

KODIAK/ALEUTIANS

Subsistence

Regional Advisory Council



USFWS

Kodiak National Wildlife Refuge.

Meeting Materials
September 25–26, 2012
Sand Point

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KODIAK/ALEUTIANS SUBSISTENCE REGIONAL ADVISORY COUNCIL

Sand Point City Chambers – Sand Point, Alaska
September 25-26, 2012; 9:00 a.m. – 5:00 p.m.

DRAFT AGENDA

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.

*Asterisk identifies action item.

- 1. **Call to Order** (*Chair*)
- 2. **Roll Call and Establish Quorum** (*Secretary*)..... 3
- 3. **Welcome and Introductions** (*Chair*)
- 4. **Review and Adopt Agenda*** (*Chair*) 1
- 5. **Review and Approve Previous Meeting Minutes*** (*Chair*)
- 6. **Reports**
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 - B. Chair’s report
- 7. **Public and Tribal Comment on Non-Agenda Items**
- 8. **Regulatory Proposals**
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- 9. **Old Business** (*Chair*)
 - A. Review the draft Memorandum of Understanding between Federal Subsistence Board and State of Alaska and develop comments/recommendations (*ISC representative*)* 19
- 10. **New Business** (*Chair*)
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A. Confirm date and location of winter 2013 meeting*	
B. Select date and location of fall 2013 meeting*	
13. Closing Comments	
14. Adjourn (Chair)	

To teleconference into the meeting, call the toll free number: 1-877-638-8165, then when prompted enter the passcode: 9060609

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 Kodiak/Aleutians Council Coordinator Tom Jennings at 907-786-3364 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 Arthur Shelikoff Akutan, Alaska
2	2001 2013	Patrick Brian Holmes Kodiak, Alaska
3	2008 2013	Richard Rudolph Koso Adak, Alaska
4	2004 2013	Samuel Isaac Rohrer Kodiak, Alaska
5	2011 2014	Thomas L. Schwantes Kodiak, Alaska
6	2011 2014	Peter M. Squartsoff Port Lions, Alaska
7	2011 2014	Vincent M. Tutiakoff Unalaska, Alaska
8	2009 2012	Della Trumble King Cove, Alaska
9	2000 2012	Speridon Mitch Simeonoff Sr. Chair Akhiok, Alaska
10	2007 2012	Thomas R. Johnson Jr. Kodiak, Alaska

PROPOSAL REVIEW PROCEDURES

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

FP13-14 Executive Summary	
General Description	Proposal FP 13-14 requests modification to the Federal subsistence king and Tanner crab fisheries regulations for the Kodiak area. The proponent requests establishing definitions for king (<i>Paralithodes camtschaticus</i>) and Tanner (<i>Chionoecetes bairdi</i>) crab pots, modifying gear marking requirements, and clarifying crab pot limits per vessel. <i>Submitted by the Alaska Department of Fish and Game</i>
Proposed Regulation	<p>§ .28 (e)(4)(i)(C) You may only use one crab pot, which may be of any size, to take king crab. You may only use one king crab pot per person with a maximum of only one pot per vessel, to take king crab; a king crab pot is a pot that is not more than 10 feet long by 10 feet wide by 42 inches high with rigid tunnel eye openings that individually are no less than five inches in any one dimension with tunnel eye opening perimeters that individually are more than 36 inches or a pot that is no more than 10 feet long by 10 feet wide by 42 inches high and that tapers inward from its base to a top consisting of one horizontal opening of any size. The king crab pot, in addition to marking requirements in 5 AAC 02.010 (e), shall have legibly inscribed on the keg or buoy attached to the pot “king crab”.</p> <p>§ .28 (e)(4)(v) (A) You may not use more than five crab pots to take Tanner crab. You may not use more than five Tanner crab pots or ring nets per person to take Tanner crab with a maximum of 10 pots or ring nets per vessel; a Tanner crab pot may be no more than 10 feet long by 10 feet wide by 42 inches high with rigid tunnel eye openings that individually are less than 5 inches in one dimension with tunnel eye opening perimeters that individually are more than 36 inches; or a pot that is no more than 10 feet long by 10 feet wide by 42 inches high and that tapers inward from its base to a top that consists of one horizontal opening of any size. Tanner crab pots, in addition to marking requirements in 5 AAC 02.010 (e), shall have legibly inscribed on the keg or buoy attached to the pot “Tanner crab”.</p>
OSM Preliminary Conclusion	Oppose
Kodiak/Aleutians Regional Council Recommendation	
Interagency Staff Committee Comments	
ADF&G Comments	Support
Written Public Comments	None

DRAFT STAFF ANALYSIS FP13-14

ISSUES

Proposal FP 13-14, submitted by the Alaska Department of Fish and Game (ADF&G), requests modification to the Federal subsistence king and Tanner crab fisheries regulations for the Kodiak area. The proponent requests establishing definitions for king (*Paralithodes camtschaticus*) and Tanner (*Chionoecetes bairdi*) crab pots, modifying gear marking requirements, and clarifying crab pot limits per vessel.

DISCUSSION

The proponent seeks to align Federal subsistence regulations for the harvest of king and Tanner crab with current State subsistence regulations within the Kodiak Area. King crab is the local name used to refer to red king crab in the Kodiak Area. Fishery managers assume that all king crabs harvested in the subsistence fishery are red king crab, since other king crab species are not widely distributed or readily available in the Kodiak Area. In March 2011, the Alaska Board of Fisheries adopted Proposal 308 with modification, which changed the State regulations governing subsistence king and Tanner crab pots for the Kodiak Area and established crab pot vessel limits for the Kodiak Area. The proponent states that adoption of this proposal will simplify enforcement of both State and Federal subsistence harvest regulations by decreasing the amount of red king crab illegally harvested in the Kodiak Area. The proponent also states that by changing pot size regulations, handling mortality of adult red king crab would decrease, resulting in more mature male red king crab to assist with rebuilding the population, as there is a conservation concern for the king crab population. Fishery managers assume that all king crabs harvested in the subsistence fishery are red king crab, since other king crab species are not widely distributed or readily available in the Kodiak Area.

In proposal FP13-14, the proponent incorrectly references § .28 (k)(4)(i), § .28 (k)(4)(iv), § .28 (k)(4)(v) as the Federal regulations to be modified. The correct Federal regulations are § .28 (e)(4)(i), § .28 (e)(4)(iv) and § .28 (e)(4)(v) with modifications to § .28 (e)(4)(iv) and § .28 (e)(4)(v).

Existing Federal Regulations

§ .28 subsistence taking of shellfish.

(e)(4) Kodiak Area.

(i) You may take crab for subsistence purposes only under the authority of a subsistence crab fishing permit issued by the ADF&G.

(iv) In the subsistence taking of king crab:

(A) The annual limit is three crabs per household; only male king crab with shell width of 7 inches or greater may be taken or possessed.

(B) All crab pots used for subsistence fishing and left in saltwater unattended longer than a 2-week period must have all bait and bait containers removed and all doors secured fully open.

(C) You may only use one crab pot, which may be of any size, to take king crab.

(D) You may take king crab only from June 1 through January 31, except that the subsistence taking of king crab is prohibited in waters 25 fathoms or greater in depth during the period 14 days before and 14 days after State open commercial fishing seasons for red king crab, blue king crab, or Tanner crab in the location.

(E) The waters of the Pacific Ocean enclosed by the boundaries of Womens Bay, Gibson Cove, and an area defined by a line ½ mile on either side of the mouth of the Karluk River; and extending seaward 3,000 feet, and all waters within 1,500 feet seaward of the shore-line of Afognak Island are closed to the harvest of king crab except by Federally qualified users.

(v) In the subsistence taking of Tanner crab:

(A) You may not use more than five crab pots to take Tanner crab.

(B) You may not take Tanner crab in waters 25 fathoms or greater in depth during the 14 days immediately before the opening of a State commercial king or Tanner crab fishing season in the location.

(C) The daily harvest and possession limit per person is 12 male crabs with a shell width 5 ½ inches or greater.

Proposed Federal Regulations

§ __.28 subsistence taking of shellfish.

(e)(4) Kodiak Area.

(i) You may take crab for subsistence purposes only under the authority of a subsistence crab fishing permit issued by the ADF&G.

(iv) In the subsistence taking of king crab:

(A) The annual limit is three crabs per household; only male king crab with shell width of 7 inches or greater may be taken or possessed.

(B) All crab pots used for subsistence fishing and left in saltwater unattended longer than a 2-week period must have all bait and bait containers removed and all doors secured fully open.

(C) ~~You may only use one crab pot, which may be of any size, to take king crab.~~ You may only use one king crab pot per person with a maximum of only one pot per vessel, to take king crab; a king crab pot is a pot that is not more than 10 feet long by 10 feet wide by 42 inches high with rigid tunnel eye openings that individually are no less than five inches in any one dimension with tunnel eye opening perimeters that individually are more than 36 inches or a pot that is no more than 10 feet long by 10 feet wide by 42 inches high and that tapers inward from its base to a top consisting of one horizontal opening of any size. The king crab pot, in addition to marking requirements in 5 AAC

02.010 (e), shall have legibly inscribed on the keg or buoy attached to the pot “king crab”.

(D) You may take king crab only from June 1 through January 31, except that the subsistence taking of king crab is prohibited in waters 25 fathoms or greater in depth during the period 14 days before and 14 days after State open commercial fishing seasons for red king crab, blue king crab, or Tanner crab in the location.

(E) The waters of the Pacific Ocean enclosed by the boundaries of Womens Bay, Gibson Cove, and an area defined by a line ½ mile on either side of the mouth of the Karluk River; and extending seaward 3,000 feet, and all waters within 1,500 feet seaward of the shore-line of Afognak Island are closed to the harvest of king crab except by Federally qualified users.

(v) In the subsistence taking of Tanner crab:

(A) You may not use more than five crab pots to take Tanner crab. You may not use more than five Tanner crab pots or ring nets per person to take Tanner crab with a maximum of 10 pots or ring nets per vessel; a Tanner crab pot may be no more than 10 feet long by 10 feet wide by 42 inches high with rigid tunnel eye openings that individually are less than 5 inches in one dimension with tunnel eye opening perimeters that individually are more than 36 inches; or a pot that is no more than 10 feet long by 10 feet wide by 42 inches high and that tapers inward from its base to a top that consists of one horizontal opening of any size. Tanner crab pots, in addition to marking requirements in 5 AAC 02.010 (e), shall have legibly inscribed on the keg or buoy attached to the pot “Tanner crab”.

(B) You may not take Tanner crab in waters 25 fathoms or greater in depth during the 14 days immediately before the opening of a State commercial king or Tanner crab fishing season in the location.

(C) The daily harvest and possession limit per person is 12 male crabs with a shell width 5 ½ inches or greater.

