

KODIAK/ALEUTIANS Subsistence Regional Advisory Council



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Aerial view of Kodiak.

Meeting Materials
February 16–17, 2011
Kodiak

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KODIAK/ALEUTIANS SUBSISTENCE REGIONAL ADVISORY COUNCIL

Kodiak Inn, Kodiak

March 22 – 23, 2011

Tuesday, March 22, 1:00 p.m. – 5:00 p.m.

Wednesday, March 23, 8:30 a.m. until business concludes

Council Member Orientation Session: Tuesday, March 22, 8:30 a.m. – 12:00 p.m. All members are to attend.

The public is invited to testify throughout the meeting on any matter relating to subsistence uses of fish and wildlife. Please complete and submit a testifier’s form to the Coordinator. The Coordinator will give your form to the Chair and the Chair will call on you.

DRAFT AGENDA

- 1. Call to Order at 1:00 p.m. (Chair)**
- 2. Roll Call and Establish Quorum (Secretary)..... 4**
- 3. Welcome and Introductions (Chair)**
- 4. Review and Adopt Agenda (Chair)..... 1**
- 5. Review and Approve Minutes of September 23, 2010 Meeting (Chair)..... 5**
- 6. Council Member Reports**
- 7. Chair’s Report**
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- 9. Wildlife Closure Review and Council Recommendation (Cole Brown, OSM)**
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 - C. WCR10-04/06—Unit 9C remainder and Unit 9E 36
- 10. Call for Proposals to Change Federal Subsistence Wildlife Regulations (Chair)**
(Proposal Deadline is March 24, 2011)
- 11. Review and Finalize Draft 2010 Annual Report (Ann Wilkinson, OSM)**
- 12. Charter Review (Ann Wilkinson, OSM)..... 41**
- 13. Agency Reports**
 - A. Office of Subsistence Management
 - 1. Secretarial Program Review Update and Actions Needed (Polly Wheeler, OSM)
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b. Federal Subsistence Board Action Items:	
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iv. Customary and traditional use determinations (<i>input from Councils</i>)	
a. Is current process working for you?	
b. If not, how or what would you change?	
v. Rural Determinations (<i>informational, no action needed at this time</i>)	
vi. Executive session policy (<i>informational, no action needed at this time</i>)	
vii. Tribal consultation — outline of process to date	
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3. Chinook salmon bycatch in Gulf of Alaska (<i>Written OSM Briefing</i>)	66
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E. Other	
14. Elect Officers	
A. Chair (<i>Ann Wilkinson, OSM</i>)	
B. Vice-chair (<i>new Chair presiding</i>)	
C. Secretary (<i>new Chair presiding</i>)	
15. Other Business	
A. Confirm Date and Location of Fall 2011 Meeting	87
B. Select Date and Location of Winter 2012 Meeting	88
16. Closing Comments	

17. Adjourn

For further information about this meeting contact Ann Wilkinson at 907-786-3676, 1800-478-1456, or go to OSM website <http://alaska.fws.gov/asm/index.cfm>

Teleconferencing is available upon request. You must call the Office of Subsistence Management at 1-800-478-1456, 786-3888 or 786-36767, at least 72 hours prior to the meeting to receive this service. Please notify the Regional Coordinator which agenda topic interests you and whether you wish to testify regarding it.

The U.S. Fish and Wildlife is committed to providing access to this meeting for all participants. Please direct all requests for sign language interpreting, Computer Aided Real-time Translation (CART) or other accommodation needs to Ann Wilkinson no later than Wednesday March 16. Call 1-800-478-1456 or 907-786-3676, fax 907-786-3898, email ann_wilkinson@fws.gov.

If you need alternative formats or services because of a disability, please contact the Diversity and Civil Rights Manager at (907)786-3328 (Voice), via e-mail at douglas_mills@fws.gov, or via Alaska Relay (dial 7-1-1 from anywhere in Alaska or 1-800-770-8255 from out-of-state) for hearing impaired individuals with your request by close of business Wednesday, March 16.

KODIAK/ALEUTIANS SUBSISTENCE REGIONAL ADVISORY COUNCIL

	Yr Apptd Term Expires	Member	Community	Represents
1	2010 2013	Antone A. Shelikoff	Akutan	Subsistence
2	2001 2013	Patrick B. Holmes	Kodiak	Subsistence
3	2008 2013	Richard R. Koso	Adak	Subsistence
4	2004 2013	Samuel I. Rohrer	Kodiak	Commercial/Sport
5	1995 2011	Alfred B. Cratty Jr.	Old Harbor	Subsistence
6	2010 2011	Rickart J. Rowland	Kodiak	Subsistence
7	2008 2011	Alexander Panamaroff Jr.	Larsen Bay	Subsistence
8	2009 2012	Della Trumble	King Cove	Subsistence
9	2000 2012	Speridon M. Simeonoff Sr., Chair	Akhiok	Subsistence
10	2007 2012	Thomas R. Johnson Jr.	Kodiak	Commercial/Sport

Meeting of the
KODIAK/ALEUTIANS SUBSISTENCE REGIONAL ADVISORY COUNCIL
September 23, 2010, Cold Bay Community Center

DRAFT MINUTES

NOTE: These minutes are intended as a summary only. For a complete report of the Council meeting, please refer to the meeting transcripts which are available on-line at <http://alaska.fws.gov/asm/rac.cfml> or by contacting the Office of Subsistence Management at 1-800-478-1456 or 907-786-3888.

ATTENDANCE

Council Members: Mitch Simeonoff (chair), Della Trumble, Patrick Holmes, Richard Koso, and Thomas Schwantes.

Federal Staff: Pippa Kenner, Tom Kron, Steve Fried, Coleen Brown, Ann Wilkinson, OSM; Nancy Hoffman, Jerry Berg, John Martin, Bill Pyle, McRae Cobb, Chris Peterson, FWS; Glenn Chen, BIA; Tyrone Donnelly, USGS; Dan Sharp, BLM,

ADF&G Staff: George Pappas, Jeff Wadle, Dan Tracy, Suzanne Schmidt, Tina Cuning, John Hilsinger, Lem Butler, Pete Cummiskey

Public: John Arkley, Tammy Muller, Rich Bettas, Ken Peterson, Cold Bay; Mike Williams, Wasilla/Valdez; Didem Ikis, student; Dave Allen, Dick Munoz, GAP Solutions

Court Reporter: Tina Hile, Computer Matrix

CALL TO ORDER, ROLL CALL, AND QUORUM

The meeting was called to order at 8:37 a.m. Due to weather conditions, the council chair was unable to travel and, therefore, participated by phone. Ms. Trumble was acting chair for the meeting. The meeting did not have a quorum of members until Mr. Koso arrived after the lunch break.

WELCOME AND INTRODUCTIONS

Ms. Trumble welcomed everyone and asked each person in the room to introduce themselves.

REVIEW AND ADOPT AGENDA

The Council discussed the agenda and added a discussion of needs for the winter meeting, updated reports on caribou in Unit 9D, a report on Emperor geese, and an update on the Kodiak FAA runway. The Council could not adopt the agenda until a quorum was in attendance.

REVIEW AND APPROVE MINUTES

After Mr. Koso arrived and the quorum was met, the Council reviewed the minutes. Mr. Holmes noted some typographical errors, questioned some data, and requested that some of his comments be included. Mr. Koso made a motion to approve the minutes as corrected and Mr. Schwantes seconded the motion. The motion carried. Ms. Wilkinson reviewed the transcripts of the meeting and made appropriate changes to the minutes.

COUNCIL MEMBER REPORTS

Mr. Holmes reported that he assisted the Shun'aq Tribe, the Woody Island Tribal Council, and the Native Village of Afognak Tribes, the local Audubon Society, and the Kodiak Parks Advisory Committee to develop comments on the FAA draft environmental impact statement for the airstrip extension. The comments questioned the FAA rationale and discussed impacts on subsistence use. This is the second year running that Buskin River escapement goal was not met and the river was closed to fishing for a time. A lot of people were not able to get their reds. Mr. Holmes noted that he spoke with Council member Mr. Panamaroff who noted his concerns on potential conflicts with commercial users and commercial outfitters, guides, and their clients from off the island. They preempt resources that locals would normally use. Elders in the villages need consideration so that they will be able to get their subsistence needs met.

Ms. Trumble stated that fishing was really slow this summer so they were thankful to be able to fish for cod. This summer we saw a lot of bears and some wolves. She participated in the rescue of a cub that will be sent to the Indianapolis zoo. Unimak caribou and wolves continue to be an issue. She is involved in weekly meetings as part of the EIS process for the road between King Cove and Cold Bay.

DRAFT 2010 ANNUAL REPORT

Ms. Wilkinson explained the advantages of submitting an annual report and summarized the procedure. Council members noted topics to be included: 1) the Council's desire to be included in the Secretary of the Interior's review of the Subsistence Management Program, 2) need for updated caribou surveys completed in a timely manner, 3) need Refuge reports submitted to the Council ten days prior to scheduled meetings, and 4) request the Secretary to appoint alternate members to the councils to assure a quorum at meetings (this topic will be on the March 2011 agenda when the Council reviews its charter).

AGENCY REPORTS

Brown Bear Claw Handicraft Working Group: Mr. Kron summarized the report included in the Council's meeting workbook. The Group met on July 29th, 2010 in Anchorage. Member Rohrer represented the Council at that meeting. The Group decided by consensus that the Office of Subsistence Management should submit a statewide proposal to require subsistence users to seal the brown bear if he intends to sell handicrafts incorporating the claws. A CITES tag permit would then accompany the handicraft. Such a proposal would not affect the Kodiak/Aleutians Regions because sealing of brown bears is already required. All ten councils will review the proposal analysis at the fall 2011 meetings and it will be considered by the Federal Subsistence Board at its January 2012 meeting.

New Federal Subsistence Management Permit System: Mr. Kron noted that the new permit system has little impact on the Kodiak/Aleutians Region because there are only two permit hunts in this region (elk

and brown bear on Kodiak). The Office of Subsistence Management has updated the security and electronic permitting system to make the personal information more secure and to make the database easier to use. The wildlife component has been completed and the fisheries component should be available for use in 2011.

Izembek National Wildlife Refuge: Ms. Peterson summarized the Refuge's report which was distributed at the meeting.

◆ For the Southern Alaska Peninsula Caribou Herd in 2009 the fall bull to cow ratio was 21:100 and the fall calf to cow ratio was 43:100. The fall sample size was 79 and the summer post-calving count was 800. She related that because the pilot was unable to fly after March, staff did not conduct any independent surveys of the herd. Due to a continuing downward trend in caribou numbers on Unimak Island (Unit 10), both recreational and subsistence caribou hunting have been closed.

◆ Refuge and Alaska Department of Fish and Game staff conducted population counts and pregnancy evaluations on Unimak Island in late May 2010. In June ADF&G staff collared 15 caribou calves on Unimak Island; by July, 12 calves were dead but bad weather and lack of helicopter availability prevented investigation. The 2009 population count on the island was 300 caribou with a bull to cow ratio of 5:100 and calf to cow ratio of 3:100. The composition sample size was 221. In January 2010, Refuge staff counted 400 caribou.

◆ The U.S. Fish and Wildlife Service is preparing an environmental assessment and is seeking a range of alternatives to address conservation concerns for the Unimak Island Caribou Herd. This summer ADF&G requested a preliminary injunction to kill wolves but the U.S. District Judge denied the request.

◆ In 2011, the Izembek Refuge, University of Alaska Anchorage, and ADF&G will begin a project to evaluate caribou nutritional and habitat ecology of Unimak Island. Resulting information will be used to assess how habitat and nutrition affects the welfare of this herd.

◆ Ten brown bear permits were issued for the Cold Bay road system (May 2010) and four bears were taken.

◆ There is no new information on waterfowl, including black brant, since the spring 2010 Council meeting.

After Ms. Peterson's summary, the Council questioned her about the dearth of information regarding the two caribou herds. The Council expressed extreme frustration with Refuge staff for not collecting information as promised and considered the staff's inaction, during the past three years especially, to be inexcusable. The Refuge seeks the Council's support to close hunting but will not offer data to support such action. The Council offered suggestions of possible pilots the Refuge could contact and suggested that the Refuge develop a contingency plan. Council members stressed to the Refuge manager the vital importance of caribou to the local people.

The Council also questioned her regarding bear and waterfowl. The acting Chair requested staff to send reports to Council members prior to the meetings so members can be better prepared.

Ms. Hoffman gave an update of the proposed land exchange and road corridor. The environmental impact statement is proceeding and information is available on the Izembek Refuge's website.

She also reported that the Agdaadux Tribe, the King Cove Corporation, the U.S. Geological Survey, and the U.S. Fish and Wildlife Service have a cost share grant to look at the brant population that overwinters here. The migration route has changed, the number of birds is greater, and the length of time they overwinter is changing. The study will be conducted for two years.

Kodiak National Wildlife Refuge: Mr. Cobb presented the Kodiak Refuge subsistence report.

- ◆ For the study of habitat and resource use by brown bear in the Karluk watershed, staff collared a number of bears with GPS and GHF collars and has monitored them closely. Six people are involved in that project. They tested use of remote video recorders on streams to monitor salmon runs in relations to bear use. The tests were successful so they will use video recorders in the future.

- ◆ The second brown bear project was to conduct intensive aerial surveys following methods based on a “sightability” index developed in the 1980s. This survey was conducted in May in the Karluk River drainage and showed a decline of bear density from 483 bears per thousand kilometers to 252 bears per thousand kilometers. However, green up was later than normal which may have caused the lower count. The project will be repeated in spring 2011.

- ◆ Using the results of an annual ADF&G hunter questionnaire, staff has learned that the harvest of Sitka black tailed deer has increased about 24 percent from last year; however, overall numbers have declined almost 30 percent from the 1988 harvest levels.

- ◆ The Refuge continued its Sitka black tailed deer mortality surveys. Deer were in poor condition prior to death: 96 percent were fawns, 4 percent were yearlings, and none were adults.

- ◆ Staff is developing additional studies to address medical needs of Sitka deer and hopes to have a study plan to report at the next Council meeting.

- ◆ The world population of Steller’s eiders has declined by as much as 50 percent. This winter’s count near Kodiak was 2,700, well below the 4000 average. Refuge staff also counted goldeneye, buffleheads, and others.

- ◆ Approximately 6800 emperor geese were counted this year. The long-term average around Kodiak is 2300.

- ◆ Staff sampled for avian influenza and none tested positive.

- ◆ Staff conducted coastal waterbird surveys and sea duck bandings and is currently conducting migratory bird harvest surveys.

- ◆ Chinook salmon numbers in the west side of the Kodiak Management Area were quite low and prompted an emergency action. The season was reopened for subsistence and sport fishing when the lower escapement goal was met. Residents reported low catch of sockeye salmon prior to the closure.

- ◆ The sockeye salmon return to the Buskin River was low and ADF&G closed the river to sport fishing in mid-June. Subsistence fishing was weak. Escapement goals were reached by mid July and the fishery was reopened. The Litnik River system has had strong sockeye returns and an emergency order to increase the bag limit and the closure was modified to allow additional harvest.

- ◆ The south end of the Kodiak Management Area had medium strength salmon runs and residents met their subsistence needs for sockeye.

- ◆ Mr. Cobb noted that he is the new wildlife biologist for the Refuge. Other new staff includes Shelly Lawson, educational specialist, and Lisa Hupp, volunteer coordinator.

- ◆ Mr. Pyle reported that the latest schedule for the FAA environmental impact statement will release the draft EIS during the first half of 2011.

Council members asked questions and discussed topics in the Refuge’s report and other related topics such as bears making long distance moves to meet their need for salmon and berries, the lack of Sitka deer population information, the continuing ADF&G survey of Roosevelt elk, and the importance of ducks and geese as food.

Alaska Department of Fish and Game: Ms. Schmidtt, stationed in Kodiak, presented the ADF&G fisheries report on the Buskin River sockeye salmon assessment and sockeye salmon smolt abundance assessment projects which are funded by OSM.

Sockeye salmon assessment

- ◆ The Buskin River is about two miles out of Kodiak city and supports the largest subsistence salmon fishery in the Region.

◆ Between 2005 and 2009, the annual subsistence harvest of sockeye was 6,300 (47% of the Region's sockeye harvest). In 2009, the sockeye subsistence harvest was under 2,000 fish (19% of the Region's harvest). 2010 harvest numbers are not available yet.

◆ There are two counting weirs on the Buskin River; the first was installed in 1985 and the second in 2002. The total escapement to date for Buskin River sockeye is 9,788 which is the sixth lowest on record. The final Lake Louise count was only 421 fish—the lowest count since 2002.

◆ There were no commercial fisheries. Emergency orders were issued restricting the subsistence and sport fisheries. The subsistence fishery was closed during the two weeks the majority of fish are typically harvested and the sport fishery was closed for one month.

◆ Sockeye were sampled for age and length data for both locations but the data is not available yet. However, the length data that was collected was similar to past years with Lake Louise fish being smaller than Buskin Lake fish.

◆ Subsistence user interviews were conducted again this year to learn where the fishers live and where they fish. Twenty interviews were conducted prior to the June closure and none after the closure was lifted. All those interviewed were from Kodiak city. People fish the Buskin, Pasagshak, and Litnik rivers.

◆ The capacity building portion of the project was a salmon camp. Participants came to the Buskin River twice and were shown weir operations. They assisted with identifying, counting, and sampling salmon. An internship program has been in effect for nine years and this year employed two high school subsistence users. They work on the Buskin project between June 1st and July 31st. The internship program is an outstanding success. While currently attending college, six former interns are employed as seasonal fish and wildlife technicians; a lot of former interns have continued with ADF&G as college interns, and one previous intern is now the SB-1 in the Kodiak sport fish office.

Smolt abundance assessment

This was the first year of a two-year feasibility study to estimate the number of sockeye salmon smolt annually integrating from the Buskin River drainage by a census of the total salmon biomass and by recapture experiments. Salmon smolt were captured at three locations—near Buskin Lake, at Lake Louise, and in the lower river section. The data have been analyzed, except the genetics have not been completed.

UNIMAK ISLAND CARIBOU HERD PUBLIC HEARING

The Council's agenda included a public hearing regarding the Unimak Island Caribou Herd as part of the environmental impact statement process. The EIS process was begun by the Fish and Wildlife Service regarding possible use of predator control to help reverse the decline of the herd's population. The hearing included agency reports, public testimony, and Council discussion. When the hearing was concluded, the Council moved to the next agenda item.

Agency Reports

Mr. Butler, area wildlife biologist for ADF&G, provided a population status update to the Council. He noted that ADF&G has not been able to do population counts on this herd for a number of years. The Izembek Refuge has taken the lead with their winter counts. He reported that the herd has been declining since 2005, probably due to poor calf recruitment. In 2005 there were seven calves per hundred cows; in 2007 and 2008 the ratio was 6:100, and the ratio dropped again in 2009 to 3:100. The bull to cow ratio was well above management objectives and the pregnancy rate was good. However, the low calf recruitment has resulted in a declining bull ratio, five bulls to 100 cows in 2009. With a decline in the bull to cow ratio, the pregnancy rate has declined from 90 percent to 68 percent.

