



SOUTHCENTRAL
Subsistence
Regional Advisory Council
Meeting Materials
October 15-16, 2014
Kenai



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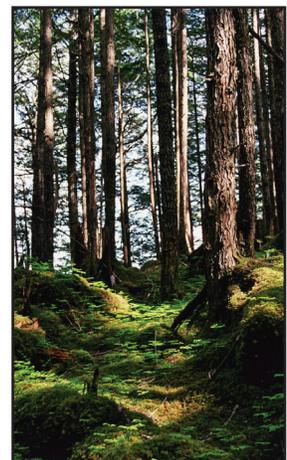
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Sunlight dances on the mossy ground through the towering trees in Chugach National Forest. Photo courtesy: USFWS.



SOUTHCENTRAL SUBSISTENCE REGIONAL ADVISORY COUNCIL
Kenai Convention and Visitor Center, Kenai
October 15-16, 2014
9:00 a.m. daily

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

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

AGENDA

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Adjourn (*Chair*)

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

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

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

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REGION 2—Southcentral Alaska Subsistence Regional Advisory Council

Seat	Yr Apptd <i>Term Expires</i>	Member Name & Address	
1	2007 2016	Robert J. Henrichs Cordova	
2	2016	VACANT	
3	2003 2016	Richard Greg Encelewski Ninilchik	Vice Chair
4	2010 2016	Mary Ann Mills Kenai	
5	2016	VACANT	
6	2003 2014	Gloria Stickwan Tazlina	
7	2011 2014	James R. Showalter Sterling	
8	2011 2014	Michael V. Opheim Seldovia	
9	2011 2014	Andrew T. McLaughlin Chenega Bay	
10	2009 2015	Judith C. Caminer Anchorage	Secretary
11	1993 2015	Ralph E. Lohse Copper River	Chair
12	2003 2015	Thomas M. Carpenter Cordova	
13	2013 2015	Herman N. Moonin, Jr. Anchor Point	

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MINUTES

Southcentral Subsistence Regional Advisory Council
March 11-13, 2014
Crowne Plaza Hotel
Anchorage, Alaska

COUNCIL MEMBERS

Ralph Lohse, Chairman, Judy Caminer, Tom Carpenter, Greg Encelewski, Robert Henrichs, Andrew McLaughlin, Mary Ann Mills, Michael Opheim (telephonic), James Showalter, Gloria Stickwan, William Shuster

SERAC members

BBRAC: Dan Dunaway

Excused: Tom Carpenter, Robert Henrich; absent: Herman Moonin

Council Coordinator: Donald Mike, DFO

CALL TO ORDER Meeting called to order Chairman Lohse.

ROLL CALL Chairman Lohse requested the Coordinator call roll. Nine Council members present and four absent. Quorum established.

Ms. Stickwan led opening.

INTRODUCTIONS Introduction of Council members, staff, agency, tribal organizations and public.

REVIEW & ADOPTION OF AGENDA Mr. Encelewski **moved** for the adoption of the agenda. Second called by Ms. Mills. The Council moved wildlife proposal WP14-11 agenda item following the election of officers. Motion made by Mr. Encelewski and second called by Ms. Mills. Question called on the amended agenda, motion carries.

ELECTION OF OFFICERS Mr. Lohse opened the election of officers through the Secretary, for nomination of the Chair. The Council nominated Mr. Ralph Lohse as Chair. Vice Chair, Mr. Encelewski nominated and seated as the vice chair. Secretary, Ms Caminer nominated for the Secretary and seated by the Council.

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OLD BUSINESS

WP14-11. Proposal 11 was deferred to the March 2014 public meeting. Additional biological information was needed to develop recommended action for the Federal Subsistence Boards consideration.

Proposal 11 was submitted by Mr. Andy McLaughlin of Chenega Bay. The proponent requested opening a limited moose hunt of one bull per community.

Mr. Tom Evans, OSM wildlife biologist presented the staff analysis. Preliminary conclusion is to oppose proposal 14-11. Mr. Milo Burcham, Forest Service wildlife biologist presented additional biological information on the moose population in Kings Bay.