Relevant State Regulations

5 AAC 02.420. Subsistence king crab fishery

(a) In the subsistence taking of king crab

(1) the annual limit is three king crab for a household;

(2) all king crab pots used for subsistence fishing and left in saltwater unattended longer than a two-week period shall have all bait and bait containers removed and all doors secured fully open;

(3) notwithstanding 5 AAC 02.010(i) , no more than one king crab pot per person or per vessel may be used to take king crab; in addition to the marking requirements specified in 5 AAC 02.010(e), a king crab pot must have “king crab” legibly inscribed on the keg or buoy attached to the king crab pot;

(4) king crab may be taken only from June 1 through January 31, except that the subsistence taking of king crab is prohibited in waters 25 fathoms or more in depth during the 14 days immediately before the opening of a commercial king or Tanner crab fishing season in the location;

(5) only male king crab seven inches or greater in width of shell may be taken or possessed

(b) In this section, “king crab pot” is a pot that is no more than 10 feet long by 10 feet wide by 42 inches high with rigid tunnel eye openings that individually are no less than five inches in any one dimension, with tunnel eye opening perimeters that individually are more than 36 inches or a pot that is no more than 10 feet long by 10 feet wide by 42 inches high and that tapers inward from its base to a top consisting of one horizontal opening of any size.

5AAC 02.425. Subsistence Tanner crab fishery

(a) In the subsistence taking of Tanner crab

(1) no more than five Tanner crab pots or ring nets per person may be used to take Tanner crab with a maximum of 10 Tanner crab pots or ring nets per vessel; in addition to the marking requirements specified in 5 AAC 02.010(e), a Tanner crab pot must have “Tanner crab” legibly inscribed on the keg or buoy attached to the Tanner crab pot;

(2) the subsistence taking of Tanner crab is prohibited in waters 25 fathoms or more in depth during the 14 days immediately before the opening of a commercial king or Tanner crab fishing season in the location;

(3) the daily bag and possession limit is 12 crab per person and only male crab may be taken;

(4) only male Tanner crab five and one-half inches or greater in width of shell may be taken or possessed.

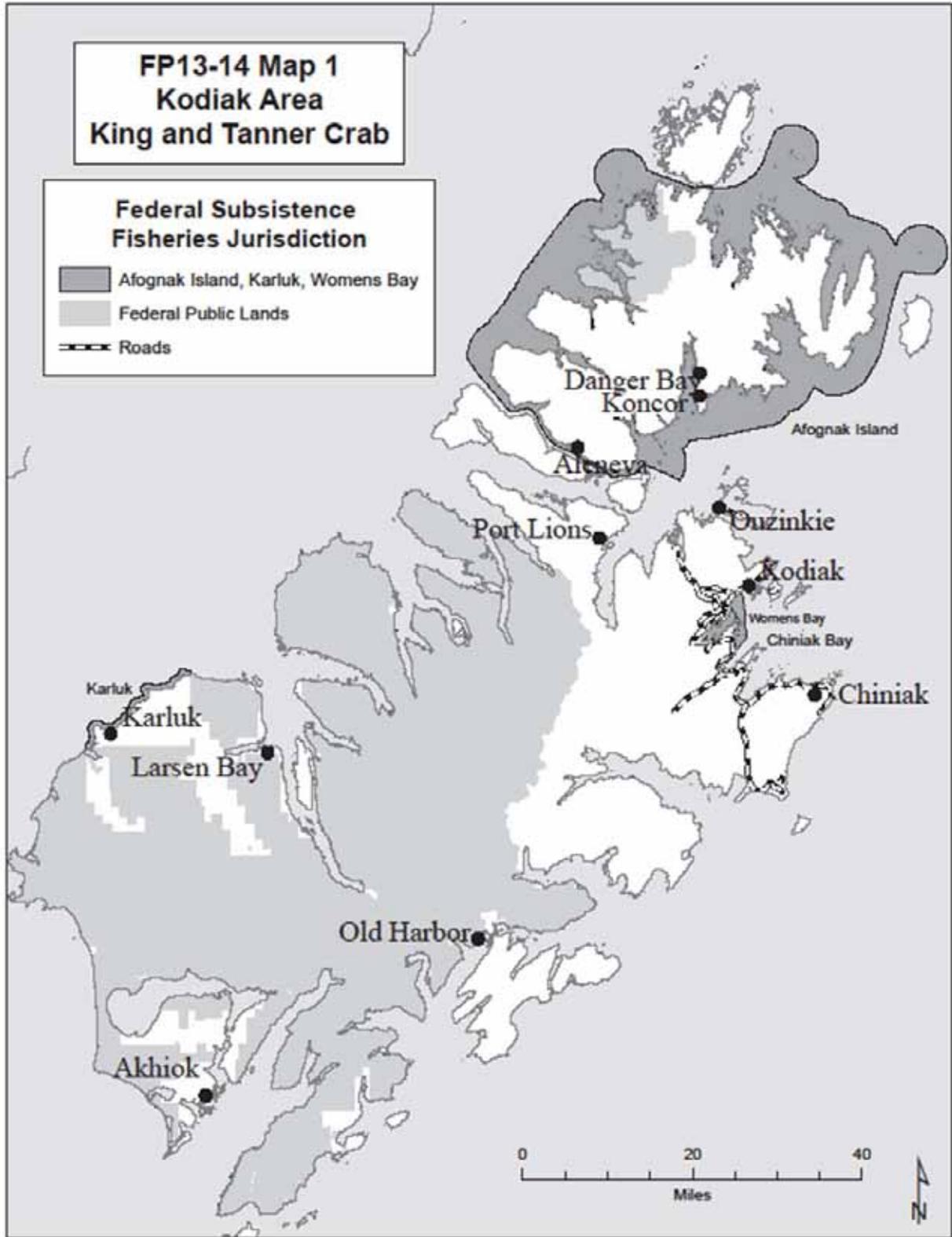
(b) In this section, “Tanner crab pot” is a pot that is no more than 10 feet long by 10 feet wide by 42 inches high with rigid tunnel eye openings that individually are less than five inches in one dimension, with tunnel eye opening perimeters that individually are more than 36 inches or a pot that is no more than 10 feet long by 10 feet wide by 42 inches high and that tapers inward from its base to a top consisting of one horizontal opening of any size.

Extent of Federal Public Waters

For the purposes of this discussion, the phrase “Federal public waters” is defined as those waters described under 36 CFR 242.3 and 50 CFR 100.3 This proposal will pertain to Federal marine waters of the Pacific Ocean enclosed by the boundaries of Womens Bay, Gibson Cove, an area defined on either side of the mouth of the Karluk River extending seaward 3,000 feet from shoreline, and all waters within three nautical miles of Afognak Island (**Map 1**).

Customary and Traditional Use Determinations

Residents of the Kodiak Area have a customary and traditional use determination for the harvest of Tanner crab in the Kodiak Area. Residents of the Kodiak Island Borough except those residents of the Kodiak



Coast Guard Base have customary and traditional use determination for king crab in the Kodiak Area, except for the Semidi Island, the North Mainland, and the South Mainland Sections.

Regulatory History

King Crab

In 1994, ADF&G submitted a proposal to the Federal Subsistence Board to restrict harvest of red king crab to males with a shell size greater than or equal to seven inches for Federal subsistence users. The Board did not adopt the size limit, but they did close Federal public waters to non-Federally qualified users as per the recommendation of the Interagency Staff Committee (FSB 1994).

In 2002, the Kodiak National Wildlife Refuge submitted proposal FP01-07, which requested a decrease in the annual harvest limit, from six male king crab per household to three per household with a minimum shell width of seven-inches (FSB 2002). Based on the recommendation of the Kodiak/Aleutians Subsistence Regional Advisory Council, the Board adopted the minimum shell width requirement along with a gear reduction limit of one pot of any size, but did not reduce the harvest limit. This action aligned State and Federal regulations for shell size and gear, while maintaining the closure to non-Federally qualified users.

In the Fall of 1983 the State closed commercial fishing of red king crab in the Kodiak Area, but continued to allow subsistence fishing. In 1996 the Alaska Board of Fisheries reduced the subsistence daily bag and possession limit for red king crab from six per household to three per household yearly due to conservation concerns. Subsequently, in 2011, the Federal Subsistence Board reduced the annual allowable Federal subsistence harvest of red king crab in the Kodiak Area from six per household to three per household per year.

Tanner Crab

In 1998 under State subsistence regulations, the taking of Tanner crab from July 15 to February 10 was prohibited in waters 25 fathoms or greater in depth, unless the commercial Tanner crab fishing season is open in the location. In 1999, the Federal subsistence Tanner crab regulations were changed, so that Tanner crab may not be harvested in waters 25 fathoms or greater in depth during the 14 days immediately before the opening of a commercial king or Tanner crab fishing season in the location. Additionally, a minimum shell width size was adopted, so a person may only harvest Tanner crab with a shell width of five and one-half inches or greater.

Biological Background

King Crab

Since 1982 the king crab population has size has decreased and remains at historically low numbers. Relatively few red king crabs are captured in the State trawl survey each year, it is not possible to accurately determine trends since small differences in catches result in large differences in population estimates (Spalinger 2009). However, these surveys show that the red king crab stock in the Kodiak Area has remained at very low abundance levels with no indication of rebuilding.

A total threshold abundance of 5.12 million fertilized females for reopening the king crab commercial fishery within the Kodiak Area (Pengilly and Schmidt 1995) has been set by ADF&G. State trawl survey estimates have continued to remain well below this level. The 2010 population estimate for red king crab

in the Kodiak Area was estimated at 133,055 crab, which is an increase from the estimate of 28,257 crab in 2009 (Spalinger 2011). Spalinger (2011) states that these abundance estimates likely reflect an uneven king crab distribution, resulting in high annual sampling variability and fluctuating population estimates from year to year.

The Kodiak road system provides ready access to marine waters under Federal jurisdiction in Womens Bay. These waters serve as a red king crab nursery area for the larger Chiniak Bay complex, and studies have shown that Womens Bay has much higher numbers of juvenile red king crabs than nearby Anton Larson Bay and the Trident Basin (Cummiskey et al. 2008, Dew 1991, Dew et al. 1992, and FSB 2002). After first settling in Womens Bay as larvae, red king crabs tend to remain there for six or seven years before leaving for the more open waters of Chiniak and Kalsin bays. Most red king crabs leaving Womens Bay have not yet attained a carapace width of 7 inches, which is the minimum legal size limit for males that can be harvested in subsistence fisheries.

Tanner Crab

In 1988, a trawl survey was implemented as the primary population assessment of crab populations. In 2007, the crab population was estimated at 186 million which was an all-time high since the trawl survey was implemented. The Tanner crab population in the Kodiak District decreased in 2010 and was estimated at 76.3 million crabs (Spalinger 2011).

Harvest History

King Crab

Small amounts of red king crab were caught in Kodiak in 1936; however no harvests were recorded until 1950. Initially the fishery was more exploratory as fisherman were developing gear, locating crab, and expanding markets. Once the fishery became established it grew rapidly. In 1960, the fishing season was open year-round and 21 million pounds of crab was harvested. Harvest peaked at 94 million pounds during the 1965/66 season. The 1966/67 commercial season was reduced to 10 months. From 1967 to 1982 the catches fluctuated between 11 and 74 million pounds. Starting in 1982 commercial harvest began to sharply decline. This combined with increased effort and low catches and decreasing abundance estimates resulted in a closure of the commercial red king crab fishery in Kodiak just prior to the 1982/83 fishing season. The commercial king crab fishery in Kodiak has not reopened since 1982/83 season (Sagalkin and Spalinger 2011).