The few caribou that staff has handled are in really good condition, the best of the five herds he works with. Calf weights are good. There is no indication that nutrition is limiting the herd. Predation appears to be the most likely cause for this low calf recruitment. ADF&G has tried to initiate predator control on the calving grounds similar to the program it has done with the Southern Peninsula Caribou Herd. The Refuge is currently working through its process to determine whether it is a viable option. If the current situation continues, the decline will have greater consequences. Management will have to make a more direct effort if this herd is to recover sooner rather than later.

There have been a few reports of caribou movement back and forth between Unimak Island and the mainland. In the 1970s there was an exodus from Unimak due to a very high population and subsequent overgrazing, but since then there has not been much exchange. The Unimak Caribou Herd is genetically distinct from the other herds in the region. There is no good reason to think other herds may move to the island and replenish the Unimak herd, at least not in the next 20 to 40 years.

Ms. Peterson, wildlife biologist for Izembek National Wildlife Refuge, reiterated her summary presented earlier in the meeting (see page 3 of these minutes) for the benefit of the public attending only this portion of the meeting.

Mr. Allen, GAP Solutions, was hired by the Fish and Wildlife Service to assist with writing an environmental assessment of the Unimak Caribou Herd management issue. He spoke regarding the environmental assessment process necessary before conducting predator control measures. He stated that his primary reason for attending this meeting was to listen to local residents' concerns relative to the Unimak Caribou Herd and prey species, including bears and wolves.

ADF&G finds that predation by wolves is the principal cause for the decline of the Unimak Caribou Herd and has proposed to conduct selective shooting of wolves during the calving period and to relocate some young bulls to Unimak Island from the Southern herd to improve pregnancy rates. Therefore, the Fish and Wildlife Service is acting to fulfill obligations of the National Environmental Policy Act. The Service and ADF&G met last month to develop a set of objectives for caribou management on Unimak Island. They identified some alternatives to be analyzed in the environmental assessment, including proposals and a no-action alternative. At that meeting staff looked closely at technical information needed for future management.

A newsletter was sent to about 800 individuals and organizations to alert people that the EA process is underway and to encourage any recommendations recipients may want to offer. There will be two other stakeholder meetings conducted in Anchorage, one with sportsmen's groups and another with conservation organizations. Next, the Service and ADF&G planning team will meet again to finalize the objectives and alternatives to be evaluated. The EA will be available for public comment by the end of November and the Service will make its decision in January 2011.

At the end of his presentation, Mr. Allen asked local residents who intended to testify to share their personal experiences of the past eight years including their ability to harvest caribou on Unimak Island. During their testimony, he asked questions to elicit more information.

Public Testimony

Nine residents of False Pass participated in the meeting by teleconference.

Tom Hoblet, Mayor of False Pass, stated that predator control is one of the first things to look at and that they have never seen bears and wolves so frequently in town as in the last four years. Managers should have looked at the bull to cow ratio six years ago when they allowed trophy hunters to come on the island and hunt bulls; they contributed to the problem a lot. When the bear hunters came in they took caribou

off the other end of the island that we do not have access to. We can only go about ten miles along the coast with our boats, the terrain prevents land access, and we don't have airplanes.

Mr. Hoblet responded to Mr. Allen's questions regarding preferred hunting locations (the northeast coastline from St. Catherine's Cove to the Peninsula); caribou migration between the island and mainland (the most he has seen were two caribou swimming across the pass at different times); predator control (there are so many predators in the community that the children can not go out to play); and relocating bulls to the island (it might help but don't open a trophy season). Mr. Hoblet noted that without predator control of wolves and bears he won't be able to hunt caribou on Unimak Island again in his lifetime. He could not recall that subsistence hunting of this herd has ever been completely closed.

Nicole Hoblet, a lifelong resident of False Pass agreed with the previous testimony. She said that within the past few years she has seen a lot of wolves and bears in town, and that they used to be rare in the community. She said they grew up on caribou so having subsistence taken away makes it hard.

Richard Nelson, VPSO of False Pass, said he has received numerous calls about bears and has seen many bears in town. He has written ten reports on bears in the past two weeks. Bears are around the school and between homes. He is very worried about the children.

Travis Hoblet of False Pass supported predator control on bears and wolves. He related that you look out your window and see a bear on one side of your house and go run out to get your kids.

Cindy Beamer of False Pass said that the Isanotski Corporation sent a letter to Secretary Salazar about the Corporation's opinion of what needs to be done. The caribou are healthy but they are not surviving due to predators. She spoke of a wolf that hangs out in the yard and won't leave and of bears with two or three cubs being a common sight in the community. She is concerned about the children's safety and wants to be able to eat caribou again.

Chris Yatchmenoff of Fall Pass said he supports predator control.

Ivan Hoblet, a lifelong resident of False Pass, agreed with what everyone else said and stated that they would like to have the subsistence caribou hunt back.

Ruth Hoblet of False Pass said she supports predator control. They don't have any caribou at all.

Mike Williams of Valdez was present and spoke to the Council. He said that while studying the habitat won't do any harm we shouldn't wait until the study is concluded. He thinks the Board should authorize an emergency open season for both wolf and bear hunting on Unimak Island to increase the harvest, amend methods and means to allow baiting and aerial hunting in addition to supporting a predator control program. Mr. Williams does predator control in Unit 13 and supports it in the calving areas. He said that predator control also benefits the predators; when the prey species is gone, the predators suffer. If you want to save everything, you have to take a bit of everything. Mr. Williams described his background at the Council's request. He is a pilot with 50 years hunting experience. He related that same-day airborne hunting of bears and wolves in Unit 13 brought back the numbers of caribou.

Ms. Trumble asked Ms. Peterson to speak about the cooperative study of the movement of caribou on Unimak Island and possibly in Unit 9D. Ms. Peterson replied that the Refuge plans to put Argos-capable GPS collars on 15 to 20 female caribou and ADF&G would put VHF collars on 15-20 animals. The collars will allow staff to track caribou movements through the seasons. She related the process they would use to track the caribou, map movements, and conduct counts. This would allow researchers to go to each habitat area used by the herd and identify the actual forage the caribou are using during the

different seasons, test those plants for nutritional content, and do some pellet sampling to determine how much nutrition their bodies are actually getting. This information should help to develop a projected number of caribou the island can support.

Council Discussion: There followed a discussion between Council members and managers regarding when ADF&G managers knew the herd had begun a steep decline and when they started acting on that information; how and when managers investigate calf mortality, especially on collared calves; and what types of nutritional deficiencies may be found and their effects. Mr. Butler said they did investigate but if they arrive more than 24 hours after the time of death it is not possible to distinguish cause of death because of scavenging. He also said that there is no indication that nutrition is limiting the herd. Izembek Refuge is beginning a project to evaluate Unimak Island caribou nutrition and the Island's habitat ecology.

Mr. Logan of the Fish and Wildlife Service explained the differences between the Federal and State viewpoints, which are shaped by laws, regarding predator control. ADF&G believes that it should be able to conduct predator control on Federal lands without Federal permission. However, the Court recently concluded that the Fish and Wildlife Service would need to authorize any predator control activity and that such activity would require NEPA compliance. The Council asked Mr. Logan to keep it up to date on the situation and expressed concern that a lengthy process may further the decline of this herd. Mr. Logan explained that the Service has expedited the process and plans to make a decision in January 2011, in time to act before the next calving season. Council members noted that managers need to do counts on bear and wolf populations in the Region.

REVIEW AND DEVELOP RECOMMENDATIONS ON FISHERIES PROPOSALS

Fisheries Proposal FP11-11

Mr. Fried presented the staff analysis of Fisheries Proposal FP11-11 which was submitted by the Council. This proposal would lower the household annual harvest limit of king crab in the Alaska Maritime National Wildlife subunits, Womens Bay, Karluk, and Afognak from six to three and would align Federal and State subsistence regulations.

He noted that Federal waters have been closed to the taking of king crab by non-Federally qualified users since 1994 because king crab populations have been at very low levels in the Kodiak area since the early 1980s and the commercial fishery has been closed since 1983. There is no open season for sport or personal use harvest. ADF&G trawl surveys show the stocks declined drastically and are not rebuilding. Womens Bay is a nursery area. Access from the city of Kodiak is easy but harvest are small so staff wanted to discuss this with the Council before concluding whether a complete closure would be of benefit. Few households harvest six crabs; the average annual harvest is one. Since the population is so low, it is difficult to predict the effect of lowering the harvest limit.

Council members asked questions of Mr. Fried and other agency staff and discussed the proposal. Although several areas were mentioned briefly, the discussion focused on Womens Bay. Mr. Cumiskey noted that ADF&G has not looked at crab in Womens Bay as intensely in the last few years but the numbers seem stable. ADF&G is starting a new project to put acoustic tags on king crab and hopes to get more detailed information. A previous tagging study showed crab from Womens Bay went out near Kalsin Bay and then staff lost track of them, but this is the only instance of migration out of Womens Bay that staff has witnessed. There are several age groups in Womens Bay, including three-year olds, four-year olds, and adults.

The Council and staff discussed mortality rates potentially caused by handling or ghost fishing. No information on this for the subsistence fishery was available; however, it is known that derelict pots that do not have bio release mechanisms significantly impact the population. The Council decided to submit the proposal because of reported abuse by lodge owners who feed subsistence caught crab to their clients and because of people who come from other places to summer on Kodiak Island and who harvest crab throughout the summer for subsistence. However, since the reported practice by lodge owners is already illegal it is an enforcement issue.

Council Discussion and Action: Mr. Holmes moved to amend the proposal to close Gibson Cove and Womens Bay to the harvest of red king crab because of its importance as a nursery area. He stated that at its previous meeting the Council heard of potential abuse by lodges feeding subsistence caught king crab to clients. He said that the Council intended to include such a closure in its proposal. Mr. Simeonoff noted that there was also concern about people coming from other places around the state and out of state to subsistence fish for crab throughout the summer.

Mr. Kron noted that feeding subsistence caught fish to lodge clients is illegal now (§__ .28J(1)). Council members expressed concern that this is an enforcement issue and said the Council should push for more enforcement rather than develop regulations to take away something from legal fishers. Mr. Holmes said that the first problem is that crab populations are depressed, the second is overharvesting by nonlocals, and the third is Womens Bay. Mr. Kron pointed out that all residents of Kodiak Borough, except those residing at the Coast Guard base have a positive customary and traditional use determination is for king crab in the Kodiak area; no one from outside the area qualifies. Mr. Fried noted that the Federal public waters, including Womens Bay, have been closed to non-Federal subsistence users for quite some years. The Council also discussed where exactly this proposed regulation would apply.

Mr. Holmes **moved to adopt** Proposal FP11-11 with an amendment to close Womens Bay and Gibson Cove to the harvest of red king crab and to change the Federal harvest limit in Federal public waters from six to three crab. Mr. Simeonoff seconded the motion. Mr. Schwantes noted that the population of crab in Womens Bay has not changed much over the years even with the fishing that has taken place there and that it is one of the only places on the island that the elders from Kodiak can drive to, put a skiff in the water, put a pot in the water, and be there. He has a problem with taking that away from them. Other members noted that they could support the proposal without the closures. The **motion failed**.

Mr. Koso **moved to adopt** Proposal FP11-11 and Mr. Simeonoff seconded. Motion carried.

The Council decided to write a letter to the Federal Subsistence Board, the Alaska Board of Fisheries, the Alaska Department of Public Safety and the U. S. Fish and Wildlife Service Law Enforcement expressing its concern about abuses in the Kodiak Island area crab fisheries and the need for more enforcement relative to the subsistence harvest. The Council would also include this topic in its annual report to the Federal Subsistence Board and would include a copy of the annual report in its letter to the enforcement agencies.

Fisheries Proposal FP11-12

Mr. Fried presented the OSM staff analysis of Fisheries Proposal FP11-12 which was submitted by the Council. This proposal would affect Federal public waters including the Alaska Maritime National Wildlife Refuge subunits, Womens Bay, Karluk, and Afognak Island. It requests an annual harvest limit of 500 pounds of herring per permit holder and would align with the State annual herring harvest limits. He noted that there is a Federal regulation that does not allow use of subsistence caught fish as bait for commercial or sport fishing purposes. State users are limited to 500 pounds per year and must have a permit, whereas, Federally-qualified users have no harvest limit, can fish all year, and are only required to hold a permit when fishing during the commercial season. He stated that Kodiak area herring stocks

appear to be healthy and increasing, most of the herring harvest is by the commercial fisheries and harvest levels are set each season based on abundance, and subsistence harvests average 150 pounds per permit (based on permit information from all subsistence users). This proposal would reduce harvest opportunity even though the herring stocks are healthy and increasing.

Council Discussion and Action: Mr. Holmes noted that the intent of the proposal was to address potential abuse; however, there are currently regulations in place which prohibit use of subsistence caught herring in the commercial fishery. The actual effect of the proposal would unnecessarily restrict subsistence fishers. Mr. Schwantes **moved to withdraw** Fisheries Proposal FP11-12; Mr. Holmes seconded the motion. The **motion carried**.

Fisheries Proposal FP11-13

Mr. Fried presented the OSM staff analysis of Fisheries Proposal FP11-13 which was submitted by the Council. This proposal would change household annual harvest limits of salmon and reporting of harvest for salmon. This proposal would align Federal permit requirements with those recently adopted by the State.

Mr. Fried reported that Federally-qualified users fishing in Federal public waters not accessible by the road system would not have an annual limit associated with their permit. Harvest would be recorded prior to leaving the fishing site rather than the current requirement to record harvested fish on the permit immediately upon landing the fish. Kodiak salmon stocks are generally healthy. Some subsistence salmon fishing has been restricted or closed for a time in some years to meet escapement goals (Afognak Island and Buskin River sockeye; Karluk and Ayakulik rivers for Chinook), but stocks seem to have increased. While the total salmon harvest reported on permits are much greater from communities on the Kodiak road system, communities inaccessible by the road system have a greater average household harvest. He said that this proposal should not affect the harvest but should make reporting more accurate.

Council Discussion and Action: Council members asked questions of Mr. Fried and other agency staff and discussed the proposal. Mr. Holmes noted that the Council's intent with this proposal was to streamline the permit and reporting process and make it as close to State regulations as possible. The discussion focused on which waters would be involved and how to describe the effected waters. The Council wanted to ensure that the regulation would be very clear so that subsistence users would not be confused by incorrect language.

Mr. Schwantes **moved to eliminate** herring from the regulation and to **change the wording** under Section A to read ". . . in the Federal waters of Kodiak Island . . ." rather than ". . . in the freshwaters of Kodiak Island . . ." Mr. Koso seconded the motion. The **motion carried**.

Fisheries Proposal FP11-14

Ms. Kenner presented the OSM staff analysis of Fisheries Proposal FP11-14 which was submitted by the Council. This proposal would prohibit subsistence users who own, operate, or are employed by a lodge, charter vessel or other enterprise that furnishes food, lodging, or sport fishing guide services from furnishing salmon caught under Federal regulations to a client while the client is prohibited from retaining salmon. She noted that adoption of this proposal would have no effect in law as the practice of commercial service operators providing subsistence caught salmon to paying clients is already prohibited.

Council Discussion and Action: Council members discussed situations in which subsistence and sport caught fish would be shared legally and illegally. For example, a fisherman out sport fishing with a friend might invite his friend for dinner and cook the fish (legal) or, during a sport fishing closure, a lodge owner might give a subsistence caught salmon to a client to take home (illegal). They also noted the differences between the practice this proposal addresses and customary trade of subsistence caught

fish. A similar proposal has been submitted to the Alaska Board of Fisheries for consideration at a meeting in the spring of 2011.

Mr. Holmes **moved to withdraw** the proposal and Mr. Schwantes seconded the motion. The motion carried.

Fisheries Proposal FP11-15

Before the staff analysis of the proposal was presented, Mr. Schwantes read a letter written on September 21st from the Shun'aq Tribal Corporation to the Council regarding FP11-15. The Tribe is opposed to FP11-15 and stated its concern that, if adopted, the proposed regulation would diminish subsistence use time and area. Mr. Holmes explained that the proposal was intended to parallel State regulations; however, if Shun'aq changed their mind it is probably best to withdraw the proposal. Mr. Simeonoff stated that the regulations require fishers to be present at the net when it is fishing so even if more hours are allowed people still have to be present; he also noted that subsistence does not accept wanton waste.

Mr. Schwantes **moved to withdraw** the proposal and Mr. Koso seconded it. The motion carried.

FISHERIES RESOURCE MONITORING PROGRAM

Mr. Fried provided an overview of the 2012 Fisheries Resource Monitoring Program and Ms. Kenner brought forward the list of priority information needs known to the OSM staff. In November, OSM will request proposals for the 2012 fisheries projects. There should be about \$2.7 million available for new projects.

- ◆ Ongoing projects for the Kodiak/Aleutians region are an assessment of sockeye salmon smolt and adult production in the Buskin and Afognak river drainages; both are funded through 2013.

- ◆ There are two regional priority information needs: 1) environmental, demographic, regulatory, cultural, and socioeconomic factors affecting harvest levels of salmon for subsistence use in the Kodiak area; and 2) harvest of salmon for subsistence use by residents of the Aleutian Islands, including current and traditional harvest methods and means by species, uses, and distribution practices.

- ◆ There are three multi-region priority information needs: 1) changes in subsistence fishery resources and uses in the context of climate change; 2) an indexing method for estimating species specific whitefish harvest on an annual basis for the Kuskokwim and Yukon river drainages; and 3) evaluation of conversion factors used to estimate edible pounds from individual fish and from unorthodox units such as tubs, sacks, or buckets.

Council Discussion and Action: The Council reviewed and discussed the list of priority needs identified by staff. Council members asked for copies of the Kodiak/Aleutians strategic plan. Ms. Kenner said she will send out paper copies but the plan is also on the OSM website.

Mr. Holmes asked whether the decennial rural/non rural review might interrupt any projects that may be funded this year, since projects are generally funded for two to four years. Ms. Kenner explained that the rural/non rural review process must wait for census information to be compiled which usually takes five years, so it is unlikely that process will interrupt the projects discussed at this meeting. Ms. Trumble asked whether the Aleutian Islands project would include the whole area and was told that most likely one or two communities' harvest would be included in the study because of the expense of conducting studies there. Mr. Simeonoff asked whether draggers would be included in the socio-economic portion of the studies since their by-catch of salmon is affecting Chinook numbers. Draggers are included in the study but only regarding their impact the subsistence uses.

Mr. Berg read comments from Doug McBride, the Federal in-season manager for the Alaska Peninsula area, who recommended that a fourth priority be added to the list. Mr. McBride noted that the ongoing concern for Chinook salmon should be addressed to provide reliable estimates of Chinook returns, including assessments of escapement, freshwater production, harvest, and migratory patterns. Mr. Holmes noted that Chinook is a matter of concern but that other species have more impact as sources of subsistence food and on culture; he suggested that staff consider that McLees Lake sockeye is probably going to be a good example of environmental change and its impact on subsistence.

Council Action: Mr. Schwantes **moved to accept** all four Southwest region priority information needs as well as the multi-regional priority information needs and to request proposals on those. Mr. Koso seconded the motion. The **motion carried**.

