

KODIAK/ALEUTIANS

Subsistence

Regional Advisory Council



Lisa Hupp / USFWS

Kodiak brown bear in Dog Salmon Falls, Kodiak National Wildlife Refuge.

Meeting Materials
September 24–25, 2013
Kodiak

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KODIAK/ALEUTIANS SUBSISTENCE REGIONAL ADVISORY COUNCIL

Kodiak

Best Western Kodiak Inn
 September 24-25, 2013
 8:30 a.m. daily

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

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

AGENDA

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NOTE: The Council will recess on first day prior to addressing this issue. There will be a public hearing at 7:00 p.m., at which time the rural determination issue will be briefed to the public, and the public will have the opportunity to provide written and/or oral testimony. The Council will address this issue on second day.

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- A. Confirm date and location of winter 2014 meeting
- B. Select date and location of fall 2014 meeting

12. Closing Comments

13. Adjourn (Chair)

To teleconference into the meeting, call the toll free number: 1-866-560-5984, then when prompted enter the passcode: 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 Carl Johnson, Council Coordinator at 907-786-3676 or carl_johnson@fws.gov, or contact the

Office of Subsistence Management at 1-800-478-1456 for general inquiries.

REGION 3—Kodiak/Aleutians Regional Advisory Council

Seat	Yr Apptd Term Expires	Member Name & Address
1	2010 2013	Antone A. Shelikoff Akutan
2	2001 2013	Patrick B. Holmes Kodiak
3	2008 2013	Richard R. Koso Adak
4	2004 2013	Samuel I. Rohrer Kodiak
5	2011 2014	Thomas L. Schwantes Kodiak
6	2011 2014	Peter M. Squartsoff Port Lions
7	2011 2014	Vincent M. Tutiakoff Sr. Unalaska
8	2009 2015	Della A. Trumble King Cove
9	2000 2015	Speridon M. Simeonoff Sr. Akhiok Chair
10	2012 2015	Melissa M. Berns Old Harbor

**KODIAK/ALEUTIANS
SUBSISTENCE REGIONAL ADVISORY COUNCIL MEETING
KODIAK, ALASKA
March 26-27, 2013**

DRAFT MINUTES

Members Present:

Vince Tutiakoff, Sr., Acting Chairman
Melissa Berns
Patrick Holmes
Richard Koso
Samuel Rohrer
Thomas Schwantes
Antone Shelikoff
Speridon Simeonoff, Sr., (telephonic)
Pete Squartsoff
Della Trumble (telephonic)

Absent:

None

Federal/State Agency Personnel

OSM

Tom Jennings
Steve Fried
Jack Lorrigan
Tom Evans (telephonic)

FWS

Jerry Berg, Interagency Staff Committee
Kent Sundseth, Refuge Manager, Kodiak NWR
McCrea Cobb, Kodiak NWR
Bill Pyle, Kodiak NWR
Tonya Lee, Kodiak NWR
William Leacock, Kodiak NWR
Leticia Melendez, Izembek NWR (telephonic)
Stacy Lowe, Izembek NWR (telephonic)
Shawn Bayless, Izembek NWR (telephonic)

BIA

Glenn Chen

BLM

Dan Sharp (telephonic)

State ADF&G

Jennifer Yuhas, Subsistence Liaison Team

Drew Crawford, Subsistence Liaison Team
Wayne Donaldson, Kodiak
Steven Thomsen, Kodiak
Tyler Polum, Kodiak
Donn Tracy, Kodiak
Matt Keyse, Kodiak
James Jackson, Kodiak
Chris Peterson, King Salmon (telephonic)
Susie Jenkins-Brito, Dillingham (telephonic)

Public

Iver Malutin, Sun'aq, Kodiak, Sun'aq Tribe
Vikki Jo Kennedy, Kodiak, Fish Watch
Paul Chervenak, Kodiak, F&G Advisory Committee
Pam Bumsted, Kodiak, Sun'aq Tribe
Rick Rowland, Kodiak; Sun'aq Tribe, AMBCC
Dick Rohrer, Kodiak
Jake Jacobsen, Kodiak
Joe Macinko, Kodiak
Frank Bishop, Kodiak
Andy Schroeder, Kodiak, Island Trails Network
Bertrand Adams, Yakutat, Chairman Southeast RAC (telephonic)

Court Reporter: Matrix Court Reporters

Call to Order

Acting Chairman Tutiakoff called the meeting to order at 8:35 a.m.

Invocation

Pat Holmes shared a brief story of Llam Sua.

Roll Call/Confirmation of Quorum

Secretary Pat Holmes called roll and a quorum was established. Acting Chairman Tutiakoff recognized Speridon Simeonoff and Della Trumble as being reappointed to the Council and that Melissa Berns from Old Harbor is a new Council member appointee. These appointments serve a term of three years and expire in December 2015.

Review and Adoption of Agenda

Mr. Tutiakoff said action on item 11(B) would be deferred until after comments on New Business item 12 (A) were heard. Mr. Koso moved to adopt the agenda, Mr. Schwantes seconded and the agenda was approved without objection

Election of Officers

Chairman Speridon Simeonoff Sr., Vice Chairman Vincent Tutiakoff Sr. and Secretary Patrick Holmes were unanimously reelected as Council officers.

Review and Adoption of Minutes

Mr. Koso moved and Mr. Shelikoff seconded to adopt the minutes from the September 25, 2012 meeting in Sand Point. The September 2012 meeting minutes were adopted unanimously.

Council Member Reports

Speridon Simeonoff mentioned that he shared the crab proposal information with the Ahkiok Tribal Council. The feedback that he received was there was concern about the number of crab pots that a person can haul in their skiff and that the regulatory proposal was not going to serve subsistence needs adequately. In response to a question about snow level and winter survival of deer he reported they've had a mild winter up to this past week. He said the deer in his area seems to be staying up high but the population seems kind of low.

Rick Koso mentioned there was possibly some conflict of some subsistence halibut fishing versus the commercial fleet at the Kuluk Bay area of Adak. He may have more information on that subject at a later meeting.

Pete Squartsoff reported the lowest numbers of deer in his many years of experience in the Old Harbor area. His local contacts there also told him very poor success for deer hunters and thinks it needs to be looked into.

Pat Holmes reported that his contacts assessment of the deer population on the north end of the island, the road system is not doing well. He has continued work with Fish & Game Advisory Committee members to discuss the crab pot and goat proposals. He complimented the Federal Board and Pat Pouchot for initiating the rural determination process that gives people the chance to provide input to the process rather than complain about it. Pat notified folks that the Alaska Joint Board proposal packet includes proposals to change State subsistence areas.

Della Trumble stated there are high numbers of wolves in the King Cove, Cold Bay and False Pass areas with animals often coming near homes. Her goal has been to get some survey numbers from ADFG in King Salmon but didn't see anything in the meeting packet. Her community continues to work with the Secretary of Indian Affairs related to the road and the EIS. Caribou harvest has been slow but most people have been able to get animals.

Vince Tutiakoff reported in the Unalaska area they've had a subsistence battle in regards to fishing and the impact of commercial draggers in Unalaska Bay. They asked the Board of Fish to consider closing Unalaska Bay to dragging. The Tribe will continue to work cooperatively with the Unalaska Fisherman Association, city of Unalaska, and the Fish & Game Advisory Committee to do a survey this summer in the three main streams inside of the bay. Through work

with the Board of Fish and one processor they've agreed to move back some dragging from August to September to allow better returns of salmon. He says dragging is a big issue at Unalaska and potentially might be a concern to other communities in the future.

Chair's Report

Speridon Simeonoff mentioned that at the January meeting we had a lengthy discussion on the crab proposal and that proposal was deferred back to the RAC. He again stated that he presented it the tribal council in his village and he heard concerns of being able to only carry one king crab pot per vessel. He reiterated that the feedback he received was that the proposal was not going to adequately serve subsistence needs.

805c Report

The Federal Subsistence Board deferred action on FP13-14 and requested the Council consider new information that was presented at the Federal Subsistence Board meeting in January. The additional new information included the NOAA presentation on ghost fishing.

Public and Tribal Comment on Non-Agenda Items

Mr. Tutiakoff welcomed Iver Malutin, Sun'aq Tribe elder from Kodiak. Mr. Malutin shared his insights on the local history, traditions, and the importance of subsistence and encouraged consideration of everyone when the Council makes decisions.

Vikki Jo Kennedy's primary concern was the status of Kodiak as a rural community and retaining that status in order for people to live a subsistence life. She also expressed concerns about commercial fishery draggers and trawlers near Old Harbor, Akhiok, and Sitklalidak Strait and the impacts upon fishery resources to subsistence users.

Rick Rowland, Sun'aq Tribe spoke on several items of interest relating to subsistence and natural resource management in the Kodiak area. He also expressed concern about rural determinations and in speaking to the Council looked for support to represent all subsistence users so we don't have to argue anymore.

Paul Chervenak, Chairman of the Kodiak Fish & Game Advisory Committee reported on the Committee's activities, Board of Game actions, and effects on goat and deer hunting.

Old Business

Draft Annual Report for FY2012

The Council chose to delay action on the Annual Report until later in the meeting (13. E on the agenda; Action Items) after they've had a chance to hear all the reports, issues and discussions.

Deferred FP13-14 King and Tanner Crab Pot Regulations in the Kodiak Area

The Council chose to delay action on the crab proposal to later in the meeting (13. E on the agenda; Action Items) after they've had a chance to hear the ghost fishing presentation, other testimony and discussions.

Status of Emperor Goose Proposal to the Alaska Migratory Bird Co-Management Council

The Council was briefed by Rick Rowland, AMBCC Kodiak representative on the status of the draft proposal he developed last fall. Rick provided background information, described the proposal process and noted that he had withdrawn his draft proposal to the AMBCC regarding harvest of Emperor Geese. Tom Jennings provided an update on the status of the proposal to harvest Emperor Geese that was submitted by the Kodiak/Aleutians Subsistence Regional Advisory Council to the AMBCC. Tom provided a handout from Eric Taylor, Migratory Bird Management that includes his recommendation to not support the proposal to allow a subsistence harvest because the Emperor Goose population is still below the threshold necessary to consider a hunting season.

New Business

Ghost Fishing of Derelict Crab Pots in Womens Bay

Pete Cummiskey provided a Power Point presentation of NOAA Kodiak Laboratory shellfish Assessment Program study of derelict crab pots in Womens Bay. Andy Schroeder of Island Trails Network shared results of a pilot project his organization recently conducted using a submersible remotely operated vehicle to remove derelict crab pots.

Rural Determination Process

Steve Fried briefed the Council on the open period for the Federal Subsistence Board to accept comments regarding the rural determination process and recommended changes. He stated that the Board has asked the public for information about how to specify rural areas in order to provide the subsistence priority. It specifically asked for input on population thresholds, rural characteristics, how to aggregate communities, timelines and information sources. The comments will be used by the Board to assist them in making a decision concerning the scope and the nature of possible changes to improve the process.

Jake Jacobson stated his concern that loss of Kodiak's rural status and subsistence privileges would have a horrible impact on everyone. Joe Macinko urged the Federal program to retain Kodiak's rural status and Pam Bumsted voiced her concern regarding the changing population of Kodiak as a rural hub.

Review and Comment on Draft Tribal Consultation Implementation Guidelines

Jack Lorrigan, OSM Native Liaison provided a briefing on the development of the tribal consultation policy for the Federal Subsistence Board. Jack also presented a briefing on consultations with Tribes and ANCSA Corporations.

C&T Letter from Southeast RAC: Customary and Traditional Use Determination

Bertrand Adams, Chairman of the Southeast RAC discussed a proposal to eliminate the customary and traditional use determination regulations (36 CFR 242.16 and 50 CFR 100.16) and allocate resources as directed in Section 804 of ANILCA. The Southeast Alaska Subsistence Regional Advisory Council (SE Council) does not agree that the current method of restricting access to fish and wildlife resources through a customary and traditional use determination process was intended in ANILCA.

In January 2013, the SE Council sent a letter to the other Federal regional advisory councils regarding the deficiencies in the current customary and traditional use determination process. This letter asks the other councils to review, during their fall 2013 meetings, whether the process is serving the needs of the residents of their region and report their findings to the SE Council. If it is the desire of the other councils, a proposal for amending or eliminating current regulations could be developed for consideration by all the councils.

Agency Reports

OSM

Steve Fried summarized activities in OSM and provided updates on the budget, staffing, request for Fisheries Monitoring Plan proposals, Council appointments, regulatory review and MOU with the State of Alaska.

BIA

Glenn Chen mentioned that the Bureau is supporting a capacity building effort through a tribal marine science workshop and encouraged folks to share with their communities about this opportunity.

FWS

Both **Izembek NWR** and **Kodiak NWR** staff provided a summary of activities and answered several questions regarding survey results and resource concerns. The complete reports were included in the meeting book.

Alaska Department of Fish and Game

Tyler Polum and Donn Tracy updated the Council on Buskin River projects. Matt Keyse reported on McLees Lake weir project at Unalaska that was funded through the Alaska Sustainable Salmon Fund. James Jackson responded to several questions regarding commercial and subsistence fishing. Steve Thomsen discussed Afgonak Lake smolt and limnology work.

Chris Peterson discussed the status of wolf and caribou on the Southern Alaska Peninsula. Susie Jenkins-Brito reiterated the Joint Board meeting deadline for comments regarding State non-subsistence areas that Pat Holmes had brought up. She also mentioned that the summary of Board of Fish actions is posted on their website and includes the action on Proposal 162 dealing with trawling in Unalaska Bay.

Native Organizations

Rick Rowland presented a letter from the Sun'aq Tribe that strongly urged and encouraged the Board to oppose any changes in the existing crab regulations in Womens Bay.

Action Items

Deferred FP13-14

Mr. Koso moved and Mr. Rohrer seconded support the deferred proposal. After extensive discussions following the Ghost Fishing presentation and other testimony, the Council voted to oppose the crab proposal. Substitute proposal language from ADFG and the subcommittee was shared with the Council and modified proposal was suggested but there was no motion to amend the proposal. While there was general agreement that derelict crab pots are a conservation concern there was not agreement among the Council that the regulatory proposal was the appropriate solution to the problem. The vote was 3-For, 5-Against, and 2-Abstained as final Council action on FP13-14. It was suggested that the proponent might submit a new proposal that specifically addresses the concerns of crab conservation in Womens Bay.

2012 Draft Annual Report

The Council agreed to add items to the Draft 2012 Annual Report. Items to be included in the final draft report are concerns regarding Pacific Cod Subsistence Harvest, McLees Lake Sockeye Salmon, Effective Board Support of the RAC Process, Deer on Kodiak Island, the Rural Determination Process, and Wolf Removal to Improve the Southern Alaska Peninsula Caribou Population.

Call for Wildlife Regulatory Proposals

Melissa Berns identified interest in Old Harbor to increase the number of permits allowed to harvest brown bear. Mr. Simeonoff moved and Mr. Schwantes seconded a motion to increase the number of brown bear harvest permits in Unit 8 by one in each of the villages of Old Harbor and Akhiok. The proposal would allow up to 3 permits for Old Harbor and up to 2 permits for Akhiok. Ms. Berns stated that Old Harbor used both permits last year and that there is a lot of interest in subsistence bear hunting. Additional permits would provide more opportunity to share traditional food and mentor young hunters. Mr. Simeonoff said the village of Akhiok would be interested in another permit as well. The Council unanimously supported the proposal.

Letters

The Council approved sending letters of support for Bog of Game nominee Nate Turner and for continuation of Buskin River projects. They also agreed to send letters to encourage increased enforcement of subsistence regulations in the Kodiak area and support Fisheries Proposal 162 regarding closure of Unalaska Bay to dragging. The Council approved a letter of concern be sent to the AMBCC suggesting revision of the management plan for Emperor Geese, creating a step-wise population threshold to allow for subsistence hunting, and expanding survey areas to include the Kodiak Archipelago and Aleutians in order to improve the population estimates.

Established Times and Places of Next Meetings

The winter 2013 meeting was chosen to be held March 20-21 in Kodiak.
The fall 2013 meeting will remain September 24-25 in King Cove or Cold Bay.

Adjournment:

Mr. Rohrer moved to adjourn and Mr. Koso seconded. The meeting adjourned at 1:00 p.m. on March 27, 2013.

Respectfully Submitted:

Thomas Jennings *August 23, 2013*
Thomas Jennings, Acting Council Coordinator/ DFO
USFWS Office of Subsistence Management

I hereby certify these minutes of the Kodiak/Aleutians Subsistence Regional Advisory Council, are true and correct to the best of my knowledge.

Speridon Simeonoff, Sr. *August 23, 2013*
Speridon Simeonoff, Sr., Chair, Kodiak/Aleutians Subsistence Regional Advisory Council

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

For a more detailed report of this meeting, copies of the transcript are available upon request. Call Carl Johnson at 1-800-478-1456 or 907-786-3888 or carl_johnson@fws.gov

GUIDANCE ON ANNUAL REPORTS

Background

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

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

Report Content

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

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

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

Report Clarity

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

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

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

Report Format

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

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



U.S. FISH and WILDLIFE SERVICE
BUREAU of LAND MANAGEMENT
NATIONAL PARK SERVICE
BUREAU of INDIAN AFFAIRS
FWS/OSM 13052.CJ

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



U.S. FOREST SERVICE

AUG 28 2013

Speridon Mitch Simeonoff, Sr., Chair
Kodiak/Aleutians Subsistence
Regional Advisory Council
c/o U.S. Fish and Wildlife Service
1011 E. Tudor Road, Mail Stop 121
Anchorage, Alaska 99503

Dear Chairman Simeonoff:

This letter responds to the Kodiak/Aleutians Subsistence Regional Advisory Council's (Council) 2012 Annual Report as approved at its winter 2013 meeting. The Secretaries of the Interior and Agriculture have delegated the responsibility to respond to these reports to the Federal Subsistence Board (Board). The Board appreciates your effort in developing the Annual Report and values the opportunity to review the issues brought forward concerning your region. Annual Reports allow the Board to become more aware of the issues that fall outside of the regulatory process and affect subsistence users in your region.

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

Issue 1: Pacific Cod Subsistence Harvest

Our Council is exploring an enforcement disparity in interpretation of regulations for the retention of grey cod while using a National Marine Fisheries Service issued Subsistence Halibut Registration Certificate (SHARC) authorized long line. We are discussing this issue with State and Federal staff to determine whether this is a problem. If it is a problem, we will seek to address it with the appropriate agency and advise the Board of our findings.

Response:

The Board appreciates the Council's concern regarding a possible enforcement disparity in regulations interpretation for the retention of grey cod while using a halibut long line under a Federal Subsistence Halibut Registration Certificate (SHARC). The methods and means for subsistence halibut fishing using a SHARC card are regulated by National Marine Fisheries Service. Regulations regarding by-catch (other than halibut) encountered while subsistence

fishing for halibut are typically handled by the Alaska Department of Fish and Game. This issue is outside of Federal Subsistence Board jurisdiction; however, if more assistance on this issue is needed, staff with the Office of Subsistence Management (OSM) would be available to help with interagency coordination. If the Council wishes to investigate directly, the appropriate contacts for law enforcement or regulatory questions are provided below.

National Marine Fisheries Service	
Kodiak	(907) 486-4762
Anchorage	(907) 532-2440

Alaska Department of Fish and Game	
Kodiak	(907) 486-4762
Cold Bay	(907) 532-2440
Dillingham	(907) 842-5351
Dutch Harbor	(907) 581-1432
King Salmon	(907) 246-3307

Issue 2: McLees Lake Sockeye Salmon

The wide fluctuations in abundance of sockeye salmon in McLees Lake on Unalaska Island has been discussed and noted as a Council concern. This system is the most important salmon resource and the only significant sockeye salmon resource accessible to Unalaska subsistence users. The Council requests Board support for research on forecasting the lake's sockeye salmon run as it is an important subsistence food resource to the Unalaska residents.

Response:

From 2001 to 2009, a McLees Lake escapement project was funded through the Fisheries Resource Monitoring Program. Through that project, escapement data was collected that includes age, sex, and length. To produce a forecast, additional data must be collected over several salmon life cycles. OSM staff will work with the Council to incorporate a McLees Lake sockeye salmon forecast as a priority information need at the next opportunity during the 2016 Fisheries Resource Monitoring Program funding cycle.

Issue 3: Effective Board Support of the RAC Process

The Council believes that the Regional Advisory Councils are essential to providing meaningful input to the Board regarding implementation of ANILCA Title VIII. The Council urges that each Board member please give full support to the operational capacity of the Councils. The commitment of the Board to influence adequate Council member travel opportunities will enhance more effective representation by the Councils to meet with rural subsistence users. The Council is concerned that the downward budget trend will constrain its goal to meet in rural communities and thereby limit meaningful interaction with rural subsistence users. The Council asks the Board, if it is possible, to develop a protocol for us to seek and receive support from other government (Tribal, Municipal, or Native Corporation) sources in order to help offset the significant reductions to the Federal travel budget administered by the Office of Subsistence Management.

Response:

The Board recognizes the central role of the Regional Advisory Council in the implementation of ANILCA Title VIII. Stark budget cuts are affecting all Federal agencies, including OSM. The downward budget trend is expected to continue and will constrain the OSM's ability to support the Council's goal to have its meeting in rural communities. Councils will continue to meet in rural hub communities. It is not appropriate for other entities (Tribal, Municipal, or Native Corporation) to cover Council meeting costs such as member lodging costs, Council meeting room costs or Council member travel costs. The government cannot accept such gifts. In addition, there is no mechanism in place for the U.S. Fish and Wildlife Service to accept funds from third parties for such expenses.

Issue 4: Deer on Kodiak Island

The Sitka Black-tailed Deer population on Kodiak Island has faced recent severe winter conditions and reported numbers of deer have fallen significantly. The Council urges the Board and Kodiak National Wildlife Refuge, in cooperation with the Alaska Department of Fish and Game, to monitor and assess the deer population, and if possible, develop potential strategies for rapid rebuilding of the population.

Response:

The Kodiak National Wildlife Refuge, Alaska Department of Fish and Game (ADF&G), and the Kodiak Fish and Game Advisory Committee have worked closely with the Council to review management of deer on both State and Federal lands on Kodiak Island. Although biologists from both the Kodiak National Wildlife Refuge and ADF&G have studied various methods of assessing and monitoring deer population trends, these methods are difficult and expensive.

Population estimates are not available for Kodiak Island. The primary method used to assess the deer population has been hunter questionnaire surveys. However, the Refuge conducted a pilot aerial survey in 2012, in the open (non-forested) areas of the Refuge. The preliminary results were positive so they expanded the effort for 2013. They hope to combine non-forested survey results with a pellet analysis using a DNA mark-recapture effort in the forested areas to develop a method to census the deer population for the entire island.

Based on existing studies, clearcutting of old growth Sitka spruce on Kodiak and Afognak has created deeper snow depths and limited access to food, thus impairing winter survival. Winter mortality continues to be the most significant factor limiting the Kodiak Island deer population, which has gone through dramatic population fluctuations in the past. Thus there are few practical options for active population management practices to enhance the deer population on Kodiak Island, other than reducing harvest.

Issue 5: Rural Determination Process

The Council is pleased that the Board is undertaking the process to ask subsistence users and the public about appropriate ways to determine which communities are considered to be rural under the Federal Subsistence Program. This is a very important issue within our region, particularly for the City of Kodiak residents. The Council urges the Board to conduct hearings or listening sessions in Kodiak during this comment gathering period. Please carefully consider the effects of the rural determinations process on Kodiak and others communities such as Sitka, Saxman, Bethel and Dillingham.

Response:

The Federal Subsistence Board, based on direction from the Secretaries of Interior and Agriculture, has begun a review of the rural determination process to ask the public about the appropriate ways to determine which communities are considered to be rural under the Federal Subsistence Management Program. The Board recognizes the importance of this issue for City of Kodiak residents and for residents of other communities throughout the state, including Sitka, Saxman, Bethel and Dillingham, among others.

OSM has limited funding to gather input on the rural determination process during the fall cycle of Regional Advisory Council meetings. That is why, with the Council's agreement, the fall 2013 meeting was moved from King Cove to Kodiak. This should maximize the opportunity for residents of the region to provide input into the rural determination process. In addition, there will be at least 2-3 more opportunities for the Council and the public to comment on rural determination at later stages in the process.

Issue 6: Selective Wolf Removal to Improve the Southern Alaska Peninsula Caribou Population

In 2008-10 selective removal of 31 wolves from the calving grounds in Unit 9 for the Southern Alaska Peninsula caribou herd resulted in a slight improvement to the caribou population. This experimental adjustment on State lands increased both the calf-to-cow and bull-to-cow ratios, allowing hunters to have the first subsistence harvest of caribou in many years. Four bulls were permitted for each of the small villages in the area. Since the experimental wolf removals ceased, the caribou population trends are reversing; there are increasing numbers of wolves foraging into our villages, which they have rarely done before. We are not asking for across the board killing of all the wolves, but endorse selective removal of those few wolves that reduce calf survival to near zero. Our elders recognize the need for a balanced ecosystem, but worry about the disparity that has occurred. The Council requests the Board to revisit their predator control policy and recognize the beneficial result of reestablishing an environmental equilibrium to slowly increase the population of caribou and opportunities for subsistence harvest that is so vital to our rural community's sustenance and cultural well-being.

Chairman Simeonoff

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Response:

The Board acknowledges that the Councils have raised the issue of revisiting predator control on several prior occasions. At the urging of the State of Alaska, the Board revisited the Predator Management Policy during its June 18, 2013 work session in Anchorage. During that meeting, the Board reaffirmed its historic position that predator management is not within the scope of the Federal Subsistence Management Program but a matter for individual land managers to address. (see enclosed briefing)

The population size of the Southern Alaska Peninsula Caribou Herd (SAPCH) has fluctuated from approximately 500 to 10,000 caribou. While wolf and brown bear predation may be limiting factors for the population, habitat could also be a key limiting factor for the SAPCH. Post and Klein (1999) discussed how the herd continued to decline in the late 1940s and 1950s despite wolf control activities, and suggested the quantity and quality of summer range forage and plant phenology may be important factors influencing productivity of the herd. Additionally, the large decline of the SAPCH in the 1980s and early 1990s may have been associated with poor nutrition (Riley 2011). The recent experimental removal of wolves on the calving grounds of the SAPCH likely increased the size of the SAPCH. At the low population level, predation by wolves was likely resulting in high calf mortality, which resulted in low recruitment. By selectively removing wolves from the calving grounds, predation was reduced and recruitment improved.

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

Sincerely,



Tim Towarak
Chair

Enclosures

cc. Kodiak/Aleutians Subsistence Regional Advisory Council
Federal Subsistence Board
Interagency Staff Committee
Gene Peltola, Jr., Assistant Regional Director, OSM
Kathleen M. O'Reilly-Doyle, Deputy Assistant Regional Director, OSM
David Jenkins, Policy Coordinator, OSM
Carl Johnson, Council Coordination Division Chief, OSM
Administrative Record

Federal Subsistence Board

Work Session

June 18, 2013

Briefing Paper Regarding Alaska Board of Game Letter (Chairman Spraker) to Federal Subsistence Board (Chairman Towarak): Dated: April 26, 2013

Chairman Spraker's letter encourages the Board to begin the process of modifying the application of the Federal Subsistence Board's predator management policy. He also suggests that each federal agency apply the policy consistently.

The Federal subsistence program was established in a final rule effective on July 1, 1992 with regulations 36 CFR 242 and 50 CFR 100 published in the Federal Register 57 FR 22940; May 29, 1992. The Secretaries of the Interior and Agriculture established the Board and these regulations assigned it specific responsibilities. These authorities are fully listed in Subpart B __.10, which read in part:

The Secretary of the Interior and Secretary of Agriculture hereby establish a Federal Subsistence Board and assign it responsibility for administering the subsistence taking and uses of fish and wildlife on public lands, and the related promulgation and signature authority for regulations in subparts C and D of this part.

Preceding publication of these regulations the Departments of the Interior and Agriculture completed an Environmental Impact Statement (EIS) which considered numerous topics. Some topics were not analyzed and thus not included within the program. The Final EIS, Volume I, Chapter I, Section G *Issues Not Addressed In This EIS* says:

Issue: Should predators be controlled and vegetation manipulated to increase wildlife populations? Concerns were expressed about the role and habitat manipulations projects and predator control program in the FSMP and the impacts of those actions on subsistence species. Habitat manipulation projects and predator control programs are the responsibility of each land management agency and are beyond the scope of this document. Each such project or program is subject to both NEPA documentation and ANILCA Section 810 Compliance.

After much public discussion in the early 2000s the Board adopted a concise policy statement in accordance with the aforementioned regulations and programmatic EIS. See *Predator Management Policy Federal Subsistence Board*. Among other things the policy reiterates that,

Predator control and habitat management are the responsibly of and remain within the authority of the individual management agencies.

In summary, The Secretaries' programmatic EIS and the Board's regulations did not include this aspect of wildlife management in the program. The EIS specifically left this task to the individual agencies and stated that they remained subject to both National Environmental Policy Act (NEPA) documentation and ANILCA §810 evaluation. Any agency undertaking either of these activities need to complete both NEPA compliance (either and EA or EIS) and an ANILCA §810 evaluation. The powers and duties of the Board, listed in §__.10 (d) do not include predator management nor habitat manipulation and the Board is not delegated the authority to modify this section (Subpart B) of these regulations. The Secretaries have retained authority to approve changes to Subpart A and B regulations.

As to each agency's application of law, regulation and policy agencies are required to act in a manner consistent with their agency's mandates and other federal law. Agency mandates often differ as described in a letter from the Secretary of the Interior to the Eastern Interior Subsistence Regional Advisory Council in December 2006.

Attachments:

- Letter; Chairman Spraker to Chairman Towarak; April 26, 2013
- *Predator Management Policy Federal Subsistence Board*, Adopted May 20, 2004
- Letter: Acting Assistant Secretary of the Interior for Fish and Wildlife and Parks to Chairman Eastern Interior Alaska Subsistence Regional Advisory Council Gerald Nicholia, December 19, 2006



THE STATE
of ALASKA

GOVERNOR SEAN PARNELL

Alaska Board of Game

1255 West 8th Street
P O Box 115526
Juneau, Alaska 99811-5526
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RECEIVED

APR 26 2013

April 26, 2013

Tim Towarak, Chairman
Federal Subsistence Board
1011 E. Tudor Road
Anchorage, Alaska 99503

Dear Chairman Towarak:

It has recently come to the attention of the Alaska Board of Game (Board) that there was a discussion at the July 18, 2012 meeting of the Federal Subsistence Board (FSB) regarding possible revision of the FSB's Predator Management Policy. We understand this discussion was prompted by input from Regional Advisory Councils as well as individual rural subsistence users.

The Board of Game has received an increasing number of statements and complaints over the years from Alaska's subsistence users, many of whom live in rural areas, asserting that federal policies (including the FSB's Predator Management Policy) and interpretations of congressional mandates have severely restricted harvest opportunities due to ungulate scarcity, and have prohibited subsistence traditions thereby weakening Alaskans' ability to pass on harvest heritage to future generations.

The Alaska Department of Fish and Game has undertaken the task of rebuilding depressed wildlife populations important for human consumptive use by applying the state intensive management statute and the Board's intensive management regulations. In so doing, we have provided reasonable and increasing opportunities for subsistence harvest. However, even as we begin to realize meaningful returns from these active management programs, our efforts remain limited or prohibited due to subjective interpretation of individual federal agency mandates. The insertion of intangible ideologies into federal policy serves to reject predator management proposals in the federal arena, and redirects many of the pleas into the state regulatory process. The Board has brought this struggle to the attention of the appropriate federal managers at every opportunity, but has seen no change whatsoever in policy direction or regulatory action.

While the Board recognizes and provides for sustained yield management of predator populations and shares the federal goal of predator conservation, we consider it inappropriate for extreme and subjective sentiments regarding these goals to subvert the subsistence mandates and responsibilities set forth in ANILCA. Such a misguided approach also serves to erode some of the very foundational purposes of the National Conservation System Units.

Chairman Tim Towarak

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April 26, 2013

The desire to subsist from the land is not limited to being a noble historic practice. Subsistence is a present and continuing reality of utmost importance to a great many Alaskans. Reasonable opportunity cannot be provided unless animals are available for harvest. We believe you take this responsibility seriously and are as aggrieved as we are when subsistence harvest declines. We thank you for your recent comments regarding these topics, and encourage you to show the necessary fortitude to address this issue by beginning the process of modifying application of the FSB predator management policy, which, up to this point, has only frustrated the efforts of both our boards to provide harvest opportunities for Alaskans who live off the land and rely significantly on its seasonal bounties.

The policy's current language endorses predator reductions to recover ungulate populations provided the procedure is consistent with each respective agency's policies and management objectives. The current application of this policy equates to rejecting predator control proposals that are construed to favor one population or species over another, commonly referred to by the federal managers as altering wildlife populations in their natural diversity. We respectfully suggest that each federal agency apply the policy consistently by taking affirmative action on each predator control proposal where reductions can be achieved and would result in additional subsistence harvest opportunity. This approach would fulfill ANILCA mandates, meet federal public trust obligations to Alaskans, and continue to provide for natural diversity while avoiding extreme swings in wildlife populations that threaten other important values for which federal lands are to be managed.

It is the view of this Board that the congressionally mandated responsibility to provide for subsistence harvest on federal lands in Alaska has been improperly relegated to the lowest level of management priority in recent decades. Proper application of the policy will benefit all resource users and the resource itself.