Ms. Pippa Kenner, OSM anthropologist, presented the ANILCA Section 804 analysis for Kings Bay moose.

Ms. Caminer moved to adopt WP14-11 and second called by Mr. McLaughlin. Discussion on the motion. Question called. Motion carries.

The Southcentral Council supported the proposal with modification to support the Section 804 analysis conclusion, that residents of only Chenega Bay and Tatitlek should be eligible to harvest moose from the hunt area. The Council supported continuing the closed hunting season.

REVIEW & ADOPTION OF MINUTES

Ms. Stickwan moved to adopt the September 24-26, 2013 meeting minutes. Seconded by Ms. Mills. Question called, minutes approved.

NEW BUSINESS

Ms. Karen Hyer reported to the Council the FSB is announcing the call for fishery proposals. Deadline to submit fishery proposals is March 28.

Mr. George Pappas, OSM fishery biologist, notified the Council on the recent Alaska Board of Fisheries proposals. The Alaska BOF, proposal 43, was submitted to place in State regulations a barbless hook for the Kenai River fisheries as a conservation measure to protect the Chinook run. Currently, Federal fishing regulations do not address barb versus non-barbless hooks. The Council will submit a proposal to the Federal Subsistence Board to define hooks

D R A F T

in Federal regulations.

Priority Information Needs. Ms Hyer, opened the discussion for input from the Council on priority information needs. The Council recommended several projects to be included in the priority information needs.

- Chinook and escapement projects and sockeye abundance estimates.
- Chinook salmon on the Kasilof River, need for more data, escapement and run timing. Local rivers has lost some wild stock of Chinook, would like to determine why losing these stocks.
- Baseline study for Kenai River Chinook, no study has been done. How is the wild stock being impacted by hatchery reared salmon.
- Historical data collected by previous fishery manager, Ken Roberson, in the Copper River basin (previously submitted but rejected).
- Effects on restoration projects to improve Chinook returns conducted by the Forest Service. Investigate if restoration efforts have been successful and use those data to apply to other improvement projects.

Review and Approve the Draft FY2013 Annual Report. The Council reviewed and approved the 2013 Annual Report on the following issues.

Katie John Appeal
Support of the FRMP
Support a Wildlife Resource Monitoring Program
Representation from other RACs
Joint RAC Chairs Meeting
Tribal Government v. Tribal Organizations
Food Security
Magnuson – Stevens Act
RAC Charters.
Council Travel
OSM Budget

Tribal Consultation Implementation Guideline and ANCSA Policy. Mr. Jack Lorrigan, OSM Native Liaison, presented the draft guideline for RAC input. Discussion. The Council supports the policy in concept and requested future reports on the progress

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on the draft guidelines. The Council moved in support of the implementation guidelines as presented by OSM staff.

AGENCY REPORTS

The Council was presented agency reports from the Alaska Energy Authority, the Donlin Gold project (URS) and the Tyonek Tribal Conservation District on resource related projects.

Location/Time Of Next meeting The Council confirmed its October 15-16, 2014 meeting in Kenai, Ak. The winter meeting is scheduled for February 18-19, 2015 in Anchorage, AK.

Adjournment

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

Donald Mike, DFO
USFWS Office of Subsistence Management

Ralph Lohse, Chair
Southcentral Subsistence Regional Advisory Council

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

For a more detailed report of this meeting, copies of the transcript and meeting handouts are available upon request. Call Donald Mike at 1-800-478-1456 or 786-3629, email donald_mike@fws.gov

MINUTES OF THE MARCH 11-13, 2013 SOUTHEAST ALASKA SUBSISTENCE REGIONAL ADVISORY COUNCIL MEETING

Location of Meeting:

Crowne Plaza Hotel, 109 W. International Airport Road, Anchorage

Time and Date of Meeting:

Tuesday March 11, 2014, 10:30 a.m. – Thursday March 13, 2014, 4:30 p.m.