Mr. Holmes brought up the current McLees Lake study and asked staff to include a request for brood tables and a forecast for Unalaska. He also asked for a presentation about the study at one of the Council's meetings.

DATES AND LOCATIONS OF 2011 MEETINGS

The Council discussed moving up the date of its winter 2011 meeting since the Unimak Island EIS should be completed in January 2011. The Council considered that by meeting in February it will put pressure on the Fish and Wildlife Service to complete the EIS by January. If the report is not ready, the meeting dates can be changed. Ms. Wilkinson noted that the dates can be changed but that there is a policy of only two council meetings per week and that the meeting window is limited. The Council decided to meet **February 16-17, 2011 in Kodiak**. The Council also decided that the fall 2011 meeting would be **September 7-8, 2011 in King Cove** or Cold Bay.

OTHER BUSINESS

The Council requested that the following items be added to the agenda for the winter 2011 meeting: 1) an update on the Unimak Caribou Herd count in Units 9D and 10, including consideration of a subsistence hunt in Unit 9D, 2) Kodiak area game status, and 3) a personally delivered report from the Migratory Bird Co-management Council at the winter 2011 meeting.

During this meeting the Council discussed writing a resolution of censure to admonish the Refuge for its lack of monitoring the Unimak caribou population. Mr. Holmes noted that the document could be drafted from the transcripts but that it should express the Council's extreme disappointment in the Refuge manager's inaction over the past several years.

ADJOURN

Mr. Koso moved to adjourn and Mr. Schwantes seconded it. The meeting was adjourned at 9:12 p.m.

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

//s//

*Ann Wilkinson, Council Coordination Division Chief
USFWS Office of Subsistence Management*

//s//

*Mitch Simeoneff, Chair
Kodiak/Aleutians Subsistence Regional Advisory Council*

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

BOARD ACTION REPORT
Federal Subsistence Board Meeting
January 18–20, 2011

YUKON-NORTHERN AREA

FP11-01

Description: FP11-01 requested that all gillnets with greater than 6-inch stretch mesh be restricted to not more than 35 meshes in depth in Federal public waters of the Yukon River drainage. Submitted by the Eastern Interior Alaska Subsistence Regional Advisory Council.

Council Recommendation/Justification:

Yukon-Kuskokwim Delta — Oppose FP11-01. It does not make sense to restrict mesh depth when water can be 70–100 feet deep. The Council also opposes the proposals due to the burden to subsistence users because of the cost to alter nets.

Western Interior Alaska — Oppose FP11-01. The Council stated that current data shows salmon will swim in various depths in the water column. Weather will also affect the migration pattern of the salmon swimming upriver and fishermen will adapt and fish in different depth of water.

Seward Peninsula — Oppose FP11-01. The proposal does not address the issue of concern and would not have much impact other than cost to subsistence users to alter their nets. Also, there is opposition to the proposal from people that would be affected.

Eastern Interior Alaska — Took No Action on FP11-01. Action was deferred until the results of a relevant study is completed in 2011 and presented to the Council.

Board Action/Justification: Rejected. Reduced depth reduces efficiency, thereby making it more difficult for people to meet their needs. There is a lack of substantial evidence to support such a change; however, if new information becomes available, a new proposal can be submitted. This action follows the recommendation of the Yukon-Kuskokwim Delta, Western Interior Alaska, and Seward Peninsula subsistence regional advisory councils.

FP11-02

Description: Proposal FP11-02 requested that Federal public waters of the Yukon River be closed to subsistence and commercial fishing from the river mouth to the Canadian border during the first pulse, and second pulse if necessary, of the Chinook salmon run. These rolling closures would correspond to the periods of the Chinook salmon migration when stocks returning to Canadian waters constitute the majority of the run. No harvest on these stocks would be allowed for at least 12 years or until such time as this stock's abundance and escapement quality (age/sex/length) is restored to a level that provides sustained yields to support historic commercial and subsistence fisheries. Submitted by Jack Reakoff.

Council Recommendation/Justification:

Yukon-Kuskokwim Delta — Oppose. Closing subsistence fishing when the first pulse arrives will not address the problem. Restrictions are not necessary given current regulation and ability of in-season managers.

Western Interior Alaska — Support with modification as follows: *(B) Federal public waters of the Yukon River will be closed, or predominantly closed, to the taking of Chinook salmon by all users sequentially from the river mouth to the Canadian border during the first pulse of Chinook salmon, through very short or no openings, using statistical area closures to provide greater protection, to expressly protect the U.S./Canadian Yukon River Panel agreed-upon escapement goal, without negatively impacting conservation of other stocks. This regulation will be in place for four years.* Implementing a closure for 12 years will create an undue hardship and will be too restrictive for rural residents. The Council supports a four year closure to protect the run and to restore it to a level that supports historic commercial and subsistence fisheries.

Seward Peninsula — Oppose. This would bring a fragmented management approach to the river and would restrict needed management flexibility. Also, this proposal would prevent subsistence fishers from fishing even if there is a harvestable surplus.

Eastern Interior Alaska — Oppose. The proposal is too restrictive. The Council has concerns about managers' ability to effectively execute this proposal, given that early run projections have been overly optimistic of the past four years, and that there are not enough data to confidently ensure the predominant presence of specific stocks in a given pulse in a timely manner. The Council heard some anecdotal observations that the first pulse consists primarily of males, so the Council does not feel confident that implementation of the proposal could enhance passage of females. There are also concerns that implementation of this proposal could put undue pressure on other Yukon River stocks. There are additional concerns that, because it would only apply to Federally managed sections of the river, its overall effectiveness would be diluted while negatively impacting only Federal subsistence fishing opportunities. There is also a concern that prescribed closures could restrict options for in-season managers who already have the tool of emergency closure when warranted.

Board Action/Justification: Rejected. Fisheries managers currently have the authority to implement this request so a regulation is not necessary at this time. This action follows the recommendation of the Seward Peninsula, Yukon-Kuskokwim Delta, and Eastern Interior Alaska subsistence regional advisory councils.

FP11-03

Description: Proposal FP11-03 requested that Federal public waters of Yukon River Subdistrict 5D be further subdivided into three subdistricts to provide managers additional flexibility to more precisely regulate harvest while conserving the Chinook salmon run that spawns in the upper Yukon River. Submitted by Andrew Firmin.

Council Recommendation/Justification:

Yukon-Kuskokwim Delta — Oppose. The proposal is unnecessary.

Western Interior Alaska — Defer. Deferral would allow more local input and submission to the State process while the proposal is considered in the Federal regulatory process.

Seward Peninsula — Took No Action. This is an issue that is far removed from the Bering Straits Region and the proposal is better addressed by the people that are affected.

Eastern Interior Alaska — Support. The Council believes that this proposal would benefit conservation by targeting closures as needed more effectively than currently, and benefit subsistence users by allowing

fishing when fish are available. It aligns with traditionally recognized regional boundaries, which will facilitate enforcement. It is a positive stewardship measure that appears to enjoy the support of the affected subsistence users.

Board Action/Justification: Deferred Action. The Board agreed that the area is large and that the intent of the proposal has merit. Deferring action on the proposal will provide time to refine the proposal and garner more public input.

FP11-04

Description: Proposal FP11-04 requested the use of fish wheels be prohibited for the harvest of salmon in Districts 4 and 5 of the Yukon Area, to allow more fish to escape to the spawning grounds. Submitted by the Mountain Village Working Group.

Council Recommendation/Justification:

Yukon-Kuskokwim Delta — Oppose. The proposal is unnecessary, unproductive, and would potentially create controversy.

Western Interior Alaska — Oppose. This proposal is counterproductive and does not address Yukon River drainage conservation efforts.

Seward Peninsula — Took No Action. This proposal addresses an issue for an area that is far outside the Bering Straits Region. Also, taking away fish wheels from some users is taking away a customary and traditional practice.

Eastern Interior Alaska — Oppose. The Council feels strongly that this proposal would negatively impact the subsistence users that rely on this method, and would not be an effective tool to achieve the proponent's objective. The Council recognized the use of fish wheels as a traditional harvest method that generally seems to target the smaller fish, usually males, which tend to travel further from the center of the river. The Council noted that the proposal appeared to be retaliatory and lacked sound rationale, and that there was a robust opposition record from all but the proponent.

Board Action/Justification: Withdrawn. The Board withdrew this proposal as requested by the proponent and consistent with the recommendations of the Eastern Interior Alaska, Western Interior Alaska, Yukon-Kuskokwim Delta, and Seward Peninsula subsistence regional advisory councils.

FP11-05

Description: Proposal FP11-05 requested that the Board preclude customary trade of salmon in Yukon River Districts 4 and 5 and that the Board preclude the use of salmon for dog food in Yukon River Districts 4 and 5, with the exception of whole Chinook salmon caught incidentally during a subsistence chum salmon fishery in the Koyukuk River drainage after July 10. Submitted by the Mountain Village Working Group.

Council Recommendation/Justification:

Yukon-Kuskokwim Delta — Oppose. Written comments from the affected area oppose the proposal.

Western Interior Alaska — Oppose. This proposal is restrictive and targets Districts Y4 and Y5 users.

Seward Peninsula — Oppose. If something were to be done, it should be done drainage-wide; this proposal only addresses District 4 and 5. The Council supports limits on significant commercial enterprise, but is opposed to limits on customary trade. Managers should manage and not worry about what people do with the fish after it is legally harvested.

Eastern Interior Alaska — Oppose. The Council acknowledges that the use of salmon for dog food is an established traditional subsistence use of salmon, particularly salmon that are not as highly valued by humans for food. The Council considered personal knowledge of the declining numbers of both mushers and dogs in the affected area, and that current trends indicate that salmon is rarely, if ever, the sole source of food for dog teams, resulting in a very limited salmon take for this purpose. The proposal would not accomplish a significant conservation objective.

Board Action/Justification: Withdrawn. The Board withdrew this proposal as requested by the proponent and consistent with the recommendations of the Eastern Interior Alaska, Western Interior Alaska, Yukon-Kuskokwim Delta, and Seward Peninsula subsistence regional advisory councils.

FP11-06

Description: Proposal FP11-06 requested that the depth of 7.5 inch stretch mesh gillnets be restricted to 20 meshes in depth in Yukon River Districts 4 and 5. Submitted by the Mountain Village Working Group.

Council Recommendation/Justification:

Yukon-Kuskokwim Delta — Oppose. It does not make sense to restrict mesh depth when water can be 70–100 feet deep. The Council is also opposed to the proposal due to the burden to subsistence users because of the cost to alter nets.

Western Interior Alaska — Oppose. Current data shows salmon will swim in various depths in the water column. Weather will also affect the migration pattern of the salmon swimming upriver and fishermen will adapt and fish in different depth of water.

Seward Peninsula — Oppose. The proposal does not address the issue of concern and would not have much impact other than cost to subsistence users to alter their nets. There is opposition to the proposal from people that would be affected.

Eastern Interior Alaska — Oppose. The Council expressed concerns regarding the accuracy of the data available for analysis of the proposal, and the inherent inequity in targeting certain sections of the river to bear the burden of conservation measures. The Council also considered the unanimous opposition of each community, entity, and individual motivated to write to the Board. Although the Council is interested in exploring the potential benefits of gillnet depth restrictions, having submitted a proposal of its own, it believes more information is necessary to make an informed decision.

Board Action/Justification: Withdrawn. The Board withdrew this proposal as requested by the proponent and consistent with the recommendations of the Eastern Interior Alaska, Western Interior Alaska, Yukon-Kuskokwim Delta, and Seward Peninsula subsistence regional advisory councils.

FP11-07

Description: Proposal FP11-07 requested that the use of drift gillnets be prohibited for the harvest of salmon in Districts 4 and 5 of the Yukon Area, to allow more fish to escape to the spawning grounds. Both

Federal and State regulations do not allow the use of drift gillnets for the harvest of salmon in District 5. Therefore, the proposal only applies to the use of drift gillnets for the harvest of salmon by Federally qualified users in the Federal public waters of District 4 (Subdistricts 4A, 4B, and 4C). Submitted by the Mountain Village Working Group.

Council Recommendation/Justification:

Yukon-Kuskokwim Delta — Oppose. Written public comments indicated that there would be a problem if the proposed regulation were adopted. There would not be enough space for subsistence set nets in limited, small areas.

Western Interior Alaska — Oppose. Written public comments from the area indicated that there would be some problems if this proposed regulation were adopted. If this proposed regulatory change were adopted, there would not be enough space for subsistence set nets in limited small areas.

Seward Peninsula — Took No Action. This proposal addresses an issue far outside the region.

Eastern Interior Alaska — Oppose. The Council felt that this was a cross-over proposal from someone outside the region, which would negatively impact primarily the subsistence users of the villages of Galena and Ruby, where an insignificant number of fish have been harvested for subsistence use since this fishery opportunity became available in 2005. There appears to be no real conservation benefit from the proposal. The Council noted that the proponent appears to want to be able to fish with nets, but would deny that opportunity to others and that there was vigorous objection from affected subsistence users.

Board Action/Justification: Withdrawn. The Board withdrew this proposal as requested by the proponent and consistent with the recommendations of the Eastern Interior Alaska, Western Interior Alaska, Yukon-Kuskokwim Delta, and Seward Peninsula subsistence regional advisory councils.

FP11-08

Description: Proposal FP11-08 requested that customary trade in the Yukon River Fisheries Management Area be prohibited in any year when Chinook salmon runs are insufficient to fully satisfy subsistence harvest needs and subsistence fisheries are restricted. As submitted, the prohibition would only affect customary trade between rural residents. Submitted by the Yukon-Kuskokwim Delta Subsistence Regional Advisory Council.

Council Recommendation/Justification:

Yukon-Kuskokwim Delta — Support with modification to delete all proposed language under (iii) and replace with the following: *(iii) Yukon River Fishery Management Area—The total cash value per household of salmon taken within Federal jurisdiction in the Yukon River Fishery Management Area and exchanged in customary trade to rural residents may not exceed \$750.00 annually.* The Council supports proposals to prohibit customary trade until salmon runs rebound. This issue needs to be addressed for both Chinook and chum salmon. This is a river-wide issue and it is up to the people to conserve salmon. There are also reports of abuse of customary trade.

Western Interior Alaska — Oppose. The Council voted to request the Board to establish a subcommittee to further address the customary trade issue. The subcommittee would be charged to address Yukon River Chinook salmon customary trade regulation development and would consist of participants from each of the three Yukon River regional advisory councils and relevant State fish and game advisory committees.

The Council named Robert Walker and Mickey Stickman to serve on this subcommittee, with Ray Collins and Jenny Pelkola named as alternates. The Council also recommended that a second subcommittee be charged to address Yukon River Chinook salmon management for improved escapement abundance and quality, and that this second subcommittee should meet immediately following meetings of the customary trade subcommittee for purposes of efficiency.

Seward Peninsula — Took No Action. The Council took no action on FP11-08 but supported the idea of a working group that includes representatives from all three affected regional advisory councils to address this long standing and ongoing issue.

Eastern Interior Alaska — Oppose. The Council recognizes the need for conservation measures, but has serious concerns with the potential for this proposal, as written, to negatively impact the ability of subsistence users to obtain enough fish if unable to personally do so, especially elders. There are additional concerns about the proposal's effect of inequity, as lower river users have access to disproportionately larger harvests even when total numbers are low. The Council also noted that trade of processed fish products is already regulated. The Council recommends that the Board establish a subcommittee consisting of representatives of the Eastern Interior Alaska, Western Interior Alaska, and Yukon-Kuskokwim Delta regional advisory councils to consider the customary trade issue on a compressed time frame.

Board Action/Justification: Deferred Action. The Board approved a subcommittee of the Eastern Interior Alaska, Western Interior Alaska, and Yukon-Delta subsistence regional advisory councils. The Board stated that the purpose of the subcommittee is to define “significant commercial enterprise” for sales of subsistence caught salmon to other rural residents and to others. The intent is to develop language that will be applied to the entire Yukon River drainage. The Board stipulated that the subcommittee will be comprised of three members of each of the three councils, that the subcommittee should consider starting with a household limit of \$750 per year, that the Solicitor's Office and Law Enforcement will assist with the final language, and that the work will be completed as soon as possible.

The Board's intent is to allow time for subcommittee work and subsequent council recommendations as noted in the current recommendations of the Eastern Interior Alaska, Western Interior Alaska, and Seward Peninsula subsistence regional advisory councils.

FP11-09

Description: Proposal FP11-09 requested that the Board limit the customary trade of Chinook salmon in the Yukon River Management Area and require a customary trade recordkeeping form. The proposal also requested that the Board impose a geographic constraint to the customary trade of Chinook salmon caught in the Yukon River Management Area: Such trade, including the delivery of fish to a purchaser, should only occur in the Yukon River Management Area. Submitted by the Yukon-Kuskokwim Delta Subsistence Regional Advisory Council.

Council Recommendation/Justification:

Yukon-Kuskokwim Delta — Support with modification to delete all proposed language under (iii) and replace with the following: *(iii) Yukon River Fishery Management Area—The total cash value per household of salmon taken within Federal jurisdiction in the Yukon River Fishery Management Area and exchanged in customary trade between rural residents and individuals other than rural residents may not exceed \$750.00 annually. These customary trade sales must be immediately recorded on a customary trade record keeping form. The recording requirement and the responsibility to ensure the household*

limit is not exceeded rests with the seller. There is a need for measureable enforcement tools to address commercial advertisements that are escalating under the guise of subsistence customary trade. There should be a dollar limit of \$750.00 annually because there is no limit now.

Western Interior Alaska — Oppose. The Council voted to request the Board to establish a subcommittee to further address the customary trade issue. The subcommittee charge would be as noted for FP11-08.

Seward Peninsula — Oppose. The Council opposed the proposal, but supports the idea of having representatives from the three affected regional advisory councils get together to resolve these long standing contentious issues.

Eastern Interior Alaska — Take No Action. Given the desire of the Council to work with the other affected Councils on a subcommittee related to this proposal, the Council felt that a full examination of the proposal is not warranted at this time. It was noted that there is some merit to the proposal objective, but specifics regarding poundage and record keeping requirement were insufficient. The Council also questioned the commitment of managers to enforce the proposal if adopted.

Board Action/Justification: No Action. The Board took no action on FP11-09 due to its action on FP11-08.

CHIGNIK AREA

FP11-10

Description: Proposal FP11-10 requested that all drainages in the Chignik Area be opened to the harvest of salmon by seine, gillnet, spear, and hook and line that may be attached to a rod or pole, or with gear specified on a subsistence fishing permit, except that hook and line gear may not be used in Chignik River. The proposal also would: 1) restrict power purse seine gear from Mensis Point downstream; 2) permit hand seining only in Chignik River and Chignik Lake; 3) permit gillnets to be used only in Chignik River, Chignik Lake, and in the waters of Clark River and Home Creek, from each of their confluences with Chignik Lake to a point one mile upstream; and 4) restrict a gillnet from being staked or anchored or otherwise fixed in a stream slough, or side channel to where it obstructs more than one-half the width of that stream, slough, or side channel. Submitted by the Chignik Lake Traditional Council.