An ADF&G subsistence permit is required to participate in the Federal subsistence king crab fishery. Reported King crab harvests in the Kodiak Area have been very small since the collapse of stock in the 1980s (FSB 2002). During the 1990s, annual estimated subsistence harvests of king crab by Kodiak Area communities ranged from 0 (Karluk) to 4,646 (Kodiak City) (**Table 1**). Harvest among the communities appears to be decreasing. Between 1990 and 1995 the Chiniak Area annual total harvests were approximately 1,000 king crabs. Between, 1996–2011, the annual harvest dropped to approximately 100 or less king crab (**Table 2**).

Tanner Crab

In 1967, the commercial Tanner crab fishery began with a small harvest of 110,961 pounds. From 1968 through the 1971/72 season, the Tanner crab fishery annual average harvest was 7 million pounds per year. The harvest peaked at 33 million pounds in 1977/78 and in the 1980s abundance and harvest began to decline. Due to a decline in a harvestable surplus of Tanner Crab in 1994/95 the commercial fishery

Table 1. Kodiak Management Area estimated community king crab subsistence harvests from the 1980s throughout 2003 (ADF&G 2010). No subsistence survey was conducted on years which are blank or after 2003.

Year	Akhiok	Karluk	Kodiak City	Kodiak Road	Kodiak Coast Guard Station	Larsen Bay	Old Harbor	Ouzinkie	Port Lions
1982	499	35	17,997			259	858	1,820	1,774
1986	71	28				41	124	315	1,231
1989	280	0				61	84	65	199
1990		0						67	
1991		0	3,470	2,945	202	53	115	9	
1992	66		5,653			157		9	
1993			4,646			194		16	92
1994									
1997						9	174	3	
2003	71					6	45	0	4

Table 2. King crab subsistence permits and harvests reported from permits for the Chiniak Area, which includes Womens Bay, 1990–2011 (Yuhas 2012, Pers. Comm).

Year	Number of Permits	Total Harvested	Per Permit
1990	537	1,530	2.8
1991	448	1,028	2.3
1992	392	1,671	4.3
1993	553	1,300	2.4
1994	444	931	2.1
1995	393	1,190	3
1996	187	204	1.1
1997	221	94	0.4
1998	230	56	0.2
1999	72	48	0.7
2000	111	63	0.6
2001	187	109	0.6
2002	143	79	0.6
2003	195	62	0.3
2004	224	77	0.3
2005	186	70	0.4
2006	150	77	0.5
2007	103	62	0.6
2008	80	42	0.5
2009	117	116	1
2010	151	41	0.3
2011	134	21	0.2

closed and remained closed for six years. During this time ADF&G developed a new harvest strategy based on a more conservative management approach, which aimed at preventing overharvest and localized depletions of Tanner crab populations. Crab populations are sampled annually through trawl surveys and a biological threshold and management threshold must be achieved prior to opening the fishery. The fishery reopened for the 2000/2001 season and has remained open since

An Alaska Department of Fish and Game subsistence permit is required to participate in the Federal subsistence Tanner crab fishery. Reported Tanner crab harvests are relatively small in the Kodiak Area and have fluctuated over the years (**Table 3**). Recorded harvests are very sporadic and none have been reported since 2003; so it is not possible to track recent harvest trends or make estimates of recent harvest levels (FSB 2002).

Table 3. Kodiak Management Area estimated community Tanner crab subsistence harvests from the 1980s throughout 2003 (ADF&G 2010). No subsistence survey was conducted on years which are blank or after 2003.

Year	Akhiok	Karluk	Kodiak City	Kodiak Road	Kodiak Coast Guard Station	Larsen Bay	Old Harbor	Ouzinkie	Port Lions
1982	73	33	11,026			145	283	228	553
1986	0	0				468	746	252	457
1989	0	49				531	453	128	364
1990		0						292	
1991		0	8,224	8,224	1,712	1,080	591	179	
1992	40		11,657	11,657		1,316		541	
1993			11,518	11,518		1,382		374	878
1994									
1997						447	607	100	
2003	15					843	734	365	732

Current Events

On March 22, 2012 at the Kodiak/Aleutians Federal Subsistence Regional Advisory Council (Council) meeting, ADF&G informed the Council that State subsistence regulations for allowable gear for the harvest king and Tanner crab in the Kodiak area had been changed (KA RAC, 2012). During the meeting, the council members stated that in the subsistence users typically have multiple people from various households travel by boat together to harvest king and Tanner crab. Because of this, more than one crab pot for the harvest of king crab may be aboard the vessel. This is done because of the high price of fuel, the need of a seaworthy boat, and the weather. Subsistence users travel out in smaller boats and skiffs, and have to use smaller crab pots. If this regulation was adopted it could make the current crab pots utilized by subsistence users illegal and force them to either modify these pots or purchase new ones. Those unable to purchase new crab pots or modify existing ones would not be able to harvest crab. Because of the hardships this regulation would place on qualified Federal subsistence users, the council was concerned about aligning Federal with State subsistence regulations for the harvest of king and Tanner crab (KA RAC, 2012).

At that same meeting a member of the State of Alaska, Kodiak Fish and Game Advisory Committee reported that a concern about illegal subsistence harvests of king crab was raised during one of their meetings. During this meeting people reported having heard of or witnessing charter vessels, commercial fishing vessels, and personal hunters with large boats going to the south side of the island, specifically

Olga Bay, and using Tanner pots to harvest king crab (KA RAC 2012). The new State regulations, described above, will help protect the king crab population by reducing the illegal harvest of king crabs in the State subsistence crab fishery (KA RAC, 2012). In waters under Federal subsistence jurisdiction only Federally qualified users are allowed to harvest crab in Federal marine waters, adding a level of protection to the king and Tanner crab fisheries.

Effects of the Proposal

If this proposal were adopted it could limit harvest opportunities for Federally qualified subsistence users to harvest king and Tanner crab limiting the number of king crab pots to one pot per vessel. This could force users to make several trips to harvest household limit of crabs, which would increase the amount of fuel needed to harvest king and Tanner crabs. In order to comply with regulations, some Federally qualified users would also be forced to modify existing crab pots or purchase new ones. Those unable to do this would be unable to harvest crab. In 2011 within the Chiniak Area, including Womens Bay, 134 king crab were harvested in both Federal and State waters. If this proposal were adopted there may be a decrease in crab harvest in Federal waters.

OSM PRELIMINARY CONCLUSION

Oppose Proposal FP13-14

Justification

There is a well-documented conservation concern for king crab in the Kodiak Area, which includes Federal public waters in Womens Bay, Gibson Cove, and near shore waters around the Karluk River mouth and Afognak Island. The Kodiak Area king crab stock remains at very low levels of abundance with no indication of improvement over the near term. Marine waters under Federal jurisdiction in Womens Bay is a known nursery area for the larger Chiniak Bay, and is easy to access from the Kodiak road system. However, Federal public waters contain only about 2% of the available crab habitat in the Kodiak area (Stovall 2001, Pers. Comm) and the subsistence harvest in those waters is small. Maintaining the current Tanner and king crab regulations in the Kodiak area would provide for subsistence harvest of crab, with minimal impacts to the crab stocks.

LITERATURE CITED

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ADF&G Comments on FP13-14
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Alaska Department of Fish and Game
Comments to Regional Advisory Council

Fisheries Proposal FP13-14: This proposal establishes size limits for subsistence crab pots in the Kodiak Island area to eliminate discrepancies between state and federal regulations and alleviate complications of this discrepancy for subsistence users.

Introduction: This proposal was submitted by the Alaska Department of Fish and Game to alleviate contradictions in existing state and federal Regulation for subsistence users, enforcement authorities and management personnel. The proposal aligns the size and marking requirements for king and Tanner crab subsistence pots in the Kodiak Area for state and federal regulations.

Impact on Subsistence Users: Adoption of this proposal will eliminate the discrepancies between state and federal regulations which are currently confusing and leave subsistence users vulnerable to unintentional violation citations. Subsistence users who haul more than one king crab pot per vessel will be affected. Adoption of this proposal will require federal subsistence users to add the word “King Crab” or “Tanner Crab” on their pot buoys.

Impact on Other Users: Adoption of this proposal will eliminate confusion for subsistence users who participate in both the state and federal subsistence fisheries. Adoption of this proposal could assist with rebuilding of red king crab stocks over time, eventually leading to additional harvestable surplus other user groups

Opportunity Provided by State: The Alaska Board of Fisheries (BOF) adopted a modified proposal #308 at the March 2011 meeting, resulting in several changes to subsistence crab fishery regulations for the Kodiak Island area. The BOF adopted the same commercial king and Tanner crab pot definitions for the Kodiak king and Tanner crab state subsistence fisheries, found in Alaska regulations 5 AAC 02.420 and 5 AAC 02.425. Previously, subsistence king and Tanner crab pots were not defined in state regulation even with pot limits for the taking king and Tanner crab.

The BOF also specified that both pots and ring nets may be used for subsistence Tanner crab, and the Tanner crab pot/ring net limit of five crab applies per person or a maximum of 10 crab per vessel. Abuses of the red king crab subsistence fishery have been documented and some fishermen are suspected of retaining king crab from pots in addition to their one allowed king crab pot.

The BOF also adopted subsistence king and Tanner crab pot buoy marking requirements to assist with enforcing pot limits and to help identify crab pots from which a person may legally retain subsistence-harvested crab. New regulations require that subsistence fishermen mark the pot buoy with the word “King Crab” or “Tanner Crab” to identify which type of pot is being fished

Conservation Issues: Conservation concern for the red king crab population prompted the BOF to adopt regulations for enforcement of the one king crab pot per person limit by modifying gear

ADF&G Comments on FP13-14
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marking requirements and by clarifying that the pot limit also applies as one king crab pot per vessel.

The BOF specified definitions of king and Tanner crab pots, including maximum crab pot dimensions, and established tunnel-eye opening perimeters which differentiate king from Tanner crab pots. The new maximum crab pot dimensions for both king and Tanner crab pots is 10 feet long by 10 feet wide by 42 inches high or a pot that is no more than 10 feet long by 10 feet wide by 42 inches high that tapers inward from its base to a top consisting of one horizontal opening of any size. The new subsistence crab pot definitions include tunnel-eye opening perimeters for king crab pots (greater than 5" in one dimension) and Tanner crab pots (less than 5" in one dimension). Restricting the tunnel-eye opening to less than 5" in Tanner crab pots excludes legal king crab from entering a Tanner crab pot. Excluding king crab from Tanner crab pots will assist with conservation efforts by reducing handling mortality and illegal king crab harvest caught in Tanner crab pots.

Enforcement Issues: Adoption of this proposal will assist enforcement personnel to differentiate between subsistence users and those operating illegally configured or incorrectly marked gear by eliminating minute differences in state and federal regulations which currently create confusion.

Jurisdiction Issues: The Federal Subsistence Board authorized a subsistence red king crab fishery near Kodiak Island in the marine waters of the Pacific Ocean enclosed by the boundaries of Womens Bay, Gibson Cove, and an area defined by a line ½ mile on either side of the mouth of the Karluk River, extending seaward 3,000 feet. Additionally, federal subsistence users can fish for red king crab in the marine waters within three miles of Afognak Island, and the waters within 1,500 feet seaward of the Afognak Island shoreline are closed to red king crab harvest by the non-federally qualified users. Detailed maps are needed in order to assure non-federally qualified and federal subsistence users can identify the boundaries and avoid risk of enforcement actions.

