creek counted 241 Chinook, nine of which were fish tagged in the lower river marking event. 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.

***Determining Aquatic Habitat Quantity and Quality*** Contact: Mark Lisac

The Refuge worked with the UAF School of Fisheries and Ocean Science, and the U.S. Geological Survey developing a project to estimate the quantity and quality of aquatic habitat in two study areas in the Kulukak River watershed. Multispectral digital imagery and field data were collected in 2009 and 2010. This data is used to assess habitat quality and estimate the habitat quantity for juvenile salmon. Habitat is being classified by in-stream physical habitat features, water chemistry, and juvenile salmon abundance and distribution. Over 10,000 images and over 5,000 juvenile coho and sockeye salmon were captured during 2010. Preliminary results have provided estimates of the surface area of pool, riffles, runs and eddy drop zones in the East and West Fork study areas. Based on this estimate there are approximately 121,000 and 102,000 juvenile coho salmon in the West and East Fork study areas, respectively. There are approximately 22,000 sockeye salmon juveniles in each study area. This project will result in Masters degrees for two UAF graduate students and lead to developing a juvenile salmon and habitat relationships model. This model will be useful to estimate habitat carrying capacity for salmon and serve as a baseline for monitoring aquatic habitat in the future to determine if changes have occurred.

***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 2011 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). Caribou did not group up sufficiently after calving to conduct a photocensus. A composition survey conducted in October 2011 found 19.0 calves and 21.7 bulls:100 cows. The calf:cow ratio is about the same as the fall 2010 survey (19.5) and within the range seen during the past eleven years. The bull:cow ratio for 2011 is the highest since fall 2007. This is still below the management objective of 35 bulls:100 cows, and has been since fall 2000.

***Nushagak Peninsula Caribou*** Contact: Andy Aderman

Fifty Federal subsistence caribou permits (1 caribou per permit) were issued for the February 1 – March 31, 2011 hunt. Forty-five caribou were reported harvested. During late May 2011, 23 of 27 (85.2%) radiocollared caribou produced a calf. A photocensus conducted on July 5, 2011 found a minimum of 859 caribou. A similar effort in 2010 found a minimum of 708 caribou. A composition survey on October 6, 2011 estimated 39 calves and 29 bulls:100 cows. The bull:cow ratio is the lowest since monitoring began. The Nushagak Peninsula Caribou Planning Committee will meet in January.

**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 will continue through spring 2012, at which time collars will be removed from wolves.

**Moose** Contact: Andy Aderman

In May 2011, 20 of 32 radiocollared cows produced a minimum of 34 calves, or 106 calves:100 cows. Calf survival to November was 36.4 percent, suggesting a fall recruitment rate of 37.5 calves:100 cows. Both calf production and fall recruitment estimates in 2011 were near the lower end of the range since monitoring began in 1998. Preliminary harvest numbers for moose for the Unit 17A fall hunt were 27 bulls; Unit 17A winter hunt - 17 bulls; and Unit 18 – Goodnews River drainage fall hunt - 17 bulls. We plan to conduct moose surveys this winter in the Goodnews, Arolik, and Kanektok drainages.

**Walrus** Contact: Michael Winfree

Refuge staff monitors the numbers of walrus that haul out on land at various locations on Togiak Refuge. Peak haulout counts over the past three decades have varied greatly, from less than 100 to over 12,000 walrus. Cameras installed at Cape Peirce on the cliff edges overlooking the beaches recorded 32 haulout events from 1 January through 12 November 2011. The number of walrus present during the haulout events ranged from 1 to 286. Cameras were installed at other primary walrus haulouts on Hagemeister Island, Round Island, and Cape Seniavin in June and August 2011. There were 13 haulout events on the Hagemeister Island haulout from 9 June through 25 July, 2011. Numbers ranged from 1 to 61 walrus.

In fall 2010, an electric fence was installed at Cape Peirce in efforts to prevent mortality events caused when walrus travel up the bluff and fall off cliffs. The camp at Cape Peirce was also staffed to monitor walrus and maintain the electric fence from October 1 through November 13, 2011. There were no documented mortality events in fall 2011.

**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 time, pelagic cormorant populations have remained relatively constant, while black-legged kittiwake and common murre populations declined by 1.5% and 1.7% per year respectively.