Council Recommendation/Justification: Support with modification as presented in the Office of Subsistence Management conclusion. The Bristol Bay Subsistence Regional Advisory Council supports a long standing subsistence fishery and FP11-10 will provide additional harvest opportunities for rural residents of the Chignik Area. Subsistence users have a long established customary and traditional use of salmon in the Black Lake and the tributaries of Black and Chignik lakes. The proposal will allow access, with some restrictions, to areas in all drainages in the Chignik Area to harvest salmon from January 1 to December 31 and allow additional gear types.

Board Action/Justification: Adopted with modification. The modified language is as follows:

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

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

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

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

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

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

(A) In the open waters of **Chignik Lake, Chignik River, Clark River and Home Creek** you may take salmon by gillnet under the authority of a **subsistence fishing State**-permit.

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

(iii) You may take salmon, trout, and char only under the authority of a subsistence fishing permit **unless otherwise indicated in this section or as noted in the permit conditions.**

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

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

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

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

(viii) You may take no more than 250 salmon for subsistence purposes unless otherwise specified on the subsistence fishing permit.

The modification is consistent with the Bristol Bay Subsistence Regional Advisory Council's intent and will increase opportunity, clarify regulations, recognize a subsistence use pattern and make legal a long-standing subsistence practice.

KODIAK AREA

FP11-11

Description: Proposal FP11-11 requested that the annual harvest limit for king crab in the Kodiak Management Area be changed from six per household to three per household. Submitted by the Kodiak/Aleutians Subsistence Regional Advisory Council.

Council Recommendation/Justification: Support. This proposal addresses conservation concerns and would continue to provide fishing opportunity for elderly subsistence users from Kodiak city. Only a few crab are taken out of all of Chiniak Bay and there is no information about how many are taken from Womens Bay in particular; however, observations of local fisheries managers are that the population of crab in Womens Bay has remained stable over the years. Womens Bay is one of few crab fishing places on the island that are road accessible and is the most accessible location where elders from Kodiak city can continue to fish.

Board Action/Justification: Adopted. The Board considered that this is necessary for conservation and noted that the current situation in Womens Bay is not a major concern to NOAA (the agency that monitors the Womens Bay population). If information received later indicates a significant concern for juvenile king crab in Womens Bay, the Board can address that situation.

FP11-12

Description: Proposal FP11-12 requested the Federal subsistence harvest of herring for the Kodiak Management Area be limited to 500 pounds per person annually. Submitted by the Kodiak/Aleutians Subsistence Regional Advisory Council.

Council Recommendation/Justification: This proposal was withdrawn by the proponent according to Board policy and was not, therefore, addressed by the Board.

FP11-13

Description: Proposal FP11-13 requested that no harvest limit be associated with subsistence permits issued to Federally qualified subsistence users who fish for salmon in Federal public waters of the Kodiak Management Area that cannot be accessed from the Kodiak road system, except the Mainland District. It also requested that recording of harvests on all permits be done prior to leaving the fishing site rather than immediately upon landing fish. Submitted by the Kodiak/Aleutians Subsistence Regional Advisory Council.

Council Recommendation/Justification: Support with modification. The Council modified the proposed regulatory language to remove references to herring, which allows §__.27(i)(9)(iv) to revert to existing regulatory language, and to insert the word “Federal” in paragraph (A) as the descriptor for waters. These modifications will clarify the regulatory language for the benefit of subsistence users. It is understood that the intent of the proposal was to address salmon annual harvest limits and reporting, but not to deal with herring. The modified regulations should read:

§__.27(i)(9)(iv) You must have a subsistence fishing permit for taking salmon, trout, and char for subsistence purposes. You must have a subsistence fishing permit for taking herring and

bottomfish for subsistence purposes during the State commercial herring sac roe season from April 15 through June 30.

(v) ~~With a subsistence salmon fishing permit you may take 25 salmon plus an additional 25 salmon for each member of your household whose names are listed on the permit. You may obtain an additional permit if you can show that more fish are needed. The annual limit for a subsistence salmon fishing permit holder is as follows:~~

(A) In the Federal waters of Kodiak Island, east of the line from Crag Point south to the westernmost point of Saltery Cove, including the waters of Woody and Long islands, and the salt waters bordering this area within one mile of Kodiak Island, excluding the waters bordering Spruce Island, 25 salmon for the permit holder plus an additional 25 salmon for each member of the same household whose names are listed on the permit: an additional permit may be obtained if it can be shown that more fish are needed;

(B) In the remainder of the Kodiak Area not described in (A) of this subsection, there is no annual limit.

*(vi) ~~You must~~ **Subsistence fishermen shall keep a record on your subsistence permit of the number of subsistence fish taken by that subsistence fisherman each year. The number of subsistence fish taken shall be recorded on the reverse side of the permit. You **The catch must be complete the recorded prior to leaving the fishing site immediately upon landing subsistence-caught fish, and the permit must be returned to the local representative of the department by February 1 of the year following the year the permit was issued.*****

Board Action/Justification: Adopted with modification as recommended by the Kodiak/Aleutians Subsistence Regional Advisory Council. This action should help with harvest reporting accuracy and is very similar to action taken by the Alaska Board of Fisheries at its January 2011 meeting. The Board indicated that while some administrative modifications to the wording proposed by the Council might be needed, the intent of the proposal (see Description) would not be changed.

FP11-14

Description: Proposal FP11-14 requested that in the Kodiak Area a Federally qualified user of salmon that is also an owner, operator, or employee of a lodge, charter vessel, or other enterprise that furnishes food, lodging, or sport fishing guide services may not furnish to a client or guest of that enterprise who is not a rural resident of the state, salmon that has been taken under Federal subsistence fishing regulations. Submitted by the Kodiak/Aleutians Subsistence Regional Advisory Council.

Council Recommendation/Justification: This proposal was withdrawn by the proponent according to Board policy and was not, therefore, addressed by the Board.

FP11-15

Description: Proposal FP11-15 requests that Federally qualified subsistence users only be allowed to fish for salmon from 6:00 a.m. until 9:00 p.m. from January 1 through December 31 in Federal Public waters accessible from the Kodiak road system. Submitted by the Kodiak/Aleutians Subsistence Regional Advisory Council.

Council Recommendation/Justification: This proposal was withdrawn by the proponent according to Board policy and was not, therefore, addressed by the Board.

SOUTHEASTERN ALASKA AND YAKUTAT AREAS

FP11-16/17

Description: Proposal FP11-16, submitted by Michael Douville, requested that the season closing date for the Federal subsistence sockeye salmon fishery in the Klawock River be extended from July 31 to August 15 and that the Monday through Friday fishing schedule be removed. Proposal FP11-17, submitted by the Southeast Alaska Subsistence Regional Advisory Council, requested that the season closing date for the Federal subsistence sockeye salmon fishery in the Klawock River be extended from July 31 to August 7 but retains the Monday through Friday fishing schedule.

Council Recommendation/Justification:

Proposal FP11-16 Support with modification to remove the defined season and fish schedule for subsistence sockeye salmon fishing in the Klawock River drainage from regulation. The modified regulation should read:

§ ____ .27(i)(13)(xiv) From July 7 through July 31, you may take sockeye salmon in the waters of the Klawock River and Klawock Lake only from 8:00 a.m. Monday until 5:00 p.m. Friday.

The Council determined that this proposal, as modified, would provide additional fishing opportunity for subsistence users and simplify subsistence harvest regulations. The original regulation establishing the season and weekly fishing schedule was developed during a period of time when there was considerable non-local weekend travel to the island. The regulation was developed by the State and incorporated into the Federal program when the Federal government assumed authority for subsistence management of fish. The intent of the regulation was to give local residents an advantage over non-locals. There is not the need to restrict non-local participation in Federal subsistence fisheries. There is not a conservation concern in the Klawock River that requires retaining the current regulation. The Klawock River is the only Federal subsistence sockeye salmon fishery with a defined fishing season and weekly fishing schedule in Southeast Alaska. Deleting the sockeye salmon season and weekly fishing schedule would align the Klawock fishing regulations with other Federal sockeye salmon management systems in the Region. The current rules are largely ineffective in restricting sockeye salmon harvest as current regulations for the Southeast Alaska Area allow for sockeye salmon to be retained outside the designated season and weekly fishing period as incidental harvest while fishing for other species.

Proposal FP11-17. Took no action due to previous action on FP11-16. The Council determined that previous action on FP11-16 provided a superior solution to the issue.

Board Action/Justification: Adopted FP11-16 with modification and took no action on FP11-17 due to action taken on FP11-16 as recommended by the Southcentral Alaska Subsistence Regional Advisory Council. There are no conservation concerns so the current regulation is no longer needed. The in-season manager is authorized to take action if needed.

FP11-18

Description: Proposal FP11-18 requested all waters draining into Sections 1C and 1D be closed to the harvest of eulachon. Submitted by the Southeast Alaska Subsistence Regional Advisory Council.

Council Recommendation/Justification: Support with modification to clarify the applicable area, and to make explicit that the closure applies to all users. The modified regulation should read:

§ __.27(i)(13)(ii) You must possess a subsistence fishing permit to take salmon, trout, grayling, or char. You must possess a subsistence fishing permit to take eulachon from any freshwater stream flowing into fishing Sections 1C or 1D.

§ __.27(i)(13)(xxii) All freshwater streams flowing into Sections 1C and 1D are closed to the harvest of eulachon by all users.

The Council determined there were no other management actions appropriate for this area after the collapse of the stock. There will likely be no harvestable surplus in the foreseeable future for any user. The Council considered it very unfortunate this action was necessary and felt this was an example where the need for conservation was not recognized early enough for alternative solutions to be implemented.

Board Action/Justification: Deferred Action. The Board deferred action until the next fisheries regulatory cycle. While conservation of this stock is a serious issue (there is a severe decline of eulachon and no harvestable surplus), a permanent closure would be detrimental to subsistence users and a deferral is not a threat to the resource. Therefore, time can be taken to confer with the local residents who are most affected.

Management of this fishery can continue by special action during this time. This deferral should allow further study and monitoring of the resource. During this time managers will confer with local residents who are the most affected users.

FP11-19

Description: Proposal FP11-19 requested that the Federal Subsistence Board recognize the customary and traditional uses of all marine species of fish and shellfish within the Federal public waters of District 13 for the residents of the City and Borough of Sitka. Submitted by the Sitka Tribe of Alaska.

This proposal was withdrawn by the proponent according to Board policy and was not, therefore, considered by the Southeast Alaska Subsistence Regional Advisory Council or the Board.

FP09-05 Deferred

Description: Proposal FP09-05 seeks to close the Federal public waters in the Makhnati Island area near Sitka to the harvest of herring and herring spawn except for subsistence harvests by Federally qualified subsistence users. This proposal was deferred by the Federal Subsistence Board in January 2009 for a period not to exceed two years. Submitted by the Sitka Tribe of Alaska.

Council Recommendation/Justification: Defer to a time determined by the Board. The Sitka Tribe of Alaska (STA), the original proponent, submitted a letter to the Council requesting that the proposal be deferred once again. This postponement would allow more time for peer review of a STA authored research paper on herring management and population assessment of Sitka Sound herring. Additionally, STA has started a Herring Research Priority Planning Group which may provide additional recommendations regarding the proposal. The Council also wanted to provide the new Board chair additional time to become engaged in this issue. The Council determined that action on this proposal may be premature at this time because implementation of recommendations contained within the secretarial review may provide different or additional rules or policies appropriate to evaluate the proposal.

Board Action/Justification: Deferred Action as recommended by the Southeast Alaska Subsistence Regional Advisory Council. The Board will take up the proposal at or before the next fisheries regulatory meeting in January 2013.

FP09-15 Deferred

Description: Proposal FP09-15 requested that a “no Federal subsistence priority” customary and traditional use determination be made for all fish in the Juneau road system area (all waters crossed by or adjacent to roads connected to the City and Borough of the Juneau road system). In January 2009, the Federal Subsistence Board deferred Proposal FP09-15 to allow time to develop an analysis of the customary and traditional uses of fish in Districts 11 and 15. Submitted by the Alaska Department of Fish and Game.

Council Recommendation/Justification: Oppose. The Southeast Alaska Subsistence Regional Advisory Council determined that the staff analysis was incomplete and the proposal was unnecessary and detrimental to the continuation of subsistence uses. There is a high degree of certainty that additional information exists regarding the use of this area by residents of various rural communities. The transcripts of the previous meeting contained evidence of subsistence use that was not recognized in the current analysis. The difficulty in documenting historical use is likely due to interruption of traditional activities due to recent regulations. Sport fishing is a subsistence harvest method and the amount of that use should be better described. The Council does not know the outcome of relevant jurisdictional issues currently under consideration by the court in *Katie John II*. In addition, it is likely there will be new and currently unknown rules regarding the evaluation of customary use, as a result of the Secretarial review of the subsistence program. The intent of ANILCA does not require the Council to determine non-subsistence use areas or make a negative customary use determination. The Council agrees that there are management challenges in this area but there are management tools available to Federal managers to provide for conservation and sustainability of these stocks. The Council heard public testimony citing economic factors that bring rural residents to Juneau as transient workers. There should be an opportunity for subsistence harvest of fish for rural residents that are forced by necessity to spend time in Juneau. This proposal is detrimental to the satisfaction of subsistence needs and would be precedent setting. The Council has already rejected two similar proposals in previous years and there should be deference shown to the Council on this issue. There is no evidence to indicate that subsistence fishing in streams on the Juneau road system is inappropriate and no evidence that Federal subsistence fishing regulations are not conservative and sustainable.

Board Action/Justification: Rejected. The Office of Subsistence Management opposed this proposal when it was first presented in 2009 and there is insufficient information to support the proposal now. The entire Juneau area is a traditional use area. The ADF&G harvest survey was limited. There should not be any Federal lands where an entire group of animals, such as fish, is closed to subsistence use. This Board action is consistent with the Southeast Alaska Subsistence Regional Advisory Council recommendation.

WILDLIFE CLOSURE REVIEW BRIEFING

As called for in the Closure Policy, the Office of Subsistence Management is reviewing existing wildlife closures to determine whether the original justifications for closure continue to apply. These reviews are being conducted in accordance with guidance found in the Federal Subsistence Board's Policy on Closures to Hunting, Trapping and Fishing on Federal Public Lands and Waters in Alaska, which was adopted in 2007. According to the policy, existing closures will be reviewed on a three-year rotational schedule. All of the closures being reviewed this cycle were last reviewed by the Federal Subsistence Board (Board) in 2006. A summary of the current closure reviews which are applicable to your Regional Advisory Council are provided.

Section 815(3) of ANILCA allows closures when necessary for the conservation of healthy populations of fish and wildlife, and to continue subsistence uses of such populations. The existing closures represent both situations. For example, closures for the hunting of muskox in Unit 22 were adopted because of the relatively low and recovering muskox population; and the Unit 2 deer closure was adopted because rural residents provided substantial evidence that they were unable to meet their subsistence needs because of competition from other users of the resource.

Distribution and abundance of fish and wildlife populations are known to fluctuate based upon a variety of factors such as weather patterns, management actions, habitat changes, predation, harvest activities, and disease. Subsistence use patterns are also known to change over time in response to many factors including resource abundance, and human population changes, among others. It is for these reasons that the Board decisions to establish specific closures are revisited periodically.

The Wildlife Closure Reviews contain a brief history of why a closure was implemented, along with a summary of the current resource condition and a preliminary OSM recommendation as to whether the closure should be continued or deleted from the regulations.

Councils are asked to consider the OSM preliminary recommendation and share their views on the issue. Input from the Councils is critical to the development of regulatory proposals needed to address adjustments to regulations. Any regulatory proposals that may result from this review process will be considered through the normal regulatory cycle. The current window for wildlife proposals closes on March 24, 2011. Councils may choose to work with OSM staff to develop a proposal; however proposals addressing these issues can be submitted by anyone.

**POLICY ON CLOSURES TO HUNTING, TRAPPING AND FISHING
ON FEDERAL PUBLIC LANDS AND WATERS IN ALASKA**

FEDERAL SUBSISTENCE BOARD

Adopted August 29, 2007

PURPOSE

This policy clarifies the internal management of the Federal Subsistence Board (Board) and provides transparency to the public regarding the process for addressing Federal closures (closures) to hunting, trapping, and fishing on Federal public lands and waters in Alaska. It also provides a process for periodic review of regulatory closures. This policy recognizes the unique status of the Regional Advisory Councils and does not diminish their role in any way. This policy is intended only to clarify existing practices under the current statute and regulations; it does not create any right or benefit, substantive or procedural, enforceable at law or in equity, against the United States, its agencies, officers, or employees, or any other person.

INTRODUCTION

Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) establishes a priority for the taking of fish and wildlife on Federal public lands and waters for non-wasteful subsistence uses over the taking of fish and wildlife on such lands for other purposes (ANILCA Section 804). When necessary for the conservation of healthy populations of fish and wildlife or to continue subsistence uses of such populations, the Federal Subsistence Board is authorized to restrict or to close the taking of fish and wildlife by subsistence and non-subsistence users on Federal public lands and waters (ANILCA Sections 804 and 815(3)). The Board may also close Federal public lands and waters to any taking of fish and wildlife for reasons of public safety, administration or to assure the continued viability of such population (ANILCA Section 816(b)).

BOARD AUTHORITIES

- ANILCA Sections 804, 814, 815(3), and 816.
- 50 CFR Part 100 and 36 CFR Part 242, Section .10(d)(4).

POLICY

The decision to close Federal public lands or waters to Federally qualified or non-Federally qualified subsistence users is an important decision that will be made as set forth in Title VIII of ANILCA. The Board will not restrict the taking of fish and wildlife by users on Federal public lands (other than national parks and park monuments) unless necessary for the conservation of healthy populations of fish and wildlife resources, or to continue subsistence uses of those populations, or for public safety or administrative reasons, or "pursuant to other applicable law." Any individual or organization may propose a closure. Proposed closures of Federal public lands and waters will be analyzed to determine whether such restrictions are necessary to assure conservation of healthy populations of fish and wildlife resources or to provide a meaningful preference for qualified subsistence users. The analysis will identify

the availability and effectiveness of other management options that could avoid or minimize the degree of restriction to subsistence and non-subsistence users.

Like other Board decisions, closure actions are subject to change during the yearly regulatory cycle. In addition, closures will be periodically re-evaluated to determine whether the circumstances necessitating the original closure still exist and warrant continuation of the restriction. When a closure is no longer needed, actions to remove it will be initiated as soon as practicable. The Office of Subsistence Management will maintain a list of all closures.

Decision Making

The Board will:

- Proceed on a case - by - case basis to address each particular situation regarding closures. In those cases for which conservation of healthy populations of fish and wildlife resources allows, the Board will authorize non-wasteful subsistence taking.
- Follow the statutory standard of "customary and traditional uses." Need is not the standard. Established use of one species may not be diminished solely because another species is available. These established uses have both physical and cultural components, and each is protected against all unnecessary regulatory interference.
- Base its actions on substantial evidence contained within the administrative record, and on the best available information; complete certainty is not required.
- Consider the recommendations of the Regional Advisory Councils, with due deference (ANILCA § 805 (c)).
- Consider comments and recommendations from the State of Alaska and the public (ANILCA § 816 (b)).