Other Issues: None identified at this time.

Recommendation: Support.

Briefing for Regional Advisory Councils – Fall Cycle, 2012

on

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

One of the action items resulting from the 2009 Federal Subsistence Program review initiated by Secretary of the Interior, Ken Salazar, was to “Review, with Regional Advisory Council (RAC) input, the December 2008 Memorandum of Understanding (MOU) with the State to determine either the need for the MOU or the need for potential changes to clarify federal authorities in regard to the subsistence program.”

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

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

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

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

GENERAL CHANGES

1. *Plain language:* Several Councils requested that plain language be used wherever possible. A few changes were made in response as indicated in the document. We would appreciate if Councils can suggest additional such changes.
2. *Reordering:* The MOU is reformatted to consistently place Federal language before State language as this MOU focuses on the Federal Subsistence Program and Federal public lands. This partially addresses multiple Councils’ concerns about the tone of the MOU.
3. *Glossary and definition of terms:* Rather than creating a glossary or defining terms we have spelled out text fully and tried to use plain language.

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

SOME SPECIFIC CHANGES

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

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

Proposed Schedule

June-July 2012	Revised version is provided to the Federal Subsistence Board and State for review/approval to move forward with RAC and AC review. FSB approval occurred on July 18, 2012.
August-October 2012	RACs and ACs review and provide comments. Tribes / ANCSA Corporations are invited to consult on the revised version at Council meetings or by special request to OSM. At least one Federal MOU working group member participates in each RAC meeting to dialogue about the revised draft. Attendance is in-person if possible and otherwise by conference call.
November 2012	Federal & State MOU working group addresses comments received. MOU working group develops list of remaining issues.
November-December	Signatories (FSB / State) each meet with their respective agency staff to discuss the revised version and issues, if any; sends comments to the MOU working group.

November-December MOU working group meets to resolve signatories' issues, if any, based on direction from their signatories.

January 22-24, 2013 Federal Subsistence Board public meeting and final Tribal/ANCSA Corporation consultation. Signatories (FSB, BOG, BOF, and ADF&G) meet to work out final details and agree to sign revised MOU. This meeting also serves as the annual MOU meeting.

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

SUMMARY OF WINTER 2011 COUNCIL COMMENTS ON THE MEMORANDUM OF UNDERSTANDING

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

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

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

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

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

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

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

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

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

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

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

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

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

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

III. Guiding Principles

(1) ... other entities. *This includes keeping an open mind to the possibility of and implementation of predator control when the conservation of a particular species is in peril;*

(2) Use best available ...and local traditional *and ecological* knowledge (*TEK*) for decisions...for subsistence use on *harvests* on Federal Public Lands.

IV. The FSB and State of Alaska Mutually agree:

(2) To recognize that State and Federal...data and information and cultural *TEK* information are important...

(9) To designate.to identify *Tribal and/or* local agency...

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

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

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

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

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

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

The Council had the following specific recommendations:

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

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

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

MEMORANDUM OF UNDERSTANDING

For

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

between the

Federal Subsistence Board

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

and

State of Alaska

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

Comment [SPR1]: Two members added.

I. PREAMBLE

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

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

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

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

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

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

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

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

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

Comment [SPR6]: Paragraph relocated from above.

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

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

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

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

II. PURPOSES

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

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

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

III. GUIDING PRINCIPLES

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

V. GENERAL PROVISIONS

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

Comment [SPR22]: Plain language.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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SIGNATORIES

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

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

Commissioner
Alaska Department of Fish and Game
Date:

Chair of the Federal Subsistence Board
Date:

Chair
Alaska Board of Fisheries
Date:

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

Chair
Alaska Board of Game
Date:

Regional Forester
U.S. Forest Service
Date:

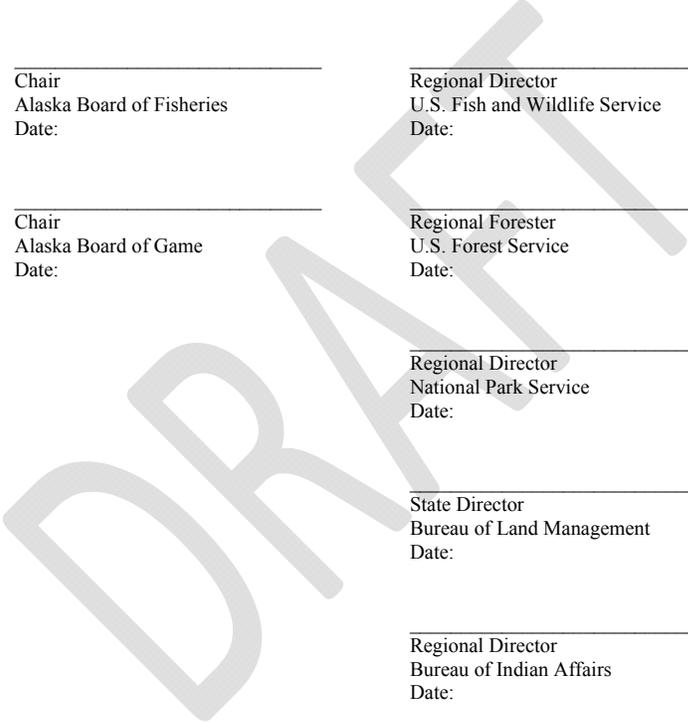
Regional Director
National Park Service
Date:

State Director
Bureau of Land Management
Date:

Regional Director
Bureau of Indian Affairs
Date:

Member of the Federal Subsistence Board
Date:

Member of the Federal Subsistence Board
Date:



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APPENDIX

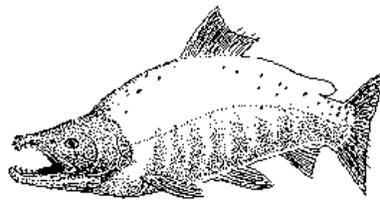
SCOPE FOR PROTOCOLS AND/OR PROCEDURES

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

DRAFT

PRIORITY INFORMATION NEEDS

FEDERAL SUBSISTENCE FISHERIES



2014 Fisheries Resource Monitoring Program

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

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

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

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

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

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

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

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

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

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

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

Northern Region Priority Information Needs

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

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

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

Yukon Region Priority Information Needs

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

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

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

Kuskokwim Region Priority Information Needs

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

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

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

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

Southwest Region Priority Information Needs

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

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

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

Southcentral Region Priority Information Needs

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

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

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

Southeast Region Priority Information Needs

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

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

Eulachon

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

Sockeye Salmon

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

Multi-Regional Priority Information Needs

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

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

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

Kodiak/Aleutians Subsistence Regional Advisory Council

c/o U.S. Fish and Wildlife Service
Office of Subsistence Management
1011 East Tudor Road, MS 121
Anchorage, Alaska 99503-6199
Phone: 907-786-3888, Fax: 907-786-3898
Toll Free: 800-478-1456

MAY 14 2012

RAC KA12012.CJ

Mr. Tim Towarak, Chair
Federal Subsistence Board
1101 East Tudor Road, MS 121
Anchorage, Alaska 99503

Dear Mr. Towarak:

The Kodiak/Aleutians Subsistence Regional Advisory Council (Council) appreciates the opportunity to submit this annual report to the Federal Subsistence Board (Board) under the provisions of Section 805(a)(3)(D) and Section 805(c) of the Alaska National Interest Lands Conservation Act (ANILCA). At its public meeting held in Cold Bay, Alaska on September 20-21, 2011, the Council brought forward the following concerns and recommendations for their 2011 report and approved the 2011 Annual Report at its March 22, 2012 meeting held in Kodiak. The items brought forward herein are issues of concern.

1. Caribou Herd Surveys

It is crucial for resource managers to have accurate detailed information regarding a wildlife population status in order to responsibly manage wildlife resources, especially when there is an apparent conservation concern. The caribou populations in Unit 9D and Unit 10 have fluctuated over the past 15 years. The Council has repeatedly, over a period of several years, requested the Izembek National Wildlife Refuge (Refuge) staff to conduct population surveys of the Unimak Caribou Herd.

The Refuge successfully conducted this survey for both Unit 9D and 10 in February 2012, much to the Council's satisfaction. The Council requests the Board to urge Refuge leadership to keep the Unimak and Southern Alaska Peninsula Caribou population surveys a high priority among other Refuge responsibilities.

Mr. Tim Towarak

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2. Emperor Geese Subsistence Harvest

The people of the region this Council serves would like to have a subsistence harvest of Emperor Geese. This harvest would allow elders from our coastal villages to again have a taste of this traditional food where there has been no legal harvest allowed for over 20 years. The Council has submitted a request for such a harvest to the Executive Director of the Migratory Bird Co-Management Council and the Chief of USFWS Migratory Bird Management. The Council has not been notified if these requests were forwarded to the Co-management regulatory body.

Annual aerial surveys indicate that the Emperor Goose population has reached a plateau but does seem relatively stable. The Council believes a small subsistence harvest could be allowed without significant impact to the resource.

3. Karluk Lake Enhancement

The precipitous decline of sockeye and Chinook salmon in the Karluk Lake drainage has been discussed and noted as a Council concern. The Council supports active rehabilitation of the Karluk Lake salmon and requests the Kodiak National Wildlife Refuge to carefully consider the value of salmon to subsistence users. The Kodiak Regional Aquaculture Association has proposed to implement an enhancement project to increase the lake productivity. The Council urges the Refuge to conduct its project review in an expedient manner due to the long timeline for recovery and because of the increased opportunity for subsistence users to harvest salmon.

4. Effective Tribal Consultation and Funding

The Council believes that the development of the Tribal Consultation policy as presented to the Council appears to be appropriate. However, adequate funding for the implementation of Tribal Consultation is essential to meet the intent of the Presidential mandate. Alaskan Tribal governments comprise forty percent of all Federally recognized Tribes in the United States. That suggests that there needs to be a significant level of involvement by the Federal Subsistence program in order to adequately consult with Alaska's Tribes. The Council continues to hear reports of reduced Federal subsistence budgets and Council meeting travel restrictions. Council meeting locations are restricted to meet in hub communities only, and that truly limits effective Tribal consultation at the local level. We urge the Board, Agency Directors and the Office of Subsistence Management leadership to prioritize and restore funding for Council meeting travel to remote villages as one means of effectively consulting with Tribes.

Mr. Tim Towarak

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The Kodiak/Aleutians Subsistence Regional Advisory Council appreciates the Board's attention to these matters.

Sincerely,

/S/ Speridon Mitchell Simeonoff

Speridon Mitchell Simeonoff, Chair
Kodiak/Aleutians Subsistence
Regional Advisory Council

cc: Federal Subsistence Board
Kodiak/Aleutians Subsistence Regional Advisory Council



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

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

SEP 10 2012



FWS/OSM 12051.CJ

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

Dear Mr. Simeonoff:

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

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

Issue 1: Caribou Herd Surveys

It is crucial for resource managers to have accurate detailed information regarding populations in order to responsibly manage wildlife resources, especially when there is an apparent conservation concern. The caribou populations in Unit 9D and Unit 10 have fluctuated over the past 15 years. The Council has repeatedly, over a period of several years, requested the Izembek National Wildlife Refuge (Refuge) staff to conduct population surveys of the Unimak Caribou Herd.