**Ualik Lake Bird Die-Off** Contact: Michael Swaim

In September 2011, a die-off involving hundreds of glaucous-winged gulls occurred at Ualik Lake. Multiple aerial surveys were completed over a three-week period to determine the severity and extent of the mortality. Most of the affected birds appear to have been juveniles and no additional species were involved. This die-off was confined to Ualik Lake and Ongoke River area. Five fresh carcasses were

collected and sent to the National Wildlife Health Center in Madison, Wisconsin for necropsy and diagnostic evaluation. Each of the dead birds was emaciated, but the cause of emaciation was not determined. Tests for Botulism (Type C and Type E), Salmonella, and Avian Influenza were negative.

***Eelgrass Monitoring*** Contact: Michael Swaim

Togiak Refuge has partnered with the USGS Alaska Science Center to map and conduct biological inventories of 23 eelgrass beds on the refuge since 2007. In 2010, a series of boat-based surveys were completed in Goodnews Bay, Chagvan Bay, and Nanvak Bay to characterize the distribution and abundance of eelgrass. Water temperature sensors were also deployed in Nanvak Bay to assess the rate of seawater exchange within the site. Future work will focus on re-acquiring aerial photographs for Goodnews Bay, Hagemeister Spit, and portions of Togiak Bay and developing better maps of eelgrass distribution.

***Water Temperature Monitoring*** Contact: Michael Swaim

Togiak Refuge staff have continuously monitored water temperature at eighteen locations on the refuge since 1990. To date, no statistically significant trends have been detected on any of these rivers. The refuge plans to continue monitoring water temperature indefinitely, since this study provides important baseline information that is useful for a variety of other fisheries 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.

***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 through November 17, 2010 were: temperature = 5.0°C, specific conductivity = 83 µS/cm at 25°C, pH=7.3, turbidity=8.9 NTU, dissolved oxygen= 12.2mg/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 and Junior Duck Stamp contests; National Wildlife Refuge Week; career fairs; production of Bristol Bay Field Notes (aired three 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 10<sup>th</sup> 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

July 2011 saw a return of the junior high Science camp to the Cape Peirce site, after a three year hiatus due to high bear numbers. (an alternate camp was held at Togiak Lake for each of those three years) Students at this camp were able to observe seabirds, marine mammals and learn how field studies are conducted, as well as learning about food webs and ecological relationships. Students and agency staff also learned- through the instruction of a local village elder- about traditional Yup'ik uses of animals and plants and about Native survival skills. This camp is designed to help students gain a better understanding of the biological diversity of a marine ecosystem. It also strengthens their sense of stewardship for local natural resources. Other topics at this camp included tide pools, wilderness survival skills and careers with 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 2011 Float Camp took place on the Togiak River. 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, archery and careers in natural resource fields. 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 throughout western Bristol Bay are cooperators with 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 2011 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. Rangers on the Kanektok and Goodnews rivers used inflatable kayaks in addition to motorboats (which have been used since the program started). 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.



## United States Department of the Interior

### FISH AND WILDLIFE SERVICE

Alaska Peninsula/Becharof NWR

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King Salmon, AK 99613

(907) 246-3339 (voice)

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Agency Report to:

#### **Bristol Bay Federal Subsistence Regional Advisory Council**

Public Meeting, Naknek, Alaska

March, 2012

#### **Federal Subsistence Brown Bear Seasons for 2011-2012**

The fall and winter Federal subsistence brown bear hunting season in Unit 9E, that portion conducted on the Alaska Peninsula and Becharof National Wildlife Refuges, allows harvest of one brown bear (except cubs or sows with cubs) by Federal registration permit from September 25–December 31, 2011 and April 15–May 25, 2011.