Conditions for Establishing or Retaining Closures

The Board will adopt closures to hunting, trapping or fishing by non-Federally qualified users or Federally qualified subsistence users when one or more of the following conditions are met:

- Closures are necessary for the conservation of healthy populations of fish and wildlife:
 - a) When a fish or wildlife population is not sufficient to provide for both Federally qualified subsistence users and other users, use by non-Federally qualified users may be reduced or prohibited, or
 - b) When a fish or wildlife population is insufficient to sustain all subsistence uses, the available resources shall be apportioned among subsistence users according to their:

- 1) Customary and direct dependence upon the populations as the mainstay of livelihood,
 - 2) Local residency, and
 - 3) Availability of alternative resources, or
- c) When a fish or wildlife population is insufficient to sustain any use, all uses must be prohibited.
- Closures are necessary to ensure the continuation of subsistence uses by Federally qualified subsistence users.
 - Closures are necessary for public safety.
 - Closures are necessary for administrative reasons.
 - Closures are necessary “pursuant to other applicable law.”

Considerations in Deciding on Closures

When acting upon proposals recommending closure of Federal public lands and waters to hunting, trapping, or fishing, the Board may take the following into consideration to the extent feasible:

- The biological history (data set) of the fish stock or wildlife population.
- The extent of affected lands and waters necessary to accomplish the objective of the closure.
- The current status and trend of the fish stock or wildlife population in question.
- The current and historical subsistence and non-subsistence harvest, including descriptions of harvest amounts, effort levels, user groups, and success levels.
- Pertinent traditional ecological knowledge.
- Information provided by the affected Regional Advisory Councils and Alaska Department of Fish and Game.
- Relevant State and Federal management plans and their level of success as well as any relationship to other Federal or State laws or programs.
- Other Federal and State regulatory options that would conserve healthy populations and provide a meaningful preference for subsistence, but would be less restrictive than closures.

- The potential adverse and beneficial impacts of any proposed closure on affected fish and wildlife populations and uses of lands and waters both inside and outside the closed area.
- Other issues that influence the effectiveness and impact of any closure.

Reviews of Closures

A closure should be removed as soon as practicable when conditions that originally justified the closure have changed to such an extent that the closure is no longer necessary. A Regional Council, a State or Federal agency, or a member of the public may submit, during the normal proposal period, a proposal requesting the opening or closing of an area. A closure may also be implemented, adjusted, or lifted based on a Special Action request according to the criteria in 50 CFR 100.19 and 36 CFR 242.19.

To ensure that closures do not remain in place longer than necessary, all future closures will be reviewed by the Federal Subsistence Board no more than three years from the establishment of the closure and at least every three years thereafter. Existing closures in place at the time this policy is implemented will be reviewed on a three-year rotational schedule, with at least one - third of the closures reviewed each year.

Closure reviews will consist of a written summary of the history and original justification for the closure and a current evaluation of the relevant considerations listed above. Except in some situations which may require immediate action through the Special Action process, closure review analyses will be presented to the affected Regional Council(s) during the normal regulatory proposal process in the form of proposals to retain, modify or rescind individual closures.

/S/ Mike R. Fleagle

Chair, Federal Subsistence Board

/S/ Thomas O. Melius

Board Member, U.S. Fish and Wildlife Service

/S/ Niles Cesar

Board Member, Bureau of Indian Affairs

/S/ Denny Bschor

Board Member, U.S. Forest Service

/S/ Marcia Blaszak

Board Member, National Park Service

/S/ T. P. Lonnie

Board Member, Bureau of Land Management

**FEDERAL WILDLIFE CLOSURE REVIEW
WCR10-04 AND WCR10-06**

Closure Location: Caribou — WCR10-04 — Unit 9C remainder; WCR10-06 — Unit 9E

Current Federal Regulations:

Unit 9C remainder – Federal public lands are closed to the taking of caribou. No Federal open season

Unit 9E— Federal public lands are closed to the taking of caribou. No Federal open season

Closure Dates: Federal public lands are closed to the taking of caribou.

Current State Regulations:

Unit 9C, that portion north of the Naknek River and south of the Alagnak River drainage — Caribou

Residents: One caribou by permit available in person in King Salmon if a winter season is announced. may be announced

Nonresidents: no open season

Unit 9C remainder—Caribou

Residents and Nonresidents: no open season

Unit 9E—Caribou

Residents and Nonresidents: no open season

Regulatory Year Initiated: 1999 — closure to non-Federally qualified users; 2006 — closure to all users

Proposal number of initial closure and any subsequent proposals: Proposal WP99-32 was adopted by the Federal Subsistence Board in May 1999 and closed Federal public lands to non-Federally qualified users, thus restricting the hunt to residents of Unit 9C and 9E by Federal registration permit. The Federal Subsistence Board adopted Special Action Request WSA05-02 in August 2005, which temporarily closed Federal public lands in Units 9C remainder and 9E to the hunting of caribou. In April 2006 the Federal Subsistence Board adopted Proposal WP06-22 to close Federal public lands in Units 9C remainder and 9E to the hunting of caribou.

Justification for original closure (Section 815(3) criteria): The original closure to non-Federally qualified users in 1999 (WP99-32) was established to insure the continuation of subsistence uses of the caribou population and the closure to all users (Special Action WSA05-02 and Proposal WP06-22) was established for conservation of the Northern Alaska Peninsula Caribou Herd (NAPCH) (Section 815(3)). The herd had declined to a point that it could no longer sustain any harvest.

Regional Advisory Council recommendation for original closure: The Bristol Bay Subsistence Regional Advisory Council (Council) recommendation was to modify Proposal WP99-32, i.e., change harvest limits, revise season dates, and restrict user groups for caribou hunting in Unit 9C remainder and

9E. The Council also recommended opening the closed area for caribou in subunit 9E and to limit Federal registration permits to residents of Units 9C and 9E.

The Council recommendation for WP06-22 was to support the closure to caribou hunting to all users on Federal public lands.

State recommendation for original closure: The State supported Proposal WP99-32 with modification to allow the following: (a) for Unit 9C (Alagnak River), a one caribou bag limit with a season Aug. 1 – Mar. 31; (b) for Unit 9C remainder when the harvestable surplus is 1,200 caribou or less in Units 9C and 9E combined: one bull caribou bag limit with a season length of Aug. 10 – Sept. 20 and Nov. 15 – Feb. 28; (c) for Unit 9E when the harvestable surplus is 1,200 caribou or less in Units 9C and 9E combined: a one bull caribou bag limit with a season length of Aug. 10 – Sept. 20 and Nov. 1 – April 30. The modifications also included closure of the season when 600 bull caribou have been taken in Units 9C and 9E combined from both Federal and State managed lands. The State noted that the NAPCH is declining and shows poor productivity and poor survival of females. Restricting the bag limit, reducing the season, and limiting the harvest to a quota were necessary to improve productivity of the herd.

The State supported proposal WP06-22, due to conservation concerns.

Other significant comments presented when the Board adopted the original closure: Six written public comments were submitted regarding Proposal WP99-32. Four comments were opposed to the proposal and two supported the proposal with modification. Most of the comments opposing the proposal addressed the closure to non-Federally qualified hunters. Two comments were submitted addressing Proposal WP06-22; one comment was in support of the closure due to conservation concerns and the other opposed the closure due to concerns about how the hunt would be reestablished after the caribou population recovered.

Current resource abundance related to management objective: Composition counts in 2009 estimated ratios to be 16 calves:100 cows and 18.7 bulls:100 cows. Based on 2009 composition surveys, data indicates that the NAPCH population is between 2,126 and 3,000 animals (Watts 2009, pers. comm.). The calf:cow ratio showed a slight improvement from previous years, but is still considered low for caribou in Alaska and would be expected to result in further declines in abundance. The population and sex ratio is below the ADF&G management objectives of 12,000–15,000 caribou and at least 25 bulls:100 cows (USFWS 2009).

Resource population trend: The NAPCH ranges throughout Units 9C and 9E. Historically, the size of this population has fluctuated widely, reaching peaks of approximately 20,000 caribou around 1900 and again in the early 1940s (Butler 2007). Prior to 2005, the last population low of approximately 2,000 animals was during the late 1940s. By 1963, the herd had increased to more than 10,000 animals. In 1981, the estimate was 16,000 and the herd increased to 20,000 by 1984 (Butler 2007). The herd declined thereafter to a minimum of 2,126 caribou (**Table 1**) and is currently believed to be less than 3,000 animals (Watts 2009, pers. comm.).

Many of the estimates of the herd size are considered as minimum counts. Because the NAPCH now occurs at low densities across a wide distribution during May and June, autumn composition surveys provide the best population estimates possible. In response to the extensive fragmenting this herd exhibits across its range, Alaska Peninsula/Becharof National Wildlife Refuge (Refuge) staff has not conducted post-calving aggregation surveys (June) since 2004. As the herd declines and caribou group size decreases, they become less detectable. Therefore, results from recent surveys are not total counts due

Table 1. Northern Alaska Peninsula Caribou Herd composition counts and estimate of herd size, 1984-2009 (Butler 2007, Watts 2009, pers. comm.).

Year	Bulls:100 Cows	Calves:100 Cows	Composition Sample Size	Estimate of Herd Size
1984	39	39	1,087	20,000
1990	41	29	1,484	17,000
1991	42	47	1,639	17,000
1992	40	44	2,766	17,500
1993	44	39	3,021	16,000
1994	34	34	1,857	12,500
1995	41	24	2,907	12,000
1996	48	38	2,572	12,000
1997	47	27	1,064	10,000
1998	31	30	1,342	9,200
1999	40	21	2,567	8,600
2000	38	18	1,083	7,200
2001	49	28	2,392	6,300
2002	46	24	1,007	6,600
2003	36	11	2,776	-
2004	34	7	1,355	3,400
2005	23	7	1,914	2,500
2006	26	14	1,725	-
2007	27	7	1,474	-
2008	19	10	1,841	-
2009	19	16	2,126	-

to the possibility of missing caribou and double counting caribou that may move between counted and uncounted areas.

Exact reasons for the NAPCH decline remain unknown, but probably include nutritional stress due to over-grazing of the range south of the Naknek River, disease, predation, and poor habitat conditions throughout the herd’s entire range. Biological investigations have indicated that the NAPCH generally exhibits low quality body condition, cows have low pregnancy rates and low calf recruitment, and calves have also had a high incidence of lung worms (Butler 2007).

Based on composition surveys there were low calf:cow ratios for the NAPCH at 7–16 calves:100 cows during recent years 2003–2009. The bull:cow ratios were below ADF&G’s management objective of at least 25 bulls per 100 cows for 2008 and 2009 (**Table 1**).

Harvest trend and/or hunting effort: The decline of the NAPCH prompted both the Alaska Board of Game and the Federal Subsistence Board to implement more restrictive harvest regulations in the spring of 1999. These regulations were designed to protect the survival of the herd yet allow for a limited harvest of bull caribou for qualified subsistence users.

Between 1997 and 2005, hunter success rates were typically above 61% and the number of caribou reported harvested ranged from 34 to 438 (**Table 2**). Beginning in 1999 (the initiation of the Federal public lands closure), estimated harvest from Federal public lands was about 10% of the estimated total harvest.

Table 2. NAPCH harvest, regulatory years 1997–2009 (Butler 2005, 2007).

Regulatory Year	Local Resident	Nonlocal Resident	Nonresident	Total (% Success)
1997–1998	49	112	277	438 (78)
1998–1999	145	136	140	421 (68)
1999–2000	157	6	0	165 (66)
2000–2001	81	1	0	91 (65)
2001–2002	89	0	0	89 (67)
2002–2003	74	6	0	82 (61)
2003–2004	111	13	0	124 (72)
2004–2005	34	0	0	34 (69)
2005–2009	-----No permits issued-----			

September has historically been the most important month for the harvest of NAPCH. This has been especially true for nonresidents because of the combination of weather and ease of access by boat and aircraft. Some nonresident hunters are in this area on combination hunts for various species in September. The subsistence harvest has been primarily opportunistic and the chronology of harvests varies depending upon caribou availability.

OSM PRELIMINARY CONCLUSION

WCR10-04 and WCR10-06:

- maintain status quo**
- initiate proposal to modify or eliminate the closure**
- other recommendation**

Justification: Results from population surveys continue to indicate that the NAPCH has declined to the point where any hunting of these animals would be detrimental to the population. Composition survey data and calf mortality data indicate low recruitment that is insufficient to offset adult mortality. Therefore, Federal public lands should remain closed for the conservation of a healthy population (Section 815(3)).

LITERATURE CITED

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Closure Reviews

USFWS. 2009. Alaska Peninsula/Becharof National Wildlife Refuge. Agency report to Bristol Bay Federal Subsistence Regional Advisory Council. Public Meeting, Naknek, Alaska. October 27–28, 2009.

Watts, D. 2009. Alaska Peninsula/Becharof National Wildlife Refuge. Personal communication: phone. King Salmon, Alaska.

UNITED STATES DEPARTMENT OF THE INTERIOR
KODIAK/ALEUTIANS SUBSISTENCE REGIONAL ADVISORY COUNCIL

CHARTER

1. **Official Designation:** Kodiak/Aleutians Subsistence Regional Advisory Council.
2. **Objectives and Scope of Activity:** The objective of the Council is to provide an administrative structure that enables residents of the region who have personal knowledge of local conditions and requirements to have a meaningful role in the management of fish and wildlife and of subsistence uses of those resources on public lands in the region.
3. **Period of Time Necessary for the Council's Activities and Termination Date:** The Council is expected to exist into the foreseeable future. Its continuation is, however, subject to rechartering every biennial anniversary of the Alaska National Interest Lands Conservation Act of December 2, 1980. The Council will take no action unless the charter filing requirements of section 9 of the Federal Advisory Committee Act have been complied with.
4. **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.
5. **Support Services:** The U.S. Fish and Wildlife Service, Department of the Interior, provides administrative support for the activities of the Council.
6. **Duties of the Council:** The Council possesses the authority to perform the following duties:
 - a. Initiate, 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.

The Council will perform its duties in conformity with the Regional Advisory Council Operations Manual.

7. **Estimated Operating Costs:** Annual operating costs of the Council are estimated at \$100,000, which includes three-quarters person-year of staff support.
8. **Meetings:** The Council may meet twice each year at the call of the Council, Council Chair, Federal Subsistence Board Chair, or Designated Federal Officer with the advance approval of the Federal Subsistence Board Chair and the Designated Federal Officer, who will also approve the agenda.
9. **Membership:** The Council's membership is 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 a diversity of interests is represented, the Department of the Interior will comply with the requirements of the Federal Advisory Committee Act, Section 5(b)(2) as expressed by the U. S. District Court in *Safari Club International versus Demientieff* in the amended order dated August 7, 2006. For geographic diversity, it is the goal to seat four members that reside on Kodiak Island and three members that reside on the Alaska Peninsula and the Aleutian and Pribilof Islands.

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

Vacancy: Whenever a vacancy occurs among Council members appointed under paragraph 9, the Secretary will appoint an individual in accordance with paragraph 9 to fill that vacancy for the remainder of the applicable term.

Terms of Office: Except as provided herein, each member of the Council will serve a 3-year term with the term ending on December 2 of the appropriate year unless a member of the Council resigns prior to the expiration of the 3-year term or he/she is removed for cause by the Secretary upon recommendation of the Federal Subsistence Board. Members will be notified of

their appointment in writing. If resigning prior to the expiration of a term, members will provide a written resignation.

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

Removal of Members: If a Council member appointed under paragraph 9 has two consecutive unexcused absences of regularly scheduled meetings, the Chair of the Federal Subsistence Board may recommend that the Secretary of the Interior with the concurrence of the Secretary of Agriculture remove that individual. A member may also be removed due to misconduct.

Compensation: Members will receive no compensation as members. Members will, however, be allowed travel expenses, including per diem, in the same manner as persons employed intermittently in government service are allowed such expenses under 5 U.S.C. 5703.

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

11. **Designated Federal Officer or Employee:** Pursuant to Section 10(e) of the Federal Advisory Committee Act, the Designated Federal Officer will be the Federal Regional Coordinator or such other Federal employee as may be designated by the Assistant Regional Director - Subsistence, Region 7, U.S. Fish and Wildlife Service.

12. **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)).

/S/ Ken Salazar

Secretary of the Interior

NOV 20 2009

Date Signed

DEC 3 2009

Date Filed



THE SECRETARY OF THE INTERIOR
WASHINGTON

DEC 17 2010

Mr. Tim Towarak
Chair, Federal Subsistence Board

Dear Mr. Towarak:

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

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

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

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

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

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

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

Sincerely,

/S/ Ken Salazar

Ken Salazar

Enclosure



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

www.doi.gov

News Release

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

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

08/31/2010

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

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

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

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

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

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

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

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

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

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

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

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

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

###

BRIEFING ON CHANGING THE COMPOSITION OF THE BOARD

On October 23, 2009, Secretary of the Interior Salazar announced the initiation of a Departmental review of the Federal Subsistence Management Program. The review focused on how the program is meeting the subsistence mandates found in Title VIII of the Alaska National Interest Lands Conservation Act of 1980 (ANILCA), and how the program is serving rural subsistence users as envisioned when the program was begun in the early 1990s.

On August 31, 2010, the Secretaries announced the findings of the review. The results of the review lead to several proposed administrative and regulatory changes to strengthen the program and make it more responsive to subsistence users. One proposed change is to expand the Board to include two public members who would represent rural Alaskan subsistence users. This change would afford representation of rural Alaska subsistence users' interests, and increased stakeholder input in the decision-making process.

Special Assistant to the Secretary of the Interior for Alaska Pat Pourchot worked with the Office of Subsistence Management to develop a proposed rule to make this change. The proposed rule was published on February 11, 2011, with a 60 day public comment period. Following the public comment period, the Office of Subsistence Management will summarize public comments which will be reviewed by the Federal Subsistence Board and the Secretaries. The Board will review the public comments at its public meeting on May 3, 2011 and provide its recommendation to the Secretaries. This change is to subpart B of the regulations, which means that it is within the purview of the Secretaries, and not the Federal Subsistence Board. The Secretaries will make the final determination as to whether or how this change is to be made.

In summary, this proposed change would expand the Board to include two new members. Additional changes to the regulation are also proposed to clarify the designation of alternates for Federal agency members and to increase the size of a quorum (to take into account the two new members). There is nothing in the regulation change that speaks to who the new representatives would be, nor the process utilized to appoint those two new members.

The Federal Subsistence Board, acting for the Secretaries, is seeking comment on this proposed regulatory change to expand the Board to include "two public members representing rural Alaska subsistence users..."