We note that Alaska's current program of intensive management has been commended by the national Association of Fish and Wildlife Agencies through presentation of the Ernest Thompson Seton Award, which recognizes leadership in scientific wildlife management. It is a very prestigious award, and Alaska is honored to receive recognition for our efforts to build management programs upon solid scientific foundations.

We look forward to providing further input on this issue as you move forward to address a very real need for active management on federal public lands in Alaska.

Sincerely,

Handwritten signature of Ted Spraker in blue ink, with the initials 'KT' written at the end.

Ted Spraker, Chairman
Alaska Board of Game

cc: Cora Campbell, Commissioner, ADF&G
Craig Fleener, Deputy Commissioner, ADF&G
Doug Vincent-Lang, Director, Division of Wildlife Conservation, ADF&G
Jennifer Yuhas, Federal Subsistence Team Liaison, ADF&G



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240



DEC 19 2006

Mr. Gerald Nicholia, Chair
Eastern Interior Alaska Subsistence
Regional Advisory Council
101 12th Avenue, Room 110
Fairbanks, Alaska 99701

Dear Mr. Nicholia:

Thank you for your letter of September 22, 2006, to Secretary Dirk Kempthorne requesting that the process to implement an intensive management program with the State of Alaska, Department of Fish and Game on Federal public lands within the Eastern Interior Region of Alaska, be started immediately. I have been asked to respond to you directly.

I take the responsibility, as mandated in the Alaska National Interests Lands Conservation Act (ANILCA), of protecting the opportunity for continued subsistence uses in Alaska seriously; as well as that of conserving the nation's fish and wildlife and other natural resources on Alaska's Federal public lands, as directed by ANILCA and other Federal statutes. Each of the Department of the Interior (DOI) land management agencies within your region manage the resources entrusted to them according to these statutory mandates and the implementing regulations and policies. Consistent with these mandates, the DOI agencies will address your concerns.

I understand that staff from the Bureau of Land Management, National Park Service, and U.S. Fish and Wildlife Service (Service) gave presentations to your council at its October 2006 meeting in Delta Junction. They explained the legal requirements and policy guidelines each agency follows when considering requests for intensive management, including predator control. In addition, your council was provided written responses from the Refuge Managers of the Arctic, Yukon Flats, and Tetlin National Wildlife Refuges to your request to the Service Regional Director to initiate studies leading to control of predators of moose and caribou on these refuges.

Each DOI land management agency has differing legal requirements and policy guidelines regarding intensive management, including predator control, which are summarized below:

Mr. Gerald Nicholia

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Bureau of Land Management (BLM)

The BLM manages its Alaska lands primarily under the Federal Land Policy and Management Act of 1976 and ANILCA. While the agency manages land uses and habitat on its lands, management of fish and wildlife on BLM lands is conducted by the State of Alaska, consistent with the traditional role of the State in managing resident species of fish and wildlife. Essentially, predator control activities by the State of Alaska may take place on BLM lands, as long as they do not conflict with on-going or anticipated BLM authorized actions. The BLM views predator control as a State function and the agency neither supports nor condemns the predator control methods approved by the Alaska Board of Game.

U.S. Fish and Wildlife Service (Service)

The Service manages the national wildlife refuges in Alaska under the mandates of ANILCA and the Refuge Administration Act. There is nothing in ANILCA, or other applicable federal laws, regulations and policies, nor in the refuge comprehensive conservation plans, which specifically precludes predator control on national wildlife refuges in Alaska. However, these laws, regulations and policies do require comprehensive analyses prior to considering a predator control program to ensure that the action is both appropriate and biologically justified. The following are some of the general prerequisites for considering predator control on Alaska refuges.

Foremost, management actions must be biologically justified and used in a prudent and ecologically sound manner to conform to the agency's Policy on Maintaining the Biological Integrity, Diversity, and Environmental Health of the National Wildlife Refuge System (System). This policy requires that the agency 1) *identify the refuge purpose(s), legislative responsibilities, refuge role within the ecosystem, and System mission;* 2) *assess the current status of biological integrity, diversity, and environmental health through baseline... surveys and studies...;* 3) *assess historic conditions and compare them to the current condition ... This will provide a benchmark... for the relative intactness of ecosystem functions and processes; and* 4) *consider the refuge's importance to refuge, ecosystem, national and international landscape scales of biological integrity, diversity, and environmental health....* A thorough evaluation must be given to substantiate intended benefits of the control efforts, and alternatives to direct control must be evaluated, attempted, and exhausted as a practical means of achieving management objectives.

Because predator control of wolves and/or bears on national wildlife refuges is highly controversial, it would be considered a major Federal action subject to National Environmental Policy Act (NEPA) requirements which would include preparation of an environmental impact statement (EIS) or, at a minimum, an environmental assessment

Mr. Gerald Nicholia

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(EA). As part of an EIS or EA, the Service would evaluate predator control in the context of the purposes of the refuge and in consideration of the biological integrity policy. Additionally, the agency would evaluate the effects of the proposed predator control on subsistence uses and needs, as required by Section 810 of ANILCA. Section 810 requirements would be incorporated into the NEPA process and documents.

In addition, if predator control is proposed to be carried out on a refuge by an agency or others not acting as agents of the Service, the refuge manager must find the proposed control program to be consistent with the Service compatibility regulations implementing the Refuge Administration Act. These regulations require that permitted uses of the refuge be compatible with the purposes of the refuge, the mission of the national wildlife refuge system, and the resource management objectives identified in the refuge comprehensive conservation plans.

Be assured that the Service is giving serious consideration to the concerns you have raised relating to the effects of predation on subsistence uses. By copy of this letter I am requesting that the Service's staff in Alaska to explore available options to conduct the studies necessary to fully evaluate the need for and potential benefits of predator reductions to refuge resources and subsistence users, as well as alternatives to direct agency-conducted reduction of predators. In this evaluation, the Service will closely coordinate and, where possible, cooperate with the State of Alaska in its efforts to provide sustainable, harvestable surpluses for subsistence use.

National Park Service (NPS)

The NPS lands in Alaska are managed according to ANILCA and the underlying 1916 Organic Act, which established and continues to guide NPS management. The ANILCA, per sections 802(1), 808(6) and 815(1)(3), established a standard of "conservation of healthy populations" for wildlife management in Alaska's parks, monuments, and preserves. The legislative history to ANILCA clearly expresses congressional intent in regards to intensive management, including predator control. On page 171 of Senate Report 96-413, November 1979, it states:

In authorizing subsistence uses within National Parks, Monuments, Preserves, and National Recreation Areas, it is the intent of the Committee that certain traditional National Park Service management values be maintained. It is contrary to the National Park Service concept to manipulate habitat or populations to achieve maximum utility of natural resources. Rather, the National Park System concept requires implementation of management policies which strive to maintain the natural abundance, behavior, diversity, and ecological integrity of native animals as part of their ecosystem, and the Committee intends that that concept be maintained... Accordingly, the Committee does not expect the National Park Service to engage in habitat manipulation or control of other species for the purpose of maintaining subsistence uses within the National Park System units.

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The same report goes on to state (pages 232-233):

The Committee recognizes that the management policies and legal authorities of the National Park System and the National Wildlife Refuge System may require different interpretations and application of the "healthy population" concept consistent with management objectives of each system. Accordingly, the Committee recognizes that the policies and legal authorities of the managing agencies will determine the nature and degree of management program affecting ecological relationships, population dynamics, and manipulations of the components of the ecosystem.

As you can see, the Congress understood and expected that the policies of the NPS were to play a significant role in interpreting how the mandate for "conservation of healthy populations" is carried out.

One of the first major actions the Secretary completed was a long and thorough review of draft NPS management policies. On August 31, 2006, the Secretary was satisfied that the policies were appropriate and struck the correct balance for NPS guidance. Those policies contain several sections (in Chapter 4) that relate to your request. In all, those sections direct the NPS to, in a manner consistent with ANILCA and its Senate history, maintain the natural population fluctuations and processes that influence the dynamics of individual plant and animal populations within their ecosystems. Section 4.4.3, *Harvest of Plants and Animals by the Public*, directly deals with the issues you have raised. Among other things, that section states: *The (National Park) Service does not engage in activities to reduce the number of native species for the purpose of increasing the number of harvest species (i.e. predator control), nor does the (National Park) Service permit others to do so on land managed by the National Park Service.*

To summarize, undertaking intensive management practices, including predator control activities as conducted by the State of Alaska, is not allowed on NPS lands.

I hope this brief summary of the DOI agencies' legal frameworks for considering predator control on their respective lands is helpful to your council's understanding of the constraints they must conform to in addressing your concerns. I would encourage your council to continue to work closely with the Federal agencies and the State in developing management options to ameliorate, to the extent possible, the adverse effects of predation on wildlife resources utilized by subsistence users. In addition to seeking predator reduction programs on Federal lands which are consistent with the legal and policy mandates of the land managing agencies, opportunities for predator management on lands under State jurisdiction should be explored, as appropriate. Additionally, the council may be able to encourage increased harvests of predators by local residents under current State hunting and trapping regulations where applicable.

Mr. Gerald Nicholia

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In closing, I support and applaud your efforts to ensure that subsistence uses and way of life in Alaska are protected. I appreciate your council's continuing contribution to the Federal Subsistence Program and your diligence in representing the interests of subsistence users in your region. If you have any further questions, please feel free to contact me at (202) 208-5347.

Sincerely,


Acting Assistant Secretary for Fish
and Wildlife and Parks

**PREDATOR MANAGEMENT POLICY
FEDERAL SUBSISTENCE BOARD**

Adopted by the Federal Subsistence Board on
May 20, 2004

The Federal Subsistence Board recognizes that predators are an important component of Alaska's dynamic ecosystems, beneficial to maintaining balance, health, and diversity within associated wildlife populations and habitats. Furthermore, the Board recognizes the traditional Alaska Native cultural beliefs and values associated with wolves, bears and other predatory species, and the impact that predators can have on ungulate populations valued by subsistence users. In addition, the Board recognizes that predator control may be an appropriate management tool on some Federal public lands for restoring prey populations to provide for subsistence needs where predation has reduced or held prey populations at levels significantly below historical levels of abundance.

As authorized by the Secretaries of Interior and Agriculture [50 CFR Part 100.10 (USDI) and 36 CFR Part 242.10 (USDA)], the Board administers the subsistence taking and uses of fish and wildlife on Federal public lands through regulations that provide for the non-wasteful harvest of fish and wildlife by Federally qualified rural residents, consistent with the maintenance of healthy populations of harvested resources. Such subsistence taking and uses are "... *for direct personal or family consumption* ..." (Section 803 of ANILCA). Wildlife management activities on Federal public lands other than the subsistence take and use of fish and wildlife, such as predator control and habitat management, are the responsibility of and remain within the authority of the individual land management agencies.

Accordingly, the Board will:

- A** Consider all Federal proposals to regulate seasons and dates, methods and means, harvest limits, and customary & traditional use determinations for the subsistence take of fish and wildlife. The Board will ensure that the effect of its decisions is to provide for subsistence take and use of the subject species. The Board will also take into account approved population objectives, management plans, customary and traditional uses, and recognized principles of fish and wildlife management.
- B** Direct the Office of Subsistence Management to provide proponents of predator control proposals (all Federal proposals that specifically indicate that the reason for the proposed regulation(s) is to reduce the predator population to benefit prey populations), with procedures for submitting the proposal to the appropriate agency. Where predators have been determined to be a major contributing factor in the significant reduction of ungulate populations important for subsistence use, or in the chronic suppression of such populations at low densities, the Board will endorse timely, affirmative and effective action consistent with each respective agency's policies and management objectives, to reduce predator populations and

allow affected ungulate populations to recover. The Board will monitor actions taken by the agency to address such concerns, and will provide appropriate support where necessary to ensure the continuation of subsistence harvest opportunities.

- C Ensure that the appropriate Regional Council(s) is informed of predator control proposals by having them printed in the Proposal Booklet and presented to the Council at the next appropriate Council meeting, along with other rejected proposals that address concerns which are outside the authorities of the Federal Subsistence Board.

CUSTOMARY AND TRADITIONAL USE DETERMINATION BRIEFING

The Federal Subsistence Board, and the Southeast Alaska Subsistence Regional Advisory Council, would like your recommendations on the current customary and traditional use determination process. The Board last asked the Councils a similar question in 2011 as directed by the Secretary of the Interior and the Secretary of Agriculture. All Councils, with the exception of the Southeast Council, indicated that the existing customary and traditional use determination process was working. At the request of the Southeast Council, this additional review is being conducted for your input.

We will briefly describe the history of customary and traditional use determinations, and illustrate the differences between those determinations and an ANILCA Section 804 analysis. We will then ask for Council discussion and recommendations. Our focus is not on *how* customary and traditional use determinations are made, but on *why* they are made. The Southeast Council would like you to recommend, as a Council, to eliminate, amend, or make no changes to the current customary and traditional use determination process.

The Alaska National Interest Lands Conservation Act (ANILCA) does not require customary and traditional use determinations. Customary and traditional use regulations were adopted from the State when the Federal Subsistence Management Program was established in 1990. In the 1992 Record of Decision, the Federal Subsistence Board considered four customary and traditional use options and recommended to the Secretaries of the Interior and Agriculture that State customary and traditional use determinations continue to be used. The State's eight criteria for determining customary and traditional use were subsequently slightly modified for use in Federal regulations. Since the establishment of the Federal Subsistence Management Program, the Board has made some 300 customary and traditional use determinations.

The Board initially adopted the State's customary and traditional use criteria (renaming them "factors"), anticipating the resumption of State management of subsistence on Federal public lands, and intending to "minimize disruption to traditional State regulation and management of fish and wildlife" (55 FR 27188 June, 29, 1990). The State has not resumed subsistence management on Federal public lands, and it appears the Federal Subsistence Management Program will be permanent. (See **Appendix A** for a listing of the eight factors.)

Note that the Board does not use customary and traditional use determinations to restrict amounts of harvest. The Board makes customary and traditional use determinations, relative to particular fish stocks and wildlife populations, in order to recognize a community or area whose residents generally exhibit eight factors of customary and traditional use. The Southeast Council is concerned that the effect is to exclude those Federally qualified rural residents who do not generally exhibit these factors from participating in subsistence harvests in particular areas.

In 2009, Secretary of the Interior Ken Salazar announced a review of the Federal subsistence program. Part of that review focused on customary and traditional use determinations. Specifically, in 2010, the Secretary of the Interior, with the concurrence of the Secretary of Agriculture, asked the Board to "Review, with RAC input, the customary and traditional use determination process and present recommendations for regulatory changes."

All ten Regional Advisory Councils were asked for their perspectives on customary and traditional use determinations during the 2011 winter meeting cycle. Nine Councils did not suggest changes to the

process (see **Appendix B**). The Southeast Council, however, suggested one modification, which was included in its annual report. The modified regulation reads as follows:

§100.16 (a) The Board shall determine which fish stocks and wildlife populations have been customarily and traditionally used for subsistence. These determinations shall identify the specific community's or area's use of ~~specific fish stocks and wildlife populations~~ **all species of fish and wildlife that have been traditionally used, in their (past and present) geographic areas**. For areas managed by the National Park Service, where subsistence uses are allowed, the determinations may be made on an individual basis.

In other words, once a customary and traditional use determination is made for an area, residents in that area would have customary and traditional use for *all* species. There would be no need for customary and traditional use determinations for specific fish stocks and wildlife populations, or on a species-by-species basis.

Subsequently, the Southeast Council formed a workgroup to analyze the customary and traditional use determination process. The Southeast Council workgroup, after conducting an extensive review of Regional Advisory Council transcripts, determined that Councils were not adequately briefed on the Secretaries' request for Council recommendations on the process. The Southeast Council drafted a letter and a briefing document, which were provided to the other Regional Advisory Councils during the 2013 winter meeting cycle; these are included in your meeting materials.

Pursuant to the workgroup findings, the Southeast Council emphasized the following:

The current customary and traditional use determination process is being used to allocate resources between rural residents, often in times of abundance. This is an inappropriate method of deciding which residents can harvest fish or wildlife in an area and may result in unnecessarily restricting subsistence users. The SE Council has a history of generally recommending a broad geographic scale when reviewing proposals for customary and traditional use determinations. Subsistence users primarily harvest resources near their community of residence and there is normally no management reason to restrict use by rural residents from distant communities. If there is a shortage of resources, Section 804 of ANILCA provides direction in the correct method of allocating resources.

The Southeast Council does not support retaining the current customary and traditional use determination process. Instead, the Southeast Council suggests that, when necessary, the Board restrict harvests by applying ANILCA Section 804 criteria:

- Customary and direct dependence upon the populations as the mainstay of livelihood;
- Local residency; and
- The availability of alternative resources.

The Federal Subsistence Board, and also the Southeast Council, would like your recommendations on the current customary and traditional use determination process. Specifically, the Southeast Council would like you to consider whether to

- (1) eliminate customary and traditional use determinations and instead use, when necessary, ANILCA Section 804 criteria,
- (2) change the way such determinations are made, by making area-wide customary and traditional use determinations for all species (not species-by-species or by particular fish stocks and wildlife

populations),

(3) make some other change, or

(4) make no change.

Council input will provide the basis for a briefing to the Federal Subsistence Board in response to the Secretaries' directive to review the customary and traditional use determination process and present recommendations for regulatory change, if needed. The Board could then recommend that the Secretaries eliminate, amend, or make no change to the current customary and traditional use determination process.

APPENDIX A

For reference, here are the eight factors currently used in Federal regulations for making customary and traditional use determinations (36 CFR 242.16 and 50 CFR100.16):

(a) The Board shall determine which fish stocks and wildlife populations have been customarily and traditionally used for subsistence. These determinations shall identify the specific community's or area's use of specific fish stocks and wildlife populations. For areas managed by the National Park Service, where subsistence uses are allowed, the determinations may be made on an individual basis.

(b) A community or area shall generally exhibit the following factors, which exemplify customary and traditional use. The Board shall make customary and traditional use determinations based on application of the following factors:

- (1) A long-term consistent pattern of use, excluding interruptions beyond the control of the community or area;*
- (2) A pattern of use recurring in specific seasons for many years;*
- (3) A pattern of use consisting of methods and means of harvest which are characterized by efficiency and economy of effort and cost, conditioned by local characteristics;*
- (4) The consistent harvest and use of fish or wildlife as related to past methods and means of taking; near, or reasonably accessible from, the community or area;*
- (5) A means of handling, preparing, preserving, and storing fish or wildlife which has been traditionally used by past generations, including consideration of alteration of past practices due to recent technological advances, where appropriate;*
- (6) A pattern of use which includes the handing down of knowledge of fishing and hunting skills, values, and lore from generation to generation;*
- (7) A pattern of use in which the harvest is shared or distributed within a definable community of persons; and*
- (8) A pattern of use which relates to reliance upon a wide diversity of fish and wildlife resources of the area and which provides substantial cultural, economic, social, and nutritional elements to the community or area.*

APPENDIX B

Summary of Winter 2011 Council Comments on the Customary and Traditional Use Determination Process

(Note that summaries were drafted by OSM LT members or the Council Coordinator that attended the meetings; see the Council transcripts for details.)

The **Seward Peninsula Council** is satisfied with the current Federal subsistence customary and traditional use determination process. The Council noted that C&T determinations are important and that the Federal Subsistence Management Program provides ways to modify C&T determinations if needed.

The **Western Interior Council** is satisfied with the process used by the Federal Subsistence Board to make C&T determinations and thinks it works well. The Council felt that the Board is sensitive to local concerns, and there is room for the public to be involved. The Council felt that getting rid of the existing process would be problematic (i.e., what to do with the roughly 300 C&T determinations that have already been made), and inventing a new system could be counterproductive. The Council felt that maintaining the Councils' and AC's involvement in C&T determinations public process is key and the current process does just that.

The **Eastern Interior Council** is comfortable with the existing process and believes that it works well. In most cases there is no need to change the process. One member expressed the thought that the only time the process doesn't work well is when it is used to pit user against user.

The **North Slope Council** was fine with the current C&T process and had no suggestions for changes.

The **Yukon Kuskokwim Delta Council** was fine with the current C&T process, even though one member noted not always agreeing with the determinations.

The **Bristol Bay Council** observed that the C&T process works wonderfully in their region and noted that there is no burning need for change. There was discussion about the closure to hunting and subsistence uses in Katmai National Park.

The **Southcentral Council** is generally satisfied with the process used by the Federal Subsistence Board to make C&T determinations, stating that it is not perfect but it has worked. The Council liked the process because it puts the information on customary and traditional use in front of the Councils and the Board, and that is valuable. The process gives a good understanding of how the rural subsistence process works. The Council felt that it could be tweaked a bit, for example, if you have C&T for a variety of species, you shouldn't have to do a separate C&T finding for every other species – there should be a way to streamline the process. The Council also discussed the disparity of information needed in some parts of the state versus in other parts of the state (i.e., Ninilchik). The Council sees C&T as being inclusive, not exclusive. The Board needs to defer to Councils on their recommendations on C&T. The Council also reminded itself that it could do a better job by building a solid record in support of its decisions.

The **Northwest Arctic Council** discussed this topic at length. In the end, the Council stated that the current process is working and it did not have any recommended changes at this time.

The **Kodiak/Aleutians Subsistence Council** discussed this subject at length. It generally supported the overall process, though had a lot of comments. One Council member stated that he thinks that the process

is good. Sometimes the process is too liberal and other times it is too literal, but it has been improving and overall it is good. Another Council member noted that the method used for making customary and traditional use determinations isn't perfect, but he couldn't think of another way to do it. He added that it would be nice if more concrete words were used, for example, what do "long term use" and "seasonal use" really mean? Another Council member asked about the process with regard to how introduced species fit in, especially with regard to the factor including "long term use". Finally, a Council member noted that we need to ensure that the process works, and that the subsistence priority remains.

The **Southeast Council** is drafting a letter to the Board concerning this issue. The Council noted that the eight factor analysis is a carryover from State of Alaska regulations and recommends that the Federal Subsistence Management Program draft new more suitable Federal regulations which adhere to provisions contained within Section 804 of ANILCA. The Council recommends that:

- The Board give deference to the Council recommendation for customary and traditional use determinations.
- 50 CFR100.16(a) read: "The Board shall determine which fish stocks and wildlife populations have been customarily and traditionally used for subsistence. These determinations shall identify the specific community's or area's use of [specific fish stock and wildlife population] **all species of fish and wildlife that they have traditionally used, in their (past and present) geographical areas**".
- If an eight factor approach is continued, then the regulations should be modified to include specific language for a holistic approach.

Southeast Alaska Subsistence Regional Advisory Council

January 22, 2013

Customary and Traditional Use Determination Recommendation Briefing

Issue:

The Southeast Alaska Subsistence Regional Advisory Council (SESRAC) does not agree that the current process of restricting access to fish and wildlife resources through a customary and traditional use (C&T) determination process was intended in ANILCA.

Although SESRAC recognizes that there are a number of possible solutions, its preferred solution is to eliminate the C&T determination regulations (36 CFR 242.16 and 50 CFR 100.16) and allocate resources as directed in section 804 of ANILCA.

Background:

The current Federal C&T determination regulations, including the eight factors, were adopted from pre-existing State regulations. The Federal program adopted this framework, with some differences, when it was thought that Federal subsistence management would be temporary.

The primary purpose of C&T determinations by the State is to limit the subsistence priority by adopting "negative" determinations for specific fish and wildlife species in specific areas. The C&T determination process is also used to establish non-subsistence use areas where NO species are eligible for subsistence use.

A "positive" C&T determination in State rules recognizes subsistence use and provides residents with a legal protection to engage in priority subsistence activities.

Unlike the State process, in which some lands are excluded from subsistence use (non-subsistence use areas); all Federal lands are available for subsistence use by rural residents.

The Federal program uses the C&T determination process to restrict which rural residents can participate in subsistence. The abundance of fish or wildlife is not the primary factor in deciding which rural residents can participate in subsistence and some residents may be restricted in times of abundance.

The Federal C&T determination process is actually a means of closing an area to some rural residents but there are no provisions for periodic review of this action similar to the review policy on other closures.

A draft policy on C&T determinations was subject to public comment during the fall 2007 Regional Advisory Council meeting window. The Federal Subsistence Board deferred finalization on the policy in March of 2008.

In October of 2009, Secretary of the Interior Ken Salazar announced that there would be “a review of the Federal subsistence program to ensure that the program is best serving rural Alaskans and that the letter and spirit of Title VIII are being met”.

In a detailed report from the U.S. Department of the Interior in September 2010, the Secretary of the Interior with concurrence of the Secretary of Agriculture, directed the subsistence Board to do several tasks.

The first relevant task was to “review, with RAC input, federal subsistence procedural and structural regulations adopted from the state in order to ensure federal authorities are fully reflected and comply with Title VIII (changes would require new regulations)”.

The second relevant task was to “review customary and traditional determination process to provide clear, fair, and effective determinations in accord with Title VIII goals and provisions (changes would require new regulations)”.

In a letter to Mr. Tim Towarak in December 2010, Secretary of the Interior Ken Salazar requested that the FSB; “review, with RAC input, the customary and traditional use determination process and present recommendations for regulatory changes”.

In their 2011 Annual Report, the SESRAC suggested that the Board consider modifying current regulations to be more representative of the way people use subsistence resources. The SESRAC suggested the following specific regulatory change:

*Modify 50 CFR 100.16 (a). The regulation should read: “The Board shall determine which fish and wildlife have been customarily and traditionally used for subsistence. These determinations shall identify the specific community’s or area’s use of ~~[specific fish stocks and wildlife populations]~~ **all species of fish and wildlife that have been traditionally used, in their (past and present) geographic areas.**”*

In the Annual Report reply, the Board encouraged the SESRAC to develop recommendations in a proposal format for additional review. The Office of Subsistence Management pledged staff assistance if the Council wished to pursue the matter further.

During the March 2012 meeting in Juneau, an update on the Secretarial Review stated that 9 Councils felt the C&T determination process was adequate and only the SESRAC had comments for changes to the process.

The SESRAC formed a workgroup to review materials and provide a report on the issue during the March 2012 SESRAC meeting and develop a recommendation for consideration by the SESRAC at the September 2012 meeting.

Southeast Council Findings:

An eight factor framework for Federal C&T determination analysis was first adopted by the Alaska Board of Fisheries and is not found in ANILCA.

Although there are clearly some instances where it is appropriate to provide a preference to local residents (for instance, an early start to the moose season in Yakutat), the SESRAC has a history of recommending C&T determinations for a large geographic area.

When necessary, the Federal Subsistence Board can restrict who can harvest a resource by applying ANILCA Section 804 criteria:

- Customary and direct dependence upon the populations as the mainstay of livelihood;
- Local residency; and
- The availability of alternative resources.

The ANILCA Section 804 process is a management tool that allows seasons on Federal public lands and waters to remain open to all rural residents until there is a need to reduce the pool of eligible harvesters.

Replacing the Federal C&T determination eight factors with ANILCA Section 804 three criteria may be a preferred method of restricting who can harvest a resource.

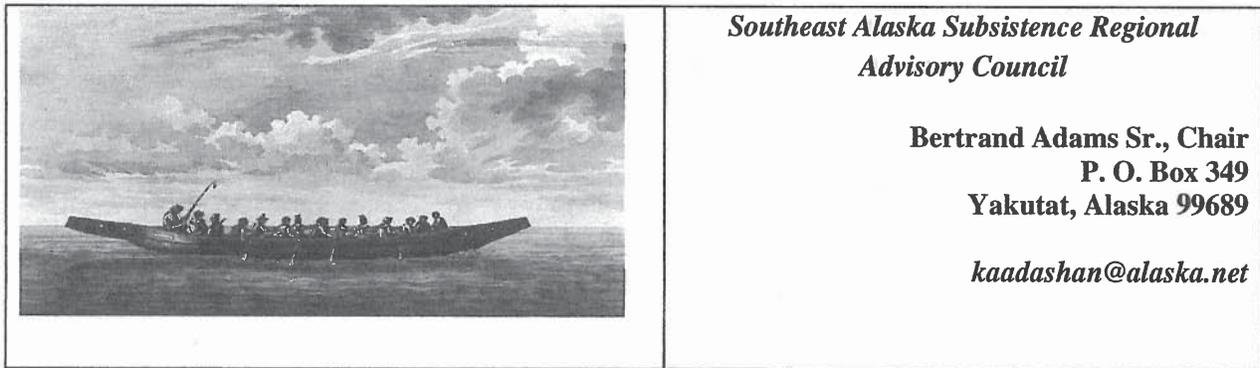
Action:

In January 2013, the SESRAC sent a letter to the other Federal regional advisory councils regarding the deficiencies in the current C&T determination process. This letter asks the other councils to review, during their fall 2013 meetings, whether the process is serving the needs of the residents of their region and report their findings to the SESRAC. If it is the desire of the other councils, a proposal for amending or eliminating current regulations could be developed for consideration by all the councils.

Key Contacts:

Bert Adams, Chair SESRAC – 907-784-3357

Robert Larson – SESRAC Coordinator – 907-772-5930



RAC SE13001.RL

JAN 11 2013

Mr. Speridon M. Simeonoff, Sr., Chair
Kodiak Aleutians Alaska Subsistence
Regional Advisory Council
P.O. Box 5008
Akhiok, Alaska 99615

Dear Mr. Simeonoff:

During the spring of 2011, pursuant to the Secretarial Review of the Federal Subsistence Program, the Federal Subsistence Board (Board) sought input from the Federal Subsistence Regional Advisory Councils (Councils) on the current customary and traditional use determination process. The Board subsequently reported to the Secretaries that 9 of the 10 Councils thought the process was working. The Southeast Alaska Subsistence Regional Advisory Council (SE Council) does not agree that the process is being implemented as intended in the Alaska National Interest Lands Conservation Act (ANILCA). We are asking your Council to review your evaluation of the current customary and traditional use determination process (36 CFR 242.16 and 50 CFR 100.16) and join with us in crafting a petition to the Secretaries to address deficiencies in the current regulations. The SE Council's preferred solution is to eliminate the customary and traditional use determination regulations and allocate resources as directed in Section 804 of ANILCA.

The SE Council has formed a workgroup to assist us in evaluating the current customary and traditional use determination process. The workgroup reviewed the 2007 draft Customary and Traditional Use Determination Policy, the public comments to this policy, the 2011 transcripts from all 10 Council meetings, and the 2012 Board transcripts where each of the Councils' input was summarized. The 2007 draft Customary and Traditional Use Determination Policy and the public comments to this policy are enclosed with this letter.

The SE Council workgroup noted that there were inconsistent briefings in 2011 regarding the input sought from the Councils. Different staff presented different levels of information, and in some instances Councils were led to believe other Councils thought the process was working.

Mr. Speridon M. Simeonoff, Sr.

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In addition, there was a lack of direction or background information provided to the Councils that would be necessary to formulate an informed opinion. There was no mention or discussions of the strengths and deficiencies of the current customary and traditional use determination process as detailed in the review of the 2007 draft Customary and Traditional Use Determination Policy.

During its March 2011 meeting, the SE Council included the topic in its 2011 Annual Report. The SE Council made the following recommendation to the Board:

Given that ANILCA does not require the Board make customary and traditional use determinations, the Council recommends the Federal Subsistence Board eliminate the current regulations for customary and traditional use determinations, and task the Office of Subsistence Management (OSM) with drafting regulations which adhere to provisions contained within Section 804 of ANILCA.

The current Federal customary and traditional use determination regulations (and the eight factors) were based on pre-existing State regulations. Customary and traditional use determinations are a necessary step in State of Alaska management because only fish and wildlife with a “positive” determination are managed for the subsistence preference and those with a “negative” determination do not have the preference. The decision whether there is or is not a subsistence priority is not necessary under Federal rules because ANILCA already provides rural residents a preference for subsistence uses on Federal public land. The current customary and traditional use determination process is being used to allocate resources between rural residents, often in times of abundance. This is an inappropriate method of deciding which residents can harvest fish or wildlife in an area and may result in unnecessarily restricting subsistence users. The SE Council has a history of generally recommending a broad geographic scale when reviewing proposals for customary and traditional use determinations. Subsistence users primarily harvest resources near their community of residence and there is normally no management reason to restrict use by rural residents from distant communities. If there is a shortage of resources, Section 804 of ANILCA provides direction in the correct method of allocating resources.

The SE Council has determined that the Office of Subsistence Management did not give the directive from the Secretaries the due diligence it deserves and the program would benefit from additional evaluation and dialog. We request your Council reconsider its recommendation to the Board on how well the current customary and traditional use process is serving the needs of the residents in your region. The SE Council is interested in either eliminating or improving the process but, since this is a statewide issue, we do not want to propose a solution that is not supported by the other Councils. We encourage your Council to read the briefing paper provided to you by the SE Council at i winter 2013 Council meeting and review the enclosed background information. We would like your Council to consider what would be most beneficial to your region: eliminate customary and traditional use determinations, change the way customary and traditional use determinations are made, or make no change. After reviewing these materials, we

Mr. Speridon M. Simeonoff, Sr.

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encourage your Council to include this subject as an agenda action item at its fall 2013 meeting. The Office of Subsistence Management has committed personnel to help in your further consideration of the customary and traditional use process at your fall 2013 meeting.

Please address any questions and report any actions taken regarding this request either directly to me or through Mr. Robert Larson, Council Coordinator, U. S. Forest Service, Box 1328, Petersburg, Alaska 99833, 1-907-772-5930, robertlarson@fs.fed.us.