SOUTHEAST ALASKA SUBSISTENCE REGIONAL ADVISORY COUNCIL SESSION

Call to Order:

The spring meeting of the Southeast Alaska Subsistence Regional Advisory Council was called to order Tuesday, March 11 at 10:30 a.m. All Council members were present. John Yeager was excused for the first day and Aaron Isaacs was excused for portions of the second and third days of the meeting due to illness. Aaron Isaacs provided an invocation at the beginning of the meeting on March 11.

Review and Adopt Agenda:

The Council supported a motion (12-0) to accept the Agenda as a guide with the following changes: the Southeast Alaska Council would meet in this room on Wednesday morning then stand down while the Southcentral Council meets in the room during the afternoon. The two councils would meet in joint session again on Thursday. Wayne Owen, USFS, will provide an update on the status of the Petition to Extend Federal Jurisdiction into the marine waters near Angoon at noon on Wednesday March 12. The two councils will meet in concurrent sessions the afternoon of March 13 prior to adjournment.

Review and Approve Previous Meeting Minutes:

The Council supported a motion (12-0) to approve the September 24-26, 2013 Council meeting minutes with the following amendments: Kasaan Indian Association is changed to Organized Village of Kasaan.

Letter of Recognition and Condolence for Floyd Kookesh:

The Council approved a letter of condolences to the family of Floyd Kookesh, a longtime Council member from Angoon. The letter was addressed to Lena Woods, Melissa Kookesh, Ramona Kookesh, Kristi Kookesh, Marty Fred and Tyler Frisbe and signed by all the Council members.

Election of Officers:

By unanimous vote, Bert Adams was elected Chair, Mike Bangs vice-chair, and Harvey Kitka Secretary of the Southeast Alaska Subsistence Regional Advisory Council.

Attendees:

The following persons attended either the Southeast Alaska Council or the joint Southcentral/Southeast Alaska Council meeting either in person or by teleconference in addition to the Council members.

Barbara Cellarius	Glennallen	NPS
Bud Rice	Anchorage	NPS
Cal Casipit	Juneau	USFS
Carl Johnson	Anchorage	OSM
Chris Lampshire	Anchorage	USFS-LEO
Clarence Summers	Anchorage	NPS
Dan Sharp	Anchorage	BLM
David Jenkins	Anchorage	OSM
Davin Holen	Anchorage	ADF&G
Dennis Chester	Juneau	USFS
Diane Evans	Juneau	NPFMC
Don Rivard	Anchorage	OSM
Donald Mike	Anchorage	OSM
Drew Crawford	Anchorage	ADF&G
Eva Patton	Anchorage	OSM
Forrest Hannon	Anchorage	USFWS
Gene Peltola Jr.	Anchorage	OSM
George Pappas	Anchorage	OSM
Glenn Chen	Homer	BIA
Jack Lorrigan	Anchorage	OSM
Jane D. Cosimo	Anchorage	NPFMC
Jeff Anderson	Anchorage	USFWS
Jeff Brooks	Anchorage	OSM
Jeff Reeves	Craig	USFS
Jenifer Kohout	Anchorage	USFWS
Jennifer Yuhas	Anchorage	ADF&G
Jim Capra	Yakutat	NPS
Justin Koller	Sitka	USFS
Karen Hyer	Anchorage	OSM
Kay Larson-Blair	Anchorage	OSM
Lauren Sill	Juneau	ADF&G
Mary Patania	Anchorage	Public
Melinda Burke	Anchorage	OSM
Palma Ingles	Anchorage	USFWS

Pat Petrivelli	Anchorage	BIA
Peter Naoroz	Juneau	Kootznoowoo Inc.
Pippa Kenner	Anchorage	OSM
Robert Larson	Petersburg	USFS
Steve Kessler	Anchorage	USFS
Steve Reifentstuhl	Sitka	NSRAA
Susan Oehlers	Yakutat	USFS
Terry Suminski	Sitka	USFS
Tom Evans	Anchorage	OSM
Tom Kron	Anchorage	OSM
Trevor Fox	Anchorage	OSM

Reports:

Ken Jackson reported that although deer are depleted in the Kake area, the number of moose is increasing. There was a marten trapping closure on Kuiu Island again this year and although he was in favor of that action this season, he may not think it appropriate for next season. Sea otters are continuing to reduce the abundance of crabs and clams in the local area. Commercial fishing by the seine fleet for abundant pink salmon is intercepting and reducing the amount of sockeye salmon available for subsistence harvest from local stocks.