#### **Northern Alaska Peninsula Caribou Herd Composition Surveys 2011**

Herd composition surveys provide important information regarding the age and sex composition of caribou herds. This information is useful to managers and is used to evaluate the status and trends of caribou herds. The Alaska Department of Fish & Game and Refuge staffs cooperated to accomplish a herd composition survey for the Northern Alaska Peninsula Caribou Herd (NAPCH) during October, 2011. Sample size (2,395) and distribution of caribou were adequate to estimate herd composition during 2011. Herd composition surveys estimated ratios to be 19 calves:100 cows and 26 bulls:100 cows. The observed calf:cow ratio represents the highest estimated calf recruitment since 2002 and is similar to calf recruitment during 2010 (18:100). Estimated calf recruitment during 2011 represents a continued improvement from previous years but is still considered low for caribou in Alaska. Bull:cow ratios observed during 2011 surveys (26:100) indicate that the bull:cow ratio in the NAPCH remains within the low range of Alaska Department of Fish & Game management objectives of 20–40 bulls:100 cows. Based on the number of caribou observed during 2011 composition surveys the NAPCH is currently comprised of a minimum of 2,395. Autumn composition counts are not designed to estimate herd size and this should be considered an absolute minimum number as some caribou were undoubtedly missed during 2011 surveys. Herd composition surveys for 2012 will be conducted during late October, 2012.

#### **Moose Trend-area Surveys 2011–2012**

Moose trend area surveys provide information regarding the general status and trends of moose on the Alaska Peninsula. Refuge staff periodically checked trend areas for appropriate snow-cover conditions during the autumn composition survey window (November–December, 2011). Due to poor survey conditions (e.g., inadequate snow cover), trend area surveys could not be conducted prior to cutoff for composition surveys and no composition data could be collected.

Winter surveys were conducted to evaluate the number of moose wintering within moose trend areas. Composition data (bull:cow and calf:cow ratios) cannot be estimated during winter surveys because

they are conducted after some bulls have shed their antlers. Winter surveys were conducted for several units during 2011–2012 including the Anchor-Ivan, Black Lake, Mother Goose, Kejulik, Flats A, and Flats B survey areas. A total of 50 moose were observed in the Anchor-Ivan survey area but wind conditions prevented the survey team from surveying in some portions of the survey unit. A total of 177 moose were observed in the Black Lake survey area. A total of 37 moose were observed in the Kejulik survey area. A total of 31 moose were observed in the Mother Goose survey area. A total of 99 and 31 moose were observed in the Flats A and Flats B survey area respectively. Moose trend-area surveys are scheduled to be conducted during autumn 2012.

### **Ptarmigan Focus of First Study on Alaska Peninsula**

A study led by Refuge Biologist Susan Savage began this year on willow ptarmigan (*Lagopus lagopus*). Willow ptarmigan are a species of management interest because they are heavily used by both sport and subsistence harvesters; adults, chicks and eggs are important prey items for other wildlife. They are a sentinel species for climate change as they are heavily dependent on subarctic, arctic, and alpine habitats. Because they are a resident species in areas with low point-source pollution they may be used as indicators of any contaminants that may be transmitted to the subarctic environment from distant sources.

Although red grouse and willow grouse have been extensively studied in Europe and some work has been done in North America, relatively little work has been done in Alaska. Currently, studies focused on the impacts of ptarmigan on willows and other shrubs and the impact of climate change are underway in Northern Alaska; monitoring is occurring in GMU 13. Other than documenting geographic variation in body size and weight and describing subspecies, no work has been done on the Alaska Peninsula with regard to willow ptarmigan natural history or biology.

Study sites were selected on the Bristol Bay Coastal Plain, which is dominated by low and dwarf shrub communities, tundra, and by a variety of wetland types. All of the survey locations were near Becharof or Upper Ugashik Lakes. Willow ptarmigan can be found in a variety of habitats, but our focus was in drier habitats, including dwarf ericaceous shrub with patches of low or tall shrub.

Nine transects were surveyed in five locations, chosen for accessibility by fixed wing aircraft and likelihood of having ptarmigan habitat. Using recorded calls, attempts were made to get a response from birds present in the area. The fieldwork began May 17 and ran until May 30, with each day's observations beginning close to sunrise. One evening survey turned up very similar numbers of birds compared to the morning surveys.

The playback calls seemed to have almost no impact; most birds made no observable response to the playback. This could be because the projected volume was not very loud or the digital format degraded the call. Observers detected many birds by hearing them call. Nearly all birds observed were male. Ptarmigan were observed in areas dominated by crowberry as well as in low and tall shrubs. Nests found indicate that future surveys should start no later than May 1.