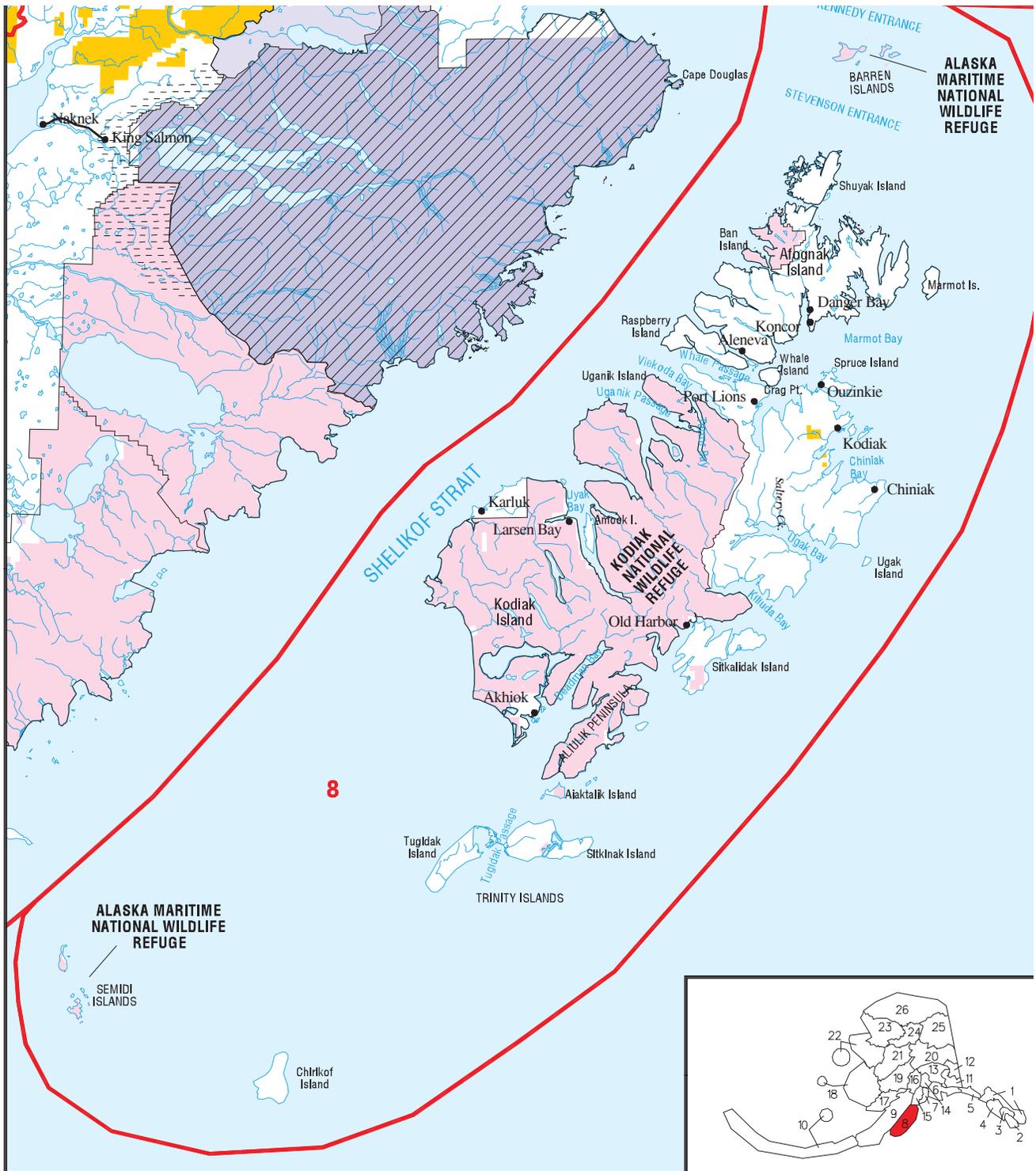
Gunalchéesh (thank you).

Sincerely,
/S/

Bertrand Adams Sr., Chair

Enclosures

cc: Peter J. Probasco, Assistant Director, OSM
Kathy O'Reilly-Doyle, Deputy Assistant Director, OSM
Federal Subsistence Board
Interagency Staff Committee
Administrative Record



Unit 8
Kodiak/Aleutians
Region

**Kodiak-
Shelikof**

Federal Public Lands Open to Subsistence Use	
FWS Administered Land	Closed to Subsistence
NPS Administered Parks	Special Management or Controlled Use Areas
NPS Administered Preserves	Unit Boundary
BLM Administered Land	Sub-Unit Boundaries
USFS Administered Land	Roads

WP14-01 Executive Summary	
General Description	<p>Proposal WP14-01 requests the establishment of new statewide provisions for Federal trapping regulations that require trapper identification tags on all traps and snares, establish a maximum allowable time limit for checking traps, and establish a harvest/trapping report form to collect data on non-target species captured in traps and snares. <i>Submitted by Kevin Bopp.</i></p>
Proposed Regulation	<p>§ ____.26 <i>Subsistence taking of wildlife</i></p> <p><i>(d) The following methods and means of trapping furbearers for subsistence uses pursuant to the requirements of a trapping license are prohibited or required, in addition to the prohibitions listed at paragraph (b) of this section.</i></p> <p style="text-align: center;">* * * *</p> <p><i>(7) Traps and snares must be individually marked with a permanent metal tag upon which is stamped or permanently etched the trapper's name and address, or the trapper's Alaska driver's license number or State identification card number, or is set within 50 yards of a sign that lists the trapper's name and address, or the trapper's Alaska driver's license number or State identification card number. If a trapper chooses to place a sign at a trap/snaring site rather than tagging individual trap/snares, the sign must be at least 3 inches by 5 inches in size, be clearly visible, and have numbers and letters that are at least one-half inch high and one-eighth inch wide in a color that contrasts with the color of the sign.</i></p> <p><i>(8) All traps and snares must be checked within 6 days of setting them and within each 6 days thereafter.</i></p> <p><i>(9) Trappers must record and report all non-targeted species taken and their condition when found. Non-targeted species harvest reports must be turned in within 30 days of the end of the trapping season.</i></p>

continued on next page

WP14-01 Executive Summary (continued)

	<p>Units 1–5—Special Provisions</p> <p><i>Trappers are prohibited from using a trap or snare unless the trap or snare has been individually marked with a permanent metal tag upon which is stamped or permanently etched the trapper's name and address, or the trapper's permanent identification number, or is set within 50 yards of a sign that lists the trapper's name and address, or the trapper's permanent identification number. The trapper must use the trapper's Alaska driver's license number or State identification card number as the required permanent identification number. If a trapper chooses to place a sign at a snaring site rather than tagging individual snares, the sign must be at least 3 inches by 5 inches in size, be clearly visible, and have numbers and letters that are at least one-half inch high and one-eighth inch wide in a color that contrasts with the color of the sign.</i></p>
OSM Preliminary Conclusion	Oppose
Southeast Regional Council Recommendation	
Southcentral Regional Council Recommendation	
Kodiak/Aleutians Regional Council Recommendation	
Bristol Bay Regional Council Recommendation	
Yukon/Kuskokwim Delta Regional Council Recommendation	
Western Interior Regional Council Recommendation	
Seward Peninsula Regional Council Recommendation	
Northwest Arctic Regional Council Recommendation	
Eastern Interior Regional Council Recommendation	
North Slope Regional Council Recommendation	
Interagency Staff Committee Comments	
ADF&G Comments	
Written Public Comments	2 Oppose

DRAFT STAFF ANALYSIS WP14-01

ISSUES

Proposal WP14-01, submitted by Kevin Bopp, requests the establishment of new statewide provisions for Federal trapping regulations that require trapper identification tags on all traps and snares, establish a maximum allowable time limit for checking traps, and establish a harvest/trapping report form to collect data on non-target species captured in traps and snares.

DISCUSSION

The proponent states the regulatory changes would result in more responsible trappers and trapping. Requiring identification tags with the trapper's name and license number may increase accountability of trappers. Some trappers may be less likely to set traps and snares close to people's homes and high public-use areas, which could ease tension between user groups. The trap checking interval requirement will ensure that animals do not remain in traps or snares too long, which could help ensure furs are found in good condition and increase the likelihood of releasing any captured non-target species. The proponent also recommends that all non-target species caught in traps and snares be recorded on a new harvest report form. Information included on the form would include the species captured, whether the animal was found dead or alive, and whether it was released in good or bad condition. If animals are found dead, the report would also include information on whether the animal was consumed by other animals.

Existing Federal Regulation

No Statewide regulations currently exist that require the marking of traps and snares with identification tags, trap-check intervals, and reporting of non-target species captured in traps and snares.

Units 1–5—Special Provisions

Trappers are prohibited from using a trap or snare unless the trap or snare has been individually marked with a permanent metal tag upon which is stamped or permanently etched the trapper's name and address, or the trapper's permanent identification number, or is set within 50 yards of a sign that lists the trapper's name and address, or the trapper's permanent identification number. The trapper must use the trapper's Alaska driver's license number or State identification card number as the required permanent identification number. If a trapper chooses to place a sign at a snaring site rather than tagging individual snares, the sign must be at least 3 inches by 5 inches in size, be clearly visible, and have numbers and letters that are at least one-half inch high and one-eighth inch wide in a color that contrasts with the color of the sign.

Proposed Federal Regulation

§____.26 *Subsistence taking of wildlife*

*(d) The following methods and means of trapping furbearers for subsistence uses pursuant to the requirements of a trapping license are prohibited **or required**, in addition to the prohibitions listed at paragraph (b) of this section:*

* * * *

(7) Traps and snares must be individually marked with a permanent metal tag upon which is stamped or permanently etched the trapper's name and address, or the trapper's Alaska driver's license number or State identification card number, or is set within 50 yards of a sign that lists the trapper's name and address, or the trapper's Alaska driver's license number or State identification card number. If a trapper chooses to place a sign at a trap/snaring site rather than tagging individual trap/snares, the sign must be at least 3 inches by 5 inches in size, be clearly visible, and have numbers and letters that are at least one-half inch high and one-eighth inch wide in a color that contrasts with the color of the sign.

(8) All traps and snares must be checked within 6 days of setting them and within each 6 days thereafter.

(9) Trappers must record and report all non-targeted species taken and their condition when found. Non-targeted species harvest reports must be turned in within 30 days of the end of the trapping season.

Units 1–5—Special Provisions

Trappers are prohibited from using a trap or snare unless the trap or snare has been individually marked with a permanent metal tag upon which is stamped or permanently etched the trapper's name and address, or the trapper's permanent identification number, or is set within 50 yards of a sign that lists the trapper's name and address, or the trapper's permanent identification number. The trapper must use the trapper's Alaska driver's license number or State identification card number as the required permanent identification number. If a trapper chooses to place a sign at a snaring site rather than tagging individual snares, the sign must be at least 3 inches by 5 inches in size, be clearly visible, and have numbers and letters that are at least one-half inch high and one-eighth inch wide in a color that contrasts with the color of the sign.

Existing State Regulation

Units 1–5—Trappers are prohibited from using a trap or snare unless the trap or snare has been individually marked with a permanent metal tag upon which is stamped or permanently etched the trapper's name and address, or the trapper's permanent identification number, or is set within 50 yards of a sign that lists the trapper's name and address, or the trapper's permanent identification number; the trapper must use the trapper's Alaska driver's license number or state identification card number as the required permanent identification number; if a trapper chooses to place a sign at a snaring site rather than tagging individual snares, the sign must be at least 3 inches by 5 inches in size, be clearly visible, and have numbers and letters that are at least one-half inch high and one-eighth inch wide in a color that contrasts with the color of the sign.

Unit 1C, Gustavus, that portion west of Excursion Inlet, north of Icy Passage—All traps/snares must be checked within 3 days of setting them and within each 3 days thereafter.

Units 12 and 20E—You may not trap within one-quarter mile of any publicly maintained road, by using a snare with a cable diameter of 3/32 inch or larger that is set out of water, unless the snare has been individually marked with a permanent metal tag upon which is stamped or permanently etched the trapper's name and address, or the trapper's permanent identification number, or is set within 50 yards of a sign that lists the trapper's name and address, or the trapper's permanent identification number; the trapper must use the trapper's Alaska driver's license number or state

identification card number as the required permanent identification number; if a trapper chooses to place a sign at a snaring site rather than tagging individual snares, the sign must be at least 3 inches by 5 inches in size, be clearly visible, and have numbers and letters that are at least one-half inch high and one-eighth inch wide in a color that contrasts with the color of the sign.

Incidental Catch—Continuing to take, or attempting to take, furbearers at a site where a moose, caribou, or deer has been taken incidentally is a violation. Any moose, caribou, or deer that dies as a result of being caught in a trap or snare, whether found dead or euthanized, is the property of the state. The trapper who set the trap or snare must salvage the edible meat and surrender it to the state. No trapper may use any part of a moose, caribou or deer caught incidentally in a trap or snare. If such an incidental take occurs, the trapper must move all active traps and snare at least 300 feet from the site for the remainder of the regulatory year.

Extent of Federal Public Lands

The proposal would apply to all Federal public lands in Alaska. Federal public lands comprise approximately 65% of Alaska and consist of 23% BLM, 21% FWS, 15% NPS, and 6% USFS managed lands.

Customary and Traditional Use Determinations

Customary and traditional use determinations for specific areas and species are found in subpart C of 50 CFR part 100, § __.24(a)(1) and 36 CFR 242 § __.24(a)(1).

Regulatory History

The Alaska Board of Game adopted a marking requirement for traps and snares in Units 1–5 in 2006. Federal regulations were aligned with the State requirements in Units 1–5 when the Federal Subsistence Board adopted Proposal WP12-14 in 2012. The Southeast Alaska Subsistence Regional Advisory Council (Council) supported the proposal due to the benefit of aligning State and Federal regulations and reducing the uncertainty of whether current regulations required traps to be marked. However, the Council expressed concern that there was a lack of evidence as to why traps should be marked under either State or Federal regulations (FWS 2012)

Trapping Background

In an overview of trapping controversies, Andelt et al. (1999; *references therein*) listed recommended trap-check intervals of daily or almost daily for live-capture traps set on land in response to animal welfare concerns; however, daily trap checks would not be practicable in much of Alaska due to the remoteness of areas, length of trap lines, and harsh weather conditions. Some considerations for how often traps should be checked include the intent of the trap (live capture or kill trap), ambient temperatures, and placement of traps, which could allow rodents or scavengers to destroy the pelt (Stanek 1987). Other considerations for trap check schedules includes work schedules, distance to traplines, river ice conditions, price of fuel (Scotton 2013, pers. comm.). The average trapline was 23.1 miles long in 2006/2007, and the longest reported trapline was 250 miles (ADF&G 2010). Trap-checking intervals of two to three days were generally used by trappers near Kaiyuh Flats, Alaska to prevent pelt damage from scavengers, and beaver sets were also checked frequently to prevent any captured beavers from being frozen in the ice (Robert 1984). Trappers from Skwentna, Stevens Village, and Fort Yukon reportedly checked trap lines “once a week or every few days”, but some trappers “waited ten days to two weeks”

(Wolfe 1991:27). During 2010/2011, 79% of trappers from across the state reportedly conducted trapping activities 1–3 days per week (ADF&G 2012a).

Effects of the Proposal

If the proposal is adopted, Federally qualified subsistence users trapping under Federal regulations throughout the State will be required to mark traps and snares with identification tags, check snares and traps every 6 days or less, and record any non-target species caught in traps or snares on a newly established trapping report form. The proposed requirements have the potential to benefit all users by promoting responsible and ethical trapping techniques and practices. However, dramatic differences in land ownership, population concentrations, terrain, and habitats would limit the effectiveness of the proposed statewide regulations. Individual traplines can span across Federal and State managed lands and, therefore, could have different regulatory requirements. Alternatively, Federally qualified subsistence users could simply choose to trap under State regulations and avoid the proposed requirements, as both Federal and State trapping regulations are applicable on Federal public lands, as long as the State regulations are not inconsistent with or superseded by Federal regulations.

In most situations, the requirement to individually mark traps and snares with identification tags would result in inconsistent State and Federal regulations on Federal public lands that would necessitate an outreach effort to avoid confusion among users. Under Federal regulations, traps and snares are required to be marked with identification tags only in Units 1–5, but these marking requirements were adopted to align with State regulations to reduce regulatory complexity (see Regulatory History). Within portions of Unit 15, over 60 percent which lies within Kenai National Wildlife Refuge, and those portions of Unit 7 that are contained within Kenai NWR, a trapping permit is required and a stipulation of Kenai NWR's permit includes the marking of traps and snares. Also, under State regulations, all snares within a ¼ mile of a public road in Units 12 and 20E are required to be marked. Federally qualified subsistence users trapping on Federal public lands outside of these specific areas would be required to mark traps and snares with identification tags that include the trapper's name and license number. However, Federally qualified subsistence users or non-Federally qualified users trapping on Federal public lands would not be required to mark traps and snares under State regulations.

The requirement to mark traps and snares would also result in additional burden and cost for Federally qualified subsistence users trapping under Federal regulations. Copper tags stamped with a trapper's identification information, including fasteners, cost approximately \$26 per 100 tags (including shipping) or less (approximately \$15–\$20) for “write-your own” tags (FWS 2012). In addition, trappers often trade or borrow equipment from family members or friends, and changes of identification tags on large numbers of traps or snares would require significant effort (Scotton 2013, pers. comm.).

Frequent trap checks are beneficial for animal welfare and can decrease the likelihood of pelt damage of trapped furbearers. The trap check time requirement would also result in inconsistent State and Federal regulations, and would require significant law enforcement and public educational efforts. The requirement could result in human health and safety issues by requiring trappers to check traps during periods of inclement weather, especially in remote units where traplines are long. The back cover of the State trapping regulations includes a Code of Ethics, reprinted from the Alaska Trappers Manual, which includes checking traps regularly and trapping in the most humane way possible. While the items listed in the Code of Ethics are not regulatory in nature, they provide general guidelines for responsible trapping.

Few requirements for trap check intervals are currently in State or Federal regulations, and those regulations have been put in place in response to specific incidents or in areas with high potential for user conflict. Under State regulation in Alaska, the only trap check time requirement in regulation is a 72-hour

trap check in a small area near Gustavus in Unit 1C under State regulations, which was adopted due to multiple moose being incidentally caught in snares (ADF&G 2012b). A 4-day trap check requirement is required on the more accessible and heavily trapped portions of the Kenai National Wildlife Refuge (Kenai NWR) as a stipulation of the Refuge Special Use Permit in order to increase the potential for safe release of incidentally caught, non-target animals, including bald eagles, moose and domestic dogs.

If the proposal is adopted, a new trapping report form would be established to report any non-target species caught under Federal trapping regulations. Trapping reports may provide useful information regarding which non-target species are captured and how often they can be released in good condition. However, some of the information requested for the report form may be difficult to interpret, especially subjective observations such as the condition of trapped animals. In addition, it is unknown what the data from the proposed form would be used for, as there is no indication of any management agency that is requesting information on the incidental capture of non-target species across the state. To limit the capture of non-target species, trappers can review informational sources such as the Best Management Practices for Trapping in the United States, which evaluate traps and trapping systems based on animal welfare, efficiency, selectivity, practicality, and safety (AFWA 2006). Overall, it is in the best interest of trappers to minimize the capture of non-target animals, as those traps or snares become unavailable for capturing target animals.

The new trapping report form for non-target species would require additional time commitments for Federally qualified subsistence users and staff of Federal land management agencies. The time commitment for Federally qualified subsistence users would be minimal, but may be an incentive to simply trap under State regulations where a report is not required. The time commitment for Federal staff could be substantial, as trapping reports from Federal lands across the state may have to be collected and analyzed.

The establishment of a new trapping report form would have to meet the information collection requirements subject to approval by the Office of Management and Budget, 50 CFR § 100.9 [2009], and in accordance with the Paperwork Reduction Act, OMB Control Number 1018-0075.

OSM PRELIMINARY CONCLUSION

Oppose Proposal WP14-01.

Justification

The proposed requirements for individually marking traps and snares, setting maximum trap check intervals, and reporting the incidental harvest of non-target species could lead to more humane trapping methods under Federal regulations; however, these regulatory provisions would not likely be manageable on a statewide basis due to vast differences in land ownership, population concentrations and habitats. Regulations of this nature would be better suited in response to issues on an area-specific basis (e.g., Kenai NWR Refuge Special Use Permit requirements), like similar restrictions currently in State and Federal trapping regulations. Alignment issues would require a substantial increase in law enforcement and public educational efforts, and requiring trappers to check traps during inclement weather could lead to health and safety issues. In many instances, Federally qualified subsistence users may simply trap under State regulations to avoid the additional proposed Federal restrictions.

While the information gathered from a harvest report form of non-target species caught in traps and snares could provide useful information, it would be an unnecessary requirement for Federally qualified subsistence users. In addition, the report would require additional time commitments for Federally

qualified subsistence users and Federal staff that are currently unwarranted. Similar reports would be more useful in areas with specific issues with the capture of non-target species, such as areas with threatened or endangered species or significant user-conflict issues.

LITERATURE CITED

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WRITTEN PUBLIC COMMENTS

Oppose Proposal WP14-01. We oppose Statewide Proposal WP14-01 to create new regulations for requiring that identification tags be put on traps and snares and that traps and snares be checked every 6 days.

It will be cumbersome, unnecessary and burdensome for federally qualified trappers to have constraints placed upon them to have to put identification tags on snares and traps and to check traps and snares every 6 days. Incidental catch of non-target species and reporting it is good, and should be done voluntarily by trappers. Traps and snares should only be checked if weather conditions are safe to check snares and traps. In rural areas, temperature conditions can be minus forty to fifty for 3 consecutive weeks. It would be unsafe to have regulations in place stating that snares and traps must be checked every six days.

Ahtna Inc. Customary and Traditional Use Committee

Oppose Proposal WP14-01. With kind personal regards to Kevin Bopp, who gave us one of the best lead dogs we ever had, I strongly disagree with this. Trap tags might work for short traplines, but when you run 80 miles of traps, tags for every trap would be very onerous and also subject to loss when an animal is caught. The time limit proposal is utterly unworkable for many people. It usually takes us 10-12 days by dog team to make the round trip of up to 130 miles to check our traps. If we had to check every trap every 6 days, we would have to cut the length of our line in half, which would eliminate the most profitable distant areas, cutting profit more than in half; AND we'd be forced to travel even when it was not safe, eg -60° or blowing in excess of 50 mph. Additionally there are times travel is physically impossible due to flooding, bad ice or other hazards. That's why previously proposed time limits have never been established. This becomes even more unworkable for fly-in pilots for whom travel in weather extremes can quickly prove fatal. Neither of these even actually directly address the mentioned problem of trapping near settlements/highways.

Miki and Julie Collins, Lake Minchumina

WP14-20 Executive Summary	
General Description	Proposal WP14-20 requests an increase in the number of brown bear permits available in Unit 8 for the communities of Akhiok and Old Harbor. <i>Submitted by the Kodiak/Aleutians Subsistence Regional Advisory Council.</i>
Proposed Regulation	<p>Unit 8—Brown Bear</p> <p><i>1 bear by Federal registration permit only. Up to 12 permits may be issued in Akhiok; up to 1 permit may be issued in Karluk; up to 3 permits may be issued in Larsen Bay; up to 23 permits may be issued in Old Harbor; up to 2 permits may be issued in Ouzinkie; and up to 2 permits may be issued in Port Lions. Permits will be issued by the Kodiak Refuge Manager.</i></p> <p style="text-align: right;"><i>Dec. 1–Dec 15</i> <i>Apr. 1 – May. 15</i></p>
Kodiak/Aleutians Regional Council Recommendation	Support
Interagency Staff Committee Comments	
ADF&G Comments	
Written Public Comments	None

ISSUES

Proposal WP14-20, submitted by the Kodiak/Aleutians Subsistence Regional Advisory Council, requests an increase in the number of brown bear permits available in Unit 8 for the communities of Akhiok and Old Harbor.

DISCUSSION

The proposed subsistence brown bear hunt is used to mentor young hunters and families in the traditional use of bears and provides an additional food source. There are currently more hunters in Old Harbor and Ahkiok that are interested in hunting brown bears than the number of permits available. An additional permit for each village would provide more opportunity for other hunters to harvest a brown bear.

Existing Federal Regulation

Unit 8—Brown Bear

1 bear by Federal registration permit only. Up to 1 permit may be issued in Akhiok; up to 1 permit may be issued in Karluk; up to 3 permits may be issued in Larsen Bay; up to 2 permits may be issued in Old Harbor; up to 2 permits may be issued in Ouzinkie; and up to 2 permits may be issued in Port Lions. Permits will be issued by the Kodiak Refuge Manager.

Dec. 1–Dec 15
Apr. 1 – May. 15

Proposed Federal Regulation

Unit 8—Brown Bear

1 bear by Federal registration permit only. Up to 12 permits may be issued in Akhiok; up to 1 permit may be issued in Karluk; up to 3 permits may be issued in Larsen Bay; up to 23 permits may be issued in Old Harbor; up to 2 permits may be issued in Ouzinkie; and up to 2 permits may be issued in Port Lions. Permits will be issued by the Kodiak Refuge Manager.

Dec. 1–Dec 15
Apr. 1 – May. 15

Existing State Regulation

Unit 8—Brown Bear

<i>Unit 8—Northeastern portion of Kodiak Island including all drainages into Chiniak, Anton Larsen and northeast Ugak (east of the Saltery creek drainage) bays, including Spruce, Near, Long, Woody, and Ugak Islands.</i>	<i>Residents and nonresidents: One-bear every four regulatory years by permit available in person in Kodiak beginning Oct 3 OR</i>	<i>RB230</i>	<i>Oct. 25–Nov. 30</i>
	<i>Residents and nonresidents: One bear every four regulatory years by permit available beginning March 12</i>	<i>RB260</i>	<i>Apr. 1–May. 15</i>

Unit 8-remainder	<i>Residents and nonresidents: One bear every four regulatory years by permit</i> OR	DB101-128/161-163 DB201-228/261-263	Oct. 25–Nov.30
	<i>Residents and nonresidents: One bear every four regulatory years by permit</i>	DB131-158/191-193 DB231-258/291-293	Apr. 1–May. 15

Extent of Federal Public Lands

Federal public lands comprise approximately 45% of Unit 8 and consist of approximately 45% U.S. Fish and Wildlife managed lands, 0.2% Bureau of Land Management managed lands.

Customary and Traditional Use Determinations

Rural residents of Akhiok, Karluk, Larsen Bay, Old Harbor, Ouzinkie, and Port Lions have a positive customary and traditional use determination for brown bear in Unit 8.

Regulatory History

In 1996 Proposal 96-26 established a positive and customary and traditional use determination for the residents of Unit 8 and Proposal 96-27 created a brown bear hunting season and community harvest quota for Akhiok, Karluk, Larsen Bay, Old Harbor, Ouzinkie, and Port Lions (OSM 1996a, 1996b). Under the Federal regulation, up to 11 permits were available to residents of Kodiak Island communities. The permits, which were valid only for Federal public lands, required that the meat be salvaged for human consumption.

Biological Background

In 2002, the Kodiak Archipelago Bear Conservation and Management Plan (ADF&G 2002) was developed by a Citizens Advisory Committee which consisted of representatives from 12 diverse groups, including the Alaska Department of Fish and Game (ADF&G) and Kodiak National Wildlife Refuge (Kodiak NWR). The three main themes from the 270 recommendations on Kodiak bear management and conservation were continued conservation of the bear population at their current levels, increased outreach and education to teach people how to live with bears in Kodiak, protection of bear habitat with allowances for continued human use of the Kodiak Archipelago (Van Daele and Crye 2011).

State management goals for brown bear management in Unit 8 are:

- Maintain a stable brown bear population that will sustain an annual harvest of 150 bears composed of at least 60% males.
- Maintain diversity in the gender and age composition of the brown bear population, with adult bears of all ages represented in the population and in the harvest.

- Limit human-caused mortality of female brown bears to a level consistent with maintaining maximum productivity.

The ADF&G, with the assistance of staff from Kodiak NWR and the Alaska State Troopers conducted intensive aerial surveys in 9 study areas on Kodiak Island from 1987 to 2010 using methods developed by Barnes and Smith (1997). Seven of these areas were sampled more than once. The data were extrapolated to estimate the total population in 1995 and 2005 (Van Daele and Crye 2011).

In addition, aerial brown bear surveys are conducted yearly since 2000 along selected streams in the southern portion of Kodiak Island to monitor trends in cub production (Van Daele and Crye 2011). To determine appropriate harvest strategies and guidelines the harvest and population data are analyzed using a population model (Van Daele and Crye 2011). Inter-annual variation in the composition of brown bears from these aerial surveys, which is considerable, may be due in part to the timing of the surveys with respect to peak periods of berry and salmon abundance. The percentage of adult females in the areas surveyed from 1985-2009 were: (1985 – 1989 15.4%); (1990 – 1994 16.8%); (1995 – 1999 – 19.6%); (2000 – 2004 – 18.2%), and from (2005, 2008, and 2009 – 11.3%). Adult females are the most important segment of the population with respect to population growth (Miller 1990, Van Daele 2007).

Population estimates from the most recent survey in 2005 were 3,096 (density 0.8 bears/mi²) bears on Kodiak Island and 430 bears in the islands north of Kodiak (density 0.5 bears/mi²) (Van Daele and Crye 2011). Estimates from areas which contain dense Sitka spruce (*Picea sitchensis*) forests are less precise due to the difficulty of observing bears in that habitat. The Kodiak Archipelago brown bear population was estimated to have increased 16.7% between 1995 and 2005 (Van Daele 2007). More recent surveys were conducted on the Aliulik Peninsula in May 2009 and in the Karluk Lake drainage in May 2010. The bear density in the Aliulik Peninsula (282/1000 km²; SE= 27.15) increased from the previous two surveys conducted in the same area in 1993 (209/1000 km²; SE= 16.95) and 2002 (173/1000 km²; SE= 18.32). In contrast, the bear density in the Karluk Lake area declined from 483/1000 km² in 2003 to 252/1000 km² in 2010. However, based on information from residents, hunters, and guides it is believed the Karluk Lake population has not declined, but was undercounted as result of the exceptionally late emergence of bears and lack of normal movement patterns (Van Daele and Crye 2011). Harvest and population data indicate that the bear population in Unit 8 is healthy and productive and can support the existing harvest pressure (Van Daele and Crye 2011). The success of the brown bear management on Kodiak Island is based on continued monitoring, research, and outreach activities.

Habitat

Most of Kodiak's inland habitat remains intact and unfragmented. The impact of commercial logging during the past 35 years on brown bears on Afognak Island is not known. Potential activities that could affect brown bears is the ongoing timber harvest on Afognak Island, expanding human populations, commercial fishing, and recreational activities in remote areas such as hunting, fishing, and wildlife viewing (Van Daele and Crye 2011).

Harvest History

The 10-year mean annual reported harvest in Unit 8 between 1960 and 2000 is as follows: 1960s (137.3), 1970s (142.9), 1980s (181.9), 1990s (178.2), and 2000s (201.1; **Table 1**) (Table 3, Van Daele and Crye 2011). The annual percentage of males taken during the 2000s was 70% which exceeds the State management objective of 60%. Despite the slow increase in the number of brown bears harvested, the number of bears harvested under State regulations has remained near 5% of the total population. The mean number of bears harvested by residents of Unit 8 under the Federal Subsistence regulations during

the 2000s was 0.5% (OSM 2013) and under the State regulations was 7.9% (Van Daele and Crye 2011). From 2001 – 2011, residents from the Akhiok harvested 2 brown bears, 1 in 2004 and 1 in 2010. Residents from Old Harbor harvested 1 brown bear in 2006, 1 in 2009 and 2 in 2011 (**Table 2**).

Effects of the Proposal

Table 1. Unit 8 State and Federal brown bear general harvest, regulatory years 2001–2002 to 2010–2011 (Van Daele and Crye 2011, OSM 2013).

Year	Male	Female	Unknown	Total
2001/02	149	43	10	202
2002/03	108	43	11	162
2003/04	133	46	13	192
2004/05	145	39	15	199
2005/06	169	57	5	231
2006/07	166	64	10	240
2007/08	131	57	13	201
2008/09	182	91	13	286
2009/10	158	60	14	232
2010/11 ^a	152	71	0	223
Totals	1493	571	116	2168
Means	149	57	12	217

^a does not include unknowns

Table 2. Unit 8 Federal subsistence brown bear harvest from the communities of Akhiok, Karluk, Larsen Bay, Old Harbor, Ouzinkie, and Port Lions for regulatory years 2001–2002 to 2010–2011 (Van Daele and Crye 2011, OSM 2013).

Year	Permits Issued	Male	Female	Total
2001/02	3	0	1	1
2002/03	0	0	0	0
2003/04	2	1	0	1
2004/05	6	3	0	3
2004/05	5	2	0	2
2006/07	5	1	1	2
2007/08	5	0	0	0
2008/09	6	0	0	0
2009/10	6	1	0	1
2010/11	7	1	0	1
2011/12	5	2	0	2
Totals	50	11	2	13

If this proposal is adopted it would increase the allowable harvest by one bear for the communities of Akhiok and Old Harbor, providing more opportunity for young hunters, families and others to hunt brown bears. This increased opportunity would allow the elders to teach the younger generation the traditional uses of brown bears. In addition it would provide meat which would likely be shared with the community.