Aaron Isaacs reported that the road system management system used by the Forest Service to close roads is affecting local residents' ability to access some areas important to subsistence users.

Frank Wright reported that the deer population appears to be recovered in the Northeast Chichagof Controlled Use Area. The Hoonah Indian Association is contracting with Sealaska Corporation for thinning trees on the corporation's lands that have been previously clear-cut. The local Dungeness crab stocks are being depleted due to the commercial fishery and the abundance of sea otters.

Art Bloom is a newly appointed council member and is honored to be selected and serve on the Council.

Mike Bangs reported that Chrystal Lake Fish Hatchery burned last week with the loss of 1.2 million juvenile Chinook salmon. This loss will affect Chinook salmon returns in the future. The Alaska Fish and Game Advisory Committees in Wrangell and Petersburg submitted Stikine River subsistence fishing proposals. The Tongass Forest Plan will need to be revised to accommodate transition to young growth management.

Harvey Kitka reported that the Sitka Tribe remains concerned with the health of the Sitka Sound herring stock. There were some Tribal members that were not successful at harvesting herring spawn-on-branches this season. Harvey noted that sea otters can remove all shellfish from an area in a short amount of time. The Tribe has concerns with the management of mountain goats in Unit 4.

Bert Adams reported that the residents of Yakutat are very concerned with the impacts of sea otters on the local Dungeness crab stock. The moose quota was reduced again this year to 25 bulls west of the



Dangerous River to address the low bull-cow ratio in this herd. Deer have been impacted by recent bad winters but this has been a good winter for deer and moose survival. There has been a good run of eulachon into the Situk River; better than in many years. There was a good herring spawn again this year. Bert is no longer the chair of the Wrangell-St. Elias Subsistence Resource Commission (SRC). The SRC discussed the customary and traditional use determination process and it will be an educational challenge for them to understand the issue.

Bob Schroeder is thankful for the warm welcome from the Council and is looking forward to a successful time serving on the Council.

Mike Douville reported that road closures on Prince of Wales Island are compressing hunting pressure to fewer areas and increasing competition. The Prince of Wales fish hatchery at Klawock had a good return of coho salmon last fall. Mike recommends that fishers should record a steelhead when it is taken and not wait until they leave the stream.

Patricia Phillips reported that there are now 80 residents in Pelican. Because of the mild winter, deer appear to be very healthy this year. There also appears to be an over-abundance of bears with several recent encounters in Pelican. The trapping season was successful. Local Native hunters are increasing the harvest of sea otters but there is a shortage of skilled people to sew them into handicrafts. The commercial seine fleet is becoming increasingly more efficient at catching salmon.

Cathy Needham reported that she is concerned with potential impacts to subsistence due to climate change. The Council needs to remain vigilant in opportunities for changes to fishing regulations for the benefit of subsistence users. Sea otters remain a concern and are continuing to expand their range. Mining in Canada on rivers flowing into the Southeast Region is a concern. Cathy and Bert attended the fall meeting of the Southcentral Subsistence Council and thought that was a very effective way of learning about the concerns of another region.

Don Hernandez reported there was a successful deer hunting season on Prince of Wales Island. There was almost no snow this winter which should be good for deer. Don is concerned about additional loss of important fish and wildlife habitat, and loss of land under Federal jurisdiction due to proposals to transfer additional land to the State from the Tongass National Forest.

SOUTHCENTRAL AND SOUTHEAST ALASKA SUBSISTENCE REGIONAL

ADVISORY COUNCILS JOINT SESSION

Call to Order:

The joint session of the Southcentral-Southeast Alaska Subsistence Regional Advisory Councils was called to order Tuesday, March 11 at 1:30 p.m. Gloria Stickwan provided an invocation. The meeting was chaired jointly by Bert Adams and Ralph Lohse. The councils met again in joint session on Thursday March 13.