The Refuge successfully conducted this survey for both Unit 9D and 10 in February 2012 much to the Council's satisfaction. The Council requests the Board to urge Refuge leadership to keep the Unimak and Southern Alaska Peninsula Caribou population surveys a high priority among other Refuge responsibilities.

Mr. Speridon Mitch Simeonoff Sr.

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Response

The Board understands the importance of having accurate population information with which to manage wildlife resources. The Izembek National Wildlife Refuge shares the Council's concern, and is committed to conducting caribou surveys for the Unimak Island (Unit 10) and Southern Alaska Peninsula Caribou Herds (Unit 9) as time, weather and resources allow. Surveys aid in the management of the herds and allow the Refuge to fulfill one of its Alaska National Interest Lands Conservation Act (ANILCA) purposes, to provide the opportunity for continued subsistence uses by local residents. The Refuge will continue to plan annual surveys, and appreciates the Council's understanding and patience regarding weather patterns and conditions beyond its control. Weather plays a critical role in the ability to conduct these aerial surveys safely; there may be some years when hazardous weather conditions prevent surveys from being conducted. Pilot, staffing and aircraft availability during periods of good weather are also other factors impacting the ability to conduct needed surveys.

Issue 2: Emperor Geese Subsistence Harvest

The people of the region this Council serves would like to have a subsistence harvest of Emperor Geese. This harvest would allow elders from our coastal villages to again have a taste of this traditional food where there has been no legal harvest allowed for over 20 years. The Council has submitted a request for such a harvest to the Executive Director of the Migratory Bird Co-Management Council and the Chief of USFWS Migratory Bird Management. The Council has not been notified if these requests were forwarded to the Co-management regulatory body.

Annual aerial surveys indicate that the Emperor Goose population has reached a plateau but does seem relatively stable. The Council believes a small subsistence harvest could be allowed without significant impact to the resource.

Response

Migratory birds do not fall under the jurisdiction of the Board; rather, the Alaska Migratory Bird Co-management Council (AMBCC) is responsible for migratory bird Federal subsistence management. AMBCC Executive Director and staff are aware of the Council's interest in a limited harvest of Emperor Geese. AMBCC Interim Executive Director, Crystal Leonetti, attended your meeting on March 22, 2012 via teleconference. The USFWS Migratory Bird Management Division Chief provided a power point summary of the Emperor Goose population status and trend as a handout to your Council members. AMBCC staff does not have a record of a request submitted in writing or verbally by the Council to provide for this harvest.

As reported by Ms. Leonetti at the March Council meeting, a proposal requesting this allowance can be submitted to AMBCC for consideration. Proposals may be submitted by individuals or groups such as the Council. AMBCC encourages proponents to draft a proposal, working with one or both of the AMBCC Regional Representatives, listed below, and with the AMBCC staff prior to submitting a final proposal. Proposals may be submitted to AMBCC between

Mr. Speridon Mitch Simeonoff Sr.

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November 1 and December 15 each year; the proposals are then voted on at the spring AMBCC meeting, usually held in April. The proposal guidelines can be located on the AMBCC web site: <http://alaska.fws.gov/ambcc/Regulations.htm>

The AMBCC Staff can be reached at 907-786-3499. Your AMBCC Regional Representatives are:

Sun'aq Tribe of Kodiak

Rick Rowland, 312 West Marine Way, Kodiak, Alaska 99615

Tel: (907) 486-4449; Fax: (907) 486-3316; Email: stknrd@sunaq.org

Aleutian/Pribilof Islands Assoc.

Peter Devine, c/o Qagan Tayagungin Tribal Office, Sand Point, Alaska 99661

Tel: (907) 383-5616; Fax: (907) 383-5814

Issue 3: Karluk Lake Enhancement

The precipitous decline of sockeye and Chinook salmon in the Karluk Lake drainage has been discussed and noted as a Council concern. The Council supports active rehabilitation of the Karluk Lake salmon and requests the Kodiak National Wildlife Refuge (Refuge) to carefully consider the value of salmon to subsistence users. The Kodiak Regional Aquaculture Association has proposed to implement an enhancement project to increase the lake productivity. The Council urges the Refuge to conduct its project review in an expedient manner due to the long timeline for recovery and because of the increased opportunity for subsistence users to harvest salmon.

Response

The Board shares your concerns over the status of sockeye and Chinook salmon in the Karluk Lake drainage and effects upon subsistence users. A proposal to fertilize Karluk Lake, primarily to boost sockeye salmon production, was submitted by the Kodiak Regional Aquaculture Association in February 2012. The proposal is being evaluated by the Kodiak National Wildlife Refuge Manager to assess its compatibility with Refuge purposes. Once a compatibility determination is finalized, it will be available for public review. If any Council members would like to receive information or to comment on this compatibility determination during the public review process you should contact Gary Wheeler at (907) 487-2600 or gary_wheeler@fws.org.

Issue 4: Effective Tribal Consultation and Funding

The Council believes that the development of the Tribal Consultation Policy as presented to the Council appears to be appropriate. However, adequate funding for implementation of Tribal Consultation is essential to meet the intent of the Presidential mandate. Alaskan Tribal governments comprise forty percent of all Federally recognized Tribes in the United States. That suggests that there needs to be a significant level of involvement by the Federal Subsistence Program in order to adequately consult with Alaska's Tribes. The Council continues to hear

Mr. Speridon Mitch Simeonoff Sr.

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reports of reduced Federal subsistence budgets and Council meeting travel restrictions. Council meeting locations are restricted to meet in hub communities only, and that truly limits effective Tribal consultation at the local level. We urge the Board, Agency Directors and the Office of Subsistence Management leadership to prioritize and restore funding for Council meeting travel to remote villages as one means of effectively consulting with Tribes.

Response

At its meeting on May 9, 2012, the Federal Subsistence Board adopted a Tribal Consultation Policy. This policy provides the framework for the Board's consultation with Federally recognized Tribes on ANILCA Title VIII subsistence matters under the Board's authority, while maintaining the central role of the Federal Subsistence Regional Advisory Councils as advisors to the Board. Federal law requires Federal agencies to consult with Alaska Native Corporations established under the Alaska Native Claims Settlement Act (ANCSA) on the same basis as Tribal governments. The Board has delayed adoption of the ANCSA Corporation consultation policy until the Department of Interior finalizes its policy. The Federal Subsistence Board's Tribal consultation policy, draft ANCSA Corporation consultation policy, and other documents related to consultation can be found at <http://alaska.fws.gov/asm/issue.cfml>.

Effective Tribal consultation will likely be adversely affected by Federal budget issues. As the reductions in the Federal budget continue, travel outside of normal Council meetings in the future will be very limited. Specifically, the Office of Subsistence Management has experienced a declining budget since 2001 due to the economy and a variety of other factors beyond its control. The OSM budget, including travel budget, is likely to continue to reduce in the future. These types of reductions will make it necessary for Regional Advisory Councils to continue to meet in communities that provide the greatest cost efficiencies. We will continue to provide the Regional Advisory Councils with budget briefings to help develop a better understanding of what cuts are being made and how these cuts will affect the Federal Subsistence Management Program.

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

Mr. Speridon Mitch Simeonoff Sr.

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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,

/s/ Tim Towarak

Tim Towarak, Chair
Federal Subsistence Board

cc: Kodiak/Aleutians Subsistence
Regional Advisory Council
Federal Subsistence Board
Interagency Staff Committee
Pete Probasco, Assistant Regional Director, OSM
Kathy O'Reilly-Doyle, Deputy Assistant Regional Director, OSM
Carl Johnson, Council Coordinator Div. Chief, OSM
Tom Jennings, Council Coordinator, OSM
Administrative Records

Emperor Goose Q&A

(Questions from the March 22, 2012 Council Meeting)

Following are questions compiled from the March 22, 2012 Council meeting in Kodiak during the discussion regarding Emperor Geese. Answers were provided by staff from U.S. Fish and Wildlife Service, Migratory Bird Management.

1. Where in the state are the goose counts done (aside from the aerial survey), and at what time of year?

It is difficult to answer this question because I am not aware of what species of geese the question refers to. Furthermore, population estimates for all geese in Alaska are based on aerial surveys; thus no ground counts are conducted except for age ratio assessments of brant at Izembek and white-fronted geese near Delta Junction. I assume the question refers to emperor geese; thus, I have addressed the two aerial surveys currently used to monitor the population and a ground based survey used to monitor nesting waterbirds including emperor geese.

The spring annual aerial survey monitors spring distribution, abundance and population trends of emperor geese and other waterbirds at migratory staging areas throughout southwestern Alaska. The survey has been conducted since 1981. The traditional survey route includes coastline and estuarine habitats from the Yukon-Kuskokwim Delta (YKD) south and west along the north side of the Alaska Peninsula to Unimak Island, and the south side of the Alaska Peninsula east to Wide Bay. The survey is conducted in late April - early May.



The 2011 Spring survey report is included as a handout. [Dau 2011 EMGO spring survey.pdf](#)

Fall distribution, abundance, and population trends of emperor geese and other waterbirds at migratory staging areas throughout southwestern Alaska have been annually monitored since 1979. The aerial survey is flown from Chagvan Bay to Bechevin Bay including all of the north side of the Alaska Peninsula and the south side Alaska Peninsula west of Cold Bay. Coastline segments were usually flown 100 m offshore with deviations seaward to within 1.6 km (1 mile) of shorelines. In estuaries, a systematic but meandering flight path was followed. The aircraft flight path was monitored on a computer moving map program to help ensure complete coverage of nearshore and estuarine habitats. The fall emperor goose survey is flown during the last week of September. Data from this survey are used to expand photographic estimates of emperor goose production (i.e. percent juveniles) based on the proportional distribution of the population at various fall staging locations.



The 2011 fall survey report is included as a handout. [Mallek 2011 EMGO fall survey.pdf](#)

A ground based nest plot survey is conducted in early June to monitor nesting water birds on the coastal zone of the Yukon Kuskokwim Delta. Nests of all species of waterbirds, including emperor geese, brant, cackling geese, white-fronted geese, swans, loons, spectacled and common eiders, cranes, shorebirds, landbirds, terns, and gulls, are counted to determine an annual estimate of nesting birds. This survey helps provide information on current year nesting success, changes in nesting effort over time, and is a primary way to monitor the status of the YK Delta spectacled eider nesting population.

2. If the 3 year average threshold is 80,000 and we're not quite to that point, is this also the same threshold for everyone everywhere? Secondly, is there the ability for a limited subsistence hunt or a larger general or open subsistence hunt?

The goal of the Pacific Flyway Management Plan for Emperor Geese is to restore the emperor goose population to historical levels and maintain it for all its values to society, including ecological, educational, recreational, and scientific uses, both consumptive and non-consumptive. The population management objective is to maintain a minimum population of 150,000 emperor geese based on spring surveys. The management plan states that hunting may be considered again when the 3-year running average reaches 80,000 geese. The harvest strategy applies to the United States (Alaska). Emperor geese are hunted in Russia; however, the Fish and Wildlife Service does not have estimates of the number of emperor geese killed by subsistence and sport hunters there. The 2012 emperor goose population index derived from the spring emperor goose survey was 67,588 emperor geese, a 7.3% decrease from the 2011 estimate (74,166). The current 3-year (2010-12) average of 68,772 is down 10.3% from the previous 3-year average of 76,892 (Mallek and Dau 2012). Because the current 3-year average (68,772) is below 80,000, a limited or larger subsistence cannot be considered. No legal fall or subsistence harvest of emperor geese has been allowed since 1987. Based on 2004-09 subsistence harvest data collected by the Alaska Department of Fish and Game, the average annual statewide subsistence harvest of emperor geese in Alaska is 3,517 birds. The most significant levels of emperor goose harvest appear to occur in the Bering Strait/Norton Sound and mid-coast sub-region of the Yukon-Kuskokwim.