The additional harvest of two bears should not cause any conservation concerns for the brown bear population.

OSM Preliminary Conclusion

Support Proposal WP14-20.

Justification

The brown bear population on Kodiak Island remains healthy and productive and the State management goals are currently being met. The harvest of two additional bears, one each for the communities of Ahkiok and Old Harbor would provide the communities with additional harvest opportunities, while not endangering the brown bear population.

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DRAFT 2014 FISHERIES RESOURCE MONITORING PLAN

INTRODUCTION

BACKGROUND

Since 1999, under the authority of Title VIII of ANILCA, the Federal government has managed subsistence fisheries on Federal public lands in Alaska. Subsistence fisheries management requires substantial informational needs. Section 812 of ANILCA directs the Departments of the Interior and Agriculture, cooperating with the State of Alaska and other Federal agencies, to undertake research on fish and wildlife and subsistence uses on Federal public lands. To increase the quantity and quality of information available for management of subsistence fisheries, the Fisheries Resource Monitoring Program (Monitoring Program) was established within the Office of Subsistence Management. The Monitoring Program was envisioned as a collaborative, interagency, and interdisciplinary approach to support fisheries research for subsistence fisheries management on Federal public lands.

Biennially, the Office of Subsistence Management announces a funding opportunity for projects addressing subsistence fisheries on Federal public lands. The 2014 Funding Opportunity was focused on priority information needs developed either by strategic planning efforts or by expert opinion, followed by review and comment by the Subsistence Regional Advisory Councils. The Monitoring Program is administered by region, and strategic plans sponsored by this program were developed by workgroups of fisheries managers, researchers, Federal Subsistence Regional Advisory Councils' members, and other stakeholders for three of the six regions: Southeast, Southcentral (excluding Cook Inlet Area), and Southwest Alaska. These plans identify prioritized information needs for each major subsistence fishery and can be viewed on, or downloaded from, the Office of Subsistence Management's website: <http://alaska.fws.gov/asm/index.cfm>. Independent strategic plans were completed for the Yukon and Kuskokwim regions for salmon in 2005. For the Northern Region and the Cook Inlet Area, assessments of priority information needs were developed from the expert opinions of the Regional Advisory Councils, the Technical Review Committee, Federal and State managers, and staff from the Office of Subsistence Management. A strategic plan for research on whitefish species in the Yukon and Kuskokwim River drainages was completed in spring 2011 as a result of Monitoring Program project 08-206.

Cumulative effects of climate change will likely affect subsistence fishery resources, their uses, and how these resources are managed. Therefore, all investigators were asked to consider examining or discussing climate change effects as part of their project. Investigators conducting long-term projects were encouraged to participate in a standardized air and water temperature monitoring program for which the Office of Subsistence Management will provide calibrated temperature loggers and associated equipment, analysis and reporting services, and access to a temperature database. The Office of Subsistence Management has also specifically requested projects that would focus on effects of climate change on subsistence fishery resources and uses, and that would describe management implications.

The mission of the Monitoring Program is to identify and provide information needed to sustain subsistence fisheries on Federal public lands, for rural Alaskans, through a multidisciplinary, collaborative program.

To implement the Monitoring Program, a collaborative approach is utilized in which five Federal agencies (Fish and Wildlife Service, Bureau of Land Management, National Park Service, Bureau of Indian Affairs, and U.S. Forest Service) work with the Alaska Department of Fish and Game, Regional Advisory Councils, Alaska Native organizations, and other organizations. An interagency Technical Review Committee provides scientific evaluation of investigation plans. The Regional Advisory Councils provide

review and recommendations, and public comment is invited. The Interagency Staff Committee also provides recommendations. The Federal Subsistence Board takes into consideration recommendations and comments from the process, and approves the final monitoring plan.

PROJECT EVALUATION PROCESS

The Technical Review Committee evaluates investigation plans and makes recommendations for funding. The committee is co-chaired by the Fisheries and Anthropology Division Chiefs, Office of Subsistence Management, and is composed of representatives from each of the five Federal agencies and three representatives from the Alaska Department of Fish and Game. Fisheries and Anthropology staff from the Office of Subsistence Management provide support for the committee.

Four factors are used to evaluate studies:

1. Strategic Priority

Proposed projects should address the following and must meet the first criteria to be eligible for Federal subsistence funding.

Federal Jurisdiction—Issue or information needs addressed in projects must have a direct association to a subsistence fishery within a Federal conservation unit as defined in legislation, regulation, and plans.

Conservation Mandate—Risk to the conservation of species and populations that support subsistence fisheries, and risk to conservation unit purposes as defined in legislation, regulation, and plans.

Allocation Priority—Risk of failure to provide a priority to subsistence uses.

Data Gaps—Amount of information available to support subsistence management (i.e., higher priority given where a lack of information exists).

Role of Resource—Contribution of a species to a subsistence harvest (e.g., number of villages affected, pounds of fish harvested, miles of river) and qualitative significance (e.g., cultural value, unique seasonal role).

Local Concern—Level of user concerns over subsistence harvests (e.g., upstream vs. downstream allocation, effects of recreational use, changes in fish abundance, and population characteristics).

2. Technical-Scientific Merit

The proposed projects must meet accepted standards for design, information collection, compilation, analysis, and reporting. Projects should have clear study objectives, an appropriate sampling design, correct statistical analysis, a realistic schedule and budget, and appropriate products, including written reports. Projects must not duplicate work already being done.

3. Investigator Ability and Resources

Investigators must have the ability and resources to successfully complete the proposed work. Ability will be evaluated in terms of education and training, related work experience, publications, reports, presentations, and past or ongoing work on Monitoring Program studies. Resources

will be considered in terms of office and laboratory facilities (if relevant), technical and logistic support, and personnel and budget administration.

4. Partnership-Capacity Building

Partnerships and capacity building are priorities of the Monitoring Program. ANILCA mandates that the Federal government provide rural residents a meaningful role in the management of subsistence fisheries, and the Monitoring Program offers tremendous opportunities for partnerships and participation of local residents in monitoring and research. Investigators are requested to include a strategy for integrating local capacity development in their investigation plans. Investigators must complete appropriate consultations with local villages and communities in the area where the project is to be conducted. Letters of support from local organizations add to the strength of a proposal. Investigators and their organizations should demonstrate their ability to maintain effective local relationships and commitment to capacity building.

POLICY AND FUNDING GUIDELINES

Several policies have been developed to aid in implementing funding.

- Projects of up to four years duration may be considered in any year's monitoring plan.
- Studies must be non-duplicative with existing projects.
- Most Monitoring Program funding is dedicated to non-Federal agencies.
- Activities not eligible for funding under the Monitoring Program include: a) habitat protection, restoration, and enhancement; b) hatchery propagation, restoration, enhancement, and supplementation; c) contaminant assessment, evaluation, and monitoring; and d) projects where the primary objective is capacity building (e.g., science camps, technician training, intern programs). These activities would most appropriately be addressed by the land management agencies.
- When long-term projects can no longer be funded by agencies, and the project provides direct information for Federal subsistence fisheries management, the Monitoring Program may fund up to 50% of the project cost.

Finances and Guideline Model for Funding

The Monitoring Program was first implemented in 2000, with an initial allocation of \$5 million. Since 2001, a total of \$6.25 million has been annually allocated for the Monitoring Program. In 2010, the total funding was reduced to \$6.05 million. The Department of the Interior, through the U.S. Fish and Wildlife Service, has provided \$4.25 million. The Department of Agriculture, through the U.S. Forest Service, has historically provided \$1.80 million annually, but amount of 2014 funds available through the U.S. Forest Service for projects is uncertain. If the Department of Agriculture funding is not provided, none of the project investigation plans submitted for the Southeast Region would be funded.

The Monitoring Program budget funds continuations of existing projects (year-2, 3 or 4 of multi-year projects), and new projects in the biennial year. The Office of Subsistence Management issued funding opportunities on an annual basis until 2008, and then shifted to a biennial basis. Therefore, the next funding opportunity after 2014 will be in 2016. Budget guidelines are established by geographic region and data type, and for 2014, \$3.7 million is projected to be available for new project starts. Investigation Plans are solicited according to the following two data types:

5. Stock Status and Trends Studies (SST).

These projects address abundance, composition, timing, behavior, or status of fish populations that sustain subsistence fisheries with linkage to Federal public lands. The budget guideline for this category is two-thirds of available funding.

6. Harvest Monitoring and Traditional Ecological Knowledge (HM-TEK).

These projects address assessment of subsistence fisheries including quantification of harvest and effort, and description and assessment of fishing and use patterns. The budget guideline for this category is one-third of available funding.

2014 FISHERIES RESOURCE MONITORING PLAN

For 2014, a total of 56 investigation plans were received for consideration for funding (**Table 1**). Of these, 43 are SST projects and 13 are HM-TEK projects. The Technical Review Committee recommends funding 40 of these investigation plans.

Table 1. Number of Investigation Plans received for funding consideration in 2014, and number of recommended for funding by the Technical Review Committee. Data types are stock status and trends (SST), and harvest monitoring and traditional ecological knowledge (HM-TEK).

Geographic Region	Investigation Plans			Technical Review Committee		
	SST	HMTEK	Total	SST	HMTEK	Total
Northern Alaska	4	1	5	3	0	3
Yukon	9	3	12	7	2	9
Kuskokwim	8	6	14	6	5	11
Southwest Alaska	2	1	3	2	0	2
Southcentral Alaska	7	2	9	3	0	3
Southeast Alaska	12	0	12	11	0	11
Multiregional	1	0	1	1	0	1
Total	43	13	56	33	7	40

Total funding available from the Department of the Interior, through the U.S. Fish and Wildlife Service, for new projects in 2014 is \$3.7 million. Currently, the amount of funding available from the Department of Agriculture, through the U.S. Forest Service, is unknown. The proposed cost of funding all 56 projects submitted would be \$6.6 million. The 40 investigation plans recommended for funding by the Technical Review Committee have a total cost of \$4.8 million. In making its recommendations, the committee weighed the importance of funding new projects in 2014 with the knowledge that the next request for proposals will be issued in 2016. As has been done in past years, any unallocated Monitoring Program

funds from the current year will be used to fund subsequent years of new and ongoing projects so that more of the funds available in 2016 can be used to fund new projects.

The 2014 draft Monitoring Plan recommended by the Technical Review Committee would provide 21% of the funding to Alaska Native organizations, 29% to State agencies, 43% to Federal agencies, and 7% to other non-government organizations.

SOUTHWEST ALASKA OVERVIEW

Issues and Information Needs

The 2014 Notice of Funding Opportunity for the Southwest Alaska Region identified two priority information needs:

- Obtain reliable estimates of Chinook salmon escapements (for example, projects using weir, sonar, mark-recapture methods).
- Description and analysis of social network(s) underlying the allocation and management of subsistence salmon fisheries in villages in the Bristol Bay-Chignik Area.

Projects Funded Under the Fisheries Resource Monitoring Program

Since the inception of the Monitoring Program in 2000, 50 projects have been funded in the Southwest Region, and two will still be operating during 2014 (**Tables 1 and 2**). The ongoing projects address salmon harvests in the Aleutians Islands and Lake Clark climate change trends.

2014 Investigation Plans

Three investigation plans for research in the Southwest Alaska Region were submitted to the Office of Subsistence Management in response to the 2014 Notice of Funding Opportunity. In June 2013, the Technical Review Committee reviewed the investigation plans and recommended two for funding. Detailed budgets submitted with each investigation plan allowed identification of funds requested by Alaska Native, State, Federal, and other organizations; funds that would be used to hire local residents; and matching funds from investigating agencies and organizations (**Tables 3 and 4**).

Available Funds

Federal Subsistence Board guidelines direct initial distribution of funds among regions and data types. While regional budget guidelines provide an initial target for planning, they are not rigid allocations. Upon review and evaluation, the Technical Review Committee, Regional Advisory Councils, Interagency Staff Committee and Federal Subsistence Board have the opportunity to address the highest priority projects across regions. For 2014, approximately \$555,000 would be available for funding new projects in the Southwest Alaska Region.

Recommendations for Funding

The mission of the Monitoring Program is to identify and provide information needed to sustain subsistence fisheries on Federal public lands for rural Alaskans through a multidisciplinary, collaborative program. It is the responsibility of the Technical Review Committee to develop the strongest possible monitoring plan for each region and across the entire state. After reviewing the three investigation plans, the Technical Review Committee recommended funding the two following proposed projects (**Table 5**):

14-401 Buskin River Sockeye Salmon Stock Assessment and Monitoring	\$ 108,044
14-402 Afognak Lake Sockeye Salmon Stock Monitoring	\$ <u>77,153</u>
Total	\$ 185,197

The two projects recommended for funding by the Technical Review Committee comprise a strong Monitoring Plan for the region by addressing strategically important information needs based on sound science and by promoting cooperative partnerships.

Summaries of Projects submitted for Funding

Each project submitted for funding in the Southwestern Alaska Region in 2014 is summarized below (see Executive Summaries for more details on all projects).

14-401 Buskin River Sockeye Salmon Stock Assessment and Monitoring. Fund. This four-year project would continue to provide estimates of sockeye salmon spawning escapement into the Buskin river system through operation of two weirs, and obtain information on residency and traditional fishing sites from subsistence fishery participants. The sockeye salmon run to Buskin River supports what is usually the largest subsistence fishery in terms of both harvest and permits issued in the Kodiak Management Area. This project is essentially a continuation, with slight modification, of work funded through the Fisheries Resource Monitoring Program since 2000. This project would address a priority information need identified in the 2014 Notice of Funding Opportunity.

14-402 Afognak Lake Sockeye Salmon Stock Monitoring. Fund. This four-year project would continue the current sockeye salmon smolt enumeration and limnology data collection project at Afognak Lake. Continuation of this project, combined with the sockeye salmon adult enumeration project funded through the Alaska Sustainable Salmon Fund (AKSSF), will enable researchers to better identify factors affecting sockeye salmon production, and consequently, the availability of this subsistence resource for harvest opportunities, relative to current climatic conditions. This project will also help identify how past management actions have affected sockeye salmon production vital to the Afognak Bay subsistence fishery, providing management biologists a frame of reference to better assess current conditions and future actions. This project would address a priority information need identified in the 2014 Notice of Funding Opportunity.

14-451 Bristol Bay Subsistence Salmon Network Analysis. Do Not Fund. This three-year project would investigate both the social networks of shared subsistence salmon resources in selected Bristol Bay communities, and how such networks could be understood within the Federal subsistence management system. While this project would partially address a priority information need identified in the 2014 Notice of Funding Opportunity, it is not recommended for funding. The Technical Review Committee recommended that the investigators submit a new proposal during the next funding cycle (2016), but with fewer investigators, which will cut down on the cost of travel and salaries, reducing the overall budget. The investigators are also encouraged to redesign their proposal so that those investigators with training in anthropological research methods and application will be responsible for the research, analysis, and the final report.

Executive Summary

Project Number: 14-401

Title: Buskin River sockeye salmon stock assessment and monitoring, Kodiak, Alaska

Geographic Area: Kodiak Island, Kodiak/Aleutians Region

Information Type: Stock Status and Trends (SST)

Principal Investigator(s): Donn Tracy, Alaska Department of Fish and Game (ADFG), Sport Fish Division, 211 Mission Road, Kodiak, AK 99615-6399

Costs: **2014:** \$ 108,044 **2015:** \$111,806 **2016:** 115,454 **2017:** \$149,426

Total Cost: \$484,730

Recommendation: Fund

Issue: Investigators will annually enumerate escapement and sample the age composition of sockeye salmon migrating into Buskin River drainage for inseason management of subsistence and other fisheries and evaluate and refine a biological escapement goal (BEG). Investigators will also interview subsistence fishers to determine their residency demographics and historical participation in subsistence fisheries occurring within the Kodiak-Aleutians region. Lastly, genetic samples from the sockeye salmon subsistence harvest will be collected and analyzed to apportion run components comprising the total catch.

Objectives:

1. Census the sockeye salmon escapement into Buskin Lake approximately from June 1 to August 1, and Louise/Catherine lakes tributary approximately from June 1 through August 31.
2. Estimate the age composition of the sockeye salmon run (combined subsistence harvest in the Chiniak Bay section and escapement) to Buskin Lake such that the estimates are within 5 percent-age points of the true value 95% of the time.
3. Estimate the age composition of the sockeye salmon run (escapement) to Louise/Catherine lakes tributary such that the estimates are within 7.5 percentage points of the true value 95% of the time.
4. Estimate proportions of the sockeye salmon subsistence harvest in the Buskin River Section of Chiniak Bay of Buskin and Louise/Catherine lakes run components through DNA analysis such that the estimates are within 7 percentage points of the true value 90% of the time in the absence of genetic error.
5. Construct a brood table to evaluate the sockeye salmon BEG.
6. Provide education and career development opportunity for federally qualified subsistence users.

Methods: Investigators will install a salmon counting weir on the Buskin River and Louise/Catherine lakes tributary to annually census the spawning escapement of sockeye salmon. Additionally, sockeye salmon will be sampled at the weirs and subsistence harvest for age, sex and length (ASL), providing estimates of the escapement and subsistence harvest by age. Also, samples for genetic stock identification

collected from the subsistence harvest will be analyzed to apportion the Buskin Lake and Louise/Catherine lakes components and more accurately re-construct total returns. Analyses of the return and age data will be incorporated into a brood table and used to evaluate the BEG. Participants in the subsistence fishery will be surveyed to determine their residency and traditional areas fished.

Products: Weir counts, total harvest (including subsistence), age, and fishery participant survey data will be reported annually by the investigators in ADF&G publications and in performance and annual progress reports to the Office of Subsistence Management (OSM). Daily weir counts during each year of the project will be posted on the ADF&G website and also made available to managers and the public in Kodiak verbally and in print. Annual reports will be delivered to the Fisheries Information Services Division (FIS) of the OSM by May 1 in 2015-2017. The final report will be delivered to the FIS by May 1, 2018.

Investigators Ability and Resources: The ADF&G has a long history of fisheries data collection and analysis and presently operates 16 salmon escapement weirs within the Kodiak Region. The investigator and support staff have approximately 30 years combined experience in fisheries research and management, including annual oversight of sockeye and coho salmon weirs on the Buskin River during the last 13 years. All department research projects undergo rigorous review by highly qualified and experienced biometric and administrative staff. All materials needed for installing and operating the Buskin River drainage salmon weirs are in possession of ADF&G in Kodiak. Additionally, ADF&G annually administers a subsistence fishing permit system that provides subsistence harvest data.

Partnerships/Capacity Building: The investigators promote local hire of federally qualified subsistence users as project technicians. During each year of funding the investigators will continue a high school student intern program established in 2003 to provide education and career development opportunities for federally qualified subsistence users. Through cooperation with the Kodiak National Wildlife Refuge (KNWR) the investigators have utilized the Buskin River weir as an educational tool for the KNWR Summer Science and Salmon Camp program.

Executive Summary

Project Number: 14-402

Project Title: Afognak Lake Sockeye Salmon Stock Monitoring

Geographic Area: Southwest Region / Kodiak-Aleutians Area

Principal Investigator: Steven Thomsen, Alaska Department of Fish and Game (ADF&G), Division of Commercial Fisheries, 211 Mission Road, Kodiak, AK 99615.

Co-Investigator: Heather Finkle, ADF&G, Division of Commercial Fisheries, Kodiak.

Project Cost: **FY2013:** \$77,153 **FY2014:** \$88,463 **FY2015:** \$91,232 **FY2016:** \$34,863

Total Cost: \$291,711

Recommendation: Fund

Issue: This proposal seeks funding to continue the current sockeye salmon *Onchorhynchus nerka* smolt enumeration and limnology data collection projects at Afognak Lake. Local subsistence users rely on the harvest of Afognak Lake sockeye salmon for subsistence. In fact, the Afognak River has historically supported one of the largest sockeye salmon subsistence fisheries for Kodiak Archipelago residents. The number of sockeye salmon returning to Afognak River has diminished substantially in recent years, resulting in closures to commercial, sport, and subsistence fishing in Afognak Bay. Commercial, subsistence, and sport fisheries targeting the Afognak River stock have steadily increased since 2008 but have yet to attain previous harvest levels. Although the most recent three years of sockeye salmon escapements are promising, the 2012 smolt outmigration estimate was the lowest since estimates began in 2003, indicating that future adult returns may be lower, potentially resulting in further closures. Continuation of the sockeye salmon smolt and limnological studies at Afognak Lake, combined with adult enumeration funded through AKSSF, will enable researchers to better identify factors affecting sockeye salmon production, and therefore, the availability of subsistence opportunities, relative to current climatic conditions. This project will also help identify how past management actions have affected sockeye salmon production vital to the Afognak Bay subsistence fishery, providing management biologists a frame of reference to better assess current conditions and future actions.

Objectives:

Smolt

1. Estimate the abundance, age composition, and average size of sockeye salmon smolt outmigrating from Afognak Lake annually from 2014 through 2016.
2. Continue to build the time-series dataset of smolt population size, age composition, and condition for comparison to available historical fisheries and limnological data.

Lake Studies and Climate Change

3. Evaluate the effects of the water chemistry, nutrient status, and plankton (phytoplankton and zooplankton) production of Afognak Lake on the smolt production and future adult returns from 2014 through 2016.

4. Re-evaluate Afognak Lake bathymetry, while collecting high resolution water quality data and juvenile salmon distribution using an Aquamapper AUV, once in 2014.
5. Assess available historical fisheries and limnological data in relation to climate change effects, upon completion of objectives 1–4.

Methods:

Objectives 1 and 2 (smolt). Two inclined-plane smolt traps will be operated in the Afognak River to capture a portion of the sockeye salmon smolt outmigration from Afognak Lake with mark-recapture techniques to estimate the total smolt outmigration. Age, weight, and length data from sockeye salmon smolt will be collected and used to estimate the age composition, average length, weight, and condition of the outmigration. Smolt data will be added to the ADF&G database and used for comparison with available historical fisheries and limnological data.

Objectives 3 and 5 (lake studies). Five limnological surveys of Afognak Lake will be conducted on a yearly basis. Data will be added to the ADF&G database and used for comparison with available historical fisheries and limnological data.

Objective 4 (lake studies). An YSI Ecomapper autonomous underwater vehicle (AUV) will be used, on one occasion in 2014, to accurately map lake bathymetry in Afognak Lake. Simultaneously, the AUV will collect high resolution water quality data and fish distribution.

Objectives 2 and 5: Further modeling and assessment using recent smolt emigration data paired with bioenergetics modeling, paleolimnological data, nutrient-phytoplankton-zooplankton models, and spawner-recruit models will be used to help identify environmental factors (changing lake conditions, prey availability and climate change) and their impact on sockeye salmon rearing success. This modeling can provide a complete picture of system health and juvenile production and allow for separation of freshwater and marine effects on overall population production.

Products: The ADF&G will complete two annual Fisheries Data Series reports and one final Fisheries Data Series report presenting the results of all research activities associated with the objectives. Presentations will be made by ADFG staff to the Kodiak Regional Advisory Council and to the Kodiak Regional Salmon Planning Team. A student presentation will be made and posted on afognak.com by Afognak Native Corporation (ANC) students participating in partnership/capacity building. Collected scale samples will be archived in the ADF&G office in Kodiak. Final edited copies of all data files will be archived electronically in a standard format by the Division of Commercial Fisheries, Research Section.

Investigators Ability and Resources: Steven Thomsen and Heather Finkle are both experienced fisheries research biologists with ADF&G in Kodiak. Together they have over 30 years experience implementing and managing multiple adult and juvenile salmonid projects and investigating lake limnology. In addition, ADF&G provides supporting staff, including supervisory oversight, publication specialists, peer review staff, supporting management and sport fish staff, biometric review, and logistical staff. The Kodiak ADF&G Commercial Fisheries Research section conducts five sockeye salmon smolt abundance projects and collects limnological data from over 20 lakes within the Kodiak Area each year. Much of the equipment and other resources needed to successfully conduct this project have been acquired previously and are available for this investigation. Lastly, the Division of Commercial Fisheries maintains a subsistence fishing permit system, which provides both state and federal managers with subsistence harvest data.

Partnership and Capacity Building: The ADF&G in collaboration with ANC and Native Village of Afognak will continue to work together in an annual educational project. The collaborative effort is designed to educate and train native student interns with fisheries management and research practices and ADF&G staff with subsistence harvesting methods and traditional ways of life.

Executive Summary

Project Number: 14-451

Title: Description and analysis of the subsistence salmon network in Bristol Bay

Geographic Area: Southwest Alaska

Information Type: Harvest Monitoring (HM) and Cultural Knowledge-Traditional Ecological Knowledge (CK/TEK)

Principal Investigator(s): Davin Holen, Alaska Department of Fish and Game; Courtenay Gomez, Bristol Bay Native Association; Dr. Drew Gerkey, National Socio-Environmental Synthesis Center at the University of Maryland (current) and Department of Anthropology at Oregon State University (during project)

Co-Investigator(s): Danielle Stickman and Gayla Woods, Bristol Bay Native Association; Lisa Hutchinson-Scarborough and Theodore Krieg, Alaska Department of Fish and Game

Cost: **TOTAL:** \$377,098 **2015:** \$186,871 **2016:** \$135,377 **2017:** \$54,850

Recommendation: Do Not Fund

Issue: The 2014 Fisheries Resource Monitoring Program has identified an information need for a “description and analysis of social networks underlying the allocation and management of subsistence salmon fisheries in villages in the Bristol Bay-Chignik Area,” within the priority information needs for Southwest Alaska. This project has identified 6 key communities with different regional sharing patterns based on previous studies carried out by project researchers. The goal of this project is to provide information on how the social network “functions in the allocation and management of subsistence resources... and how such a model might be applied and utilized in Federal subsistence management.”

This project would investigate both the social network of shared subsistence salmon resources in Bristol Bay communities and also how such networks could be understood within the Federal subsistence management system. All residents of the Bristol Bay Management Area qualify for participation in Federal subsistence fisheries. Because of the number of communities in Bristol Bay and the depth of knowledge this project seeks to gather a sample of communities was chosen representing different areas of Bristol Bay where sharing networks have been identified by researchers. In addition they represent different Federal nexus within the Bristol Bay – Chignik area. These communities include Chignik Lake, Chignik Lagoon, Egegik, Nondalton, Port Heiden, and Togiak.

The Federal Subsistence Board has recognized customary and traditional uses of salmon, other finfish, and shellfish for rural residents of this management area. The study would focus specifically on how subsistence salmon harvests are shared between communities. Different communities target different salmon species depending on a variety of circumstances. For example, Togiak focuses on harvesting Chinook salmon, which is readily available in the Togiak River drainage, and Nondalton almost exclusively harvests sockeye salmon in the subsistence fishery in the Lake Clark drainage.

This project would provide information to help the Alaska Board of Fisheries, ADF&G Fisheries Managers, the Bristol Bay Regional Advisory Council, state fish and game local advisory committees, and the Federal Subsistence Board to better understand the dynamics of the underlying sharing network

of salmon harvested in both state and federally managed subsistence fisheries throughout the Bristol Bay and Chignik area. Under state law all Alaskans are eligible to participate in subsistence regardless of community of residence in the state. Salmon harvested by local residents and family and friends from urban centers is widely distributed throughout the state. This project seeks to understand this sharing network, which is important for all Alaska residents.

Objectives:

1. Estimate the harvest of salmon by residents of Chignik Lake (pop. 73), Chignik Lagoon (pop. 78), Egegik (pop. 109), Nondalton (pop. 164), Port Heiden (pop. 102), and Togiak (pop. 817).
2. Describe the harvest of salmon in terms of species, gear, location, and timing of harvests.
3. Through harvest surveys and key respondent interviews describe the sharing network both within the community, the broader region, and throughout Alaska.

Methods: This community-based research project emphasizes community approval of research designs, informed consent and anonymity of study participants, community review of draft study findings, and the provision of study findings to each study community upon completion of the research. Prior to conducting field research, project investigators will develop and adopt a formal MOA to guide research activities based upon their organization and individual research specialties.

1) Household Harvest Survey. The harvest survey is useful to meet Objective 1 to estimate the harvest of salmon by project community residents and Objective 2 to describe the harvest of salmon in terms of species, gear, location, and timing of harvests. Household harvest surveys will be coded after each data-gathering trip and provided to ADF&G information management staff for data entry. Data analysis will occur between June and September 2015. These results will be checked and analyzed by information management staff at ADF&G and final tables created after review by project researchers. Tables will be available for the community meeting to take place in April 2016. Once all mapping is complete the data is downloaded from the server into ArcGIS 10. Maps are then generated from the geodatabases and will be prepared for the community review meetings in April 2016.

2) Key Respondent Interviews. Key respondent interviews will provide information on sharing networks within the community, the broader Bristol Bay – Chignik area, and Alaska. These interviews are the focus of this research and there will be two rounds of interviews and will be conducted by BBNA and ADF&G research staff. Researchers will identify key respondents in each community during household harvest surveys and through consultation with community members during the community scoping meetings. Key respondents will represent a range of harvesting effort and experience in the fishery. The key respondent interviews will be coded and sections of the interviews transcribed and analyzed along with notes taken during the interviews. A qualitative data analysis software will be used to code the data.

Potential for Partnership and Capacity Building: ADF&G and BBNA will share the responsibilities for conducting field investigations in this project, including identifying study communities, obtaining community approvals, administering the survey, interviewing key respondents, and distributing follow-up materials in the study communities. Tribal councils in study communities will be consulted about the project, and project approvals will be obtained prior to conducting fieldwork. Temporary field assistants will be hired by BBNA in each study community to assist with administration of the survey instrument and to help coordinate local logistical support and participation.

Table 1. Summary of Fisheries Resource Monitoring Program projects completed in Southwest Alaska since 2000. Abbreviations used for investigators are: ADFG=Alaska Department of Fish and Game, APIA= Aleutian-Pribilof Islands Association, BBNA=Bristol Bay Native Association, ISU= Idaho State University, KANA=Kodiak Area Native Association, NTC= Nondalton Tribal Council, NPS=National Park Service, QT=Qawalangin Tribe, USFWS=U.S. Fish and Wildlife Service, USGS=U.S. Geological Survey, USS&E=US Science and Education, and UW=University of Washington.

Project Number	Project Title	Investigators
<u><i>Bristol Bay Salmon</i></u>		
00-010	Togiak River Salmon Weir	USFWS
00-031	Alagnak River Sockeye Salmon Escapement	ADFG, NPS, BBNA
00-033	Alagnak River Angler Effort Index	ADFG
00-042	Lake Clark Sockeye Salmon Assessment	USGS
01-047	Togiak River Subsistence Harvest Monitoring	BBNA, ADFG, USFWS
01-075	Nondalton Sockeye Salmon and Freshwater Fish TEK	NPS, NTC
01-095	Lake Clark Sockeye Salmon Escapement	USGS, UW
01-109	Traditional Ecological Knowledge of AkPeninsula/Becharolf NWR	ADFG, BBNA
01-173	Alagnak River Harvest Salmon Assessment of Recreational Fishery	ADFG
01-204	Ugashik Lakes Coho Salmon Escapement Estimation	USFWS, ADFG, BBNA
03-046	Fisheries Biotechnician Training Program	NPS
04-411 ^a	Lake Clark Sockeye Salmon Run Timing	ADFG
04-454	Bristol Bay Sharing, Bartering, and Trade of Subsistence Resources	ADFG, BBNA
05-402	Lake Clark Sockeye Salmon Escapement	NPS, USGS
08-402	Togiak River Chinook Salmon Radio Telemetry	USFWS, BBNA
08-405 ^a	Lake Clark Sockeye Salmon Assessment	NPS, USS&E, BBNA
10-402 ^a	Togiak River Chinook Salmon Adult Assessment	USFWS, BBNA, ADFG
<u><i>Chignik Salmon</i></u>		
02-098	Kametalook River Coho Salmon Escapement & Carrying Capacity	USFWS, BBNA
02-099	Clark River Estimation of Sockeye and Coho Salmon Escapement	USFWS, BBNA
03-043	Perryville Coho Salmon Escapement	USFWS
05-405	Perryville-Chignik Coho and Sockeye Salmon Aerial Surveys	USFWS
07-404	Perryville-Clark River Coho and Sockeye Salmon Aerial Surveys	USFWS
<u><i>Bristol Bay-Chignik Freshwater Species</i></u>		
00-011	Togiak River Dolly Varden Genetic Baseline Development	USFWS
00-012	Bristol Bay Traditional Knowledge of Fish	ADFG
02-034	Kvichak River Resident Species Subsistence Fisheries Assessment	ADFG, BBNA
04-401	Ungalikthlik and Negukthlik Rivers Rainbow Trout Assessment	USFWS
04-415	Tazimina Rainbow Trout Assessment	ADFG
05-403 ^a	Lake Clark Whitefish Assessment	ADFG, BBNA
07-408 ^a	Togiak River Rainbow Smelt Assessment	USFWS, BBNA
07-452	Kvichak Watershed Subsistence Fishing Ethnography	ADFG, BBNA, NPS
<u><i>Kodiak-Aleutians</i></u>		
00-032	Buskin River Sockeye Salmon Stock Assessment	ADFG
01-059	McLees Lake Sockeye Salmon Escapement	USFWS
01-206	Mortenson Creek Sockeye and Coho Salmon Escapement	USFWS
02-032	Lower AK Peninsula/Aleutians Subsistence Fish Harvest Assessment	ADFG, APIA, ISU
03-047	Afognak Lake Sockeye Salmon - Smolt Enumeration Feasibility	ADFG
04-402	Mortenson Creek Sockeye and Coho Salmon Escapement	USFWS
04-403	McLees Lake Sockeye Salmon Escapement	USFWS
04-412	Afognak Lake Sockeye Salmon Stock Assessment	ADFG
04-414	Buskin River Sockeye Salmon Stock Assessment	ADFG
04-457	Kodiak Subsistence Fisheries Harvest Assessment and TEK	ADFG, KANA
07-401	Afognak Lake Sockeye Salmon Smolt Assessment	ADFG
07-402	Buskin River Sockeye Salmon Weir	ADFG
07-405	McLees Lake Sockeye Salmon Weir	USFWS, ADFG, QT
10-401 ^a	Afognak Lake Sockeye Salmon Smolt and Adult Assessment	ADFG
10-403 ^a	Buskin River Sockeye Salmon Adult Assessment	ADFG
10-404 ^a	Buskin River Sockeye Salmon Smolt Assessment Feasibility	ADFG
10-406 ^a	McLees Lake Sockeye Salmon Weir	USFWS, ADFG, QT
12-453 ^a	Kodiak Salmon Fishery Changing Patterns	ADFG

^a Final Report in preparation.