Joint Meeting Informational Reports:

Customary and Traditional Use Determinations: Pat Petrivelli and Pippa Kenner reviewed the current status of the customary and traditional use (C&T) determination process. The issue of why C&T determinations are necessary and how they were made was first raised by the Southeast Alaska Council. The notice from the Board, a comparison of the Section 804 process/C&T determination process, and the action summaries from the other Councils was included as written materials in the Council books. There are educational and communication challenges to bring all Councils to the point where they have the same degree of understanding of the issue. This issue will be addressed by the councils again during their fall meetings.

Coordination with the North Pacific Fisheries Management Council: Diane Evans and Jane Cosimo, NOAA, provided an overview of the duties, membership and authorities of the NPFMC. They explained current actions and policies with an emphasis on actions to minimize halibut and salmon interactions by fisheries under their management authority. There are several members of the NPFMC or the associated technical committees that are residents of rural communities.

Sea Otter Management: Forrest Hannon and Jennifer Kohout, U.S. Fish and Wildlife Service, provided a briefing and power point presentation on the definition of what is significantly altered and the status of management of sea otters in the North East Pacific. Forrest provided examples of what products are considered significantly altered and Jennifer reviewed the law and regulations. She reminded the Council that the USFWS is not charged with encouraging or increasing the harvest of sea otters; the Agency's emphasis is on providing the structure and education to allow harvest under the current law.

Rural Determination Process: Pippa Kenner reviewed the rural determination process and timeline. The written briefing materials included the Council action summaries and were available to the council members in their Council books. The process is ongoing with further deliberation by the Board prior to probably implementation in 2015.

Cross Training of Council members: Carl Johnson provided a briefing regarding the interest by some councils to have a member of their council attend a neighboring council's meeting. Carl acknowledged that there are communication and educational benefits to this type of opportunity. It may be in the program's best interest to have council members attend other councils explain their issues. Decisions regarding travel will be made on a case by case basis after a request to travel has been received.

Fisheries Resource Monitoring Program: Cal Casipit provided an overview of the FRMP process and reviewed the written briefing material provided in the Council book. Cal emphasized that the funding for this program is uncertain in the future. The FRMP program provides an important source of money for the economic well-being of some tribes and provides an opportunity for local residents to be engaged in the management to local resources.

Council Member Nominations Process: Carl Johnson reported that there was a very difficult process out of Washington DC this year to have new council members appointed. Council member terms ended on December 2 and there are still eight positions that have not been filled at the time of this meeting. Many councils do not have alternate nominees. There will be additional discussions regarding how to make this a smoother transition.

Delegation of Authority by the Board to In-season Managers: Steve Kessler provided an overview of delegations of Board authorities to in-season managers throughout the State. Some council members are concerned that in-season managers may be influenced by personal biases and Agency interests to not implement the will of the Councils. Any issues with how in-season management actions are implemented should be brought to the Board. Delegations are from the Board and can be rescinded by the Board. Councils need to be informed of the policy and process for in-season management so there is an opportunity for review and prevent unanticipated actions.

Climate Vulnerability Assessment: Greg Hayward described Federal Agency initiatives and programs designed to identify and evaluate the effects of climate change. One of the first steps in the process is to develop vulnerability assessments for key aspects of this issue i.e. the amount and duration of snow/ice cover or sea levels. In Alaska it is expected that the sea level may not be a big issue in the near-term because the rise in water levels due to melting is being offset by the rise in land due to isostatic rebound from the last ice age. It is expected that there will be more grassland and more fires in much of the State; less snow and more rain on the coast. Climate change is a food security issue because the effects of climate change are linked to the management of wild renewable resources.

Partners Program: Palma Ingles provided a briefing on the Department of the Interior's program to fund a partners program in the portions of Alaska outside the National Forests. The intent of this initiative is to provide funds for grassroots support by local residents to implement Fisheries Resource Monitoring Program projects. There will be a call for proposals in the fall.

Agency Reports:

Office of Subsistence Management: Tom Kron informed the Councils there is a 40% vacancy rate at OSM with many positions in acting status. There is a Department wide hiring freeze that is making filling these vacancies difficult. Carl Johnson reminded the councils of the North Slope Council's letter requesting full staffing. Carl discussed the possibility of council members remaining on the council until appointments are made and potential changes to Council Charters. Council chairs can meet with each other prior to Board meetings but cannot meet with the Board prior to the Board meeting.