The specific regulatory changes are provided below, and the full text of the proposed rule can be found at: <http://alaska.fws.gov/asm/law.cfm?law=3>

Existing Federal Regulation

§ ____ .10 *Federal Subsistence Board.*

* * * * *

(b) * * *

(1) *The voting members of the Board are: a Chair to be appointed by the Secretary of the Interior with the concurrence of the Secretary of Agriculture; the Alaska Regional Director, U.S. Fish and Wildlife Service; Alaska Regional Director, National Park Service; Alaska Regional Forester, USDA Forest Service; the Alaska State Director, Bureau of Land Management; and the Alaska Regional Director, Bureau of Indian Affairs. Each member of the Board may appoint a designee.*

* * * * *

(d) * * *

(2) *A quorum consists of four members.*

Proposed Federal Regulation

§ ____ .10 *Federal Subsistence Board.*

* * * * *

(b) * * *

*(1) The voting members of the Board are: a Chair to be appointed by the Secretary of the Interior with the concurrence of the Secretary of Agriculture; **two public members representing rural Alaskan subsistence users to be appointed by the Secretary of the Interior with the concurrence of the Secretary of Agriculture**; the Alaska Regional Director, U.S. Fish and Wildlife Service; Alaska Regional Director, National Park Service; Alaska Regional Forester, USDA Forest Service; the Alaska State Director, Bureau of Land Management; and the Alaska Regional Director, Bureau of Indian Affairs. Each **Federal agency** member of the Board may appoint a designee.*

* * * * *

(d) * * *

(2) *A quorum consists of **five** members.*

* * * * *

Comments on the proposed rule may be submitted through April 12, 2011 by one of the following methods:

- **By mail or hand delivery**
Federal Subsistence Board
Office of Subsistence Management -- Attn: Theo Matuskowitz
1011 East Tudor Road, MS-121
Anchorage, AK 99503
- **At any Federal Subsistence Regional Advisory Council meeting**
See the Meetings and Deadlines page of the Federal Subsistence Management Program's website, <http://alaska.fws.gov/asm/deadline.cfm>, for dates and locations of Council meetings.
- **On the Web at <http://www.regulations.gov>**

Search for FWS–R7–SM–2011-0004, which is the docket number for this proposed rule.

All comments received will be posted on <http://www.regulations.gov>.

**BRIEFING
ON
MEMORANDUM OF UNDERSTANDING**

In his letter to the Federal Subsistence Board following the program review, the Secretary specifically directed the Federal Subsistence Board to review the Memorandum of Understanding (MOU) with the Regional Advisory Councils, and determine either the need for the MOU or the need for potential changes to clarify Federal authorities in regard to the subsistence program. Consistent with that direction, the Federal Subsistence Board is seeking input from the Regional Councils on the MOU during the winter 2011 meeting cycle.

BACKGROUND

When the Federal subsistence program expanded into subsistence fisheries management in 1999, both Federal and State entities believed that a Memorandum of Agreement (MOA) would help with the coordination of subsistence management between Federal and State Programs. As a result, an MOA was negotiated between a state and federal team that included Regional Advisory Council representatives. It was initialed by all parties in April 2000. The 2008 MOU, which is based in large part on the MOA, was developed by a team of state and federal officials over a period of about one year and was signed in December 2008. FACA concerns precluded RAC members from being on the development team.

The purpose of the MOU "...is to provide a foundation and direction for coordinated interagency fish and wildlife management for subsistence uses on Federal public lands..." while allowing the Federal and State agencies to continue to act in accordance with their respective statutory authorities. Signatories include the Chair of the Federal Subsistence Board and its members, consisting of the Alaska Regional and State Directors of BLM, BIA, NPS, USFWS, and USDA Forest Service; the Commissioner of the Alaska Department of Fish and Game, and the Chairs of the Alaska Board of Fisheries and the Alaska Board of Game.

KEY POINTS

- The MOU helps to address the necessity of having some degree of communication and coordination between the State and Federal governments in order to aid in effective management of fish and wildlife resources in Alaska.
- Several sections of Title VIII expressly require the Secretaries to communicate and/or consult with State representatives on certain issues relating to subsistence uses by rural Alaskans (e.g., ANILCA §§ 802(3), 805(a), 810(a), 812, and 816(b)).
- The MOU was carefully reviewed by the Federal team and legal counsel to ensure that provisions of Federal law and the Board's obligations to rural residents as defined in Title VIII of ANILCA continue to be maintained.
- The body of the MOU contains several references to State law, prompting some observers to express concern that in signing the MOU, the Board undermined its obligation under Title VIII to provide for a subsistence priority for rural Alaskans on Federal public lands.

- However, the Board's authority, charge, and obligation to rural residents come only from Title VIII and any other applicable federal statutes: the MOU will not, and cannot, change that.
- Three protocols targeted at specific issues were developed under the guidance of the MOA/ MOU: *Subsistence Management Information sharing Protocol, April 2002, Yukon River Drainage Subsistence Salmon Fishery Management Protocol, April 2002, and the Memorandum of Understanding: Review and Development of Scientifically Based Salmon Escapement Goals, June 2005. These protocols facilitate management, as well as the exchange and sharing of data between the Federal and State agencies.*
- Other key guiding principles of the MOU include: avoiding duplication of research, monitoring, and management; involving subsistence and other users in fish and wildlife management planning efforts; and promoting clear and enforceable hunting, fishing and trapping regulations.

ACTION NEEDED

- Regional Councils and State Advisory Committees are being asked to review the MOU and offer specific comments about the wording of the document and how it might be improved. Regional Council and State Advisory Committee members are welcome to offer their general opinion of the MOU as well.

NEXT STEPS

- The Federal Subsistence Board's review period is now open and will go until May 1, 2011.
- The Federal Subsistence Board will review all comments in the summer of 2011 and determine what the next steps should be. Because the MOU involves other parties, there will need to be discussion with those parties also.

Submit comments to:
Gary Goldberg
Office of Subsistence Management
1011 East Tudor Road
Anchorage, AK 99503

or

via E-mail to
Gary_Goldberg@fws.gov

or

via fax at 907-786-3898

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)

and

State of Alaska

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

I. PREAMBLE

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

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

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

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 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 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 authorities as stated above, that will protect and promote the sustained health of fish and wildlife populations, ensure conservation and stability in fish and wildlife management, and include meaningful public involvement. The signatories hereby enter this MOU 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.

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, cooperation, and exchange of information between State and Federal 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;
- 2) Use the best available scientific and cultural information and local traditional knowledge for decisions regarding fish and wildlife management for subsistence uses on Federal public lands;
- 3) Avoid duplication in research, monitoring, and management;
- 4) Involve subsistence and other users in the fisheries and wildlife management planning processes;
- 5) Promote stability in fish and wildlife management and minimize unnecessary disruption to subsistence and other uses of fish and wildlife resources; and
- 6) 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 public lands.
- 2) To recognize that State and Federal historical and current harvest and population data and information and cultural information are important components of successful implementation of Federal responsibilities under ANILCA Title VIII.
- 3) To provide a priority for subsistence uses of fish and wildlife resources and to allow for other uses of fish and wildlife resources when harvestable surpluses are sufficient, consistent with ANILCA and Alaska Statute 16.05.258.
- 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 users and others will be an important component of information gathering and management programs.
- 5) To recognize that State and Federal 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 and federal 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 review data analyses associated with proposal analyses and resource and harvest assessment and monitoring.
- 9) To designate liaisons for policy communications and, as appropriate, to identify local agency representatives for efficient day-to-day communication, field operations, and data retrieval between State and Federal programs.
- 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 agencies will provide advance notice to

Regional Advisory Council and/or State Advisory Committee representatives 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.

11) To cooperatively review existing and proposed 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 and other public to participate. Consider State 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.

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.

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

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.

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.

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 or diminish each party's existing responsibilities and authorities, if any, for management of fish and wildlife.

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) The signatories will meet annually, or more frequently if necessary, to review coordinated programs established under this MOU 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, organizations, and individuals.

SIGNATORIES

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

/S/ Denby Lloyd

Commissioner
Alaska Department of Fish and Game
Date: 3 Nov. 08

/S/ John Jenson

Chair
Alaska Board of Fisheries
Date: Nov 3 2008

/S/ Cliff Judkins

Chair
Alaska Board of Game
Date: 11/09/08

/S/ Geoff Haskett

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

/S/ Denny Bschor

Regional Forester
U.S. Forest Service
Date: 12/17/08

/S/ Sue Masica

Regional Director
National Park Service
Date: 12.12.08

/S/ T. P. Lonnie

State Director
Bureau of Land Management
Date: 12-18-08

/S/ Niles Cesar

~~Regional~~ Area Director
Bureau of Indian Affairs
Date: 12-15-08

/S/ Mike R. Fleagle

Chair
Federal Subsistence Board
Date: 12/5/08

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 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.



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

Federal Subsistence Board

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



U.S. FOREST SERVICE

FWS/OSM 10089

December 21, 2010

[REDACTED]
[REDACTED]
[REDACTED], Anchorage, Alaska 99503

Dear [REDACTED]:

Consistent with the Secretaries of the Interior and Agriculture's renewed emphasis on respectful relationships with tribes, the Federal Subsistence Board would like to enhance our government-to-government consultation with tribes. This letter explains the process that the Federal Board intends to pursue. Because of the central role of the Regional Advisory Councils, we want to ensure that you, as a Council member, are kept informed throughout this process, and that you have the opportunity to participate meaningfully as we move forward.

As a Council member you know that Title VIII of the Alaska National Interest Lands Conservation Act (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. In making its regulatory decisions, the Federal Board must follow the recommendations of the Regional Advisory Councils unless they are not supported by substantial evidence, violate recognized principles of fish and wildlife conservation, or would be detrimental to the satisfaction of subsistence needs (805(c) of ANILCA). Deference to the Councils ensures that rural residents have a meaningful role in the management of fish and wildlife and subsistence uses, as envisioned by Congress. To date, because of the foundational role of Councils in the Federal program, as well as the requirement by statute that the Board defer to the Councils' recommendations, the Federal Board has not explicitly consulted with tribes during the development of regulations.

With regard to the soon-to-be-expiring fisheries regulations, the Federal Board is requesting immediate input so that the rural subsistence-fishing priority can continue after March 31, 2011. The process for developing fisheries regulations has been underway for ten months, beginning with publication in the Federal Register on January 15, 2010, of a proposed rule to continue the regulations for another two years. In response to the proposed rule, the Program received 19 proposals to change regulations. The proposals were then analyzed by Federal staff, and the relevant analyses were reviewed by Regional Advisory Councils during public meetings in their respective regions this past fall. At each Regional Council meeting the Councils heard testimony on the proposals and through a deliberative process provided recommendations to the Federal Board on relevant proposals.

██████████

The Federal Board is scheduled to act on these recommendations at its January 18-21, 2011, meeting in Anchorage. As the existing regulations expire on March 31, 2011, the new regulations must be in place by April 1, 2011. If Federal regulations expire before new regulations are in place, the ANILCA rural priority would lapse and state regulations would guide subsistence take on Federal lands. In light of the need for expediency, the Federal Subsistence Board has invited tribes to an in-person consultation session with the Board and the ten Regional Advisory Council chairs on January 18th, the first day of our meeting. Recognizing that it could be difficult for people to travel to that session in Anchorage, we have made provisions for telephonic consultation as well as the incorporation of written input (see enclosure). The Federal Board will consider this input during its deliberations at the January 18-21 meeting. We recognize that this approach may fall short of how tribes would like to consult with Federal officials on subsistence; however, it is our hope that by inviting input in this manner concerns will be addressed for this immediate Board action on fishery proposals.

To ensure more comprehensive and effective future tribal involvement, we also intend to develop a tribal consultation protocol. Towards that end, we have invited tribes to an initial meeting with the Board and Regional Council Chairs to begin discussions on how best to structure future tribal consultation working with the Board and the Regional Councils. This winter we will also discuss with Regional Councils how they envision tribal government-to-government consultation should occur. The meeting with tribes will be held on January 21, 2011, at the Egan Center, beginning at 9:00 AM. Again, we will provide an opportunity for telephonic participation (see enclosed) or comments or suggestions may be sent to the Board (see enclosure for mailing address).

Based on input and the discussions at the meeting on January 21st, and later with the Regional Advisory Councils, the Federal Board will develop a draft approach to tribal consultation. We will share that approach with tribes and Regional Councils prior to finalizing our process. For further information, please contact Gary Goldberg, Subsistence Policy Coordinator at the Office of Subsistence Management, at 1-800-478-1456.

In closing, I appreciate your interest in and service to the Federal Subsistence Program.

Sincerely,

/S/ Tim Towarak

Tim Towarak, Chair
Federal Subsistence Board

**SUMMARY OF THE JANUARY 5, 2011
FEDERAL SUBSISTENCE BOARD EXECUTIVE SESSION**

- The Federal Subsistence Board held an executive session on Wednesday, January 5, 2011 at which it discussed possible follow-up work on six items that came out of the Secretarial Review of the Federal Subsistence Management Program.
- FSB Members (or their alternates) in attendance at the January 5, 2011 meeting included:
 - Tim Towarak, Chair
 - Sue Masica, NPS
 - Julia Dougan, BLM
 - Kristin K'eit and Gene Virden, BIA
 - Larry Bell, FWS
 - Beth Pendleton, USDA, FS.
- Staff in attendance included:
 - Keith Goltz and Ken Lord, SOL; Jim Ustaciewski, OGC;
 - Pete Probasco, Polly Wheeler, Gary Golberg and Larry Buklis, OSM
 - Nancy Swanton, Sandy Rabinowitch, and Dave Mills, NPS
 - Jerry Berg and Crystal Leonetti, FWS;
 - Glenn Chen and Pat Petrivelli, BIA
 - Dan Sharp, BLM
 - Steve Kessler, USDA FS.
- Pat Pourchot, Special Assistant for Alaska, Secretary of the Interior was also in attendance.

No formal action was taken at the meeting. The Board discussed six items from the Secretarial review, including:

- Developing a proposed regulation to increase the membership on the Federal Subsistence Board to include two additional public members representing subsistence users.
 - OSM and Pat Pourchot developed a proposed rule, it will be published in the Federal Register in mid-February, with a 60 day public comments period.
- As a matter of policy, expand deference to appropriate Regional Advisory Council (RAC) recommendations in addition to the “takings” decisions of the Board provided for under Section 805(c) of ANILCA, subject to the three exceptions found in that Section.
 - The FSB will generally defer to Regional Councils on C&T, but likely not on rural, as the Courts have ruled that rural is an absolute term. The FSB has not yet decided on whether or not it will defer to RACs on the rural process.
- Review, with Regional Council input, the December 2008 Memorandum of Understanding (MOU) with the State to determine either the need for the MOU or the need for potential changes to clarify Federal authorities in regard to the subsistence program.
 - The MOU is being presented to all Councils at the winter 2011 meetings for their review and comment.
- Review, with Regional Advisory Council input, the customary and traditional (C&T) use determination process and present recommendations for regulatory changes.

- RACs are being asked for their general perspectives on the C&T process. That is, are they okay with it, and if not, what in their view should be changed.
- Review, with Regional Advisory Council input, the rural/nonrural determination process and present recommendations for regulatory changes.
 - The FSB will be holding a work session on this process on April 6. No further action will be taken until after that meeting.
- Review the Board's written policy on executive sessions and minimize the use of executive sessions to those specifically prescribed.
 - The Board will minimize the use of executive sessions. It also intends to add a sentence to its guidelines, stating that formal report-outs will be provided following executive sessions. This document represents the first such "report out."

Action Item from Secretarial Review	Status	Next Steps	RAC Involvement
Expand FSB membership			
	Requires change to subpart B regulations Draft has been prepared	Anticipate publication of draft regulation during spring 2011 FSB will make recommendation to Secretaries in May 2011 Nominees will not be solicited until regulations finalized, likely in 2011	Will be asked for comment at Winter 2011 meetings
Expand deference to RACS:			
C&T	FSB generally supportive of expanding deference to RACs on C&T; policy and/or possible rulemaking need to be pursued	Develop interim policy (following 805(c)) for deference on C&T Determine appropriate mechanism (policy, rulemaking/advance notice of intent) for formalizing intent on C&T	Circulate draft for comment - Fall 2011
Rural Determinations	The Courts have found that rural is an absolute term meaning "sparsely populated," and not subject to interpretation, therefore deference regarding rural determinations would be inappropriate.	Focus on process and criteria for rural/nonrural determinations	RAC chairs invited to April 6, 2011 meeting to understand 2000 census process

Action Item from Secretarial Review	Status	Next Steps	RAC Involvement
Expand deference to RACS (Continued)			
<i>In-Season management</i>	No change for in-season management, will defer as time and conservation allow	Revise inseason delegation of authority letters as needed and provide copies to RACs	Discuss communications improvements/enhancements that flow from delegation of authority letters Close loop if concerns are raised and notify FSB with concerns
Review MOU			
	Overview/briefing at winter 2011 RAC meetings	Receive feedback by May 1, 2011 FSB to review comments during summer 2011 FSB to discuss changes with State Any proposed changes will be brought before the RACs in Fall 2011	Review and discuss MOU at Winter 2011 meetings Provide comments to FSB by May 1, 2011
Review C&T determination process			
	Seek input from RACs as to what changes, if any, are needed Explore and develop possible options for changes	Receive RAC input Refine options (if any) during Summer 2011 Options presented to RACs in Fall 2011	Broad discussion on C&T process at Winter 2011 meetings If needed, review and develop options at Fall 2011 meetings

Action Item from Secretarial Review	Status	Next Steps	RAC Involvement
Review rural/nonrural process			
	Educational work session on April 6, 2011	Need to examine process for considering changes to rural determinations process	Invite RAC chairs to April 6, 2011 work session

GULF OF ALASKA GROUND FISH FISHERIES CHINOOK SALMON BYCATCH UPDATE

During its December 2010 meeting, the North Pacific Fishery Management Council (NPFMC) identified concerns about Chinook salmon bycatch taken in the Gulf of Alaska (GOA) groundfish fisheries, and directed its staff to initiate two analyses to implement short- and long-term salmon bycatch control measures. In the short-term, focused measures for expedited review and rulemaking have been initiated for the GOA pollock fishery. A longer-term amendment package will address comprehensive salmon bycatch management in the GOA trawl fisheries. A summary of the alternatives:

Western/Central GOA pollock fishery analysis — expedited track

Alternative 1: Status quo

Alternative 2: Establish Chinook salmon bycatch limit for the directed pollock fishery (hard cap, by regulatory area) and increase observer coverage on vessels under 60 feet

Alternative 3: Require membership in a mandatory salmon bycatch control cooperative in order to fish in the directed pollock fishery

GOA trawl fisheries analysis — regular track

Alternative 1: Status quo

Alternative 2: Establish a Chinook salmon bycatch limit for the non-pollock trawl fisheries (hard cap, may be apportioned by area and/or directed fishery)

Alternative 3: Require membership in a mandatory salmon bycatch control cooperative in order to fish in all Western/Central GOA trawl fisheries

Alternative 4: Require full retention of all salmon in all western/central GOA trawl fisheries (includes an option to require electronic monitoring or observers to monitor for discards)

The limit range of Chinook salmon bycatch to be analyzed for the directed pollock fishery includes 15,000, or 22,500, or 30,000 fish, applied to the Western/Central GOA fisheries as a whole. For the non-pollock fisheries, the Chinook salmon bycatch limit range to be analyzed is 5,000, or 7,500, or 10,000 fish.

Upcoming Actions

- **Early February in Seattle:** NPFMC to review workplan and timetable.
- **March/April in Anchorage:** The NPFMC is scheduled to conduct an initial review of the analysis for the Western/Central GOA pollock fishery.
- **June 2011 (tentative) in Nome:** NPFMC final action to select final management measures for the Western/Central GOA pollock fishery.