Table 2. Summary of ongoing 2014 projects funded under the Fisheries Resource Monitoring Program in Southwest Alaska. Abbreviations used for investigators are: ADFG=Alaska Department of Fish and Game, ISU=Idaho State University.

Project Number	Project Title	Investigators	Budget	
			2014	2015
	<u>Bristol Bay Salmon</u>			
12-450	Aleutian Islands Salmon and Other Subsistence Harvests	ISU	\$100.0	
12-452	Lake Clark Whitefish Climate Change Trends	ADFG	\$53.4	
Total Southwest Alaska Monitoring Program			\$100.0	\$0.0

Table 3. Southwest Alaska project costs, by organization (Alaska Native, State, Federal, other), for investigation plans submitted to the Fisheries Resource Monitoring Program for funding consideration in 2012.

Project Number	Title	Budget (\$000s)			
		Alaska Native	State	Federal	Other
	<u>Stock Status and Trends</u>				
14-401	Buskin River Sockeye Salmon Stock Assessment and Monitoring			\$108.0	
14-402	Afognak Lake Sockeye Salmon Stock Monitoring			\$77.2	
	<u>Harvest Monitoring and Traditional Ecological Knowledge</u>				
14-451	Bristol Bay Subsistence Salmon Network Analysis				\$186.9

Table 4. Southwest Alaska local hire and matching funds for investigation plans submitted to the Fisheries Resource Monitoring Program for funding consideration in 2014. Abbreviations used are: ADFG=Alaska Department of Fish and Game and ISU=Idaho State University.

Project Number	Lead Organization	Title	Funding (\$000s)	
			Local Hire	Matching
<u>Stock Status and Trends</u>				
14-401	ISU	Buskin River Sockeye Salmon Stock Assessment and Monitor	\$8.6	\$34.0
14-402	ADFG	Afognak Lake Sockeye Salmon Stock Monitoring	\$30.8	
<u>Harvest Monitoring and Traditional Ecological Knowledge</u>				
14-451	ADFG	Bristol Bay Subsistence Salmon Network Analysis		

Table 5. Southwest Alaska funding recommendations by the Technical Review Committee (TRC) for the 2014 Fisheries Resource Monitoring Program.

Project Number	Title	TRC	Requested Budget (\$000)		
			2014	2015	2016
<u>Stock Status and Trends</u>					
14-401	Buskin River Sockeye Salmon Stock Assessment	Yes	\$108.0	\$111.8	\$115.5
14-402	Afognak Lake Sockeye Salmon Stock Monitoring	Yes	\$77.2	\$88.5	\$91.2
<u>Harvest Monitoring and Traditional Ecological Knowledge</u>					
14-451	Bristol Bay Subsistence Salmon Network Analysis	No	\$186.9	\$135.4	\$54.9
Total			\$372.1	\$335.7	\$261.6
Guidelines			\$555.0		

BRIEFING ON THE REVIEW OF THE RURAL DETERMINATION PROCESS

Title VIII of the 1980 Alaska National Interest Lands Conservation Act (ANILCA) provides a subsistence priority for rural Alaska residents for harvesting fish and wildlife resources on Federal public lands. Only residents of communities or areas determined to be rural are eligible under Federal subsistence regulations for the subsistence priority. The Secretaries of the Interior and Agriculture are responsible for the process by which the rural determinations are made. The Federal Subsistence Board uses the Secretaries' process to make the rural determinations.

On December 17, 2010, the Secretaries of the Interior and Agriculture directed the Federal Subsistence Board to conduct a review of the rural determination process and develop recommendations to the Secretaries on how to improve the process (Attachment 1).

The Federal Subsistence Board initiated a review of the rural determination process on December 31, 2012 with the publication of a Federal Register Notice (Attachments 2 and 3) requesting comments on the following components of the process: population thresholds, rural characteristics, aggregation of communities, timelines and information sources. All ideas on how to improve the rural determination process that are consistent with ANILCA Title VIII and 9th Circuit Court of Appeals case law associated with the definition of rural will be considered. The deadline to submit comments is November 1, 2013.

In addition to soliciting written public comments, the Federal Subsistence Board is holding hearings in key locations throughout the State to provide opportunities for the public to learn more about the rural determination process and provide testimony. The Federal Subsistence Board has provided Federally recognized Tribes and Alaska Native Claims Settlement Act (ANCSA) corporations with the opportunity to consult prior to the start of the Federal Subsistence Regional Advisory Council meeting window. During the fall 2013 meetings, the ten Federal Subsistence Regional Advisory Councils are to review the rural determination process and formulate recommendations for the Board. See the Current Schedule of Forums for Public Comments for a list of all meetings and hearings to be held (Attachment 4).

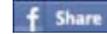
The Federal Subsistence Board will meet April 15–17, 2014 in Anchorage to review all the comments it received during the comment period. The Board will then make recommendations to the Secretaries of the Interior and Agriculture on possible changes to improve the process. These recommendations will be based in large part on the Federal Subsistence Regional Advisory Councils' recommendations, results of Tribal and ANCSA corporation consultations, and public comments. See the Steps in the Rural Determination Process for the review schedule (Attachment 5)

If the Secretaries decide to make changes to the rural determination process, a proposed rule and another comment period will be published in the Federal Register as required by the Administrative Procedure Act.

Following the completion of the review of the rural determination process, the Federal Subsistence Board will conduct a public review of the current rural determinations.

DOI News

Secretary Letter on Federal Subsistence Board Implementation



01/07/2011

December 17, 2010

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

Dear Mr. Towarak:

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

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

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

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

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

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

An identical letter is being sent to Ms. Beth Pendelton, Alaska Regional Forester.

Sincerely,

/s/ Ken Salazar

Ken Salazar

Enclosure

<< Previous

Secretary's Memorandum to Fish
and Wildlife Service Director
Implementing Subsistence Review

Next >>

Proposed rule to revise the
regulations concerning the
composition of the Federal
Subsistence Board



location and hours of the reading room). You may also request paper copies of the data standards by calling or writing to the person listed under **FOR FURTHER INFORMATION CONTACT**.

Done in Washington, DC, this 20th day of December, 2012.

Kevin Shea,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2012-31401 Filed 12-28-12; 8:45 am]

BILLING CODE 3410-34-P

DEPARTMENT OF AGRICULTURE

Forest Service

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS-R7-SM-2012-N248;FXFR133
50700640-134-FF07J00000]

Subsistence Management Program for Public Lands in Alaska; Rural Determination Process

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

ACTION: Notice; request for comments.

SUMMARY: Federal subsistence regulations require that the rural or nonrural status of communities or areas be reviewed every 10 years. In 2009, the Secretary of the Interior initiated a review of the Federal Subsistence Management Program. An ensuing directive was for the Federal Subsistence Board (Board) to review its process for determining the rural and nonrural status of communities. As a result, the Board has initiated a review of the rural determination process and is requesting comments from the public. These comments will be used by the Board, coordinating with the Secretaries of the Interior and Agriculture, to assist in making decisions regarding the scope and nature of possible changes to improve the rural determination process.

DATES: *Comments:* Comments on this notice must be received or postmarked by November 1, 2013.

Public meetings: The Federal Subsistence Regional Advisory Councils will hold public meetings to receive comments and make recommendations to the Federal Subsistence Board on this notice on several dates between August 19 and October 30, 2013. See Public Meetings under **SUPPLEMENTARY INFORMATION** for specific information on dates and locations of the public meetings.

ADDRESSES: *Comments:* Comments on this notice must be received or postmarked by November 1, 2013. You may submit comments by one of the following methods:

- *Electronically:* Comments addressing this notice may be sent to subsistence@fws.gov.
- *By hard copy:* U.S. mail or hand-delivery to: USFWS, Office of Subsistence Management, 1011 East Tudor Road, MS 121, Attn: Theo Matuskowitz, Anchorage, AK 99503-6199, or hand delivery to the Designated Federal Official attending any of the Federal Subsistence Regional Advisory Council public meetings.

Comments received will be available for public review during public meetings held by the Board on this issue. This generally means that any personal information you provide us will be available during public review.

Public meetings: See **SUPPLEMENTARY INFORMATION** for specific information on dates and locations of the public meetings. If the Board decides additional meetings are required, public announcements will be made that provide meeting dates and locations.

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

SUPPLEMENTARY INFORMATION:

Background

Under Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) (16 U.S.C. 3111-3126), the Secretary of the Interior and the Secretary of Agriculture (Secretaries) jointly implement the Federal Subsistence Management Program. This Program provides a priority for taking of fish and wildlife resources for subsistence uses on Federal public lands and waters in Alaska. The Secretaries published temporary regulations to implement this Program in the **Federal Register** on June 29, 1990 (55 FR 27114), and final regulations in the **Federal Register** on May 29, 1992 (57 FR 22940). The Secretaries have amended these regulations a number of times. Because this Program is a joint effort between Interior and Agriculture, these regulations are located in two titles of the Code of Federal Regulations (CFR): Title 36, "Parks, Forests, and

Public Property," and Title 50, "Wildlife and Fisheries," at 36 CFR 242.1-28 and 50 CFR 100.1-28, respectively. The regulations contain the following subparts: Subpart A, General Provisions; Subpart B, Program Structure; Subpart C, Board Determinations; and Subpart D, Subsistence Taking of Fish and Wildlife.

Federal Subsistence Board

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

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

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

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

Public Meetings

The Federal Subsistence Regional Advisory Councils have a substantial role in reviewing subsistence issues and making recommendations to the Board. The Federal Subsistence Board, through the Councils, will hold public meetings to accept comments on this notice during the fall meeting cycle. You may present comments on this notice during those meetings at the following locations in Alaska, on the following dates:

Attachment 2

77006 Federal Register / Vol. 77, No. 250 / Monday, December 31, 2012 / Notices

Region 1—Southeast Regional Council	Petersburg	September 24, 2013.
Region 2—Southcentral Regional Council	Copper Center	October 2, 2013.
Region 3—Kodiak/Aleutians Regional Council	Cold Bay	September 24, 2013.
Region 4—Bristol Bay Regional Council	Dillingham	October 29, 2013.
Region 5—Yukon-Kuskokwim Delta Regional Council	St. Marys	September 25, 2013.
Region 6—Western Interior Regional Council	Fairbanks	October 8, 2013.
Region 7—Seward Peninsula Regional Council	Nome	October 8, 2013.
Region 8—Northwest Arctic Regional Council	Kiana	August 21, 2013.
Region 9—Eastern Interior Regional Council	Fairbanks	October 16, 2013.
Region 10—North Slope Regional Council	Barrow	August 19, 2013.

A notice will be published of specific dates, times, and meeting locations in local and statewide newspapers, and on the Web at <http://alaska.fws.gov/asm/index.cfm>, prior to these meetings. Locations and dates may change based on weather or local circumstances.

Tribal Consultation and Comment

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

The Alaska National Interest Lands Conservation Act, Title VIII (16 U.S.C. 3111–3126), does not provide specific rights to Tribes for the subsistence taking of wildlife, fish, and shellfish. However, because tribal members and Alaska Native corporations are affected by subsistence regulations, the Secretaries, through the Board, will provide Federally recognized Tribes and Alaska Native corporations an opportunity to consult. The Board provides a variety of opportunities for consultation: engaging in dialogue at the Council meetings; engaging in dialogue at the Board’s meetings; and providing input in person, or by mail, email, or phone at any time during the comment period.

The Board will engage in outreach efforts for this notice, including a notification letter, to ensure that Tribes and Alaska Native corporations are advised of the mechanisms by which they can participate. The Board will

commit to efficiently and adequately providing an opportunity to Tribes and Alaska Native corporations to prior to the adoption of any changes in policy or regulation concerning the rural determination process.

The Board will consider Tribes’ and Alaska Native corporations’ information, input, and recommendations, and endeavor to address their concerns.

Purpose of This Notice

In accordance with § .10(d)(4)(ii), one of the responsibilities given to the Federal Subsistence Board is to determine which communities or areas of the State are rural or nonrural. Only residents of areas identified as rural are eligible to participate in the Federal Subsistence Management Program on Federal public lands in Alaska.

The Board determines if a community or area is rural in accordance with established guidelines set forth in § .15(a). The Board reviews rural determinations on a 10-year cycle and may review determinations out-of-cycle in special circumstances. The Board conducts rulemaking to determine if the list at § .23(a), which defines the rural/nonrural status of communities and/or areas, needs revision. Residents would have five years to comply with a rural to nonrural change. A change from nonrural to rural would be effective 30 days after publication of the rule.

On May 7, 2007, the Board published a final rule, “Subsistence Management Regulations for Public Lands in Alaska, Subpart C; Nonrural Determinations” (72 FR 25688). This rule revised the list of nonrural areas identified by the Board. The Board changed Adak’s status to rural, added Prudhoe Bay to the list of nonrural areas, and adjusted the boundaries of the following nonrural areas: the Kenai Area; the Wasilla/Palmer Area, including Point McKenzie; the Homer Area, including Fritz Creek East (except Voznesenka) and the North Fork Road area; and the Ketchikan Area, including Saxman and portions of Gravina Island. The effective date was June 6, 2007, with a 5-year compliance date of May 7, 2012.

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

On August 31, 2010, the Secretaries announced the findings of the review, which included several proposed administrative and regulatory reviews and/or revisions to strengthen the Program and make it more responsive to those who rely on it for their subsistence uses. One proposal called for a review, with Council input, of the rural and nonrural determination process and, if needed, recommendations for regulatory changes.

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

Request for Input

To comply with the Secretarial directives and the Federal subsistence regulations, the Federal Subsistence Board is proceeding with a review of the rural determination process. As part of the Secretaries’ commitment to open

government and in accordance with Executive Order 13563, the Board requests input from the public on the rural determination process and regulations, and ways to improve them for the benefit of rural Alaskans.

The Board has identified the following components in the process for review: Population thresholds, rural characteristics, aggregation of communities, timelines, and information sources. We describe these components below and include questions for public consideration and comment.

Population thresholds. The Federal Subsistence Board currently uses several guidelines to determine whether a specific area of Alaska is rural. One guideline sets population thresholds. A community or area with a population below 2,500 will be considered rural. A community or area with a population between 2,500 and 7,000 will be considered rural or nonrural, based on community characteristics and criteria used to group communities together. Communities with populations more than 7,000 will be considered nonrural, unless such communities possess significant characteristics of a rural nature. In 2008, the Board recommended to the Secretaries that the upper population threshold be changed to 11,000. The Secretaries have taken no action on this recommendation.

(1) Are these population threshold guidelines useful for determining whether a specific area of Alaska is rural?

(2) If they are not, please provide population size(s) to distinguish between rural and nonrural areas, and the reasons for the population size you believe more accurately reflects rural and nonrural areas in Alaska.

Rural characteristics. The Board recognizes that population alone is not the only indicator of rural or nonrural status. Other characteristics the Board considers include, but are not limited to, the following: Use of fish and wildlife; development and diversity of the economy; community infrastructure; transportation; and educational institutions.

(3) Are these characteristics useful for determining whether a specific area of Alaska is rural?

(4) If they are not, please provide a list of characteristics that better define or enhance rural and nonrural status.

Aggregation of communities. The Board recognizes that communities and areas of Alaska are connected in diverse ways. Communities that are economically, socially, and communally integrated are considered in the aggregate in determining rural and

nonrural status. The aggregation criteria are as follows: Do 30 percent or more of the working people commute from one community to another; do they share a common high school attendance area; and are the communities in proximity and road-accessible to one another?

(5) Are these aggregation criteria useful in determining rural and nonrural status?

(6) If they are not, please provide a list of criteria that better specify how communities may be integrated economically, socially, and communally for the purposes of determining rural and nonrural status.

Timelines. The Board reviews rural determinations on a 10-year cycle, and out of cycle in special circumstances.

(7) Should the Board review rural determinations on a 10-year cycle? If so, why; if not, why not?

Information sources. Current regulations state that population data from the most recent census conducted by the U.S. Census Bureau, as updated by the Alaska Department of Labor, shall be utilized in the rural determination process. The information collected and the reports generated during the decennial census vary between each census; as such, data used during the Board's rural determination may vary.

(8) These information sources as stated in regulations will continue to be the foundation of data used for rural determinations. Do you have any additional sources you think would be beneficial to use?

(9) In addition to the preceding questions, do you have any additional comments on how to make the rural determination process more effective?

This notice announces to the public, including rural Alaska residents, Federally recognized Tribes of Alaska, and Alaska Native corporations, the request for comments on the Federal Subsistence Program's rural determination process. These comments will be used by the Board to assist in making decisions regarding the scope and nature of possible changes to improve the rural determination process, which may include, where the Board has authority, proposed regulatory action(s) or in areas where the Secretaries maintain purview, recommended courses of action.

Dated: December 5, 2012.

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

Dated: December 6, 2012.

Steve Kessler,
Subsistence Program Leader, USDA-Forest Service.

[FR Doc. 2012-31359 Filed 12-28-12; 8:45 am]

BILLING CODE 3410-11-P ; 4310-55-P

DEPARTMENT OF AGRICULTURE

Forest Service

Transfer of Land to the Department of Interior

AGENCY: Forest Service, USDA.

ACTION: Notice of Land Transfer.

SUMMARY: Approximately 353.63 acres of National Forest System lands are transferred to the jurisdiction of the Secretary of Interior pursuant to the Hoopa-Yurok Settlement Act (Pub. L. 100-580; 102 Stat. 2924 (1988)). Transfer of Jurisdiction of Certain National Forest System Lands in California to the Department of the Interior for the benefit of the Yurok Tribe.

DATES: This notice becomes effective December 31, 2012.

FOR FURTHER INFORMATION CONTACT: Louisa Herrera, National Title Program Manager, (202) 205-1255, Lands and Realty Management.

SUPPLEMENTARY INFORMATION: The Hoopa-Yurok Settlement Act (Pub. L. 100-580; 102 Stat. 2924 (1988)), hereafter "Act", provides at section 2(c) that, subject to valid existing rights, certain enumerated National Forest System lands shall be "held in trust by the United States for the benefit of the Yurok Tribe and shall be part of the Yurok Reservation" (102 Stat. 2926). A condition precedent to such lands being held in trust is adoption of a resolution of the Interim Council of the Yurok Tribe as provided in section 2(c)(4) of the Act (102 Stat. 2926).

On March 21, 2007, the Yurok Tribal Council enacted Resolution No. 07-037, waiving certain claims and consenting to uses of tribal funds pursuant to the Act. The Department of the Interior has determined that the resolution meets the requirements of section 2(c)(4) of the Act, and that determination has been accepted by the Department of Agriculture.

Therefore, the conditions of transfer having been met, subject to valid existing rights, administrative jurisdiction over the following Federally



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



Forest Service

Federal Subsistence Board News Release

For Immediate Release:
January 14, 2013

Contact:
Andrea Medeiros
(907) 786-3674 or (800) 478-1456
andrea_medeiros@fws.gov

Federal Subsistence Board Seeks Comments on Rural Determinations Process

The Federal Subsistence Board (Board) is seeking comments on the process used to determine which Alaska communities are rural for purposes of the Federal Subsistence Program. A notice requesting comment by November 1, 2013 was published in the Federal Register (FWS-R7-SM-2012-N248) on December 31, 2012.

The Alaska National Interest Lands Conservation Act (ANILCA) mandates that rural Alaskans be given a priority for subsistence uses of fish and wildlife on Federal public lands. The Board conducts a periodic review of rural determinations. Only communities or areas that are found to be rural are eligible for the subsistence priority under ANILCA.

Following a Secretarial review of the Federal Subsistence Management Program, the Secretaries of the Departments of the Interior and Agriculture tasked the Board to review the rural determination process and recommend changes. The Board has identified the following components of the rural determinations process to be a part of this review: population thresholds, rural characteristics, aggregation of communities, timelines, and information sources. Descriptions of these components and associated questions for public consideration and comment are provided below. Comments will be used by the Board to assist in making decisions regarding the scope and nature of possible changes to improve the rural determination process.

Population thresholds. A community or area with a population below 2,500 will be considered rural. A community or area with a population between 2,500 and 7,000 will be considered rural or nonrural, based on community characteristics and criteria used to group communities together. Communities with populations more than 7,000 will be considered nonrural, unless such communities possess significant characteristics of a rural nature.

1. Are these population threshold guidelines useful for determining whether a specific area of Alaska is rural?
2. If they are not, please provide population size(s) to distinguish between rural and nonrural areas, and the reasons for the population size you believe more accurately reflects rural and nonrural areas in Alaska.

Rural characteristics. The Board recognizes that population alone is not the only indicator of rural or nonrural status. Other characteristics the Board considers include, but are not limited to, the following: Use of fish and wildlife; development and diversity of the economy; community infrastructure; transportation; and educational institutions.

3. Are these characteristics useful for determining whether a specific area of Alaska is rural?
4. If they are not, please provide a list of characteristics that better define or enhance rural and nonrural status.

Aggregation of communities. The Board recognizes that communities and areas of Alaska are connected in diverse ways. Communities that are economically, socially, and communally integrated are considered in the aggregate in determining rural and nonrural status. The aggregation criteria are: 1) Do 30 percent or more of the working people commute from one community to another? 2) Do they share a common high school attendance area? and 3) Are the communities in proximity and road-accessible to one another?

5. Are these aggregation criteria useful in determining rural and nonrural status?
6. If they are not, please provide a list of criteria that better specify how communities may be integrated economically, socially, and communally for the purposes of determining rural and nonrural status.

Timelines. The Board reviews rural determinations on a 10-year cycle, and out of cycle in special circumstances.

7. Should the Board review rural determinations on a 10-year cycle? If so, why? If not, why not?

Information sources. Current regulations state that population data from the most recent census conducted by the U.S. Census Bureau, as updated by the Alaska Department of Labor, shall be utilized in the rural determination process. The information collected and the reports generated during the decennial census vary between each census; as such, data used during the Board's rural determination may vary. These information sources as stated in regulations will continue to be the foundation of data used for rural determinations.

8. Do you have any additional sources you think would be beneficial to use?
9. In addition to the preceding questions, do you have any additional comments on how to make the rural determination process more effective?

Submit written comments by one of the following methods:

Mail: Federal Subsistence Board
Office of Subsistence Management – Attn: Theo Matuskowitz
1011 East Tudor Road, MS-121
Anchorage, AK 99503

E-mail: subsistence@fws.gov

Hand delivery to Designated Federal Official at any Federal Subsistence Regional Advisory Council meeting. See the Meetings and Deadlines page of the Federal

Subsistence Management Program's website, <http://alaska.fws.gov/asm/deadline.cfml>,
for dates and locations of Council meetings.

You also may call the Office of Subsistence Management at 800-478-1456 or email
subsistence@fws.gov with your questions.

Information on the Federal Subsistence Management Program can be found at
<http://alaska.fws.gov/asm/index.cfml>.

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Scheduled Forums for Public Comments

**telephonic access will be provided to these events*

Forum	Meeting Date	Location
*Regional Advisory Council Meetings		
North Slope	Aug. 20-21, 2013	Barrow
Northwest Arctic	Aug. 21-22, 2013	Kotzebue
Southeast	Sept. 24-26, 2013	Ketchikan
Kodiak/Aleutians	Sept. 24-25, 2013	Kodiak
Yukon-Kuskokwim Delta	Oct. 2-3, 2013	Bethel
Southcentral	Oct. 2-3, 2013	Copper Center
Western Interior	Oct. 8-9, 2013	Fairbanks
Seward Peninsula	Oct. 8-9, 2013	Nome
Eastern Interior	Oct. 16-17, 2013	Fairbanks
Bristol Bay	Oct. 29-30, 2013	Dillingham
*Hearings (evening)		
North Slope	Aug. 20, 2013	Barrow
Northwest Arctic	Aug. 21, 2013	Kotzebue
Southeast	Sept. 24, 2013	Ketchikan
Kodiak/Aleutians	Sept. 24, 2013	Kodiak
Yukon-Kuskokwim Delta	Oct. 2, 2013	Bethel
Southcentral	Oct. 2, 2013	Copper Center
Western Interior	Oct. 8, 2013	Fairbanks
Seward Peninsula	Oct. 8, 2013	Nome
Eastern Interior	Oct. 16, 2013	Fairbanks
Bristol Bay	Oct. 29, 2013	Dillingham
*Tribal Consultations		
First	Aug. 14, 2013	USFWS Regional Headquarters, Anchorage
Second	Sept. 11, 2013	USFWS Regional Headquarters, Anchorage

Forum	Meeting Date	Location
*ANCSA Corporation Consultations		
First	Aug. 14, 2013	USFWS Regional Headquarters, Anchorage
Second	Sept. 11, 2013	USFWS Regional Headquarters, Anchorage
AFN Youth and Elders	Oct. 2013	Fairbanks
AFN Convention Booth	Oct. 2013	Fairbanks

Steps in the Review of the Rural Determination Process

Step		Start Date	End Date
1	Publish notice requesting comments	Dec. 31, 2012	Nov. 1, 2013
2	Subsistence Regional Advisory Councils formulate recommendations. Tribal and ANCSA corporations are consulted and public hearings are held.	Aug. 20, 2013	Oct. 17, 2013
3	Analysis of comments	Nov. 1, 2013	Mar. 2014
4	Federal Subsistence Board review of comments and staff analysis. Draft recommendations to the Secretaries on possible changes to improve the process.	Apr. 2014	Apr. 2014
5	Proposed rule drafted (based on Secretarial direction)	Apr. 2014	Jun. 2014
6	Publish proposed rule and accept comments	Jul. 2014	Oct. 2014
7	Analysis of comments	Sept. 2014	Nov. 2014
8	Federal Subsistence Board review of comments and staff analysis. Draft recommendations to the Secretaries.	Jan. 2015	Jan. 2015
9	Draft and publish final rule (based on Secretarial direction)	Feb. 2015	Apr. 2015

Following the completion of the review of the rural determination process, the Federal Subsistence Board will conduct a public review of the current rural determinations. The Federal Subsistence Board will follow steps that are similar to those used in the review of the rural determination process (See table above). The Federal Subsistence Board's goal is to have a final rule of rural determinations by February 2017.

Rural Determination Process Review Q&As

OVERVIEW

1. Why is the rural determination process review important to Alaskans?

Only residents of communities or areas determined to be rural by the Federal Subsistence Board are eligible to harvest fish and wildlife resources on Federal public lands under Federal subsistence regulations.

2. Why is the Federal Subsistence Board reviewing the rural determination Process?

On October 23, 2009, Secretary of the Interior Ken Salazar announced the initiation of a Departmental review of the Federal Subsistence Management Program in Alaska, and on August 31, 2010, Secretary Salazar, along with Secretary of Agriculture Tom Vilsack, made several recommendations to the Federal Subsistence Board to improve the program. One recommendation called for a review of the rural determination process and, if needed, regulatory change. The Federal Subsistence Board voted unanimously to initiate a review of the rural determination process (process review). In the meantime, the Board found that it was in the public interest to suspend the results of its May 7, 2007 rural determinations until after this current review of the rural determination process is complete and new rural determinations are made, or for 5 years, whichever comes first.

3. Who is participating in the process review and what roles are each playing?

The public is encouraged to participate in the rural determination process review by learning about the current process, commenting on it, and suggesting new ideas for a better, future process. The public is invited to testify in person at public hearings or provide written comments. The Regional Advisory Councils, Tribes, and Alaska Native Claims Settlement Act corporations may also provide comments or make recommendations to the Federal Subsistence Board. The Federal Subsistence Board will evaluate all the comments and present recommendations to the Secretaries of the Interior and Agriculture, who will decide the outcome of the process review.

4. What is the overall timeline?

The rural determination process review will occur between December 31, 2012 and the spring of 2015. The Federal Subsistence Board's goal is to conduct the new rural determinations review by February, 2017.

EXISTING RURAL DETERMINATION PROCESS

5. What is the existing process for determining rural communities (or non-rural areas)?

The Federal Subsistence Board uses the rural determination process described in the Final Rule published in the Federal Register on May 7, 2007. The Federal Subsistence Board considered all of the following in making rural determinations:

- **Population thresholds.** A community or area with a population below 2,500 will be

considered rural. A community or area with a population between 2,500 and 7,000 will be considered rural or nonrural, based on community characteristics and criteria used to group communities together. Communities with populations more than 7,000 will be considered nonrural, unless such communities possess significant characteristics of a rural nature.

- **Rural characteristics.** The Board recognizes that population alone is not the only indicator of rural or nonrural status. Other characteristics the Board considers include, but are not limited to, the following: use of fish and wildlife; development and diversity of the economy; community infrastructure; transportation; and educational institutions.
- **Aggregation of communities.** The Board recognizes that communities and areas of Alaska are connected in diverse ways. Communities that are economically, socially, and communally integrated are considered in the aggregate in determining rural and nonrural status. The aggregation criteria are: 1) Do 30 percent or more of the working people commute from one community to another? 2) Do they share a common high school attendance area? and 3) Are the communities in proximity and road-accessible to one another?
- **Timelines.** The Board reviews rural determinations on a 10-year cycle, and out of cycle in special circumstances.
- **Information sources.** Current regulations state that population data from the most recent census conducted by the U.S. Census Bureau, as updated by the Alaska Department of Labor, shall be utilized in the rural determination process. The information collected and the reports generated during the decennial census vary between each census; as such, data used during the Board's rural determination may vary. These information sources as stated in regulations will continue to be the foundation of data used for rural determinations.

6. When were the most recent rural determinations made and what were they?

The Final Rule on the current rural determinations was published in the Federal Register on May 7, 2007. The Federal Subsistence Board determined all communities and areas to be rural except:

- (1) Anchorage, Municipality of;
- (2) Fairbanks North Star Borough;
- (3) Homer area—including Homer, Anchor Point, North Fork Road area, Kachemak City, and the Fritz Creek East area (not including Voznesenka);
- (4) Juneau area—including Juneau, West Juneau, and Douglas;
- (5) Kenai area—including Kenai, Soldotna, Sterling, Nikiski, Salamatof, Kalifonsky, Kasilof, and Clam Gulch;
- (6) Ketchikan area—including all parts of the road system connected to the City of Ketchikan including Saxman, Pennock Island and parts of Gravina Island;
- (7) Prudhoe Bay;
- (8) Seward area—including Seward and Moose Pass;
- (9) Valdez; and
- (10) Wasilla/Palmer area—including Wasilla, Palmer, Sutton, Big Lake, Houston, Point MacKenzie, and Bodenburg Butte.

**Note that all changes made by the Board in 2007, except for changing Adak's determi-

nation from non-rural to rural, have been put on hold by the Board pending the outcome of the process review and new rural determinations. (See Question #1 for more detail).

“PROCESS” REVIEW (CURRENTLY UNDERWAY)

7. Are there any legal considerations I should be aware of when making my comments?

Yes. All ideas on how to improve the rural determination process that are consistent with ANILCA Title VIII and 9th Circuit Court of Appeals case law associated with the definition of rural will be considered. In *Kenaitze v. State of Alaska*, 860 F.2d 312 (1988), the 9th Court provided useful guidance regarding the meaning of the term “rural” as it is used in Title VIII of ANILCA:

Regarding the definition of “rural,” the Court said, “The term rural is not difficult to understand; it is not a term of art. It is a standard word in the English language commonly understood to refer to areas of the country that are sparsely populated, where the economy centers on agriculture and ranching.”

Based on this definition, the Court struck down the State of Alaska’s approach to defining rural areas. The State’s definition of “rural” included only those areas dominated by subsistence fishing and hunting, while excluding areas dominated primarily by a cash economy even if a substantial portion of that area’s residents engaged in subsistence activities. In making this decision, the Court said that «Congress did not limit the benefits of [Title VIII] to areas dominated by a subsistence economy. Instead, it wrote broadly, giving the statutory priority to all subsistence users residing in rural areas.»

8. What is the timeline for the process review?

- The rural determination process review began on December 31, 2012, with the publication of a Federal Register Notice requesting comments.
- Between August 20 and October 17, 2013 the Subsistence Regional Advisory Councils will meet and formulate comments for the Federal Subsistence Board. Public hearings, conducted by the Federal Subsistence Board, will be held in conjunction with each of these meetings to gather public comments.
- The deadline to submit all comments is November 1, 2013.
- By April, 2014 the Federal Subsistence Board will draft recommendations for the Secretaries of the Interior and Agriculture on possible changes to the process.
- The Secretaries will then publish a proposed rule in the Federal Register, opening a comment period, and by the spring of 2015 will publish a final rule.