4. Can aerial surveys be expanded down the Aleutians?

This annual spring emperor goose survey has monitored spring distribution, abundance and population trends of emperor geese and other waterbirds at migratory staging areas throughout southwestern Alaska since 1981. The traditional survey route included coastline and estuarine habitats from the Yukon-Kuskokwim Delta (YKD) south and west along the north side of the Alaska Peninsula to Unimak Island, and the south side of the Alaska Peninsula east to Wide Bay. Earlier survey timing in recent years precedes the arrival of emperor geese on the YKD so the survey is now begun in southern Kuskokwim Bay. Coverage along the south side of the Alaska Peninsula emphasizes known emperor goose staging areas and omits other habitats where birds have not been observed staging during previous surveys. A 3-year moving average of survey totals is used as the population index for management in accordance with the Pacific Flyway Emperor Goose Management Plan (2006). These data also assess annual and long-term variation in seasonal migratory phenology and determine trends in distribution and habitat use for emperor geese.

Additional areas along the Aleutians would be very difficult to survey due to adverse weather conditions and aviation safety issues. The Service believes the timing of the survey allows almost all of the migrating emperor goose to move into the current survey area enabling us to monitor nearly the entire population. If there are specific areas such as bays, coast lines, inlets, lagoons or habitats that support substantive numbers of emperor geese and which are not included in the current survey area, the Service will consider alternatives to account for these birds including expanding the survey area if safety and logistics permit. The Service is interested in understanding if large numbers of emperor geese occur in areas outside the traditional fall and spring survey areas during the times when these surveys are conducted.

Eric J. Taylor
Division of Migratory Bird Management
U.S. Fish and Wildlife Service
1011 E. Tudor Road, MS 201
Anchorage, Alaska 99503-6199
Tel: 907.786.3446
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GUIDANCE ON ANNUAL REPORTS

Background

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

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

Report Content

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

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

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

Report Clarity

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

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

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

Report Format

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

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

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

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

REGULATORY CYCLE REVIEW BRIEFING

Issue

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

Background

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

Several changes were made following this review:

1. The fall meeting window was expanded.

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

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

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

Recommendations

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

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

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

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

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

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

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

Reference tables for above narrative.

Table 1. Past FSB Meeting Dates.

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

Table 2. Current Regulatory Cycle.

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

Table 3. Proposed Changes to the Regulatory Cycles

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

STAFFING UPDATE

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

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

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

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

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

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

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

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

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

BUDGET UPDATE

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

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

COUNCIL MEMBERSHIP APPLICATION/NOMINATION UPDATE

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

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

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

RURAL DETERMINATION PROCESS AND METHOD REVIEW

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

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

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

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

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

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

Other topics of concern may arise through the review process.

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

BRIEFING ON CONSULTATION POLICIES

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

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

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

Government-to-Government Tribal Consultation Policy

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

Federal Subsistence Board

Government-to-Government Tribal Consultation Policy

Preamble

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

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

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

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

Government-to-Government Tribal Consultation Policy

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

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

Background

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

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

Goals

The goals of the Federal Subsistence Management Program are to:

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

Government-to-Government Tribal Consultation Policy

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

Consultation

1. Communication

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

2. Roles and Responsibilities

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

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

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

Government-to-Government Tribal Consultation Policy

4. Timing

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

5. Methods

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

Accountability and Reporting

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

Training

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

Government-to-Government Tribal Consultation Policy

Alaska Native Corporation Consultation

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

Adopted by the Board on May 9, 2012

Government-to-Government Tribal Consultation Policy

Definitions

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

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

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

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

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

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

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

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

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

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

Government-to-Government Tribal Consultation Policy

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

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

List of Appendices

APPENDIX A: Federal Subsistence Consultation Implementation Guidelines

APPENDIX B: Federal Subsistence Management Cycle

APPENDIX C: Venues for FSMP Training

DRAFT April 27, 2012

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

Appendix A

Interim Implementation Guidelines

for

Fiscal Year 12-13

Federal Subsistence Management Program

Tribal and ANCSA Corporation Consultation

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

CONSULTATION SCHEDULE FOR THE REGULATORY CYCLE

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



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



Step 6 (April 1 and July 1)

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

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

Step 1 (January - March)

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

Step 2 (April - May)

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

Step 5 (January)

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

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

Step 4 (August - October)

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

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

Step 3 (April - August)

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

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

Appendix C

Venues for Training

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



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

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



JUN 28 2012

FWS/OSM 12046.AM

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

Dear Tribal Leader:

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

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

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

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

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

1) Nominations to the Board's Consultation Workgroup

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

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

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

or via e-mail to
subsistence@fws.gov

or via fax at
907-786-3898

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

2) Consultation on Proposed Federal Subsistence Fishing Regulations

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

Tribal Leader

3

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

There will be several other opportunities to review and comment on the proposals and the analyses throughout the regulatory process. At each Subsistence Regional Advisory Council meeting (calendar enclosed) there will be opportunities for Tribes and ANCSA corporations to provide input on the subsistence fisheries proposals. At the Federal Subsistence Board meeting in January, there will be time set aside for Tribes and ANCSA corporations to consult with the Board on the proposals and analyses. Teleconference access to all of the meetings will be provided, so there is no need to travel; written comments are also welcome. Your participation is essential in the process to review the proposals that have been submitted to the Federal Subsistence Board. Please participate in any way you can.

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

Sincerely,

/S/ Tim Towarak

Tim Towarak, Chair
Federal Subsistence Board

Enclosures (2)

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



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

Federal Subsistence Board
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Anchorage, Alaska 99503-6199



JUN 28 2012

FWS/OSM 12047.AM

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

Dear ANCSA Corporations:

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ANCSA Corporation

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There will be several other opportunities to review and comment on the proposals and the analyses throughout the regulatory process. At each Subsistence Regional Advisory Council meeting (calendar enclosed) there will be opportunities for Tribes and ANCSA corporations to provide input on the subsistence fisheries proposals. At the Federal Subsistence Board meeting in January, there will be time set aside for Tribes and ANCSA corporations to consult with the Board on the proposals and analyses. Teleconference access to all of the meetings will be provided, so there is no need to travel; written comments are also welcome. Your participation is essential in the process to review the proposals that have been submitted to the Federal Subsistence Board. Please participate in any way you can.

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

Sincerely,

/S/ Tim Towarak

Tim Towarak, Chair
Federal Subsistence Board

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Administrative Record



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 2012

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 has improved significantly and met the escapement goals with 186,810 fish (range 110,000 to 250,000 fish). The 2012 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 80,826 fish as of 22 August 2012. This is largest late run escapement in nine 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 of the northern section of the Kodiak Archipelago open for Federal subsistence fishing experienced solid returns of sockeye in 2012. The Federal marine waters near Buskin River remained popular with local subsistence users, with mixed fishing results. The sockeye escapement for the Buskin River was just above the maximum escapement goal with 8,460 fish as of 22 August 2012.

The sockeye salmon run within the Afognak Bay (Litnik) area was strong again in 2012. The high numbers of returning fish prompted State and Federal Managers to issue an Emergency Order on 11 June 2012, which reduced the closed waters to the stream terminus. As of 22 August 2011, the sockeye salmon escapement was 41,443 fish.

As a result of 2012 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

This year, the Refuge assisted Koniag Inc, and ADF&G with a Karluk River Chinook salmon pilot project. The goals were to better understand the spawning habitats of Karluk River Chinook salmon, and to determine if a larger scale project could provide meaningful results. The study involved capturing a small number of returning Chinook adults at the Karluk weir and fitting them with transmitters to track their movements. To date, all captured fish have retained

their transmitters and appear to have spawned in the lower Karluk River. The success of the pilot project has prompted the U.S. Fish and Wildlife Service, Koniag Inc, and ADF&G to consider seeking funding support for an expanded project in 2013.

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, 2006-2012.

Species	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12
Deer*	63(59)	83(29)	81(74)	56(38)	67(42)	43(74)
Bear	5(2)	5(0)	6(1)	6(1)	7(1)	5(2)
Elk	10(0)	6(0)	3(0)	5(0)	8(1)	6(0)

*Designated deer harvest allows for multiple deer to be harvested per permit

Brown Bear

Population Assessment

The Refuge, in cooperation with ADF&G, attempts to conduct annual Intensive Aerial Surveys to assess trends in population size and composition. In May 2012, we planned on surveying the Karluk area, but unsuitable weather prevented us from doing so. We hope to carry out this survey in May 2013.

Research

We continued fieldwork on bear movements and resource selection in southwest Kodiak Island. Like previous years, this summer’s work was focused on the lake-river systems of Karluk Lake, Red Lake, and Frazer Lake. This project features cooperation among the Kodiak Refuge, the University of Montana-Flathead Lake Biological Station, the University of Idaho, and ADF&G. The goals of the study are to improve bear management capacity by increasing our understanding of how bear move and use their habitats, and how cub survival is influenced by variations in environmental conditions and availabilities of important seasonal food resources, primarily salmon.

To reach these goals, we carried out a successful bear capture/collar operation in the southwest Kodiak study area, from 3-7 June, 2012. Twenty bears (19 females and 1 male) were safely captured within Uyak Bay, Karluk Lake, and Fraser Lake basins. We fitted 18 of the adult female bears with Advanced Telemetry Systems (ATS) brand GPS-Iridium collars. Collars were programmed to record a location on bears every two hours, and then remotely email the locations to the Refuge bear biologist every day. Using these collars, we will monitor bears throughout the

year. This summer, we evaluated bear resources and habitats at their recorded locations and assessed sockeye salmon abundances and nutrient content in the lake tributary streams adjacent to Karluk. Mathew Sorum, a graduate student in Wildlife Biology at the University of Idaho, is completing his analysis of data collected during the 2010 and 2011 field seasons. William Deacy, a graduate student in Systems Ecology from the University of Montana-Flathead Lake Biological Station, joined the project this year to carry out investigations in cooperation with ADF&G aimed at gathering more detailed information on salmon runs on the tributaries and shoal-spawning areas within the study area, and their influence on bear movements, habitat use, and reproduction.



Figure 1. Refuge Bear Biologist, Bill Leacock, and television host, Jeff Corwin, handle an immobilized Kodiak bear during the June 2012 collaring operation in the Karluk region. (Carolina Pacheco/USFWS)

Sitka Black-Tailed Deer

Harvest

Sitka black-tailed deer harvest results on 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. Beginning in 2011, ADF&G migrated to an online deer harvest reporting system. The Refuge has been working with ADF&G to insure that harvest data specific to federal lands continues to be available and used for more informed management of deer. Although results from the updated web-based reporting system are not yet available, it has been estimated that approximately 4,500 to 5,200 deer were harvested during the 2011-2012 season.