- The public is invited to provide input and comments at either or both the March and June meetings.
- A draft of the analysis will be made available on the NPFMC website (<http://www.fakr.noaa.gov/npfmc/>) at least two weeks before each meeting.
- If the NPFMC takes final action in June, the National Marine Fishery Service will then proceed to rulemaking, and the new management measures would be implemented, at the earliest in mid-2012, in time for the fall pollock fishing season in 2012. For the longer term, more comprehensive bycatch management package for the GOA trawl fisheries, NPFMC staff will begin work on that analysis once they are finished with the pollock fishery analysis, sometime in fall 2011.

See the following pages for the full NPFMC motion.

FINAL COUNCIL MOTION
C-3(b) GOA Chinook Salmon Bycatch
February 5, 2011

The Council adopts the below purpose and need statement and revised alternatives for initial review in April, anticipating the selection of a preliminary preferred alternative in April.

Problem statement:

Magnuson-Stevens Act National Standards require balancing optimum yield with minimizing bycatch and minimizing adverse impacts to fishery dependent communities. Chinook salmon bycatch taken incidentally in GOA pollock fisheries is a concern, historically accounting for the greatest proportion of Chinook salmon taken in GOA groundfish fisheries. Salmon bycatch control measures have not yet been implemented in the GOA, and 2010 Chinook salmon bycatch levels in the area were unacceptably high. Limited information on the origin of Chinook salmon in the GOA indicates that stocks of Asian, Alaska, British Columbia, and lower-48 origin are present, including ESA-listed stocks.

The Council is considering several management tools for the GOA pollock fishery, including a hard cap and cooperative approaches with improved monitoring and sampling opportunities to achieve Chinook salmon prohibited species catch (PSC) reductions. Management measures are necessary to provide immediate incentive for the GOA pollock fleet to be responsive to the Council's objective to reduce Chinook salmon PSC.

Alternatives:

Alternative 1: Status quo.

Alternative 2: Chinook salmon PSC limit and increased monitoring.

Component 1: PSC limit: 15,000, 22,500, or 30,000 Chinook salmon PSC limit.

The PSC limit may be exceeded by up to 25 percent one out of three consecutive years. If the PSC limit is exceeded in one year, it may not be exceeded for the next two consecutive years.

Apportionment limit between Central and Western GOA

- a) proportional to the historical pollock TAC (2006-2010 or 2001-2010 average).
- b) proportional to historical average bycatch number of Chinook salmon (2006-2010 or 2001-2010 average).
 - Option: drop 2007 and 2010 from both regulatory time series.
- c) as a combination of options (a) and (b) at a ratio of a:b equal to
 - Suboption i: 25:75
 - Suboption ii: 50:50
 - Suboption iii: 75:25

Central and Western GOA PSC limits and the 25 percent buffer would be managed by area (measures to prevent or respond to an overage would be applied at the area level, not Gulf-wide).

Chinook salmon PSC limits shall be managed by NMFS in-season similar to halibut PSC limits.

FINAL COUNCIL MOTION

C-3(b) GOA Chinook Salmon Bycatch

February 5, 2011

If a Chinook salmon PSC limit is implemented midyear in the year of implementation, an amount should be deducted from the annual PSC limit in that year. The deduction should be equal to the contribution that would have been made based on historical averages (selected above) in the seasons preceding implementation.

Component 2: Expanded observer coverage:

Extend existing 30% observer coverage requirements for vessels 60'-125' to trawl vessels less than 60' directed fishing for pollock in the Central or Western GOA.

Alternative 3: Mandatory salmon bycatch control cooperative membership.

To be eligible to participate in the Central Gulf of Alaska or Western Gulf of Alaska pollock fishery, the holder of an appropriately endorsed License Limitation Program license would be required to join a Chinook salmon bycatch control cooperative.

Each cooperative would be formed for participation in a single regulatory area (e.g., Central Gulf of Alaska or Western Gulf of Alaska).

To form, a cooperative is required to have more than:

- a) 25 percent; or
- b) 33 percent;

of the licenses that participated in the applicable regulatory area in the preceding year.

Any cooperative is required to accept as a member any eligible person, subject to the same terms and conditions that apply to all other cooperative members. In addition, the cooperative agreement shall not disadvantage any eligible person entering the fishery for not having an established Chinook salmon bycatch history in the fishery.

Each cooperative agreement shall contain:

A requirement that all vessels retain all salmon bycatch until the plant observers have an opportunity to determine the number of salmon and collect scientific data and biological samples.

Vessel reporting requirements to be used to identify salmon hotspots and an appropriate set of measures to limit fishing in identified hotspots.

A system of information sharing intended to provide vessels with timely information concerning Chinook salmon bycatch rates.

A monitoring program to:

- ensure compliance with the full retention requirement,
- catalogue gear use and fishing practices and their effects on Chinook bycatch rates,
- ensure compliance with vessel reporting requirements and limits on fishing under the system of salmon hotspots,
- determine compliance with any measures that require use of fishing gear or practices to avoid Chinook salmon PSC, and
- verify vessel performance and implement any system of rewards and penalties related to vessel performance.

A set of contractual penalties for failure to comply with any cooperative requirements.

**FINAL COUNCIL MOTION
C-3(b) GOA Chinook Salmon Bycatch
February 5, 2011**

Cooperative agreements may also contain the following measures:

Measures to promote gear innovations and the use of gear and fishing practices that contribute to Chinook salmon avoidance.

A system of vessel performance standards that creates individual incentives for Chinook salmon avoidance, which could include rewards or penalties based on Chinook salmon bycatch.

Cooperatives may have no measures except those specifically authorized by this action (and shall not include any measures that directly allocate access to any portion of the total allowable catch or any PSC limit).

Each cooperative shall annually provide a report to the Council that includes the cooperative agreement and describes the cooperative's compliance with the specific requirements for cooperatives and the cooperative's performance with respect to those requirements (including salmon retention, gear innovations and fishing practices, vessel reporting requirements and hotspot identification and fishing limitations, vessel performance standards, information sharing, and monitoring). Cooperative reports shall also document any rewards or penalties related to vessel performance and any penalties for failure to comply with the cooperative agreement. The cooperative report should also describe the Chinook salmon bycatch seasonally, identifying any notable Chinook salmon bycatch occurrences or circumstances in the fishery. As a part of its report, a cooperative shall describe each measure adopted by the cooperative, the rationale for the measure (specifically describing how a measure is intended to serve the objective of addressing Chinook salmon PSC, while ensuring a fair opportunity to all participants in the fishery), and the effects of the measure.

In the event more than one cooperative is created within a regulatory area, those cooperatives will be required to enter an intercooperative agreement prior to beginning fishing. The intercooperative agreement will establish rules to ensure that no cooperative (or its members) are disadvantaged in the fishery by its efforts to avoid Chinook salmon.

The parties to any intercooperative agreement shall annually provide a report to the Council including the intercooperative agreement and describing each measure in the agreement, the rationale for the measure (specifically describing how a measure is intended to serve the objective of addressing Chinook salmon PSC, while ensuring a fair opportunity to all participants in the fishery), and the effect of the measure.

The requirement for salmon PSC to be discarded at sea would not apply to directed GOA pollock fishing.

The Council intends to advance both a PSC limit and mandatory bycatch cooperatives as a preliminary preferred alternative and requests the agency begin scheduling to accommodate both alternatives as quickly as practicable.

UPDATE ON TRAVEL PROCEDURES

Travel Arrangements

All Federal agencies are required to make all travel arrangements through the Travel Control Center. All council member travel arrangements must be made by OSM staff. If you amend your travel yourself, you will not receive any per diem for travel time after the amended ticket is issued and you may be liable for the cost of airfare.

Therefore, any changes to your travel absolutely must be made through your coordinator. If you are unable to contact your coordinator, call Durand Tyler at 907-786-3888 or 1-800-478-1456 or Ann Wilkinson at 907-786-3676.

Travel Vouchers

The U.S. Fish and Wildlife Service nationwide is preparing to initiate new software for the Federal financial and business management system at the start of fiscal year 2012 (October 1, 2011), which will extend the time when OSM cannot make purchases or payments. There are two ways this might affect you directly: 1) Members who make a last minute decision to attend a council meeting may not receive a travel advance, and 2) travel vouchers for the fall 2011 council meetings will be delayed.

**Izembek National Wildlife Refuge Report
For the
Kodiak/Aleutians Federal Subsistence Regional Advisory Council
Spring Meeting – March, 2011
(Compiled on February 10, 2011)**

Caribou, Unit 9D:

To conduct the winter caribou count, there must be adequate snow cover and safe aviation operational conditions. Highly variable and patchy snow conditions severely limit visibility of caribou on the landscape. Due to lack of snow cover, a winter count for the year 2011 has not been conducted for the Southern Alaska Peninsula Caribou Herd (SAPCH). If weather permits a count this winter, the results will be reported at a future date.

The State of Alaska Department of Fish and Game (ADF&G) conducted composition counts of caribou on October 20, 2010. As shown in the following table, they classified the age and sex composition of 532 caribou. The calf:cow ratio improved from 43 calves per 100 cows in October 2009 to 47 calves per 100 cows in October 2010.

The bull:cow ratio increased from 21 bulls per 100 cows in October 2009 to 28 bulls per 100 cows in October 2010. The bull:cow ratio observed in the SAPCH is below ADF&G management objectives (>35 bulls:100 cows) but is expected to continue to improve during the next few years if calf recruitment remains high. According to the SAPCH operational plan of 2008, harvesting for the general hunt must remain closed until the bull ratio increases to 35 bulls per 100 cows. However, based on the last three years of calf:cow ratios and the increasing trend in Summer Post-calving counts, the RAC may want to consider presenting a proposal to the Board of Game regarding restrictive subsistence harvest levels through such methods as a Tier I or Tier II harvest.

SOUTHERN ALASKA PENINSULA CARIBOU HERD – SUMMARY STATISTICS					
Year	Population Count	Fall Bulls/ 100 Cow	Fall Calves/ 100 Cow	Fall Composition Sample Size	Summer Post-Calving Count
2004	1872	36	7	966	*
2005	1651	30	6	1040	*
2006	770	16	1	713	*
2007	*	15	1	431	600
2008	*	10	39	570	700
2009	*	21	43	679	800**
2010	*	28	47	532	*

*Data not collected.

**Count conducted by USFWS and ADF&G.

NOTE: FWS population counts are normally conducted fall through early spring; ADF&G fall composition ratios are taken from an October survey. The US Fish and Wildlife Service provided funds to the ADFG to assist with the annual fall composition counts.

Caribou, Unit 10 (Unimak Island):

A count for winter 2010–2011 has not yet been conducted for the Unimak Island Caribou Herd (UCH). If weather permits a count this winter, the results will be reported at a future date.

The State conducted composition counts of the UCH on October 19, 2010. As shown in the following table, they classified the age and sex composition of 284 caribou. The calf:cow ratio observed was 8 calves per 100 cows. This ratio increased from 3 calves per 100 cows in October 2009. It is consistent with calf ratios observed since 2005 and is similar to the predicted value (9 calves:100 cows) based on pregnancy rates and calf survival in 2010.

Likewise there was an increase in the bull:cow ratio from 5 bulls per 100 cows in October 2009 to 8 bulls per 100 cows in October 2010. The bull:cow ratio observed in the UCH is below the ADFG management objectives (>35 bulls:100 cows). Six caribou on Unimak Island were equipped with radio collars during the State's composition survey. Two additional radio collars were deployed on adult female caribou during the survey to aid future search efforts.

UNIMAK CARIBOU HERD – SUMMARY STATISTICS				
Year	Population Count	Fall Bulls/ 100 Cow	Fall Calves/ 100 Cow	Fall Composition Sample Size
2004–2005	1006	*	*	*
2005–2006	1009	45	7	730
2006–2007	806	*	*	*
2007–2008	*	31	6	433
2008–2009	*	9	6	260
2009–2010	400**	5	3	221
2010–2011	*	8	8	284

Note: "Year" covers the period October–April. ADF&G fall composition ratios are taken from an October survey; FWS population counts are normally conducted in the period between November–April.

*Data not collected.

**Incomplete survey.

Brown Bear:

There was no 2010 fall bear harvest in Unit 9D.

One bear, along with three wolves, were taken during 2010 fall harvest in Unit 10.

One bear was sealed by refuge staff at the headquarters office in Cold Bay during the Unit 10 fall, 2010 hunt.

According to residents of False Pass on Unimak Island, brown bear occurrences adjacent to and within the city limits appear to be increasing from past history. According to brown bear Subsistence Harvest Management Regulations there is no federal open season for Unit 10, Unimak Island. To perhaps provide assistance to residents of False Pass, the RAC may consider submitting a brown bear harvest proposal to the Federal Subsistence board to establish season and harvest limits for brown bear.

Waterfowl, Brant:

The fall black brant survey was conducted at Izembek from September 25 to October 21, 2010, as part of the entire flyway mid-winter survey. The mid-winter 2010 survey resulted in 26,443 brant counted at Izembek, an increase of 23 % over the 2009 total. The flyway total was 143,947 with a three year average of 145,655. Results from the mid-winter 2011 survey at Izembek are not yet completed and will be reported at a future date.

BLACK BRANT MID-WINTER SURVEY RESULTS			
Year	Izembek Total	Flyway Total	3-Year Average
2005	17240	101391	104834
2006	19616	133861	115571
2007	40041	133936	123063
2008	28329	147363	138387
2009	21482	no data	no data
2010	26443	143947	145655

Ground-based counts at Izembek Lagoon and adjacent areas provide an index of productivity for the entire Pacific population of brant. Brant productivity data have been collected at Izembek NWR for 48 consecutive years. In 2010, a total of 34,970 brant were classified by age between 25 September and 21 October. Juveniles comprised 20.3% of the brant classified. This proportion is lower than last year’s estimate of 26.8% juveniles and also lower than the long-term average (1963–2009) of 22.6% juveniles. A total of 281 brant family groups were counted during fall staging. Family group size ranged from 1 to 5 juveniles, with an average of 2.5 juveniles per family. Average family group size was more than the 2.27 juveniles estimated in 2009, but less than the long-term (1966–2010) average of 2.63 juveniles per family.

BLACK BRANT FALL PRODUCTIVITY COUNTS – IZEMBEK NWR				
Year	Adults	Juveniles	Total	% Juvenile
2005	16906	8455	25361	33.3
2006	26684	6798	33482	20.3
2007	22450	8819	31269	28.2
2008*	39743	7166	46909	15.3
2009	43517	15923	59440	26.8
2010	27,884	7,086	34,970	20.3

Waterfowl, Emperor Goose:

The spring 2010 aerial survey observed a total of 64,562 birds, a decrease of 30 percent from 2009. The spring 3-year average is 73,818. This is the number used for management seasons (a 3-year spring average of 80,000 geese is needed to consider opening any hunting season). The spring 2011 aerial survey has not been conducted at the time of this report development.

Population counts are conducted during spring and fall staging along the coasts of western Alaska and the Alaska Peninsula and are not specific to the refuge. Fall counts for Emperor Goose were conducted from

September 25 to October 12, 2010. These fall surveys provide an index of productivity for the population and are not used to determine a three-year average for hunting management purposes.

EMPEROR GOOSE SURVEY RESULTS				
Year	Spring Survey	Spring 3-year Average	Fall Survey	Fall 3-year Average
2005	53965	57492	73212	81349
2006	76108	59142	81078	82611
2007	77541	69205	73531	75940
2008	64944	72864	78201	77604
2009	91948	78144	79647	77127
2010	64562	73818	59924	72591

During this period a total of 2,143 Emperor geese were classified by age including 1,688 adults and 455 juveniles. The percentage of juveniles recorded in these counts was 21.2, which is approximately a 20% decrease from the two previous years. Family groups ranged in size from 1 to 6, and averaged a brood size of 2.4, slightly higher than the 2009 average of 2.3.

EMPEROR GOOSE FALL PRODUCTIVITY COUNTS – IZEMBEK NWR				
Year	Adults	Juveniles	Total	% Juvenile
2004	4600	1288	5888	21.9
2005	2844	1139	3983	28.6
2006	3360	2062	5422	38.0
2007	5124	1146	6270	18.3
2008	3739	1323	5062	26.1
2009	2114	743	2857	26.0
2010	1688	455	2143	21.2

Avian Influenza (AI):

The refuge completed its' final year of collecting samples for the Alaska Avian Influenza Sampling Surveillance Program. In the fall of 2010, we collected AI samples from hunter-harvested waterfowl (10 species) which included: Pacific Brant, Northern Pintail, and Green-Winged Teal. There were 138 Brant, 112 Northern Pintail, and 16 Green-Winged Teal sampled. To date, the highly-pathogenetic strain of AI known as H5N1 has not been detected in Alaska. The following table summarizes the majority of the hunter harvest samples collected in fall of 2010:

	Brant			Northern Pintail			Green-Winged Teal		
	Adult	Juvenile	Unk	Adult	Juvenile	Unk	Adult	Juvenile	Unk
Total	106	32	0	36	76	0	10	6	0
Species Total	138			112			16		



United States Department of the Interior



FISH AND WILDLIFE SERVICE
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Activity Report Kodiak National Wildlife Refuge September 2010 – February 2011

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, 2005–2011.

Species	2005–06	2006–07	2007–08	2008–09	2009–10	2010–11
Deer	68 (49)	76(56)	58(32)	81(49)	47(TBD*)	49(TBD)
Bear	5(3)	5(2)	5(0)	6(1)	6(1)	3(TBD)
Elk	5(0)	10(0)	6(0)	3(0)	5(0)	6(1)

*TBD (to be determined)

Brown Bear

Research

In early June 2010, 22 female bears were captured in the Karluk and Frazer Lake areas, and fitted with GPS transmitters programmed to collect and store location data every two hours. Over the course of the summer, location data was periodically uploaded to a plane-based computer and later compiled in the office. Of the 18 female brown bears for which we collected an entire data set, 12 moved between two or more major drainages, while only six bears, including the only two with cubs, restricted movements to the drainage in which they were collared. In apparent response to differences in food supply (salmon, berries), many cubless females collared in the Karluk area tended to move before August while those collared in the Dog Salmon area tended to move after August.

The Kodiak Refuge and Alaska Department of Fish and Game (ADF&G), with assistance from five volunteers and a University of Idaho graduate student, plan to capture and place GPS/VHF transmitters on 12 brown bears to maintain a study sample size of 25 collared bears in the Karluk River and Frazer River drainages this year. Biologists will monitor collared bears throughout the summer and gather important

data on habitat and resource use. Results from this multi-year project will facilitate management by increasing knowledge of brown bear seasonal movement, use, and preferences of habitat; the relationship between bear resource use and reproductive success; and potential influence of climate change and human disturbance.

Salmon Availability

Understanding the timing of salmon spawning runs is critical to understanding seasonal movements and habitat requirements of bears in coastal Alaska including the Kodiak area. During the summer of 2010, biologists tested and verified the feasibility of using remote videorecorders to assess variation in the timing and spawning habits of early-run sockeye salmon in two streams that discharge into Karluk Lake (Figure 1). In 2011, we plan to continue monitoring of these same areas and expand the effort to include two others in the lake basin.



Figure 1. Video camera arrangement includes electric fence surrounding tripod with camera and contrasting white vinyl panel secured to stream bottom.