9. Where can I find the Federal Register Notice that asks for input into the process?

It is available online at <http://alaska.fws.gov/asm/rural.cfm> In addition, the public can call 1 (800) 478-1456 to request a hard copy.

10. When and where can I provide official input into the process review?

By November 1, 2013 comments must be received in any of the following ways:

- *Electronically*: sent to subsistence@fws.gov.
- *By hard copy*: U.S. mail or hand-delivery to: USFWS, Office of Subsistence Management, 1011 East Tudor Road, MS 121, Attn: Theo Matuskowitz, Anchorage, AK 99503– 6199,
- *Hand delivery* to the Designated Federal Official attending any of the Regional Advisory Council public meetings or Federal Subsistence Board public hearings, or
- *By testifying* at public hearings held in conjunction with the Fall 2013 Regional Advisory Council meetings and in a few additional communities. The hearing schedule can be found at <http://alaska.fws.gov/asm/deadline.cfm>

11. How can I make my comments most useful to the Board?

Comments, and rationale for those comments, should address the following components of the current rural determination process: population thresholds, rural characteristics, aggregation of communities, timelines and information sources. All ideas on how to improve the rural determination process consistent with ANILCA Title VIII and the 9th Circuit Court of Appeals case law associated with the definition of rural will be considered.

12. Will the fall of 2013 be the only time I can comment on the process review?

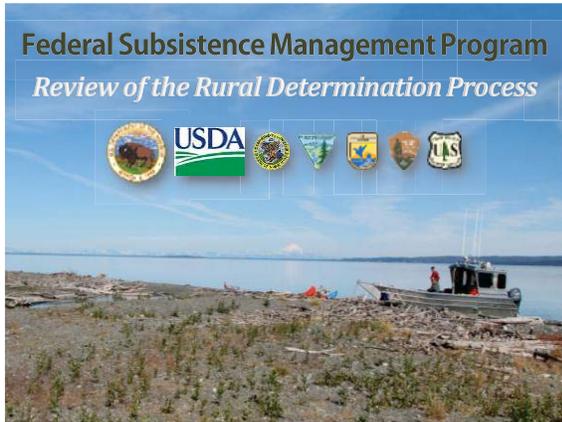
No. If the Secretaries decide to make changes to the rural determination process, a proposed rule will be published in the Federal Register followed by another open comment period.

13. What will the Board do with my comments?

After the November 1, 2013 comment deadline, the Federal Subsistence Board will review and analyze all the comments it received during the comment period. The Board will make recommendations to the Secretaries of the Interior and Agriculture on possible changes to improve the rural determination process.

14. Who can I contact if I have questions?

Individuals can call David Jenkins, Office of Subsistence Management, at 907-786-3688 or email david_jenkins@fws.gov







Framework

Title VIII - ANILCA

- Rural Subsistence Priority
- Residents of Rural Communities /Areas



Framework

9th Circuit Court of Appeals Decision

- Sparsely Populated Areas
 - Primary Indicator of Rural
- Hunting/Fishing Resource Use
 - Only One Indicator of Rural



Current Process

Overview of Criteria

1. Aggregation of Communities
2. Population Threshold
3. Rural Characteristics
4. Timelines
5. Information Sources



Current Process 

1. Aggregation of Communities

- **Economic, Social, Communal Integration**
 - Do 30% or more working people commute from one community to another?
 - Do they share a common high school attendance area?
 - Are the communities in proximity and road accessible to one another?

Questions 

Are these aggregation criteria useful for determining rural and nonrural status?

- If not, please provide ideas on how to better indicate how communities are integrated for the purposes of determining rural and nonrural status.

Current Process 

2. Population Threshold

- Below 2,500
 - Presumed Rural
- Between 2,500 and 7,000
 - No Presumption-Rural Characteristics Applied
- Above 7,000
 - Presumed Non-rural

Questions

Are these population threshold guidelines useful for determining whether a specific area of Alaska is rural?

- If they are not, please provide population size(s) to distinguish between rural and nonrural areas, and the reasons for the population size you believe more accurately reflects rural and nonrural areas in Alaska.

Current Process

3. Rural Characteristics

- Use of Fish and Wildlife
- Economic Development and Diversity
- Infrastructure
- Transportation
- Educational Institutions

Questions

Are these characteristics useful for determining whether a specific area of Alaska is rural?

- If they are not, please provide a list of characteristics that better define rural and nonrural status.

Current Process 

4. Timelines

- 10-year Cycle
- Out of Cycle in Special Circumstances

5. Information Sources

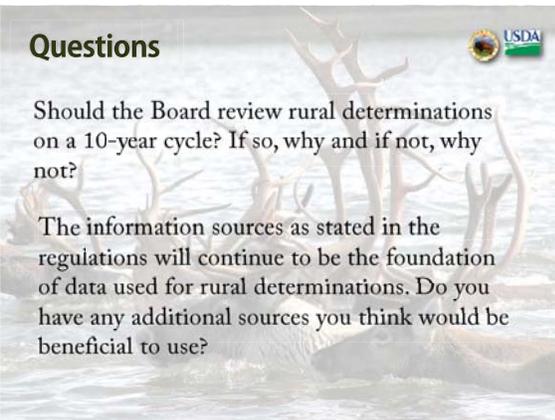
- Recent Census Population Data
- Census Information Varies Decade to Decade



Questions 

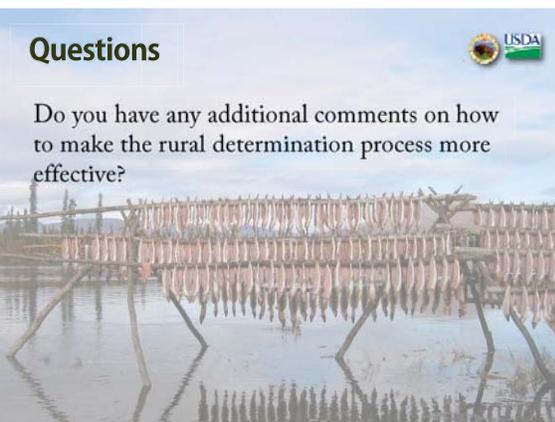
Should the Board review rural determinations on a 10-year cycle? If so, why and if not, why not?

The information sources as stated in the regulations will continue to be the foundation of data used for rural determinations. Do you have any additional sources you think would be beneficial to use?



Questions 

Do you have any additional comments on how to make the rural determination process more effective?





Resources

Available to You

Web Site-<http://alaska.fws.gov/asm/rural.cfm>

- Federal Register Notice (Vol. 77 Number 250)
- News Release

Email

- subsistence@fws.gov

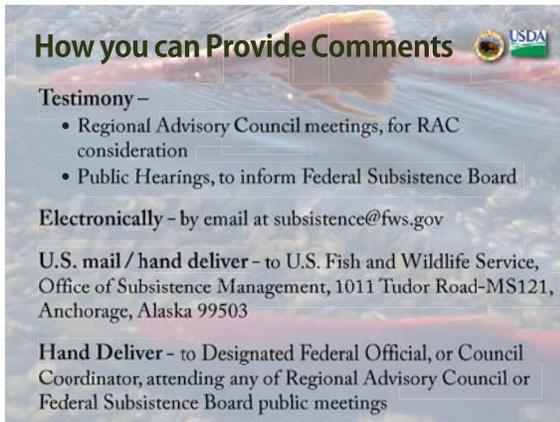
Phone

- 800-478-1456

All resources are located on our web site and on the handouts available here in the room.

Please pick up copies.





How you can Provide Comments



Testimony –

- Regional Advisory Council meetings, for RAC consideration
- Public Hearings, to inform Federal Subsistence Board

Electronically - by email at subsistence@fws.gov

U.S. mail / hand deliver - to U.S. Fish and Wildlife Service, Office of Subsistence Management, 1011 Tudor Road-MS121, Anchorage, Alaska 99503

Hand Deliver - to Designated Federal Official, or Council Coordinator, attending any of Regional Advisory Council or Federal Subsistence Board public meetings



Thank You

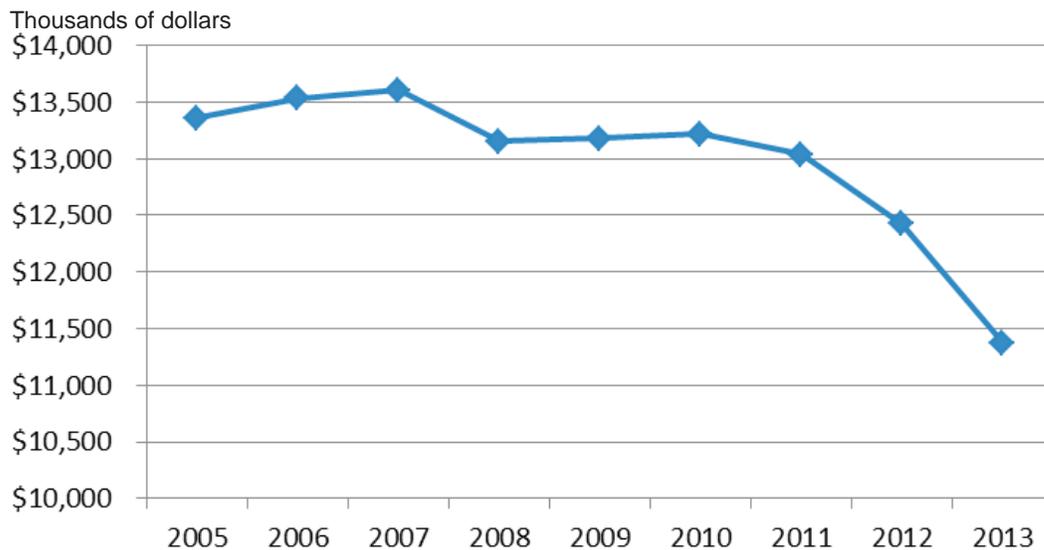


OFFICE OF SUBSISTENCE MANAGEMENT BRIEFINGS

Budget Update

The Office of Subsistence Management (OSM) has experienced a declining budget and level of staffing (see below). The overall OSM budget is subject to the same 6.7% cut that all Federal agencies are experiencing as a result of sequestration — the automatic spending cuts put in place by Congress and effective January this year. The budget picture for FY2014 is not entirely clear, but we anticipate further reductions. OSM will continue to provide the Regional Advisory Councils with budget briefings to help them develop a better understanding of proposed cuts and how they may affect the Federal Subsistence Management Program. Travel outside of the normal Council meetings will continue to be limited. Also, due to budget cuts and the Federal sequestration, the funding to support the State Liaison Position has been cut.

TOTAL OSM BUDGET BY FISCAL YEAR



Staffing Update

Arrivals

Gene Peltola has been selected to serve as the Assistant Regional Director for OSM. Gene most recently served as the Refuge Manager for the Yukon Delta National Wildlife Refuge in Bethel for 5 years and was the In-Season Manager on the Kuskokwim River. Prior to that, he was the Northern Zone Officer for Refuge Law Enforcement. He has a total of 29 years of service in the U.S. Fish & Wildlife Service.

Jeff Brooks has been selected to work as a Social Scientist in the Anthropology Division. He previously worked for the National Wildlife Refuge System in Alaska in the Division of Conservation Planning and Policy as a social scientist. Jeff served as the lead planner for the recently published Comprehensive Conservation Plan for the Selawik National Wildlife Refuge.

Derek Hildreth has been selected as the new Permit Specialist, replacing Michelle Chivers in that position. He previously worked in the Anchorage Field Office for the U.S. Fish & Wildlife Service in Fisheries.

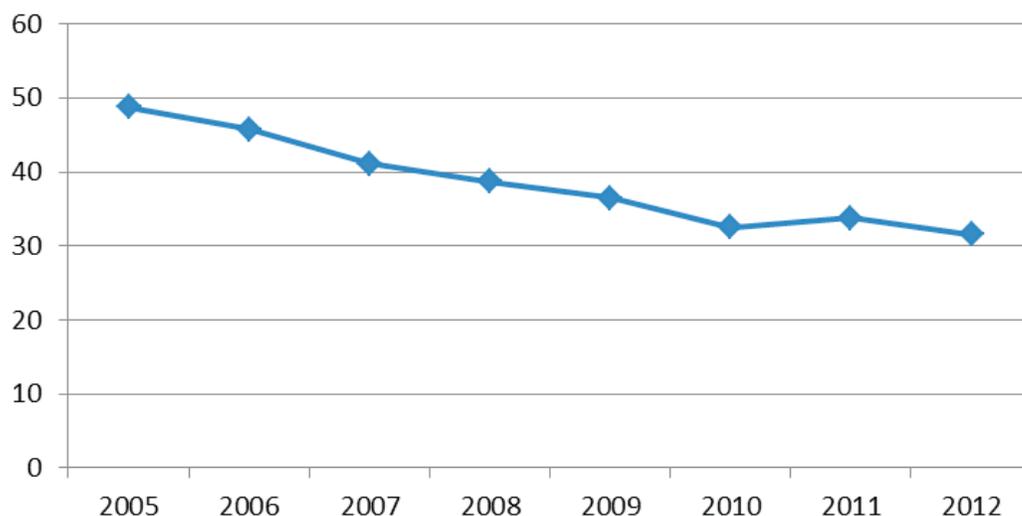
Departures

Helen Armstrong has retired from employment with the U.S. Fish & Wildlife Service. Under current budget restrictions, any new hires must be approved before any recruitment can begin. At this time, OSM has not been authorized to recruit for hiring a replacement Anthropology Division Chief. The position is currently vacant and OSM is exploring options for fulfilling these responsibilities.

Stephen Fried retired from employment with the U.S. Fish & Wildlife Service. OSM has been authorized to seek a replacement Fisheries Division Chief.

Andrea Medeiros, who has been at OSM for over twelve years and is currently the Subsistence Outreach Coordinator, will be leaving OSM to take a position with External Affairs for Region 7 U.S. Fish & Wildlife Service. Her position will become vacant and OSM is exploring options for fulfilling these responsibilities.

OSM STAFFING BY FISCAL YEAR



Tribal Consultation Update

The Tribal Consultation Implementation Guidelines are in their final draft form and the Federal Subsistence Board will review them at its work session in August. The Tribal Consultation workgroup consists of a varied group of Federal staff, Tribal members and members from Alaska Native Claims Settlement Act (ANCSA) Corporations. Once the implementation guidelines have been accepted by the Board, the workgroup will focus its attention on crafting the ANCSA Consultation Policy and Implementation Guidelines.

Regulatory Cycle Update

At the fall 2012 Regional Advisory Council meetings, the Board asked all 10 Councils for input on regulatory cycle schedules. Eight of ten Councils recommended that the Board meeting to make determinations on wildlife proposals occur in the spring rather than in January. In response, the Board scheduled their next meeting to make determinations on wildlife proposals for April 15-17, 2014. With future wildlife Board meetings occurring in the spring, the fall Council meeting window for wildlife proposal years will be extended into early November. The Board has not yet made a decision concerning dates for their meeting in 2015 to address the next round of fisheries proposals.



United States Department of the Interior



U.S. Fish and Wildlife Service
Izembek National Wildlife Refuge
P.O. Box 127
Cold Bay, Alaska 99571

Izembek National Wildlife Refuge Report for the
Kodiak/Aleutians Federal Subsistence Regional Advisory Council
Fall Meeting – September 2013
(Compiled in August 2013)

CARIBOU

Unit 9D (Southern Alaska Peninsula)

A winter minimum population count of the Southern Alaska Peninsula (SAP) caribou herd on Game Management Unit 9D was not completed this winter due to insufficient snow cover conditions.

Table 1.

Year	Winter minimum population count	Fall Bulls : 100 Cows	Fall Calves : 100 Cows	Fall composition sample size
2004-2005	1,872	36	7	966
2005-2006	1,651	30	6	1,040
2006-2007	770	16	1	713
2007-2008	NA	15	1	431
2008-2009	NA	10	39	570
2009-2010	NA	21	43	679
2010-2011	NA	28	47	532
2011-2012	1,061	40	20	920
2012-2013	NA	45	20	500

"NA" indicates no data was collected.

"Year" covers the period October-April. USFWS winter minimum population counts are normally conducted December through April; ADF&G fall composition ratios are calculated from an October survey.

Table 1. Summary of Southern Alaska Peninsula caribou herd minimum population counts and fall composition surveys (2004 to 2013) conducted by U.S. Fish and Wildlife Service and Alaska Department of Fish and Game (ADF&G).

The first Federal subsistence caribou hunt for unit 9D since emergency closure in the fall of 2007 occurred on Izembek NWR from 10 August to 20 September 2012, and 15 November 2012 to 31 March 2013. Four bull permits were allocated per community (Cold Bay, King

Cove, Sand Point, False Pass, and Nelson Lagoon). Permit applicants were drawn randomly by each community and a total of nine bulls were harvested. The State and Federal subsistence hunts were opened for unit 9D with a total harvest goal of 40 caribou. For the Federal subsistence hunt, 20 permits were allocated to five communities (Cold Bay, King Cove, Sand Point, False Pass, and Nelson Lagoon). The Federal hunt is a split season open from August 10, 2013-September 20, 2013 and November 15, 2013-March 31, 2014.

Unit 10 (Unimak Island)

ADF&G will conduct the annual fall composition counts of the Unimak Caribou Herd (UCH) in early October. Age and sex composition were classified for 83 caribou in 2012 (Table 2). The calf to cow ratio observed remained low (3 calves per 100 cows). The bull to cow ratio observed (9.5 bulls per 100 cows) was higher than the previous four years, but remains below the management objective of 35 bulls per 100 cows.

Table 2.

Year	Winter minimum population count	Fall Bulls : 100 Cows	Fall Calves : 100 Cows	Fall composition sample size
2004-2005	1,006	NA	NA	NA
2005-2006	1,009	45	7	730
2006-2007	806	NA	NA	NA
2007-2008	NA	31	6	433
2008-2009	NA	9	6	260
2009-2010	400	5	3	221
2010-2011	224	8	8	284
2011-2012	94	6	7	117
2012-2013	NA	9.5	3	83

"NA" indicates no data was collected.

"Year" covers the period October-April. USFWS winter minimum population counts are normally conducted December through April; ADF&G fall composition ratios are calculated from an October survey.

Table 2. Summary of Unimak Island caribou herd minimum population counts and fall composition surveys (2004 to 2013) conducted by U.S. Fish and Wildlife Service and Alaska Department of Fish and Game.

BROWN BEAR

An index of brown bear population and productivity is estimated annually in the fall from aerial surveys flown along streams on the refuge and Unimak Island. The survey will be conducted in early September 2013.

WATERFOWL

Pacific brant

The annual mid-winter aerial survey at Izembek NWR for Pacific brant in 2013 resulted in an average count of 41,821 brant (Fig. 1).

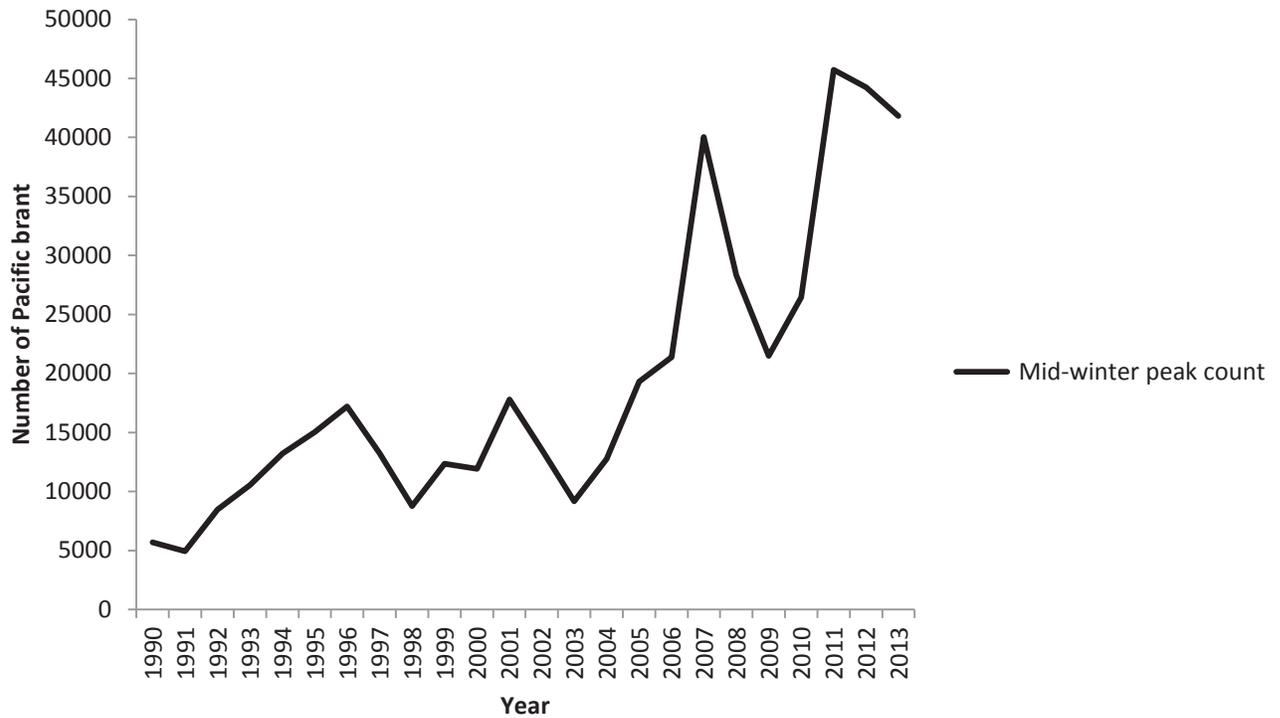


Fig. 1. Annual mid-winter survey (1990-2013) for Pacific brant at Izembek National Wildlife Refuge, southwest Alaska.

Emperor Goose

The spring 2013 aerial Emperor geese survey was not conducted due to mechanical issues that grounded the aircraft utilized for surveys by the Migratory Bird program. The spring 2012 aerial Emperor geese survey observed a total of 67,588 birds, a decrease of 9 percent from spring 2011. The spring 3-year average is 68,772 geese. This is the population number used for management seasons (currently a 3-year spring average of 80,000 geese is needed to consider opening any hunting season).

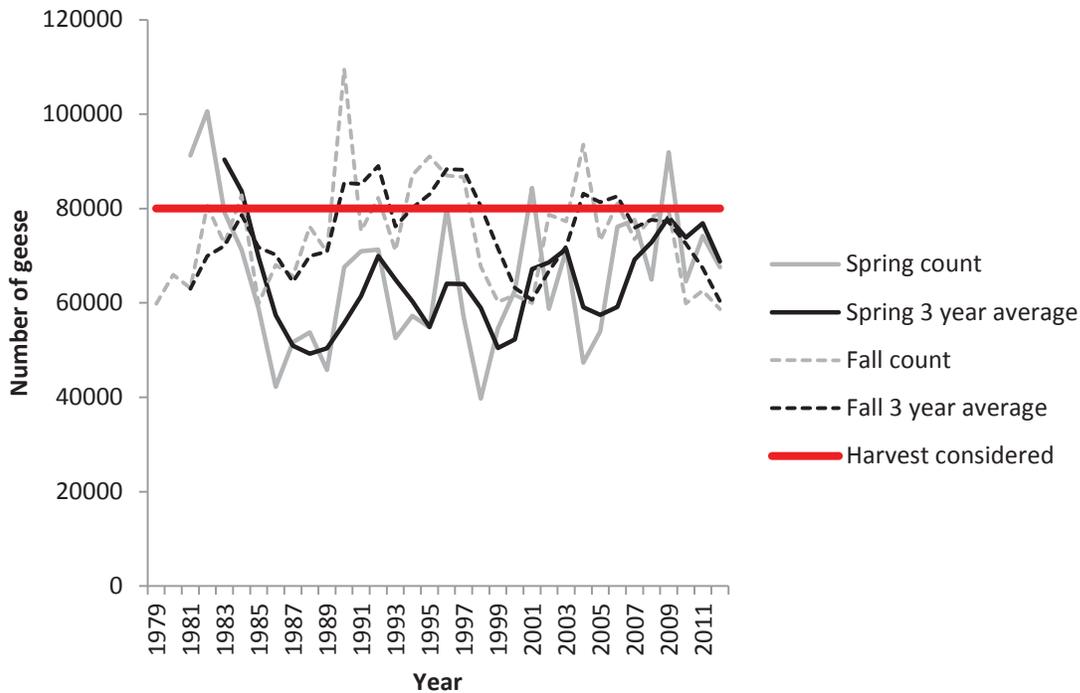


Fig. 4. Spring and fall emperor goose population counts and 3-year running averages from 1979-2012, Izembek National Wildlife Refuge, southwest Alaska.

Avian Influenza and Avian Blood Parasites

Due to human health risk and potential for increased waterfowl mortality, sampling for the highly-pathogenic strain of Avian Influenza (AI) known as H5N1 is conducted in Alaska. To date, H5N1 has not been identified in samples collected in Alaska. However, blood parasites have been identified in Northern Pintails throughout North America and have been correlated with increased mortality in waterfowl. None of the samples (n=995) collected in 2011 or 2012 (n=983) tested positive for H5N1. Low pathogenic avian influenza viruses were isolated which will be further analyzed by Alaska USGS scientists to better understand viral dynamics in waterfowl at Izembek NWR. Izembek NWR will continue working in cooperation with the U.S. Geological Survey to collect AI and blood parasite samples from hunter-harvested waterfowl in the fall of 2013.

RESEARCH

Habitat and nutritional ecology of Unimak Island Caribou:

Does habitat play a role in caribou population dynamics and health?

In an effort to understand a recent decline of the caribou population located on Unimak Island, a habitat suitability study was initiated by Izembek NWR, ADF&G, University of Alaska Anchorage (UAA), and University of Alaska Fairbanks (UAF) in 2011. Satellite-vhf collars were deployed on seven female caribou on Unimak Island in April 2011. Caribou are monitored weekly to determine seasonal habitat use, distribution, and annual survival rates. The plant communities (specifically caribou forage species) and caribou movements are being mapped simultaneously using GIS and remote sensing techniques to determine habitat quality and quantity for caribou on Unimak Island. Additionally, a nutritional

analysis of caribou forage was conducted. These factors will be modeled to determine the overall carrying capacity of Unimak Island for use in future caribou management strategies. Initial aerial photography and plant/forage sample collection took place from June to September 2011 and was continued during 2012. Laboratory and spatial analyses are expected to be completed by fall of 2013.

Inventory and monitoring plan for Izembek NWR

Izembek NWR and Pennsylvania State University are collaborating to develop a biodiversity assessment and monitoring program for Izembek Refuge. An evaluation framework has been developed and will be distributed to a panel of evaluators, and results will be compiled in the fall of 2013. This effort will assist refuge staff in objectively prioritizing future inventory, monitoring, and research efforts on the refuge. A component of this research includes investigating responses of wildlife and habitat to climate change and human disturbances. Initial work focused on evaluating the phenology of bird and invertebrate species associated with the numerous ponds of Izembek NWR. Parameters of interest included presence/absence and timing of bird, aquatic vegetation and aquatic invertebrate species, and measurement of pond characteristics including surface temperature, water depth measurements, pH and conductivity. Data collection occurred in summers of 2011-2013.

Stream Characteristics of Salmon Streams on Izembek National Wildlife Refuge

A research project being conducted by Izembek NWR and Notre Dame University will improve the understanding of the ecological importance of salmon-derived nutrients on productivity in freshwater ecosystems on Izembek Refuge. This project will increase our understanding of whether salmon contribute a net enrichment or net disturbance effect on stream ecosystems. Structural and functional parameters being investigated include ammonium (NH₄⁺), nitrate (NO₃⁻), benthic and water column chlorophyll-*a* concentrations, stream gross primary production (GPP), and ecosystem respiration (ER). Data collection was completed during the summer of 2013.

SEALINGS

Brown Bear

During spring 2013, three brown bears (three males) harvested on Unimak Island were sealed at Izembek NWR. In addition, one brown bear was sealed that was taken for Defense of Life and Property (DLP) in Cold Bay. One beach found brown bear skull was sealed.

Gray Wolf

Three gray wolves (two females and one male) were sealed at Izembek NWR in 2013.

River Otter

No river otters have been sealed at Izembek NWR in 2013.

Walrus

In 2013, eleven tusks and one walrus skull were sealed at Izembek NWR.



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Kodiak National Wildlife Refuge
1390 Buskin River Road
Kodiak, Alaska 99615-0323
(907) 487-2600

Subsistence Activity Report Kodiak National Wildlife Refuge April – September 2013

Fisheries

Please note that results of salmon counts presented below were provided by the Alaska Department of Fish and Game (ADF&G).

Western Area

The early run sockeye salmon in the Karluk River drainage improved significantly and met the escapement goals with 232,936 fish (range 110,000 to 250,000 fish). The 2013 season is the largest escapement seen for this run since 2007. The Karluk River late run sockeye salmon escapement counts are also doing well, with a count of 103,327 fish as of 19 August 2013. This is largest late run escapement in 10 years. Village residents of Karluk and Larsen Bay participating in subsistence fishing reported good catch per unit effort for sockeye, and were able to meet their subsistence harvest needs.

Northern Area

Areas in the northern section of the Kodiak Archipelago open for subsistence fishing under federal regulations experienced solid returns of sockeye salmon in 2013. The federal marine waters near Buskin River remained popular with local subsistence users. As of 19 August 2012, the sockeye escapement was 15,947 fish, which exceeded escapement goal for the stock (8,000 to 13,000 fish).

The sockeye salmon run in the Afognak Bay (Litnik) area was strong again in 2013. The high numbers of returning fish prompted state and federal managers to issue an Emergency Order in June 2013, which reduced the closed waters to the stream terminus. As of 19 August 2013, the sockeye salmon escapement was 42,088 fish.

As a result of 2013 sockeye salmon runs at Buskin and Litnik systems, residents of Kodiak, Ouzinkie, and Port Lions reported good catch per unit effort. In addition, residents of Port Lions and Ouzinkie reported that fish were very abundant in and around the villages.

Karluk River Chinook Research Pilot Project

We planned to continue study of Chinook salmon spawning habitat within the Karluk River in 2013, but the project was suspended due to insufficient funds (e.g., sequestration effect). The primary goal was to outfit returning Chinook salmon with transmitters and track them throughout the drainage to identify and document spawning habitat.

Subsistence Permit Summary

Federal Subsistence regulations allow for customary and traditional harvest of Roosevelt elk, Sitka black-tailed deer, and brown bear on Kodiak Refuge lands. Rural residents qualify for federal elk and deer hunts, and a small number of brown bear permits are issued to village residents (Table 1). Federal designated deer hunter and subsistence elk permits can be obtained at the Kodiak Refuge headquarters. Permittees are required to carry their Federal subsistence permits, and current state licenses and tags, while hunting.

Table 1. Federal subsistence permits issued and animals harvested, Unit 8, 2006-2013.

Species	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13
Deer*	63(59)	83(29)	81(74)	56(38)	67(42)	70(77)	22(11**)
Bear	5(2)	5(0)	6(1)	6(1)	7(1)	5(2)	4(1)
Elk	10(0)	6(0)	3(0)	5(0)	8(1)	6(0)	2(0)

*multiple deer eligible to be harvested per permit

**incomplete reporting

***Chinook salmon

Brown Bear

Population Assessment

The Refuge, in cooperation with ADF&G, annually surveys representative areas of Kodiak Island to assess trends in bear population size. This year, we surveyed the Karluk Lake basin during May 24-30, 2013. Results revealed that the estimated abundance of independent bears (not including dependent cubs) declined from 132 in 2003 to 68 independent bears in 2013. Since the decline in brown bear appears occurred in conjunction with low returns of sockeye salmon observed during 2008-2011, we are developing a research plan to evaluate the requirement of bears for salmon and the dynamics of sockeye salmon usage of spawning habitat in selected areas of southwestern Kodiak Island.

Research

A cooperative research project concluded in April 2013 with release of a Master's thesis: *Behavior-Specific Resource Selection by Kodiak Brown Bears* (Mathew Sorum, 2013). Two chapters from this thesis will be submitted for publication consideration. The project evaluated habitat use and preference of female brown bear for bedding and foraging sites, as well as seasonal diet composition (Figure 1).

We continued cooperation on another study initiated in 2012. This project, led by graduate student William Deacy of the University of Montana, will build upon results from the previous project. The study, entitled *The Influence of Salmon Run Abundance and Timing on Kodiak Bear Ecology*, aims to: (1) characterize sockeye salmon runs in 12 spawning streams with time-lapse cameras; (2) assess the relationships among salmon run abundance and run timing and bear use of salmon; (3) and identify preferred sites of stream foraging bears (Figure 2).