US Forest Service: Steve Kessler informed the Councils that the 2014 budget has not been finalized but there may be a small increase in funding. The 2015 budget request does not yet contain any money for subsistence. Cal Casipit is the acting planning staff officer for the Chugach National Forest. Chris Lampshire is interested in improving law enforcement services to the subsistence community but he expects the law enforcement budget to be reduced in the future. Milo Burcham reported there will be a revision to the Chugach Forest Plan. The Southcentral Council will have an opportunity to comment on the plan at the fall meeting. Terry Suminski reported the Sitka Area subsistence biologist has been hired (Justin Kohler). Ongoing issues on the Tongass include eulachon in District 1, wolves in Unit 2, goats in Unit 4 and deer in the Northeast Chichagof Controlled Use Area.

National Park Service: Barb Cellarius and Jim Capra provided a summary of concerns from the Wrangell-St. Elias Subsistence Resource Commission. One topic that will involve additional discussion is the process of doing in-season management and adequate outreach services for Special Actions.

Alaska Department of Fish and Game: Davin Holen provided a summary of subsistence studies being conducted throughout the State.

Closing Comments:

Council members had the following closing comments:

- It is good that the Federal subsistence program is beginning to interact with the North Pacific Fisheries Management Council
- The joint meeting was enlightening, informative, educational, and very worthwhile
- Council members appreciated hearing of issues specific to Southcentral and Southeast Alaska Regions
- There are similar issues in much different areas
- The work of the Agenda Steering Committee was greatly appreciated
- It is beneficial to hear and understand the issues people have to protect their food and culture
- Similar concepts are expressed differently in different Regions
- Everyone benefits from sharing information and understanding
- The dedication of the council members was recognized
- The joint council meeting was a good example for other councils

SOUTHEAST ALASKA SUBSISTENCE REGIONAL ADVISORY COUNCIL SESSION

New Business:

Federal Subsistence Fisheries Regulatory Proposals:

The Council approved two proposals to change Federal subsistence fishing regulations. The first would require any steelhead taken on Prince of Wales Island to be immediately recorded on the Federal subsistence fishing permit. The second proposal would prohibit the use of seine and gillnet gear in the Klawock River during July and August.

State of Alaska Fisheries Regulatory Proposals:

The Council approved six proposals to the State Board of Fisheries. The first would establish an annual harvest limit for nonresidents as three times the daily bag limit for coho, sockeye, pink and chum salmon when taken in fresh water. The second would establish the same (three times the resident daily bag) annual harvest limit for nonresidents in marine waters. The third proposal asks the Board of Fisheries to establish an “Amounts Necessary for Subsistence” specific for the residents of Angoon. The fourth proposal closes a section of Chatham Strait near Basket Bay to commercial purse seine fishing. The fifth proposal allows the Department of Fish and Game to issue subsistence fishing permits for seine and gillnet gear to harvest salmon for subsistence in waters of Chatham Strait. The sixth proposal would prohibit the use of seine and gillnet gear in waters under Federal jurisdiction in the Klawock River during July and August.

Fishery Resource Monitoring Program:

Terry Suminski informed the Council that the Council will have an opportunity to discuss resource concerns in the region during the October council meeting. These concerns and information needs will be used to develop the request for proposals for the FRMP program for the 2016 funding cycle.

FY 2013 Annual Report:

The Council finalized the Annual Report but wanted to note that the Council endorses an annual meeting of the chairs of the regional councils. A free and open discussion of the local conditions and considerations would promote education and more effective communications with the Board. The following issues were identified by the Council as important for the Board's consideration.