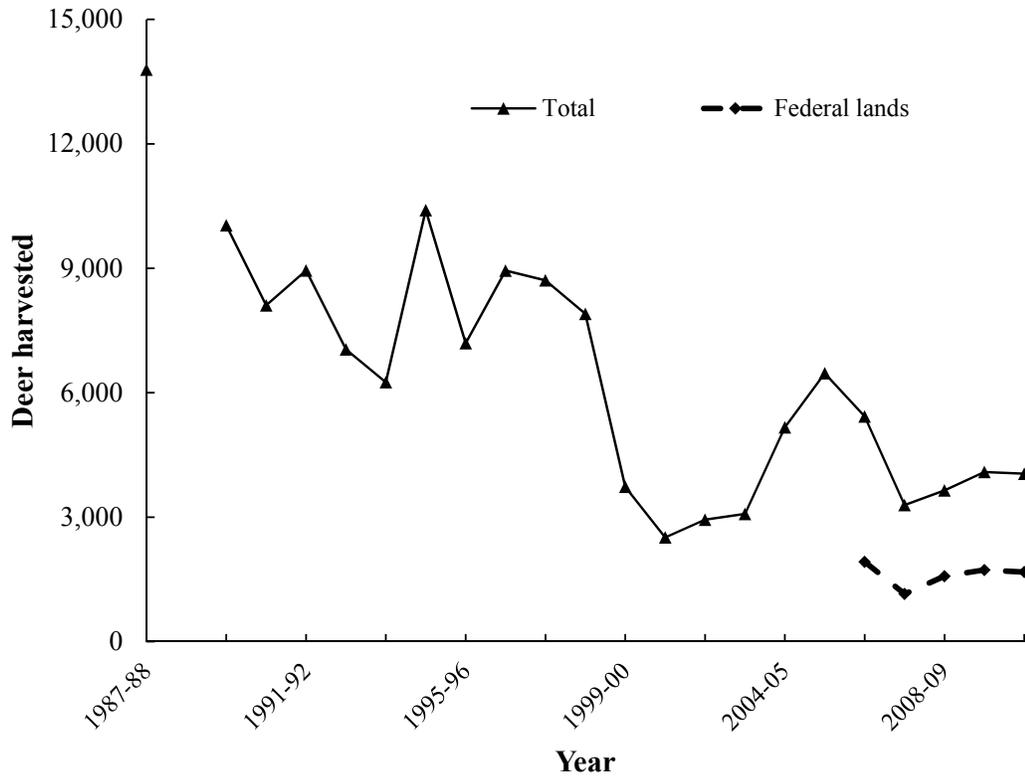


Figure 2. Estimated number of Sitka black-tailed deer harvested by subsistence and recreational sport hunters, Kodiak Archipelago, from the 1987-88 to 2010-11 seasons. The number of deer harvested on federal lands is indicated by the dashed line. The 2011-12 season results are not available.

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 a more accurate population estimate by using a statistical correction factor that accounts for animals present in a survey area, but not sighted by observers. To test this method, pilot surveys were conducted on the Aliulik Peninsula in May. Results indicated that distance sampling can be used successfully to assess deer abundances in non-forested habitats on Kodiak. Consequently, we aim to expand the scope of the survey to include additional non-forested areas of southern Kodiak Island. The long-term goal is to provide wildlife managers with a quantitative index of annual changes in deer abundances, which will allow for improved sustainable harvest management.

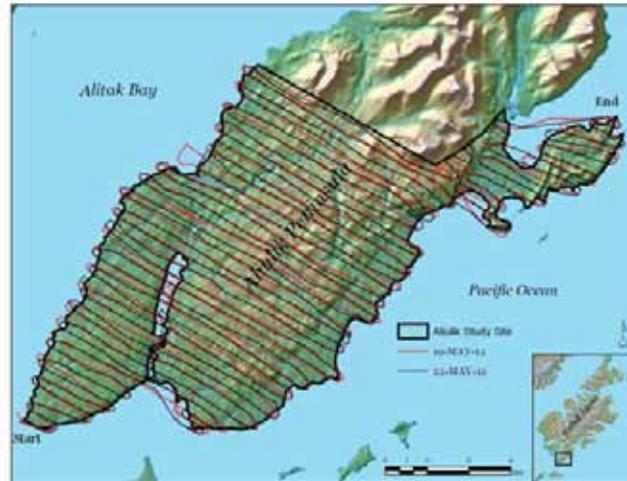


Figure 3. Track lines recorded by GPS during Sitka black-tailed deer aerial line-transect surveys, Aliulik Peninsula, Kodiak Island, May 20 and 22, 2012.

Roosevelt Elk

ADF&G biologists plan to survey the elk herd composition and population size by the end of September, prior to federal subsistence and recreational sport hunting seasons. The 2011 population estimate was 700 elk, which is higher than the previous year's population estimate (610 elk). The Waterfall herd (encompassing Refuge lands) size was estimated to be approximately 35-60 elk, in 2011.



Figure 4. Aerial view of Kodiak's reindeer herd on 14 July 2012. (Alan Jones/ADPS)

Feral Reindeer

In July 2011, Refuge biologists counted 315 feral reindeer during an aerial survey, and Alaska Department of Public Safety State Trooper, Alan Jones, counted 335 feral reindeer while patrolling in the same region. In July 2012, Jones counted approximately 300 reindeer (Fig. 4). Based on these results, the reindeer herd currently appears to be stable in size, at approximately 300-325 animals.

Mountain Goat

Population Assessment

ADF&G and Refuge biologists typically complete annual surveys of the mountain goat population on Kodiak Island in August. Kodiak's mountain goat population grew to a record high of 2,500 goats in 2011 (Fig.4). Results from the 2012 survey are not yet available, but will be presented to the Council at its September meeting.

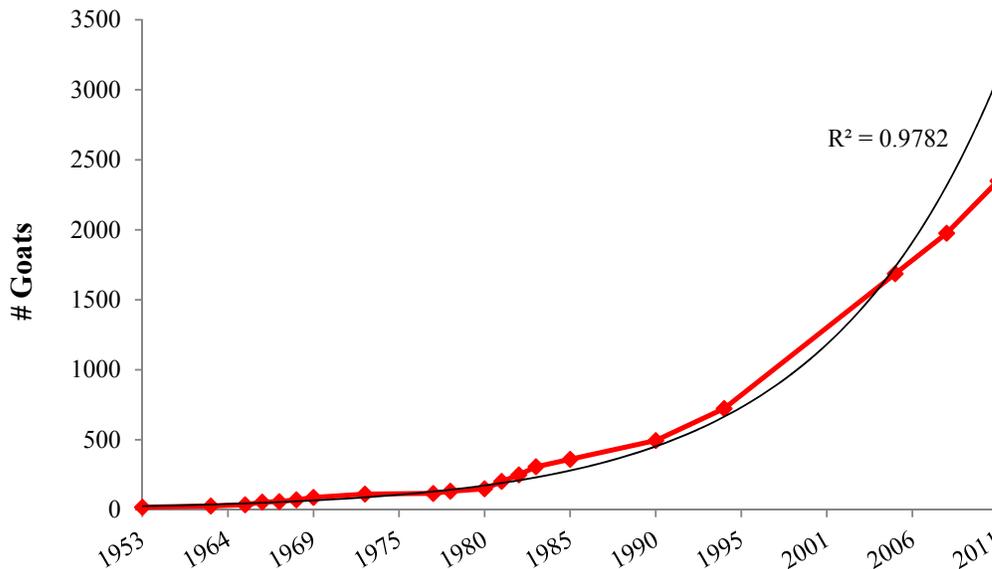


Figure 5. Number of mountain goats counted during years when surveys were considered “island-wide” counts (in red) and exponential growth model (thin black line), Kodiak Island, Alaska, 1953-2011. Results from 2012 surveys are not included.

Research

The Refuge's management goal for mountain goats is to maintain a population that satisfies hunter needs and does not 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 to meet this objective. 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 conducted a pilot study of goat food 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 samples to determine mountain goat summer diets. Results from 2011 showed that mountain goat summer diets are largely composed of sedges and forbs. Fern rhizomes were largely consumed in early summer (June), before vegetation green-up. Mountain goats selected feeding sites that contained abundant large-awned sedge, and areas that were close to escape terrain. Additional results from the 2011 study are available at http://www.fws.gov/refuge/Kodiak/what_we_do/science/ungulate/goat.html. Results from this summer's work will be available later in the fall.



Figure 6. A mountain goat billy on the Hepburn Peninsula of Kodiak Island, observed by Refuge biologists during the summer 2012 research project. (Aarin Sengsirirak/USFWS)

Proposed Amendments to Harvest Regulation

A subcommittee of the Alaska Board of Game's Kodiak Advisory Committee met in March to discuss changes to Kodiak's mountain goat harvest regulations in response to the rapidly growing goat population in central and southern portions of the island (Hunt Area 480). The meeting was open to the public, and included members of the Kodiak Advisory Council, ADF&G biologists, and Refuge biologists. There was general agreement that higher harvest pressure is needed in Hunt Area 480 to slow the current population growth rates and promote a long-term sustainable population. A proposal with the recommended changes was drafted and will be reviewed by the Kodiak Advisory Committee in January 2013. Any changes to the current hunt regulations would take effect in the 2014-2015 season.

Sea Otter

Presently, biologists affiliated with MMM are reviewing sea otter aerial survey methods for Alaska. The proposed revised method entails dividing the Kodiak Archipelago into three survey regions, survey of one region per year, and rotation of annual surveys among regions. In addition to dividing Kodiak into manageable-sized regions to cover each year, an additional advantage is a reduction in flight time and survey cost. The Refuge plans to implement the revised survey method when available from MMM.

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

The Refuge’s bird biologist lead a nearshore marine bird and mammal survey in June 2012, based on the Refuge’s *Ursa Major II* research vessel. The survey covered Spruce Island, Anton Larsen Bay, Kizhuyak Bay, Afognak Island, Shuyak Island, and Raspberry Island. The biologists surveyed 80 mainly nearshore coastal transects in the Afognak-Shuyak survey area and observed more than 25,000 individuals of 48 taxa of aquatic migratory birds. Seventy-eight percent of bird observations were comprised of five taxa; including kittiwake, glaucous-winged gull, tufted puffin, marbled murrelet, and pigeon guillemot. The survey was repeated in August.

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 Outreach

All Aboard the Ursa Major II

The Refuge research vessel *Ursa Major II* conducted an “open house” for residents of Old Harbor and Akhiok in May. Forty-six people from Old Harbor including children, teachers, the Mayor, Harbor Officer and VPSO visited the vessel to have a closer look at monitoring and research projects; furs and bird mounts; tour the vessel, and take part in an interactive activity about bird migrations.

Donning hip boots and lifejackets, 20 Akhiok residents boarded skiffs to visit the *Ursa Major II* anchored offshore. Once onboard, they enjoyed sharing the resources and hearing students relate stories about the surrounding lands. To date, three of the six Kodiak Island villages have been visited by the *Ursa Major II* as a part of this outreach effort. We have received positive reviews, and we aim to visit the remaining three villages over the next year.