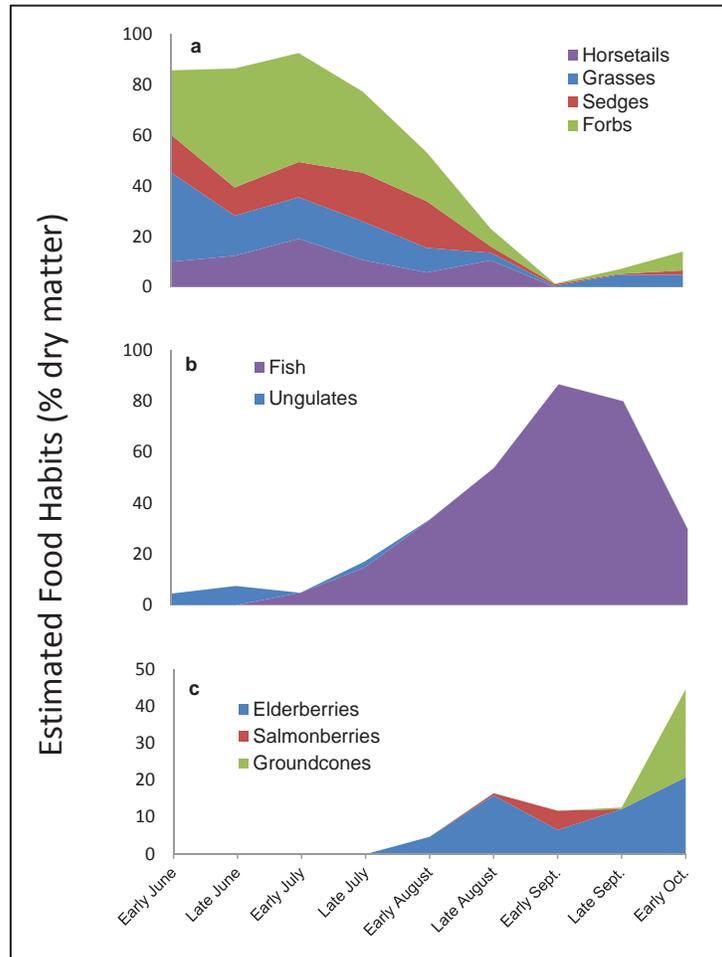


Figure 1. Estimated seasonal intake of three categories of foods by female brown bears of southwestern Kodiak Island during 2011. Estimates were derived from analysis of bear scat and were corrected for differential digestion.

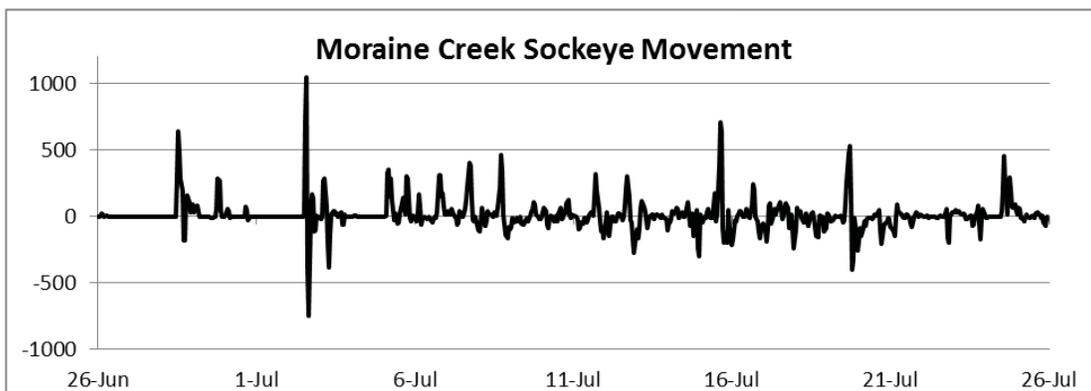


Figure 2. Sockeye salmon passage of a time-lapse camera station based in lower Moraine Creek, Kodiak Island, during late June-July 2013. Positive values are counts of salmon moving upstream of the station and negative values are counts of salmon moving downstream of the station.

Education & Outreach

The Refuge hosted a production crew for a television show called *Ocean Mysteries with Jeff Corwin* in early June and in August 2012. This resulted in two half-hour episodes that featured Kodiak brown bears, the salmon runs that support them, and our efforts to manage this world treasure. The first show, entitled *The Great Return*, aired in October 2012 and may be viewed at: www.ovguide.com/video/ocean-mysteries-the-great-return-04f29734d8fd11e2b0fa12313d23b454). The second show, entitled *Bear Necessities*, aired in February 2013 and may be viewed at: www.ovguide.com/video/ocean-mysteries-bear-necessities-8acf5994842711e2a8f612313d23b454).

Sitka Black-Tailed Deer

Harvest

Harvest results for Sitka black-tailed deer in the Kodiak Archipelago, including subsistence and recreational sport hunter efforts, had traditionally been assessed annually by the ADF&G via a hunter questionnaire. Since 2006, the Refuge had cooperated with ADF&G on harvest assessments, and added a question regarding harvest on federal land. Between 2006 and 2011, approximately 40% of deer harvested were taken on federal land. Beginning in 2011, ADF&G migrated to an online deer harvest reporting system. Since then, the Refuge has been working with ADF&G to ensure that harvest data specific to federal lands continues to be available and used to facilitate management of deer. Approximately 4,800 deer were harvested during the 2011-2012 season, which is the most since the 2006-2007 season (Figure 3). Results from the 2012-2013 season are not yet available, but they are expected to be lower because of a substantial deer die-off during winter 2011-2012.

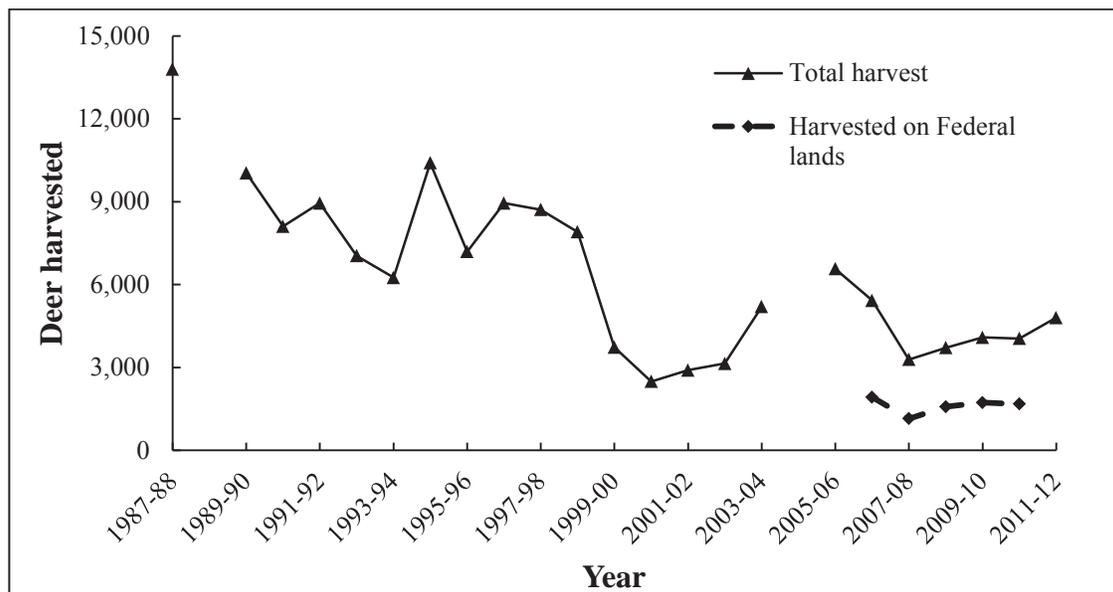


Figure 3. Estimated number of Sitka black-tailed deer harvested by subsistence and recreational sport hunters, Kodiak Archipelago, from the 1987-88 to 2011-12 seasons. The number of deer harvested on federal lands is indicated by the dashed line. The 2012-13 season results are not yet available.

Population Estimate

Refuge biologists initiated a study to assess the feasibility of estimating deer abundance in non-forested habitats, using a distance sampling approach applied to aerial surveys. This method can produce more accurate population estimates by using a statistical correction factor that accounts for animals present in a survey area, but not sighted by observers. The long-term goal is to provide wildlife managers with a quantitative index of annual changes in deer abundances, which will facilitate improved management. To test this method, pilot surveys were conducted on the Aliulik Peninsula in May 2012. Results indicated that distance sampling can be used successfully to assess deer abundances in non-forested habitats on Kodiak.

Consequently, we expanded the scope of the survey in 2013 to include additional non-forested areas of southern Kodiak Island (Figure 4). Results from this effort are pending, but an initial examination suggested that deer densities increased on the Aliulik Peninsula between 2012 and 2013, and deer densities were low at the Alitak Peninsula and Ayakulik River survey units. We plan to share more details of these results with the Council at the winter 2014 meeting. We plan to continue to improve upon this method with another survey planned for May 2014.

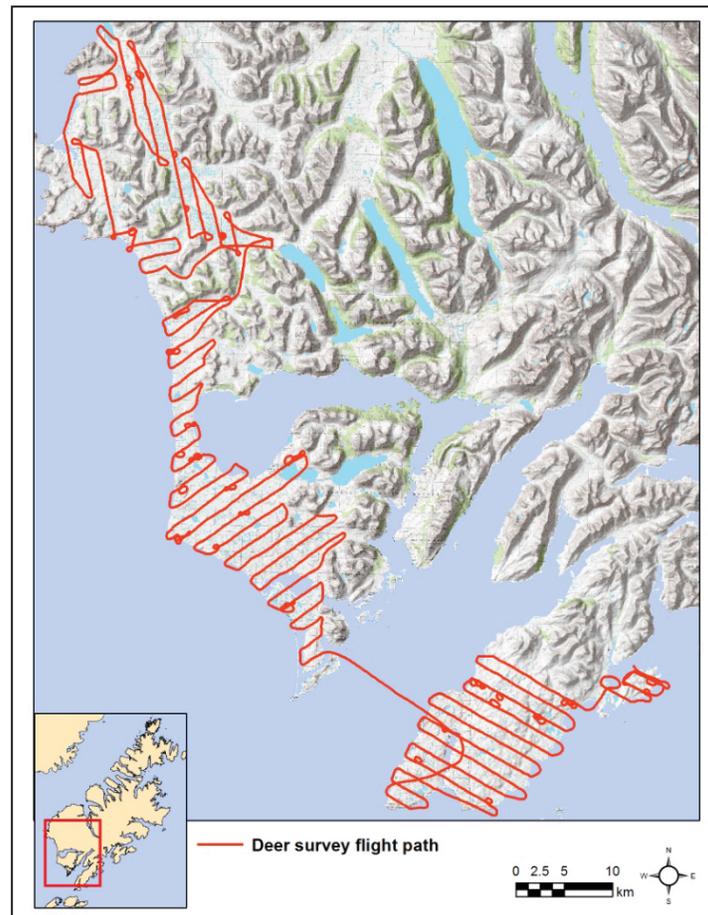


Figure 4. Track lines recorded by GPS in flight during Sitka black-tailed deer aerial line-transect surveys on Kodiak Island, May 20 and 22, 2012.

Roosevelt Elk

ADF&G biologists plan to survey the size and composition of the elk herd in September, prior to federal subsistence and recreational sport hunting seasons. The 2011 population estimate was 700 elk, which exceeds the 2010 estimate of 610 elk. Periodic summer flights by ADF&G indicate good calving success and increases in bull numbers. The Waterfall herd, which summers on Refuge lands, was estimated at 35-60 animals in 2011.

Feral Reindeer

Refuge biologists counted 315 feral reindeer during a survey in July 2011. Alan Jones, State Trooper, counted 335 feral reindeer while patrolling in the same region that summer. In July 2012, Jones counted approximately 300 reindeer. Based on these results, the reindeer herd appeared to be stable in size, at approximately 300-325 animals. The population size appears to have fluctuated around approximately 300-400 reindeer for the past 15 years.

Mountain Goat

Changes to Sport Harvest Regulations

A subcommittee of the Alaska Board of Game's Kodiak Advisory Committee proposed changes to Kodiak's mountain goat harvest regulations in Hunt Area 480 in response to the rapidly growing goat population in central and southern portions of the island. The subcommittee included members of the Subsistence Advisory Council, the Board's Advisory Committee, ADF&G biologists, Refuge biologists, and interested public. The subcommittee generated a proposal for regulation changes which were later adopted by the Advisory Committee, endorsed by Kodiak-based state and federal fish and wildlife managers, and submitted for consideration of the Board. The Board approved the proposal with modification. The revised regulation increases the annual bag limit in 480 from one to two goats and extends the season from Aug. 20 – Dec. 20 to Aug. 20 to Mar. 20. These regulatory changes are effective for the current 2013-2014 season.

Population Assessment

ADF&G and Refuge biologists typically complete annual surveys of the mountain goat population on Kodiak Island in August. These surveys provide information on the minimum herd sizes by hunt area, and are used to manage sport harvest quotas. Based on the results of these surveys, we estimate that Kodiak's mountain goat population grew to a record high of approximately 2,500 goats in 2011 (Figure 4). Results of a partial survey in 2012 indicated that the population was stable in hunt areas in northern Kodiak and increasing in the central/southern hunt area that encompasses the Refuge (DG480). We are attempting to survey all known goat habitats in August 2013 to produce an island-wide minimum population estimate.

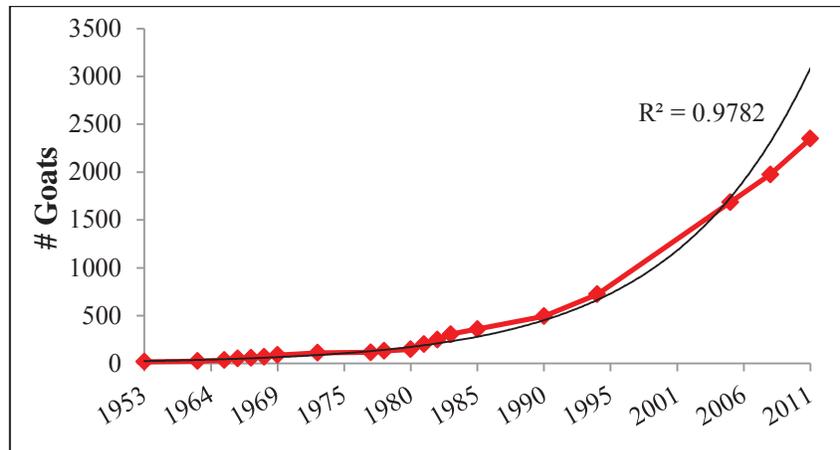


Figure 5. Number of mountain goats counted during years when surveys were considered “island-wide” counts (in red) and exponential growth model (thin black line), Kodiak Island, Alaska, 1953-2011. Results from 2012 surveys are not included due to incomplete survey coverage.

Research

The Refuge’s management goal for mountain goats is to maintain a population that satisfies hunter needs and does not adversely impact native flora and fauna. In response to a rapidly growing mountain goat population on federal lands, Refuge and ADF&G biologists developed a research and monitoring plan. The goals of the research plan were to quantify mountain goat population dynamics, habitat selection patterns and movements. As a part of this plan, Refuge biologists studied goat diets and feeding site preferences during summer 2011 and 2012. Between May and August, we collected terrain and vegetation data at three study sites (Hepburn Peninsula, west of Uyak Bay, and north of Hidden Basin). We compared the vegetation composition between sites used by mountain goat groups, which consisted primarily of nursery bands composed of nannies, kids, and yearlings, and randomly selected sites from the areas surrounding used sites. We also collected fecal pellet samples to determine mountain goat summer diets. Diets were largely composed of fern rhizomes and grasses in early summer (June), and sedges and forbs later in the summer (July to mid-August). Mountain goats selectively used feeding sites with abundant sedge, rush, and moss on south-facing slopes that were close (averaging 57 m) to escape terrain (slopes $>33^{\circ}$). Results from 2011 are available on the Refuge’s website (www.fws.gov/refuge/Kodiak/what_we_do/science/ungulate/goat.html). A final report will be available soon.

Sea Otter

The Refuge and the Service’s Division of Marine Mammals Management were awarded a grant to evaluate methods of aerial survey for assessment of population status and trend. The goals are to produce a method that still provides good estimates of sea otter abundances; but is less expensive, less complex, and safer for the observer. We plan to test alternative methods at Kodiak in August 2014. We look forward to updating our progress during the Council’s March meeting.

Marine Mammal Marking and Tagging

Under the 1972 Marine Mammal Protection Act, Native American coastal residents of Alaska may harvest sea otters and use the pelts for handicrafts and, under limited circumstances, resale. Legally-harvested sea otter hides and skulls must be officially tagged by a Service-approved representative (“tagger”). Currently, there are 15 taggers on the Kodiak Archipelago, including seven based in Kodiak and eight in various outlying village communities. During the period between April and August 2012, Refuge staff tagged eight sea otter hides and skulls and three walrus tusks.

Migratory Birds

Nearshore Surveys

Staging from the Refuge vessel *Ursa Major II*, the Refuge bird biologist surveyed breeding populations in the vicinity of western Kodiak Island in June 2013. Preliminary results yielded observations of 25,000 individuals of 48 species of aquatic migratory birds. Seventy-eight percent of observations were comprised of five species; including black-legged kittiwake, glaucous-winged gull, tufted puffin, marbled murrelet, and pigeon guillemot. In August, the same area will be surveyed to assess productivity of selected bird species. Additionally, molting harlequin ducks will be captured and banded. Results from the surveys will be presented at the Council’s March 2014 meeting.

Migratory Bird Harvest Surveys

Results from the last subsistence harvest survey (2006) can be accessed and viewed at <http://alaska.fws.gov/ambcc/harvest.htm>.

Community Subsistence Outreach

Subsistence is about life-long learning, living and community. Outreach to village communities, schools and stewardship camps during 2013 spring and summer months focused on connecting kids to Kodiak’s wild animals and plants, and included newly featured hands-on use of trail cameras to investigate the habits of wily and secretive land mammals (Figure 6). Kids were encouraged to think like trappers, locate animal signs, and find trails used by animals in their communities. They mounted three motion-activated cameras on trails with unique habitats and animal-use characteristics. After a few days, the kids processed camera images and presented an exciting slideshow. The camera application has been complemented by other education tools and activities including nature photography, scavenger hunts, wildflower bingo, and games intended to facilitate awareness, interest, and connection with Kodiak’s native and non-native flora and fauna. With regard to subsistence, we emphasized identification of commonly used species of plants, avoidance of plants whose identity is unknown (“strangers are potential dangers”), and the importance of understanding the seasonal cycle of plant growth to successfully time and target harvest action. The kids used their harvested plants and seaweeds in salads, chowders, salmon dishes, teas, and soothing ointments.



Figure 6. Armed with motion-activated cameras, trapper-minded youth photographed red fox in Ouzinki and a brown bear in Port Lions.

Subsistence Salmon Harvest Surveys

Last winter, ADF&G’s Division of Subsistence, in cooperation with the Refuge and local researchers, began a project that seeks to understand the factors that have shaped the Kodiak subsistence salmon fishery over time. This project responds to “Priority Information Needs” identified by the Council and Office of Subsistence Management by investigating the “environmental, demographic, regulatory, cultural and socioeconomic factors affecting harvest levels of salmon for subsistence use in the Kodiak Area”. Specifically, the study uses household surveys and key respondent interviews to document the status and trend in salmon harvest, harvest practices, and processing methods in the Old Harbor, Larsen Bay, and selected areas of the Kodiak road system. The study scope also included interviews of individuals who use and process salmon but are not directly involved in salmon harvest. Results will be published in a publically-accessible technical report to facilitate management and education.

Alaska Department of Fish and Game Report to the Kodiak-Aleutian Islands Region Subsistence Advisory Council: Update through August 15, 2013 on the Buskin River Sockeye Salmon Fishery and Stock Assessment Project

**By
Tyler Polum**

August 2013

Alaska Department of Fish and Game

Division of Sport Fish



PROGRESS REPORT

INTRODUCTION

The Buskin River drainage, located on Kodiak Island approximately 2 miles southwest from the city of Kodiak, traditionally supports the single largest subsistence salmon fishery within the Kodiak/Aleutian Islands Region. The fishery occurs in nearshore marine waters adjacent to the river mouth and targets several species of salmon, although sockeye salmon typically comprise about 75% of the total subsistence harvest (Table 2). Between 2008 and 2012 federally qualified subsistence users annually harvested an average of 2,660 Buskin River sockeye salmon, which accounted for 25% of the total sockeye salmon harvest reported for the Kodiak/Aleutians federal subsistence region (Table 1). In addition, about half of all Kodiak area subsistence users reporting activity during this period harvested salmon from the Buskin River fishery (Table 3). During 2008 and 2009, low sockeye escapement on the Buskin and closure of the subsistence fishery prompted subsistence users to fish elsewhere. However, participation and harvests increased significantly in recent years with rebounding sockeye returns to the Buskin Drainage. Historically, 40-50% of the sockeye harvest in the Kodiak/Aleutians region come from the Buskin fishery and half of all permit holders in the region report fishing Buskin.

Table 1.- Kodiak Area reported federal subsistence harvest of sockeye salmon by location, 2008-2012^a.

Location	2008	2009	2010	2011	2012	2008-2012 avg.
Buskin River	2,664	1,883	1,476	4,674	2,606	2,661
Old Harbor/Sitkalidak	546	591	501	391	455	497
Alitak Bay	827	669	767	643	987	779
Karluk Village	768	223	127	276	150	309
Larsen Bay/Uyak Bay	812	894	705	737	616	753
Uganik Bay	966	1,568	1,077	1,123	1,051	1,157
Afognak Bay	594	2,085	2,146	1,978	1,711	1,703
Remainder Afognak Island	1,375	1,969	1,502	2,186	2,906	1,988
Total	8,552	9,882	8,301	12,008	10,482	9,845

^a Source: ADF&G Division of Commercial Fisheries, Kodiak.

Table 2.- Buskin River drainage reported subsistence salmon harvest by species, 2008-2012^a.

Year	Permits	Reported Subsistence Harvest									
		Chinook		Sockeye		Coho		Pink		Chum	
		No. Fish	% of Total	No. Fish	% of Total	No. Fish	% of Total	No. Fish	% of Total	No. Fish	% of Total
2008	246	33	1%	2,664	67%	1,165	29%	75	2%	13	0%
2009	179	0	0%	1,883	66%	874	31%	77	3%	9	0%
2010	164	16	1%	1,476	63%	679	29%	146	6%	38	2%
2011	255	11	<1%	4,674	92%	287	6%	67	1%	15	0%
2012	280	1	<1%	2,606	69%	978	26%	154	4%	12	<1%
5 Year Avg.	225	12	<1%	2,661	72%	797	24%	104	3%	17	1%
10-yr ave	323	35	1%	6,034	77%	1,192	19%	152	3%	21	0%

^a. Source: ADF&G Division of Commercial Fisheries, Kodiak.

Table 3.- Federal subsistence harvest locations in the Kodiak Area by number of permits fished, 2008-2012^a.

Location	2008-2012					
	2008	2009	2010	2011	2012	avg.
Buskin River	246	180	164	255	224	214
Old Harbor/Sitkalidak	25	28	25	21	29	26
Alitak Bay	28	23	29	31	34	29
Karluk Village	8	5	6	6	4	6
Larsen Bay/Uyak Bay	27	31	31	31	26	29
Uganik Bay	48	56	45	40	40	46
Afognak Bay	40	95	90	81	70	75
Remainder Afognak Island	48	73	52	49	61	57
Number issued	470	491	442	514	488	481

^a. Source: ADF&G Division of Commercial Fisheries, Kodiak.

In 2000, in order to ensure sustained sockeye salmon production over a long time period, a stock assessment study was initiated by Alaska Department Fish and Game (ADF&G) on the Buskin River. It was funded by the Office of Subsistence Management with the goal to establish a Biological Escapement Goal (BEG) for the sockeye salmon run on the Buskin. The BEG is based on a population model which incorporates brood-year tables constructed from annual escapement and harvest figures with the age composition of annual returns. Samples of male to female ratios, average length and age classes are collected each year over the course of the run from both escapement and the subsistence harvest. Because development of the brood table requires age composition data collected over at least 3 generations, annual data collection for completion of the study is necessary over a 12-15 year period. The current escapement goal range is set at 5,000 - 8,000 sockeye salmon and is used for management of the subsistence, sport and commercial fisheries to ensure a sustained yield from the population. An annual sockeye salmon escapement objective for Catherine and Louise lakes (reported as Lake Louise) has not yet been established.

Sockeye salmon escapements are annually accounted for through in-season counts of adult fish migrating into the drainage. A salmon counting weir located on Buskin River for this purpose has been operated by ADF&G since 1985. In 2002, a second weir was installed on a major tributary stream flowing into the Buskin River from Catherine and Louise lakes.

2013 PROJECT RESULTS

Escapement

As of August 15th, the Buskin River weir count of 15,857 sockeye is more than the recent 10-year average of 13,946 (Figure 1). The Buskin River weir, located at the outflow of Buskin Lake, was operational on May 20th and is currently still being operated. Timing of the 2013 run was similar to historic run timing with 25% of the run counted by June 10th, 50% by June 17th, and 75% by June 24th (Figure 2). Typically, the Buskin River sockeye run is virtually over by the end of July and 2013 is no exception.

The Lake Louise tributary weir was located approximately one-eighth mile upstream of the Buskin River confluence, below the Chiniak Highway. The weir was installed on 29 May and is currently still being operated. As of August 15th, the Lake Louise weir count was 562 sockeye salmon, which is only about 20 fish below the recent ten year average of 581 (Figure 1).

Timing of the 2013 Lake Louise run is similar to other years in that the majority of the escapement coincided with high water events. Nearly all of the fish were counted during a 6 day period in early August during heavy rainfall. It is expected that more sockeye will enter the Lake Louise system during future flooding events. In recent years it is common to count sockeye in this system into September. Sockeye movement into the Lake Louise tributary continues to be directly related to rain fall and the level of water in the stream (Figure 3).

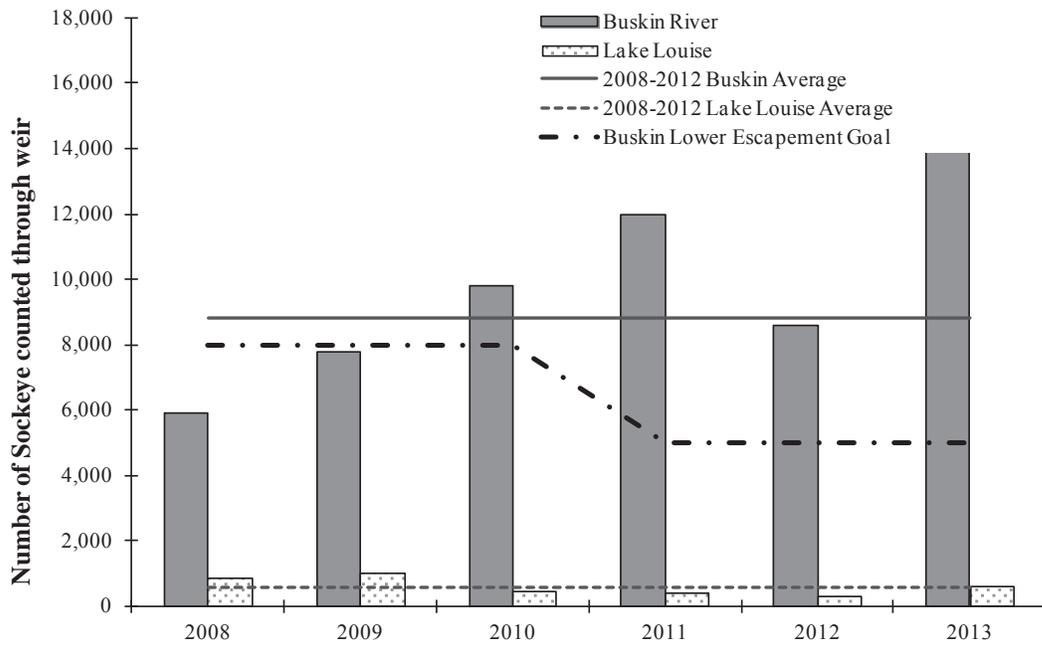


Figure 1.- Buskin River and Lake Louise sockeye salmon escapement, 2008-2013.

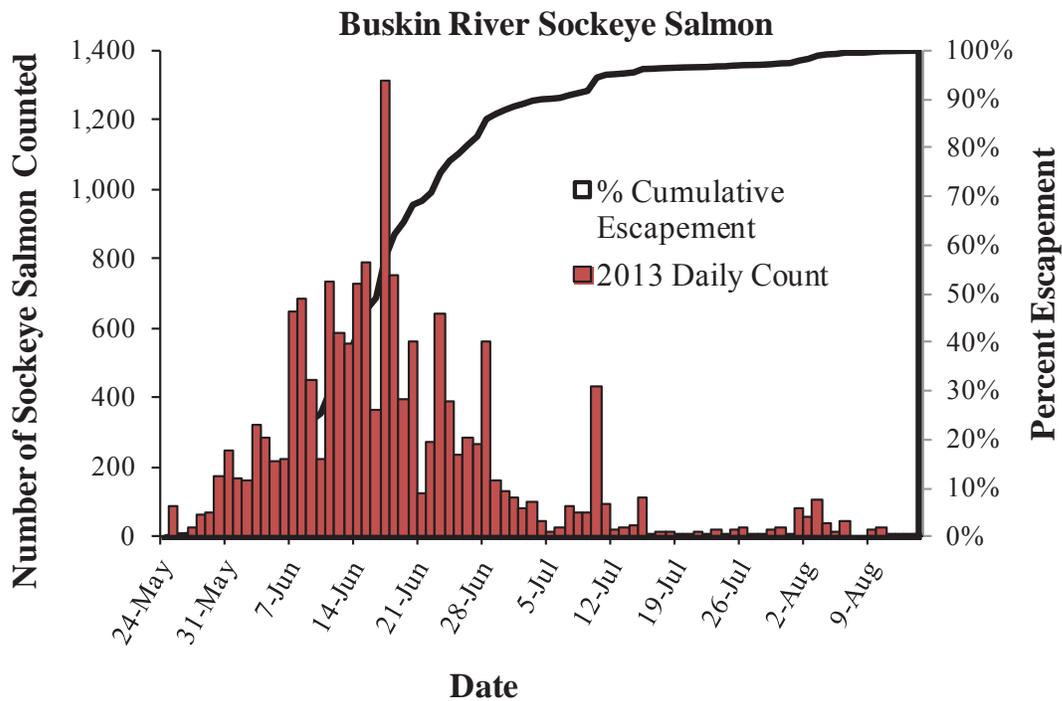


Figure 2.- 2013 daily sockeye salmon weir counts into Buskin Lake.

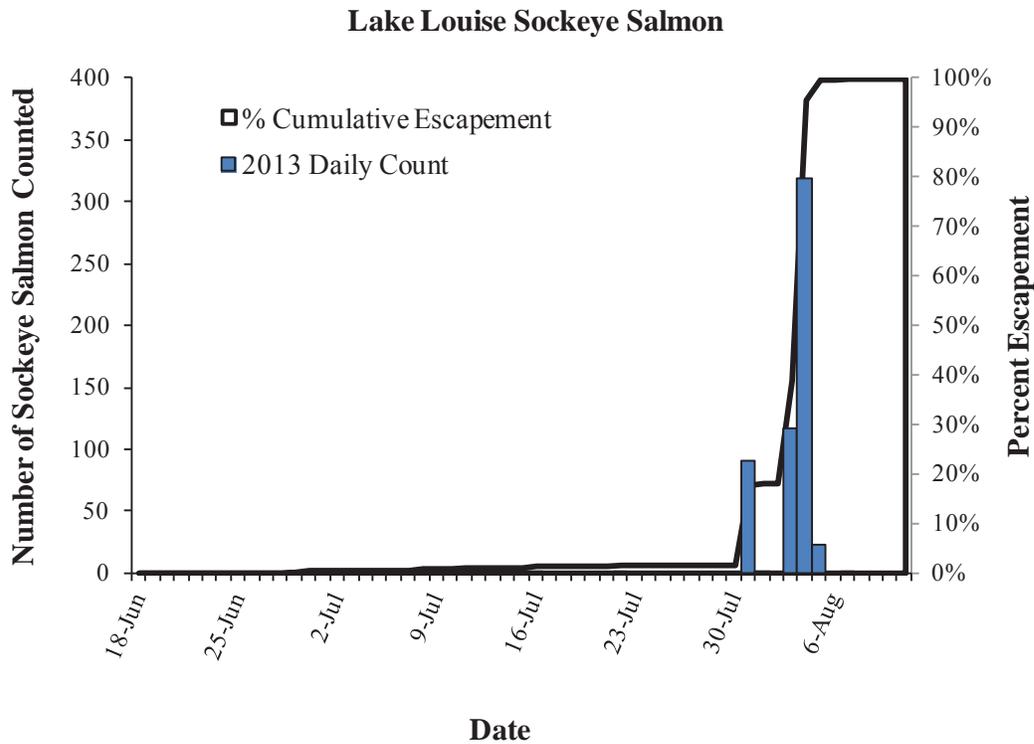


Figure 3.- 2013 daily sockeye salmon weir counts into Lake Louise.

An emergency order was issued in 2013 liberalizing the Buskin River subsistence fishery. On June 18th, the closed waters markers for the subsistence fishery on the Buskin River were reduced to the stream mouth when weir counts exceeded the upper escapement goal of 8,000 sockeye. An emergency order was also issued liberalizing the harvest of Buskin River sockeye salmon in the sport fishery when sockeye escapement on the Buskin projected to exceed 8,000 fish. On June 12th, the bag limit for Buskin River sockeye was increased to 5 per day for the remainder of the season.

Stock Assessment

Currently, age, sex and length data have not been analyzed in 2013. In 2012, however, at Buskin Lake weir, 370 sockeye salmon captured from the escapement were sampled for age, sex and length between 1 June and 31 July. Between 27 May and 26 June, a total of 153 sockeye salmon were sampled from the subsistence harvest. At Lake Louise weir, 135 sockeye salmon were sampled between 12 July and 18 September.