Intensive Aerial Survey (IAS)

During the 1980s, biologists from the Kodiak Refuge, the US Geological Survey (USGS), and ADF&G developed a reliable method for monitoring trends in brown bear abundance in representative regions of the Refuge. Results from a survey of the upper Karluk River drainage in May 2010 indicated that abundance of subadult and adult brown bears had declined from 132 in 2003 to 69 in 2010. This apparent decline is a concern. However, it may be the result of late winter snowfall and a cool spring which caused bears to emerge from their dens after the survey was completed. Due to potential implications associated with potentially unrepresentative results of the 2010 survey, the Karluk River drainage will be resurveyed in May 2011. Additionally, the area north of Terror Lake also will be surveyed at the same time by a different survey team.

Sitka Black-tailed Deer

Mortality Surveys

In April 2010, we will survey deer mortality in traditional trend-monitoring areas including Chief Cove (west Kodiak Island), north Sitkalidak Strait (east Kodiak Island) and west Olga Bay (south Kodiak Island). Surveys have been conducted annually since 1992. The goal of these surveys is to produce an estimate of relative annual levels of deer mortality and survival over the winter period.

Future Research

Refuge biologists are examining historic surveys and evaluating methods for improving the quality of deer population monitoring on Kodiak. We are in the process of developing a study plan to improve our understanding of deer abundance and distributions on Kodiak Island. One potential method involves testing the feasibility of aerially surveying deer in open terrain of the southern portions of Kodiak Refuge. We will be evaluating the feasibility of this method this spring.

Elk

Radio telemetry

ADF&G plans to capture and equip 15 elk with VHF radio telemetry collars in June. Radio-collared animals provide a basis for tracking herds and estimating herd composition, population size, and harvest quotas.

Sea Otter

Population Survey

Population monitoring is an important tool of sea otter management. In the Kodiak area, monitoring results provide information on the general health, size, and distribution of a substantial portion of a federally threatened sea otter stock. Results from the last survey, conducted in 2004, revealed a population of 6,284 sea otter, an estimate that did not differ substantially from the previous 2001 survey. Kodiak Refuge and the Service's Marine Mammal Management Division (MMM) are currently revising the survey design. The revised design will allow for annual surveys of sea otters in distinct subregions of the Kodiak area rather than a single area-wide survey conducted every three to seven years. Following completion of observer training in May, the Refuge's subsistence wildlife biologist will survey sea otter in one of the newly identified survey area subregions in June.

Prey Species Collections

MMM is studying sea otter diets in the Kodiak and Homer areas by analyzing stable isotopes of prey items and archived sea otter whiskers collected from beach cast, hunter-harvested, and live-captured animals. Kodiak Refuge, in cooperation with NOAA, has assisted this study by collecting samples of otter prey species. Samples are being used to establish reference data for isotope levels found in different food prey species. Although sea otter consume a diversity of marine foods, a few usually compose the bulk of the diet. Monitoring changes in diet can facilitate management by providing a means of explaining change in reproductive fitness, survival, abundance, and distribution.

Sea Otter Mortality

Dead sea otters reported by the public and collected by Refuge subsistence staff are sent to MMM for detailed necropsies to determine causes of death. During the current reporting period, we received necropsy reports for two otters that were hit and killed by boats last winter. These otters were killed within a few weeks of each other in the Hidden Basin region of Kodiak. In addition to evidence of trauma from the propeller strikes, both otters had very high levels of paralytic shellfish poisoning (PSP). An additional two sea otters were collected by Refuge staff this fall and sent to MMM. Test results are pending.

Marine Mammal Marking and Tagging Update (MMMTP)

Under the 1972 Marine Mammal Protection Act, qualified Alaskan coastal natives may harvest sea otters and use the pelts for handicrafts and resale. Legally harvested sea otter hides and skulls must be officially tagged by a USFWS-approved representative (“tagger”). Currently, there are 15 taggers distributed in the villages of Kodiak Island. During the current reporting period, Refuge staff tagged a single sea otter hide and skull.

Migratory Birds

Seabird Colony Surveys

A collaborative effort was launched in 2008 to resurvey the majority of seabird nesting colonies in the North Pacific Colony Database including those in the Kodiak area. In this area, most colonies are situated on off-shore islands, islets, and rocks administered by Alaska Maritime NWR. Because the survey window for colony nesters is relatively small and the survey area is so large, it was divided into three regions: Afognak/Shuyak Islands, eastern Kodiak Island, and western Kodiak Island. Each region has been surveyed during a two-week period in late June over the past three years (Table 2). Survey data will be submitted to the North Pacific Seabird Data Portal (available at www.seabirds.net). The Refuge intends to re-survey colonies on a 5-year cycle, if funding permits.

Table 2. Results of survey of common colonial nesting seabirds of: Afognak and Shuyak Islands (June 2008), eastern Kodiak Island (June 2009), and western Kodiak Island (June 2010).

Location:	Black-legged Kittiwake		Glaucous-winged Gull		Pelagic Cormorant		Red-faced Cormorant		Tufted Puffin
	Birds Counted	Nests	Birds Counted	Nests	Birds Counted	Nests	Birds Counted	Nests	Birds Counted
Afognak	6,477	3,848	8,364	1818	893	396	67	160	1,147
East Kodiak	62,226	23,756	5,654	481	1,714	103	257	71	6,747
West Kodiak	25,419	11,146	7520	942	568	72	172	25	15,806

Winter Seabird Surveys

The Kodiak Refuge has a long history of winter seabird surveys on the west side (Uyak and Uganik Bays) and east side (Sitkalidak Straits) of Kodiak Island. We are currently evaluating these surveys for their ability to detect changes in wintering population levels for the most commonly observed and ecologically

sensitive species. We plan on implementing survey methods developed for region-wide monitoring in the Gulf of Alaska in February 2012.

Coastal Waterbird Surveys

Summer population surveys for birds breeding along the coasts of Kodiak have been conducted since the mid-1990s. Surveys have focused on the nearshore and intertidal zones and give reliable estimates of abundance for common species such as harlequin duck, pigeon guillemot, and black oystercatcher. In August 2010, surveys were conducted in Foul and Blue Fox Bays off Afognak Island (Figure 2). Marbled murrelets were commonly observed, and the largest flock (~200 birds) was seen near Ban Island. Other commonly observed species included: glaucous-winged gulls, black-legged kittiwakes, harlequin ducks, black oystercatchers, and pigeon guillemots. A pilot study was conducted concurrently to assess feasibility of monitoring marbled murrelets on randomly selected nearshore and pelagic transects. This new survey method requires less time and resources. Biologists will be comparing survey results from the simultaneously conducted pilot study and traditional surveys to develop a calibration factor to assess the reliability of the pilot study results. Results are pending.

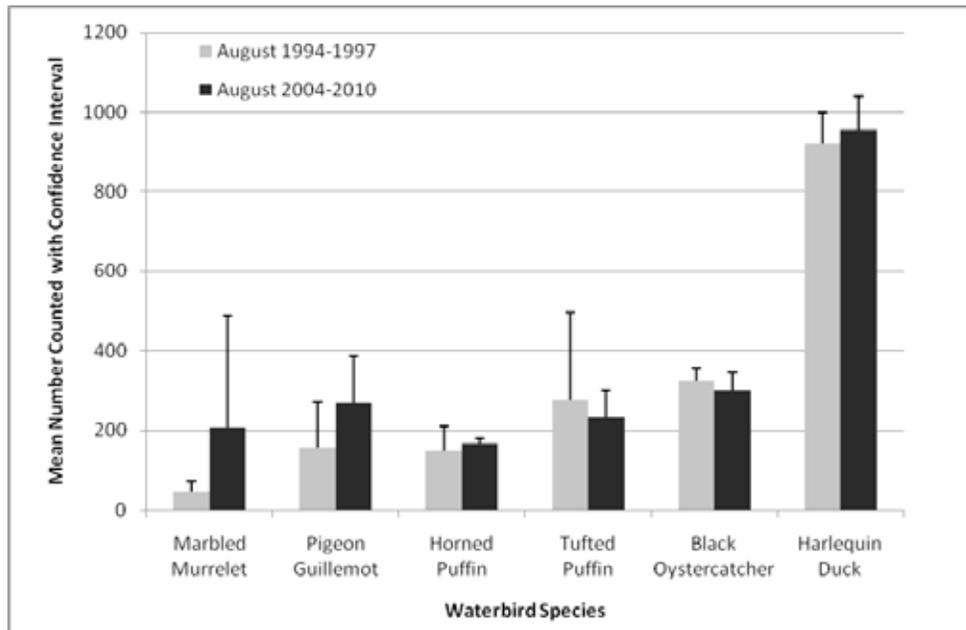


Figure 2. Comparison of average number of individuals of six common species counted on coastal surveys during two survey periods (August 1994–1997, August 2004–2010) in Paramanof, Foul, and Blue Fox bays adjacent to Afognak Island, AK. (Error bars indicate the 95% confidence intervals).

In the past, an effort was made to survey the entire coastline of selected bays during May and August, with an emphasis on harlequin ducks. In the future, we will likely adopt a different method for monitoring nearshore marine birds, which has been developed for other coastal areas of Alaska by the National Park Service. By including randomly selected survey transects in bays and along exposed coasts, we expect the new survey methods to be more representative of the entire nearshore community. The timing of the surveys will also change, with surveys being conducted in June and July when the majority of resident breeding birds have established nests and populations are more stable.

Migratory Bird Subsistence Harvest Surveys

Every two to three years, harvest surveys are conducted in 11 harvest management units in Alaska. The current survey of the Kodiak area, initiated in spring 2010, is expected to conclude following the winter 2011 harvest reporting period. The survey, a joint effort of ADF&G and the Kodiak Refuge, are to assess trends in subsistence harvest practices and thereby facilitate management and conservation of important subsistence resources. Areas surveyed include communities in the road-connected area surrounding the Kodiak City boundary and four villages (Akhiok, Karluk, Larsen Bay and Port Lions). Survey scope includes assessment of subsistence bird use not only for the two periods subject to federal subsistence harvest regulation (spring-summer) but also fall and winter during the general waterfowl hunting season. Results from the last subsistence harvest survey (2006) can be accessed and viewed at <http://alaska.fws.gov/ambcc/harvest.htm>.

Fisheries

The 2010 salmon runs were mixed throughout the Kodiak Management Area (KMA). Preliminary forecasts for 2011 returns also remain variable. Compared to 2009, escapement goals in 2010 were not met in only one system, the Karluk River. Additionally, escapement of seven populations, primarily consisting of sockeye salmon, increased and five decreased but met lower escapement goals. Though lower escapement goals were not met for the Chinook salmon and early run sockeye salmon in the Karluk River, numbers were higher in 2010 than 2009.

During September 2010, the Alaska Department of Fish and Game (Department) conducted an in-house workgroup to review salmon goals within the KMA. This process is conducted every three years when the Alaska Board of Fisheries is conducting its area meetings. Of the 23 goals set by the Department, 12 changed. No changes were made for sockeye salmon within Refuge boundaries. Chinook salmon escapement goals were changed for the Ayakulik and Karluk River drainages. Chinook salmon returns within the Karluk River drainage have failed to meet the minimum escapement goals over the past five years, from 2006 to 2010. This outcome prompted the Department to recommend, and the Board to adopt, designation of this population as a “stock of concern”. In response, the Board debated and adopted an action plan to address information and management needs geared to improve escapement at its January 2011 meeting in Kodiak.

Refuge Newsletter

Refuge staff will produce a fourth newsletter this winter. This newsletter provides information to village and remotely-based residents that work, live or recreate on or near Refuge lands. Content includes articles about ongoing biological studies related to subsistence species, announcements related to subsistence and stories or photographs that inspire and connect people to wildlife, natural resources and their Refuge. Copies are available at the Kodiak National Wildlife Refuge Visitor Center downtown and can also be mailed to you. Contact Tonya Lee, Refuge Information Technician for more information (907-487-0235).

Visitor Center

New Manager



Ava Kahn, recently hired Visitor Center Manager. Prior to this position, Ava was employed as a Park Ranger at various National Wildlife Refuges in the east and south U.S.

Brown Bag Lunch Seminar Series

The Refuge is beginning a biological talk series open to the public. Each month from September through May, a local biologist will discuss their work with the public and field questions. Scheduled speakers include: McCrea Cobb (Refuge Subsistence Wildlife Biologist), Robin Corcoran (Refuge Bird Biologist), Bill Leacock (Refuge Bear Biologist), and Kate Wynne (Marine Advisory Program Marine Mammal Specialist).

Other Noteworthy Activity

Invasive Plant Management

A strategy proposed to conserve Refuge resources through integrated pest management, including herbicide use, was approved and determined to have no significant impacts on the human environment. This decision is detailed in a “Finding of No Significant Impact” (FONSI) released 4 November 2010 and signed by Gary Wheeler, Refuge Manager. Wheeler’s decision was based on evaluation of: (1) proposed and alternative management strategies described in a draft Environmental Assessment (EA) of July 2010, and (2) public comments received in response to the draft EA. Of the 11 responses received, most were supportive. Pending completion of project level site-specific plans and approval of any required permits, integrated pest management actions, including aminopyralid and/or glyphosate herbicide use where appropriate, will begin in spring of 2011. For more information about the approved management strategy, approval decision and rationale, and public comments, refer to http://kodiak.fws.gov/news_room.htm.

Highly invasive plants are regarded as a serious threat to the integrity of native plants and fish and wildlife habitats including those found on National Wildlife Refuges. Several species of highly invasive plants have become established in the Kodiak Archipelago. Presently, major infestations occur in the area including Kodiak City, as well as two of six village communities. In addition, numerous minor infestations have been documented in remote areas including Refuge lands. Working in concert with conservation partners, the Refuge looks forward to implementing its management strategy to conserve native habitats and to restore areas adversely affected by highly invasive plants.

OVERVIEW OF THE ALASKA MIGRATORY BIRD CO-MANAGEMENT COUNCIL

By: Fred Armstrong, Executive Director, Alaska Migratory Bird Co-Management Council (AMBCC)

Introduction

The Migratory Bird Treaty Act was amended to allow the Federal government to regulate an otherwise closed season between March 10 and September 1. The AMBCC was created to provide regulatory recommendations to the Service Regulations Committee.

Background

The AMBCC consists of Alaska Natives, State of Alaska and U.S. Fish & Wildlife Service representatives that meet and act on regional regulations. Current partners include:

State of Alaska	Bristol Bay Native Association
Aleutian/Pribilof Islands Association	Copper River Native Association
Association of Village Council Presidents	Kawerak Inc.
Chugach Regional Resource Commission	Tanana Chiefs Conference
Sun'aq Tribe of Kodiak	North Slope Borough
Maniilaq Association	

The council recommends regulations based on the customary and traditional lifestyle of indigenous inhabitants located in eligible areas of the state defined in the amendments protocol. The season runs from April 2–August 31 of each year with a 30 day closure prescribed for each region during the principle nesting season. An open and closed list of birds is also published annually as well as methods and means prohibitions.

The public can submit proposals during the open period of November 1 through December 15 annually. The AMBCC acts on regional and statewide proposals at their April regulatory meeting of each year.

All hunters ages 16 and over must have in possession a federal duck stamp when hunting waterfowl.

Law Enforcement will actively enforce all migratory bird regulations promulgated for the spring and summer season in Alaska.

Visit <http://alaska.fws.gov/ambcc/index.htm> to view the current regulations for the subsistence harvest of migratory birds and find more information on the AMBCC.

Alaska Migratory Bird Co-Management Council

(Updated September 2010)

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Proposal Form

The Alaska Migratory Bird Co-Management Council
***Proposed Change for 2012 Alaska Subsistence Spring/Summer
Migratory Bird Harvest Regulations***

All proposals received by the AMBCC office will be sent to the affected regional management body for their consideration and recommendation. Recommendations will be forwarded to the statewide body for consideration and action. To ensure success of your proposal, please plan on attending your local regional management body meeting to present data or information on your proposal. Proposals received without adequate information may be deferred or rejected.

Proposed by: _____

Name: _____

Organization/Affiliation: _____

Mailing Address: _____

Daytime Phone: _____ Fax Number: _____ E-mail: _____

What problem or issue are you trying to address? (Clearly state the problem to be solved or a situation that should be corrected.)

How should the new regulation read? (Indicate if it is a change to season dates, species of bird/eggs open to hunting, area open to hunting, methods and means, or harvest limits)

To what geographic area does this regulation apply? (Is it a statewide, regional, or local regulation? If it pertains to a local area, please describe where it applies.)

What impact will this regulation have on migratory bird populations?

How will this regulation affect subsistence users?

Why should this regulation be adopted?

Please attach any additional information that supports your proposal.

Fall 2011 Regional Advisory Council Meeting Calendar

August 22–October 14, 2011 current as of 10/29/10

Meeting dates and locations are subject to change.

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Aug. 21	Aug. 22 WINDOW OPENS	Aug. 23 NWA—TBA NS—TBA	Aug. 24	Aug. 25	Aug. 26	Aug. 27
Aug. 28	Aug. 29	Aug. 30	Aug. 31	Sept. 1	Sept. 2	Sept. 3
Sept. 4	Sept. 5 HOLIDAY	Sept. 6	Sept. 7 KA—Cold Bay or King Cove	Sept. 8	Sept. 9	Sept. 10
Sept. 11	Sept. 12	Sept. 13	Sept. 14	Sept. 15	Sept. 16	Sept. 17
Sept. 18	Sept. 19	Sept. 20	Sept. 21 SP—Nome	Sept. 22	Sept. 23	Sept. 24
Sept. 25	Sept. 26	Sept. 27	Sept. 28	Sept. 29	Sept. 30 END OF FY2011	Oct. 1
					SE—Wrangell YKD—TBA	
Oct. 2	Oct. 3 SC—Cantwell	Oct. 4	Oct. 5	Oct. 6	Oct. 7	Oct. 8
		WI—Aniak				
Oct. 9	Oct. 10 HOLIDAY	Oct. 11	Oct. 12	Oct. 13	Oct. 14 WINDOW CLOSES	Oct. 15
		El—Tanana	BB—Dillingham			

Winter 2012 Regional Advisory Council Meeting Calendar

February–March 2012 current as of 02/28/11

Meeting dates and locations are subject to change.

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
<i>Feb. 12</i>	<i>Feb. 13</i> <i>Window Opens</i>	<i>Feb. 14</i>	<i>Feb. 15</i>	<i>Feb. 16</i>	<i>Feb. 17</i>	<i>Feb. 18</i>
		SP—Nome				
<i>Feb. 19</i>	<i>Feb. 20</i> HOLIDAY	<i>Feb. 21</i>	<i>Feb. 22</i>	<i>Feb. 23</i>	<i>Feb. 24</i>	<i>Feb. 25</i>
				YKD—Emmonak		
<i>Feb. 26</i>	<i>Feb. 27</i>	<i>Feb. 28</i>	<i>Feb. 29</i>	<i>Mar. 1</i>	<i>Mar. 2</i>	<i>Mar. 3</i>
<i>Mar. 4</i>	<i>Mar. 5</i>	<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>	<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>	<i>Mar. 20</i>	<i>Mar. 21</i>	<i>Mar. 22</i>	<i>Mar. 23</i> <i>Window Closes</i>	<i>Mar. 24</i>