### **Ptarmigan Crops and Wings Wanted**

Your help in a new study on willow ptarmigan is needed! No studies of ptarmigan, a popular sport and subsistence species, have ever been done on the Alaska Peninsula until now. You can help biologists and managers learn more about this important bird by saving wings and crop contents.

Refuge Biologist Susan Savage can use the information hunters provide to learn more about the diet of local birds. Crop contents are helpful because it is relatively easy to identify the plants eaten. By the time the material reaches the gizzard, it is too finely ground. To collect crop contents, it is best to freeze or dry them. The Alaska Peninsula/Becharof NWR is working with the Alaska Department of Fish and Game in the collection of ptarmigan wings as well. Wings can tell biologists what age and

sex of birds are being harvested. Wings may also provide genetic material for other studies. Wings may be dried or frozen, too.

It takes up to six hours to sort the contents of a single crop, so Susan asks that samples be selected with care. Rather than collecting lots of crops from a single hunt, choose one or two per hunt. The more information associated with the sample, the better: note the date and time of day, the location, the vegetation in the area where the bird was taken, how many birds were in the flock, the gender of the bird, and snow depth. If you would like more information or if you would like to participate, please contact Susan: 907/246-1205, Susan\_Savage@fws.gov. The Refuge will provide labeled plastic bags and tags for the samples.

### **Science Camp 2012**

## Fall 2012 Regional Advisory Council Meeting Calendar

*August 20–October 12, 2012 current as of 03/14/12*

Meeting dates and locations are subject to change.

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Aug. 12	Aug. 13	Aug. 14	Aug. 15	Aug. 16	Aug. 17	Aug. 18
		<b>NS—Barrow</b>				
Aug. 19	Aug. 20 WINDOW OPENS	Aug. 21	Aug. 22	Aug. 23	Aug. 24	Aug. 25
		<b>NWA—Kotzebue</b>				
Aug. 26	Aug. 27	Aug. 28	Aug. 29	Aug. 30	Aug. 31	Sept. 1
Sept. 2	Sept. 3 <b>HOLIDAY</b>	Sept. 4	Sept. 5	Sept. 6	Sept. 7	Sept. 8
			<b>KA—Sand Point</b>			
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	Sept. 29
			<b>SE—Sitka</b>			
Sept. 30 END OF FY2012	Oct. 1	Oct. 2	Oct. 3	Oct. 4	Oct. 5	Oct. 6
			<b>SP—Nome</b>			
Oct. 7	Oct. 8 <b>HOLIDAY</b>	Oct. 9	Oct. 10	Oct. 11	Oct. 12	Oct. 13
			<b>YKD—St. Mary's</b>		WINDOW CLOSES	
			<b>WI—Holy Cross</b>			
Oct. 14	Oct. 15	Oct. 16	Oct. 17	Oct. 18	Oct. 19	Oct. 20
	<b>SC—Anchorage</b>					
		<b>EI—Fairbanks</b>				

**BB—**Has not yet identified meeting dates and location.

# Winter 2013 Regional Advisory Council Meeting Calendar

February–March 2013 current as of 03/14/12

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 <b>SP—Nome</b>	Feb. 13	Feb. 14	Feb. 15	Feb. 16
Feb. 17	Feb. 18 <b>HOLIDAY</b>	Feb. 19	Feb. 20 <b>SC—TBA</b>	Feb. 21	Feb. 22	Feb. 23
Feb. 24	Feb. 25	Feb. 26 <b>NS—Barrow</b>	Feb. 27 <b>EI—Tok</b>	Feb. 28	Mar. 1	Mar. 2
Mar. 3	Mar. 4	Mar. 5 <b>YKD—Bethel</b>	Mar. 6	Mar. 7	Mar. 8	Mar. 9
Mar. 10	Mar. 11	Mar. 12 <b>NWA—Kotzebue</b>	Mar. 13 <b>WI—Galena</b>	Mar. 14	Mar. 15	Mar. 16
Mar. 17	Mar. 18	Mar. 19	Mar. 20	Mar. 21	Mar. 22 <i>Window Closes</i>	Mar. 23

**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//

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Secretary of the Interior

DEC - 2 2011

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Date Signed

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Date Filed