Age composition of sockeye sampled from the Buskin River escapement in 2012 was predominantly age 2.3 fish at 60% of the sample, while age 2.2 fish were the next most frequent at 19%. Age 1.3 fish made up about 5% in 2012. At Lake Louise there was an almost even number of age 1.1, 1.2, 1.3 and 2.2 fish, but due to late run timing the number of age-able scales was very low (re-absorption of scales made aging of most fish sampled impossible). From the subsistence harvest sample, the most frequent age classes were age 2.3 at 77%, age 2.2 at about 10% and age 1.3 at about 9%.

Typically sex and age samples from the escapement and subsistence harvest indicate that during most years the Buskin Lake run component is primarily comprised of age 1.3 and 2.3 fish. Sample age and length data collected from the Louise Lake escapement typically are different than those from Buskin Lake, containing a substantially larger proportion of age 1.3 fish. Age and length of the sockeye salmon subsistence harvest typically differs markedly from that of escapements, consisting almost exclusively of larger 1.3 and 2.3 fish (most likely a result of size selectivity by gillnets used in the fishery).

Mean length of females in the Buskin Lake escapement was 527 mm (SE = 2.8), while mean length of males was 560 mm (SE = 4.60) (Figure 4). Mean length of females in the sampled subsistence harvest was 555 mm (SE = 2.8), and 601 mm (SE = 4.8) for males. Mean length of Lake Louise females was 490 mm (SE = 3.8) and male mean length 496 mm (SE = 10.4).

As a result of predominantly younger age classes in the population, the Lake Louise run is typically comprised of fish smaller in size than those returning to Buskin Lake. Average length of sockeye salmon taken in the subsistence harvest typically differs markedly from that of escapements, resulting from a predominance of larger fish selected by gillnets used in the fishery.

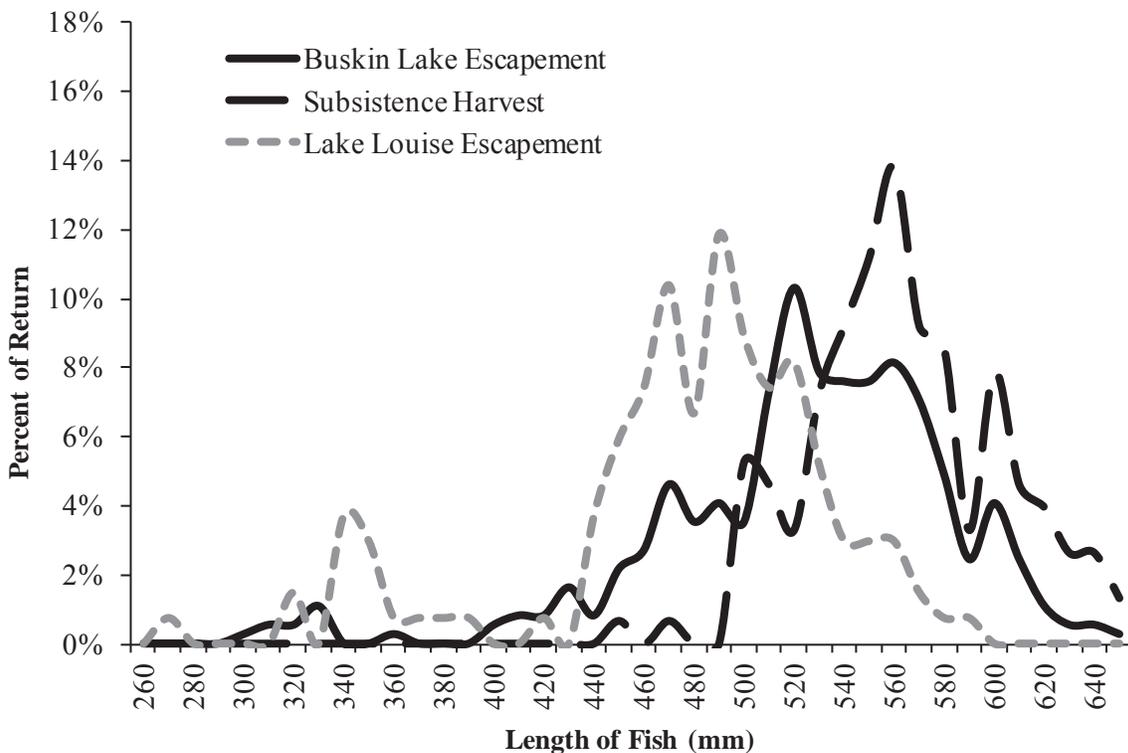


Figure 4.- Length frequency distribution of sockeye salmon from the Buskin Lake and Lake Louise escapements and the Buskin River drainage subsistence harvest, 2012.

Reconstruction of the Buskin Lake portion of the sockeye salmon run by its various harvest components indicate that historically the total return has remained relatively stable at around 19,000 fish, however between 2000 and 2004, the estimated total increased substantially to an

average 33,500. The recent five-year average is below the historical average at about 12,400 fish (Figure 5). During the last five years subsistence harvests have averaged 24% of the total run and, by number of fish harvested, constituted the most important user group dependent on the Buskin River sockeye salmon resource. Subsistence, sport and commercial fish harvests for 2013 are not currently available and sport harvest estimates for 2012 are preliminary, unpublished estimates.

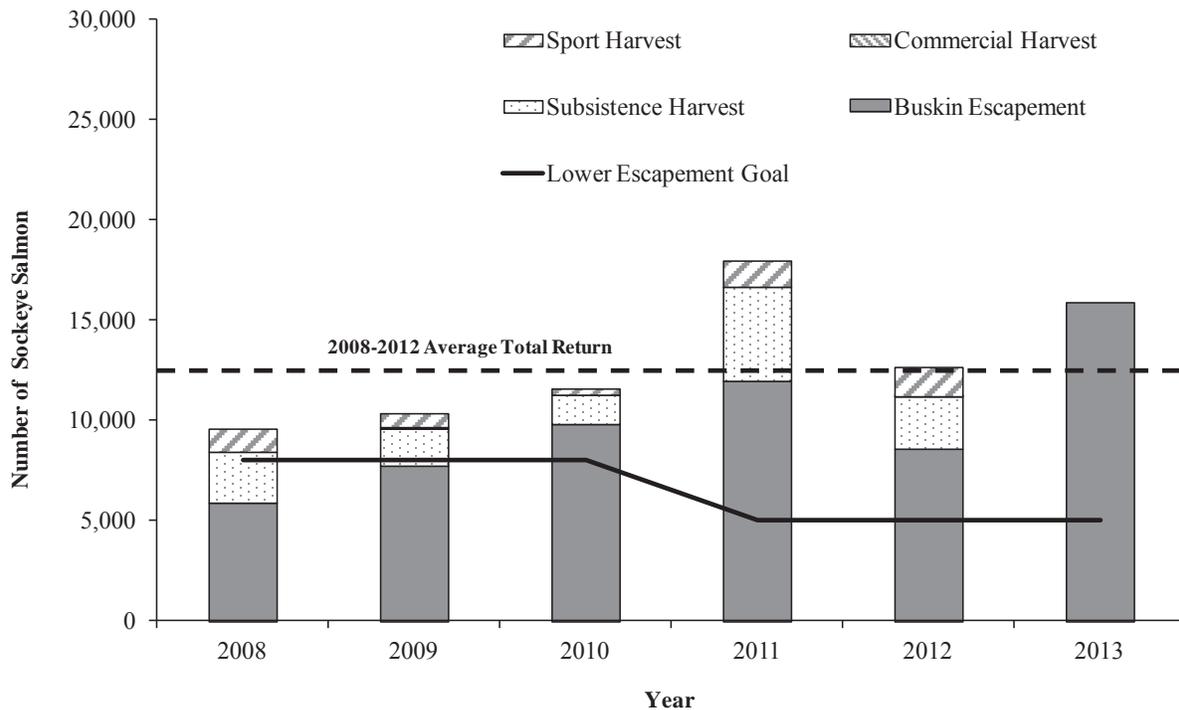


Figure 5.- Composition of total sockeye salmon return to the Buskin River, 2008-2013.

GENETIC TESTING

In 2008, ADF&G’s genetics laboratory conducted analyses of Buskin and Lake Louise sockeye salmon escapement samples collected in 2005. Genetic differences in the populations were distinct enough to conclude that the two runs could be identified through genetic testing alone. Between May 28th and June 26th, 2013, a total of 389 sockeye salmon were sampled from Buskin subsistence harvest in order to genetically apportion Buskin and Lake Louise harvest components for more precise run reconstruction. Analysis of the 2009-2013 subsistence samples is scheduled for the winter of 2013, at the end of the current four year funding cycle.

SUBSISTENCE USER INTERVIEWS

In response to a priority information need recently identified by the Kodiak/Aleutians Region Subsistence Advisory Council (RAC), annually since 2007, verbal interviews taken on the fishing grounds with Buskin River subsistence users have been conducted to determine residency of subsistence users and patterns of historic fishing effort. Interviews were conducted in 2013, where technicians opportunistically contacted subsistence users on the fishing grounds in front of the Buskin River, and at the harbors in the City of Kodiak, while sampling the harvest for age,

sex and length. The 2013 survey sample was collected over the duration of the subsistence fishery, providing residency and effort data not currently available from subsistence permit returns. A total of 31 subsistence users were interviewed beginning May 28th (Table 3).

Table 4.- Results from verbal interviews conducted with Buskin River subsistence users between May 28th and June 26th, 2013.

User Statistics:			
Total Users Interviewed:	32		
Interview dates:	May 28 - June 26		
User Demographics			
	Kodiak	Alaskan	Unknown
Residency	32	0	0
	Buskin	Pasagshak	Other
Location of Traditional	28	2	4
	Yes		No
Have Occasionally Fished Other Areas Besides Traditional Location(s)*	17		14

*Other areas occasionally fished: Pasagshak (5), Litnik (6), Port Lions (5)

CAPACITY BUILDING

Since 2001 ADF&G and the Kodiak National Wildlife Refuge have maintained a cooperative agreement to use the Buskin River weir as a platform for the Kodiak Summer Salmon Camp Program, which provides school-aged children a medium for activities and science-based learning. However, in 2013, Salmon Camp participants did not come to the Buskin Lake weir due to budget constraints within the US Fish and Wildlife program.

Since 2003, the Buskin River project has also been a vehicle for fisheries-based education and development of career interest for young subsistence users through establishment of a high school intern program. During this internship, students gain knowledge of the principles involved in fisheries management and research while obtaining field experience in fisheries data collection methods and techniques. The intern program annually employs two top qualified students who work on the Buskin project under supervision of ADF&G staff between June 1 and July 31. The high school intern program has been an outstanding success, to the extent that six former interns are currently employed with ADF&G as seasonal Fish and Wildlife Technicians or Fisheries Biologists, and 15 of 20 former interns have returned to work for the Department at some point.

CONCLUSION

With exception of the 2008 and 2009 returns, Buskin River sockeye abundance has remained relatively stable and has allowed for continued, sustained harvest by subsistence users and anglers alike. In 2013, the escapement far exceeded the upper end of the Biological Escapement

Goal even though opportunity for harvest by subsistence and sport users alike was increased substantially.

Annual implementation of the Buskin River sockeye salmon weir project, made possible with funding from the Federal Subsistence Management Program, has been essential for in-season management that is necessary to sustain the health of the Buskin River sockeye salmon stock while providing maximum harvest opportunity for subsistence users. A proposal was submitted to OSM renew funding for the project for an additional four years and was approved by the Technical Review Committee in 2013. Continuation of this project will allow for additional analysis of run productivity to aid in the ongoing assessment of sockeye salmon returns to the Buskin River. It will also aid in refining the BEG during triennial Board of Fisheries meetings, as in the 2011 meeting. Refinement of the escapement goal for Buskin Sockeye was a direct result of this project.

Winter 2014 Regional Advisory Council Meeting Calendar

February–March 2014 current as of 07/11/13

Meeting dates and locations are subject to change.

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Feb. 9	Feb. 10 Window Opens	Feb. 11	Feb. 12 NS—Barrow	Feb. 13	Feb. 14	Feb. 15
Feb. 16	Feb. 17 HOLIDAY	Feb. 18 BB—Naknek	Feb. 19	Feb. 20	Feb. 21	Feb. 22
Feb. 23	Feb. 24	Feb. 25 NWA—Kotzebue	Feb. 26	Feb. 27	Feb. 28	Mar. 1
Feb. 23	Feb. 24	Feb. 25 WI—TBD	Feb. 26	Feb. 27 EI—Fairbanks	Feb. 28	Mar. 1
Mar. 2	Mar. 3	Mar. 4	Mar. 5 YKD—Bethel	Mar. 6	Mar. 7	Mar. 8
Mar. 9	Mar. 10	Mar. 11 SE & SC Joint Meeting—Anchorage	Mar. 12	Mar. 13	Mar. 14	Mar. 15
Mar. 16	Mar. 17	Mar. 18 SP—Nome	Mar. 19	Mar. 20 K/A—Kodiak	Mar. 21 Window Closes	Mar. 22

Fall 2014 Regional Advisory Council Meeting Calendar

August–October 2014 current as of 08/22/13

Meeting dates and locations are subject to change.

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Aug. 17	Aug. 18 WINDOW OPENS	Aug. 19	Aug. 20	Aug. 21	Aug. 22	Aug. 23
Aug. 24	Aug. 25	Aug. 26	Aug. 27	Aug. 28	Aug. 29	Aug. 30
Aug. 31	Sept. 1 HOLIDAY	Sept. 2	Sept. 3	Sept. 4	Sept. 5	Sept. 6
Sept. 7	Sept. 8	Sept. 9	Sept. 10	Sept. 11	Sept. 12	Sept. 13
Sept. 14	Sept. 15	Sept. 16	Sept. 17	Sept. 18	Sept. 19	Sept. 20
Sept. 21	Sept. 22	Sept. 23	Sept. 24	Sept. 25	Sept. 26	Sept. 27
Sept. 28	Sept. 29	Sept. 30 END OF FY2014	Oct. 1	Oct. 2	Oct. 3	Oct. 4
Oct. 5	Oct. 6	Oct. 7	Oct. 8	Oct. 9	Oct. 10	Oct. 11
			NWA—TBD			
Oct. 12	Oct. 13	Oct. 14	Oct. 15	Oct. 16	Oct. 17 WINDOW CLOSES	Oct. 18



THE STATE
of **ALASKA**
GOVERNOR SEAN PARNELL

Department of Fish and Game

DIVISION OF WILDLIFE CONSERVATION
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RECEIVED

MAY 23 2013

May 20, 2013

Tim Towarak, Chair
Federal Subsistence Board
1011 East Tudor Road
Anchorage, AK 99503-6119

Dear Tim, 

Few places in the world retain a stronger connection to hunting, gathering, and eating well from the land than Alaska. Indeed, the need for meaningful wildlife harvest opportunities here cannot be overstated, which is why I'm sharing my concerns over a National Park Service (NPS) management approach that has great potential to reduce these opportunities on park and preserve units statewide.

In 2010, NPS began preempting Alaska state hunting regulations on national preserve lands during its annual compendium review process. It has continued these preemptions in its 2013 compendia. While all users are affected, these closures are especially likely to affect Alaskans who depend on hunting for sustenance. Each year, the Alaska Department of Fish and Game has provided written comments opposing the proposed closures as biologically unnecessary. In essence, our concerns are based upon inadequate justification provided by NPS, including the lack of clear, identifiable criteria used to demonstrate a cause-and-effect relationship between preempted state regulations and an actual impact to park resources or values. Additionally, conservation concerns have not been shown to exist in instances where state regulations have been preempted.

This year, the department developed a series of questions aimed at clarification and increased understanding of how closures proposed and extended by NPS fit into the wildlife management framework created by Congress, including in the Alaska National Interest Lands Conservation Act (ANILCA). The NPS response was disappointing as the majority of our most pressing inquiries were referred to as previously "asked and answered," without explanation. For example:

The State commented that the relationship between the Organic Act, Redwoods Amendments, ANILCA, and NPS Management Policies are not clear. The Service believes this has been adequately explained on multiple occasions, including the determinations of need, written correspondence, in-person meetings, and other publicly available documents (including NPS Management Policies).

The NPS has yet to directly respond to the department regarding these questions. Additionally, NPS policy statements regarding wildlife harvest included:

Whether labeled predator control, intensive management, abundance-based management or another term, the practical effects of manipulating one population to affect another are contrary to the NPS legal and policy framework as discussed in the determinations of need. (Emphasis added.)

Increasingly, State authorizations seek to manipulate [wildlife] populations in the interest of reallocating prey from predators to humans, a practice which is outside the legal and policy framework applicable to NPS areas. (Emphasis added.)

It is outside of NPS legal and policy framework to reallocate prey species from predators to humans, nor is the NPS charged with managing to "support a high level of human harvest." (Emphasis added.)

The department is continuing to try to resolve these issues with the NPS national office, and I am optimistic we can reach a mutually satisfactory understanding in the near future. In the meantime, the department will continue to do our best to provide meaningful wildlife harvest opportunities across Alaska and it is our hope that the NPS will assist us to ensure Alaskans can fish, hunt, trap, and subsist as they have since long before passage of ANILCA.

Tim, please share these concerns with the Federal Subsistence Board (Board). Additionally, I encourage you to review the department's comments and the full response provided by NPS to better understand this issue and our concerns. These are available on the department's webpage at <http://www.adfg.alaska.gov/index.cfm?adfg=ongoingissues.npscompendium>. Alternatively, please contact Andrew Levi at (907) 267-2242 to receive a paper copy by mail.

In closing, thank you, and all members of the Board for your continued service. Your steadfast commitment to Alaska's wildlife resources and those who depend on them does not go unnoticed.

Sincerely,
/S/

Douglas Vincent-Lang
Director

Distribution: Alaska Board of Game
Federal Subsistence Board
Federal Subsistence Regional Advisory Councils
Fish and Game Advisory Committees
Subsistence Resource Commissions

Federal Subsistence Board

Work Session

June 18, 2013

Briefing Paper Regarding Alaska Board of Game Letter (Chairman Spraker) to Federal Subsistence Board (Chairman Towarak): Dated: April 26, 2013

Chairman Spraker's letter encourages the Board to begin the process of modifying the application of the Federal Subsistence Board's predator management policy. He also suggests that each federal agency apply the policy consistently.

The Federal subsistence program was established in a final rule effective on July 1, 1992 with regulations 36 CFR 242 and 50 CFR 100 published in the Federal Register 57 FR 22940; May 29, 1992. The Secretaries of the Interior and Agriculture established the Board and these regulations assigned it specific responsibilities. These authorities are fully listed in Subpart B __.10, which read in part:

The Secretary of the Interior and Secretary of Agriculture hereby establish a Federal Subsistence Board and assign it responsibility for administering the subsistence taking and uses of fish and wildlife on public lands, and the related promulgation and signature authority for regulations in subparts C and D of this part.

Preceding publication of these regulations the Departments of the Interior and Agriculture completed an Environmental Impact Statement (EIS) which considered numerous topics. Some topics were not analyzed and thus not included within the program. The Final EIS, Volume I, Chapter I, Section G *Issues Not Addressed In This EIS* says:

Issue: Should predators be controlled and vegetation manipulated to increase wildlife populations? Concerns were expressed about the role and habitat manipulations projects and predator control program in the FSMP and the impacts of those actions on subsistence species. Habitat manipulation projects and predator control programs are the responsibility of each land management agency and are beyond the scope of this document. Each such project or program is subject to both NEPA documentation and ANILCA Section 810 Compliance.

After much public discussion in the early 2000s the Board adopted a concise policy statement in accordance with the aforementioned regulations and programmatic EIS. See *Predator Management Policy Federal Subsistence Board*. Among other things the policy reiterates that,

Predator control and habitat management are the responsibly of and remain within the authority of the individual management agencies.

In summary, The Secretaries' programmatic EIS and the Board's regulations did not include this aspect of wildlife management in the program. The EIS specifically left this task to the individual agencies and stated that they remained subject to both National Environmental Policy Act (NEPA) documentation and ANILCA §810 evaluation. Any agency undertaking either of these activities need to complete both NEPA compliance (either and EA or EIS) and an ANILCA §810 evaluation. The powers and duties of the Board, listed in §__ .10 (d) do not include predator management nor habitat manipulation and the Board is not delegated the authority to modify this section (Subpart B) of these regulations. The Secretaries have retained authority to approve changes to Subpart A and B regulations.

As to each agency's application of law, regulation and policy agencies are required to act in a manner consistent with their agency's mandates and other federal law. Agency mandates often differ as described in a letter from the Secretary of the Interior to the Eastern Interior Subsistence Regional Advisory Council in December 2006.

Attachments:

- Letter; Chairman Spraker to Chairman Towarak; April 26, 2013
- *Predator Management Policy Federal Subsistence Board*, Adopted May 20, 2004
- Letter: Acting Assistant Secretary of the Interior for Fish and Wildlife and Parks to Chairman Eastern Interior Alaska Subsistence Regional Advisory Council Gerald Nicholia, December 19, 2006



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240



DEC 19 2006

Mr. Gerald Nicholia, Chair
Eastern Interior Alaska Subsistence
Regional Advisory Council
101 12th Avenue, Room 110
Fairbanks, Alaska 99701

Dear Mr. Nicholia:

Thank you for your letter of September 22, 2006, to Secretary Dirk Kempthorne requesting that the process to implement an intensive management program with the State of Alaska, Department of Fish and Game on Federal public lands within the Eastern Interior Region of Alaska, be started immediately. I have been asked to respond to you directly.

I take the responsibility, as mandated in the Alaska National Interests Lands Conservation Act (ANILCA), of protecting the opportunity for continued subsistence uses in Alaska seriously; as well as that of conserving the nation's fish and wildlife and other natural resources on Alaska's Federal public lands, as directed by ANILCA and other Federal statutes. Each of the Department of the Interior (DOI) land management agencies within your region manage the resources entrusted to them according to these statutory mandates and the implementing regulations and policies. Consistent with these mandates, the DOI agencies will address your concerns.

I understand that staff from the Bureau of Land Management, National Park Service, and U.S. Fish and Wildlife Service (Service) gave presentations to your council at its October 2006 meeting in Delta Junction. They explained the legal requirements and policy guidelines each agency follows when considering requests for intensive management, including predator control. In addition, your council was provided written responses from the Refuge Managers of the Arctic, Yukon Flats, and Tetlin National Wildlife Refuges to your request to the Service Regional Director to initiate studies leading to control of predators of moose and caribou on these refuges.

Each DOI land management agency has differing legal requirements and policy guidelines regarding intensive management, including predator control, which are summarized below:

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Bureau of Land Management (BLM)

The BLM manages its Alaska lands primarily under the Federal Land Policy and Management Act of 1976 and ANILCA. While the agency manages land uses and habitat on its lands, management of fish and wildlife on BLM lands is conducted by the State of Alaska, consistent with the traditional role of the State in managing resident species of fish and wildlife. Essentially, predator control activities by the State of Alaska may take place on BLM lands, as long as they do not conflict with on-going or anticipated BLM authorized actions. The BLM views predator control as a State function and the agency neither supports nor condemns the predator control methods approved by the Alaska Board of Game.

U.S. Fish and Wildlife Service (Service)

The Service manages the national wildlife refuges in Alaska under the mandates of ANILCA and the Refuge Administration Act. There is nothing in ANILCA, or other applicable federal laws, regulations and policies, nor in the refuge comprehensive conservation plans, which specifically precludes predator control on national wildlife refuges in Alaska. However, these laws, regulations and policies do require comprehensive analyses prior to considering a predator control program to ensure that the action is both appropriate and biologically justified. The following are some of the general prerequisites for considering predator control on Alaska refuges.

Foremost, management actions must be biologically justified and used in a prudent and ecologically sound manner to conform to the agency's Policy on Maintaining the Biological Integrity, Diversity, and Environmental Health of the National Wildlife Refuge System (System). This policy requires that the agency 1) *identify the refuge purpose(s), legislative responsibilities, refuge role within the ecosystem, and System mission*; 2) *assess the current status of biological integrity, diversity, and environmental health through baseline... surveys and studies...*; 3) *assess historic conditions and compare them to the current condition ... This will provide a benchmark... for the relative intactness of ecosystem functions and processes; and 4) consider the refuge's importance to refuge, ecosystem, national and international landscape scales of biological integrity, diversity, and environmental health....* A thorough evaluation must be given to substantiate intended benefits of the control efforts, and alternatives to direct control must be evaluated, attempted, and exhausted as a practical means of achieving management objectives.

Because predator control of wolves and/or bears on national wildlife refuges is highly controversial, it would be considered a major Federal action subject to National Environmental Policy Act (NEPA) requirements which would include preparation of an environmental impact statement (EIS) or, at a minimum, an environmental assessment

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(EA). As part of an EIS or EA, the Service would evaluate predator control in the context of the purposes of the refuge and in consideration of the biological integrity policy. Additionally, the agency would evaluate the effects of the proposed predator control on subsistence uses and needs, as required by Section 810 of ANILCA. Section 810 requirements would be incorporated into the NEPA process and documents.

In addition, if predator control is proposed to be carried out on a refuge by an agency or others not acting as agents of the Service, the refuge manager must find the proposed control program to be consistent with the Service compatibility regulations implementing the Refuge Administration Act. These regulations require that permitted uses of the refuge be compatible with the purposes of the refuge, the mission of the national wildlife refuge system, and the resource management objectives identified in the refuge comprehensive conservation plans.

Be assured that the Service is giving serious consideration to the concerns you have raised relating to the effects of predation on subsistence uses. By copy of this letter I am requesting that the Service's staff in Alaska to explore available options to conduct the studies necessary to fully evaluate the need for and potential benefits of predator reductions to refuge resources and subsistence users, as well as alternatives to direct agency-conducted reduction of predators. In this evaluation, the Service will closely coordinate and, where possible, cooperate with the State of Alaska in its efforts to provide sustainable, harvestable surpluses for subsistence use.

National Park Service (NPS)

The NPS lands in Alaska are managed according to ANILCA and the underlying 1916 Organic Act, which established and continues to guide NPS management. The ANILCA, per sections 802(1), 808(6) and 815(1)(3), established a standard of "conservation of healthy populations" for wildlife management in Alaska's parks, monuments, and preserves. The legislative history to ANILCA clearly expresses congressional intent in regards to intensive management, including predator control. On page 171 of Senate Report 96-413, November 1979, it states:

In authorizing subsistence uses within National Parks, Monuments, Preserves, and National recreation Areas, it is the intent of the Committee that certain traditional National Park Service management values be maintained. It is contrary to the National Park Service concept to manipulate habitat or populations to achieve maximum utility of natural resources. Rather, the National Park System concept requires implementation of management policies which strive to maintain the natural abundance, behavior, diversity, and ecological integrity of native animals as part of their ecosystem, and the Committee intends that that concept be maintained... Accordingly, the Committee does not expect the National Park Service to engage in habitat manipulation or control of other species for the purpose of maintaining subsistence uses within the National Park System units.

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The same report goes on to state (pages 232-233):

The Committee recognizes that the management policies and legal authorities of the National Park System and the National Wildlife Refuge System may require different interpretations and application of the "healthy population" concept consistent with management objectives of each system. Accordingly, the Committee recognizes that the policies and legal authorities of the managing agencies will determine the nature and degree of management program affecting ecological relationships, population dynamics, and manipulations of the components of the ecosystem.

As you can see, the Congress understood and expected that the policies of the NPS were to play a significant role in interpreting how the mandate for "conservation of healthy populations" is carried out.

One of the first major actions the Secretary completed was a long and thorough review of draft NPS management policies. On August 31, 2006, the Secretary was satisfied that the policies were appropriate and struck the correct balance for NPS guidance. Those policies contain several sections (in Chapter 4) that relate to your request. In all, those sections direct the NPS to, in a manner consistent with ANILCA and its Senate history, maintain the natural population fluctuations and processes that influence the dynamics of individual plant and animal populations within their ecosystems. Section 4.4.3, *Harvest of Plants and Animals by the Public*, directly deals with the issues you have raised. Among other things, that section states: *The (National Park) Service does not engage in activities to reduce the number of native species for the purpose of increasing the number of harvest species (i.e. predator control), nor does the (National Park) Service permit others to do so on land managed by the National Park Service.*

To summarize, undertaking intensive management practices, including predator control activities as conducted by the State of Alaska, is not allowed on NPS lands.

I hope this brief summary of the DOI agencies' legal frameworks for considering predator control on their respective lands is helpful to your council's understanding of the constraints they must conform to in addressing your concerns. I would encourage your council to continue to work closely with the Federal agencies and the State in developing management options to ameliorate, to the extent possible, the adverse effects of predation on wildlife resources utilized by subsistence users. In addition to seeking predator reduction programs on Federal lands which are consistent with the legal and policy mandates of the land managing agencies, opportunities for predator management on lands under State jurisdiction should be explored, as appropriate. Additionally, the council may be able to encourage increased harvests of predators by local residents under current State hunting and trapping regulations where applicable.

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In closing, I support and applaud your efforts to ensure that subsistence uses and way of life in Alaska are protected. I appreciate your council's continuing contribution to the Federal Subsistence Program and your diligence in representing the interests of subsistence users in your region. If you have any further questions, please feel free to contact me at (202) 208-5347.

Sincerely,


Acting Assistant Secretary for Fish
and Wildlife and Parks

**PREDATOR MANAGEMENT POLICY
FEDERAL SUBSISTENCE BOARD**

Adopted by the Federal Subsistence Board on
May 20, 2004

The Federal Subsistence Board recognizes that predators are an important component of Alaska's dynamic ecosystems, beneficial to maintaining balance, health, and diversity within associated wildlife populations and habitats. Furthermore, the Board recognizes the traditional Alaska Native cultural beliefs and values associated with wolves, bears and other predatory species, and the impact that predators can have on ungulate populations valued by subsistence users. In addition, the Board recognizes that predator control may be an appropriate management tool on some Federal public lands for restoring prey populations to provide for subsistence needs where predation has reduced or held prey populations at levels significantly below historical levels of abundance.

As authorized by the Secretaries of Interior and Agriculture [50 CFR Part 100.10 (USDI) and 36 CFR Part 242.10 (USDA)], the Board administers the subsistence taking and uses of fish and wildlife on Federal public lands through regulations that provide for the non-wasteful harvest of fish and wildlife by Federally qualified rural residents, consistent with the maintenance of healthy populations of harvested resources. Such subsistence taking and uses are "... *for direct personal or family consumption* ..." (Section 803 of ANILCA). Wildlife management activities on Federal public lands other than the subsistence take and use of fish and wildlife, such as predator control and habitat management, are the responsibility of and remain within the authority of the individual land management agencies.

Accordingly, the Board will:

- A** Consider all Federal proposals to regulate seasons and dates, methods and means, harvest limits, and customary & traditional use determinations for the subsistence take of fish and wildlife. The Board will ensure that the effect of its decisions is to provide for subsistence take and use of the subject species. The Board will also take into account approved population objectives, management plans, customary and traditional uses, and recognized principles of fish and wildlife management.
- B** Direct the Office of Subsistence Management to provide proponents of predator control proposals (all Federal proposals that specifically indicate that the reason for the proposed regulation(s) is to reduce the predator population to benefit prey populations), with procedures for submitting the proposal to the appropriate agency. Where predators have been determined to be a major contributing factor in the significant reduction of ungulate populations important for subsistence use, or in the chronic suppression of such populations at low densities, the Board will endorse timely, affirmative and effective action consistent with each respective agency's policies and management objectives, to reduce predator populations and

allow affected ungulate populations to recover. The Board will monitor actions taken by the agency to address such concerns, and will provide appropriate support where necessary to ensure the continuation of subsistence harvest opportunities.

Ensure that the appropriate Regional Council(s) is informed of predator control proposals by having them printed in the Proposal Booklet and presented to the Council at the next appropriate Council meeting, along with other rejected proposals that address concerns which are outside the authorities of the Federal Subsistence Board.

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

Kodiak/Aleutians Subsistence Regional Advisory Council

Charter

- 1. Committee's Official Designation.** The Council's official designation is the Kodiak/Aleutians Subsistence Regional Advisory (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.

- (4) Recommendations concerning policies, standards, guidelines and regulations to implement the strategy.
- e. Make recommendations on determinations of customary and traditional use of subsistence resources.
 - f. Make recommendations on determinations of rural status.
 - g. 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 \$140,000, 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 advisory committee's and subcommittees' meetings,
 - Prepare and approve all meeting agendas,
 - Attend all committee and subcommittee meetings,
 - Adjourn any meeting when the DFO determines adjournment to be in the public interest, and
 - Chair meetings when directed to do so by the official to whom the advisory committee reports.
 9. **Estimated Number and Frequency of Meetings.** The Council will meet 1-2 times per year, and at such times as designated by the Federal Subsistence Board Chair or the DFO.
 10. **Duration.** Continuing.
 11. **Termination.** The Council will terminate 2 years from the date the Charter is filed, unless, prior to that date, it is renewed in accordance with the provisions of Section 14 of the FACA. The Council will not meet or take any action without a valid current charter.

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

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

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

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

Council members will elect a Chair, 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 or other subgroups of the Council, must be handled in accordance with General Records Schedule 26, Item 2, or other approved Agency records disposition schedule. These records shall be available for public inspection and copying, subject to the Freedom of Information Act, 5 U.S.C. 552.

//Signed//

Secretary of the Interior

DEC - 2 2011

Date Signed

DEC 03 2011

Date Filed