Figure 7. Children from Old Harbor eagerly wait to board the Refuge’s M/V *Ursa Major II* outfitted with environmental education materials. (Tonya Lee/USFWS)

Bear Kits Delivered to Villages

Refuge staff visited all six Kodiak villages during the first phase of a multi-year project aimed to inspire curiosity and promote knowledge of the brown bear, through the use of “Bear Kits”. The goals of the project are to facilitate understanding different species of bears, legends of bears from past cultures, roles of science research, challenges cubs face in their first year afield, and similarities shared by bears and people. Through role-playing, we cultivated knowledge of how to respond to bear encounters and minimize potential for conflict by preventing bear access to garbage and human-processed foods.

Refuge staff plan to revisit the villages during the second phase of the project. Goals will feature a comparison of Alaskan bears, Kodiak brown bear biology through trivia, the uniqueness of hibernation and much more. The fun and interactive elements of the kits are built to address a variety of topics, interests, and ages of students.



Figure 8. Spiridon Simeonoff III measures a bear paw to compare with his own foot, while his mother, Sheri Simeonoff, looks on. (Tonya Lee/USFWS)

Refuge Newsletter

The Refuge's 6th newsletter will be available this fall. The newsletter provides information and outreach to village and remote residents on or near Refuge lands. Content includes announcements related to subsistence, articles about ongoing biological studies, and stories or photographs that inspire and connect people to wildlife, their natural resources and the Refuge. Copies will be available by mail or at the Kodiak National Wildlife Refuge Visitor Center in downtown Kodiak. Contact Tonya Lee, Refuge Information Technician, for more information (907-487-0235).

**ALASKA DEPARTMENT OF FISH AND GAME REPORT TO THE
KODIAK-ALEUTIAN ISLANDS REGION SUBSISTENCE ADVISORY
COUNCIL: A PROGRESS REPORT ON THE STOCK ASSESSMENT
AND RESTORATION OF THE AFOGNAK LAKE SOCKEYE SALMON
RUN, 2012**

by

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August 2012

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PROGRESS REPORT

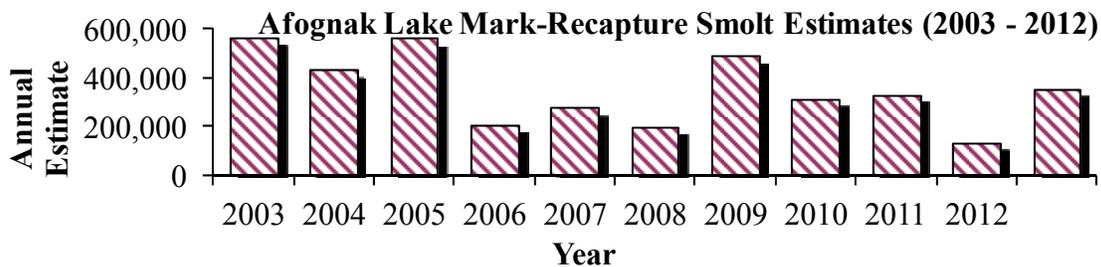
Evaluation of the sockeye salmon *Oncorhynchus nerka* production at Afognak Lake has been funded by the US Fish and Wildlife Service, Office of Subsistence Management (OSM) since 2003. Funding of the project was provided in response to declining runs and subsequent subsistence (2002) and commercial fishing closures (2003, 2004, and 2007). The current funding (2010 – 2013) provides continued analysis of the Afognak Lake sockeye salmon adult and smolt runs and new investigations into the health and diet of juvenile sockeye salmon rearing in Afognak Lake. This progress report is a brief summary of the preliminary results from the stock assessment of the Afognak Lake sockeye salmon run of 2012.

Juvenile sockeye salmon smolt emigrating from Afognak Lake were captured using an incline plane trap installed and operated in the same manner and location as in recent years. The trap was fished continuously from May 08 through June 28, 2012, capturing 22,092 sockeye salmon smolt. Using mark-recapture techniques, the trap efficiency was tested during five strata throughout the emigration by marking, releasing, and recapturing smolt. Using the trap efficiency from each of the five strata, a population estimate was generated for each stratum. Pooling the stratum resulted in a total population estimate of 127,862 (C.I. 98,551 – 157,173) sockeye salmon smolt that emigrated from Afognak Lake.

Afognak Lake sockeye salmon smolt emigration 2012.

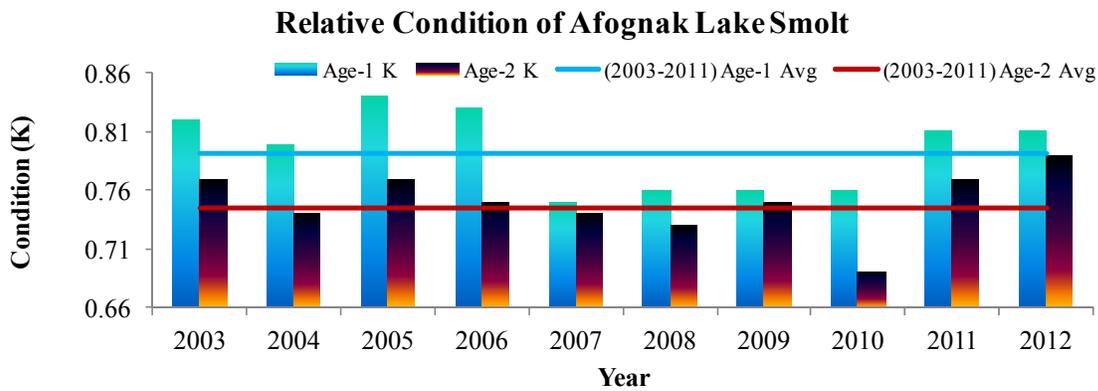
Stratum (h)	Beginning Date	Ending Date	u_h Unmarked	U_h Estimate	95% C. I.	
					lower	upper
1	5/8	6/1	5,197	26,037	20,583	31,492
2	6/2	6/7	4,010	28,744	20,911	36,578
3	6/8	6/15	7,933	34,988	28,213	41,764
4	6/16	6/23	4,672	36,632	27,696	45,568
5	6/24	6/28	280	1,460	1,149	1,771
			22,092	127,862	98,551	157,173

The average Afognak Lake smolt emigration, estimated by mark-recapture, from 2003 through 2012 was 349,251. The smolt emigration estimate for 2012 is the lowest reported from 2003 through 2012.



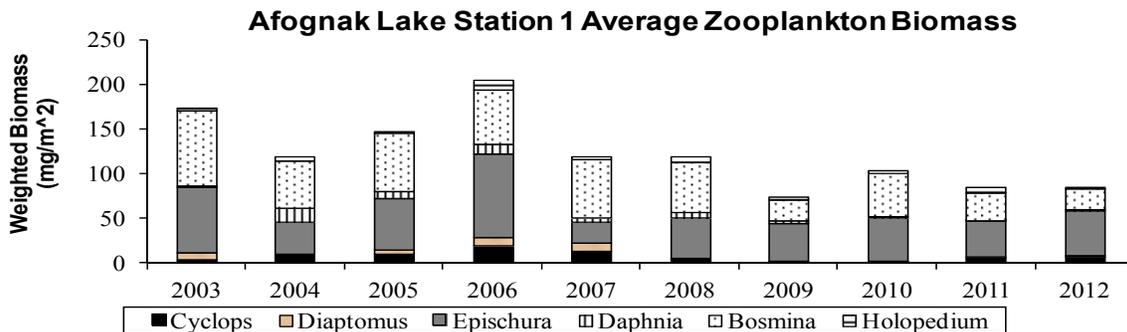
A total of 508 emigrating smolt were sampled for age, weight, and length (AWL) data on a daily basis during the trapping operation. The apportioned smolt emigration was composed of 99,204 (77.6%) age-1. smolt and 28,658 (22.4%) age-2. smolt. Roughly 50% of the age-2. smolt emigrated in strata 1, while the majority of the age-1. smolt emigrated in stratum 2, 3 and 4.

Age-1. sockeye salmon smolt weighed an average of 3.2 g, attained an average length of 72.8 mm, and acquired an average condition factor of 0.81. On average, age-1. smolt weighed 3.3 g (2003-2011), were 74.1 mm in length, and had a relative condition (K) of 0.79. Age-2. sockeye salmon smolt weighed an average of 4.0 g, attained an average length of 79.1 mm, and acquired an average condition factor of 0.79. On average, age-2. smolt weighed 4.0 g (2003-2011), were 80.9 mm in length, and had a relative condition of 0.75.

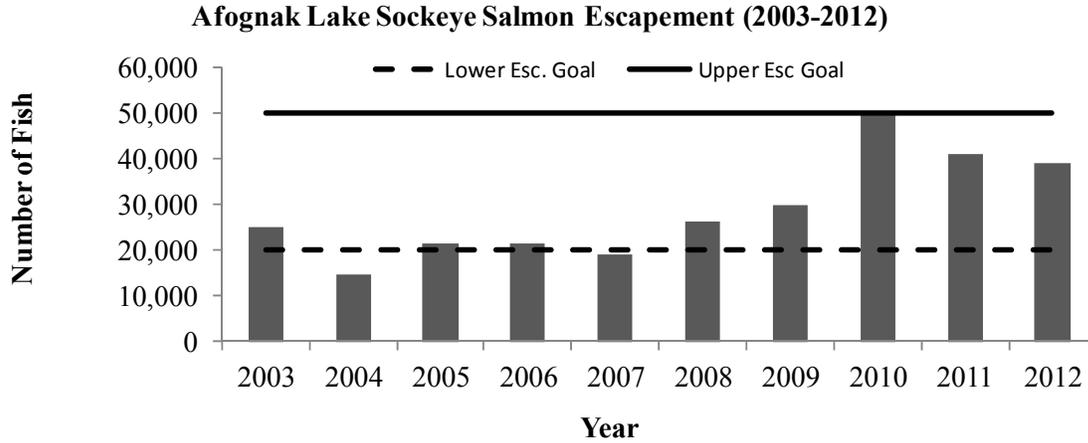


To improve our understanding of lake rearing conditions additional sockeye salmon are sampled as juveniles in Afognak Lake from May through September. Juveniles are captured at 10 stations throughout the lake and sampled for AWL, stomach contents, and bioenergetics. Sampling for juveniles is still being conducted and not available for analysis. Further exploration into this data will be provided in the annual (spring 2013) and final (fall 2013) reports.

Limnological data collection is not completed for the 2012 season. Three of the five sampling events have been conducted and analysis is incomplete for water chemistry data. Zooplankton sampling has been analyzed for three sampling events and it appears that the average seasonal biomass is comparable to recent years.



The adult salmon weir was installed in Afognak River on May 23 and is scheduled to be pulled on approximately August 24th. The escapements listed below are counts reported, by year, through July 25. The escapement has been within the upper and lower goals since 2008.



Final analysis will be provided in the annual (spring 2013) and final (fall 2013) reports. The additional information OSM funding has allowed will be integral in understanding and assessing production within the Afognak system.

Winter 2013 Regional Advisory Council Meeting Calendar

February–March 2013 current as of 09/11/12

Meeting dates and locations are subject to change.

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

Fall 2013 Regional Advisory Council Meeting Calendar

August–October 2013 current as of 09/11/12

Meeting dates and locations are subject to change.

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