- 1). The Council remains concerned with the appropriateness of current customary and traditional use regulations.
- 2). The Council's cannot function as intended by Congress without adequate funding for staff to provide comprehensive staff analyses and allocate sufficient time during the biannual meetings for conducting Council business.
- 3). The Councils should be given deference to regulatory changes regarding rural determinations and customary use of fish and wildlife.
- 4). Many of the fisheries managed by the North Pacific Fisheries Management Council have a significant effect on the abundance and availability of salmon and halibut; resources of vital importance to subsistence users of this region. The Southeast Alaska Subsistence Regional Advisory Council recommends identifying one of the voting members of the NPFMC as subsistence uses representative.
- 5). The Council recommends the Chairs of the Regional Councils be provided an opportunity to meet and discuss issues of mutual concern on at least an annual basis.
- 6). There is a lack of administrative support to the Council from the Office of Subsistence Management. The tardiness of final per diem payments, the lack of Council books prior to council meetings and the broken council appointment process, impact the morale and functioning of the Council.
- 7). The Council would be interested to know if there is additional work needed at the partial barrier or other forms of enhancement opportunities at Kanalku Lake.

Customary and Traditional Use Determination:

The Council unanimously supported adopting the Customary and Traditional Use Working Group's report (as amended by the Council) as a regulatory recommendation. The Council will send the recommendation and a cover letter to the Board.

Tribal Consultation Policy:

The Council unanimously supported the Board's Tribal Consultation Guidelines.

North Pacific Fisheries Management Council:

The Council approved a motion by Patricia Phillips (12-0) to send a letter to the Board asking for assistance, possibly through the Secretaries, to expeditiously add a subsistence representative and voting member to the NPFMC during the Reauthorization of the Magnuson-Stevens Act.

Sea Otter Concerns:

The Council approved an invitation to the USFWS marine mammal program staff to attend the next council meeting. The Council is interested in the population size and distribution of sea otters in the Region. The Council would also be interested to know if there have been estimates of the costs of the expanding population to residents of the region in loss of food, changes in lifestyles, and economic opportunities gained and lost.

Stikine River Subsistence Fishery:

The Council supports deferring fisheries proposal FP13-19, changing or eliminating the Stikine River guideline harvest level for sockeye salmon, until this fisheries regulatory cycle. The Council also supports continuing dialog and coordination with the State of Alaska and the Pacific Salmon Commission regarding management of the subsistence salmon fisheries on the Stikine River.

Petition for Extending Federal Jurisdiction into Marine Waters near Angoon:

Wayne Owen, USFS, provided an overview of where we are in the process to address issues identified in the Petition. There was a community meeting on April 4 in Angoon to finalize fishery proposals that will be submitted to the Alaska Board of Fisheries. The meeting was coordinated by Chad VanOrmer, USFS and Dave Harris, ADF&G. The USFS will not propose any changes to State of Alaska regulations but will provide technical assistance to those wishing to make a proposal to the State Board of Fisheries or the Federal Subsistence Board.

Public and Tribal Comments:

Steve Reifenstuhel, representing Southeast Alaska Commercial Fisherman, suggested to the Council that any recommendations that are developed regarding the Petition to Extend Federal Jurisdiction into the marine waters near Angoon should be based on science and facts. He noted that 80% of subsistence harvest occurs prior to the first seine opening in Chatham Strait. Commercial fishing is an important factor in the economic well-being of rural communities. Implementing the Petition as proposed would be devastating to the commercial fishing industry.

Future Meeting Dates

The Council approved the fall meeting for October 21-23, 2014 in Wrangell. The spring meeting was tentatively approved for Yakutat March 17-19, 2015.

The Council meeting adjourned at 4:30 p.m. March 13, 2014.



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

\s\ Robert Larson

June 11, 2014

Robert Larson, DFO, USFS Subsistence Management Program

\s\ Bertrand Adams

June 11, 2014

Bertrand Adams, Chair, Southeast Alaska Subsistence Regional Advisory Council

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



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

Federal Subsistence Board

1011 East Tudor Road, MS121
Anchorage, Alaska 99503



FOREST SERVICE

JUL 28 2014

FWS/OSM 14060.DM

Ralph Lohse, Chair
Southcentral Alaska Subsistence
Regional Advisory Council
HC 60 Box 275
Copper Center, Alaska 99573

Dear Mr. Lohse:

Enclosed with this letter is a report of the Federal Subsistence Board's non-consensus agenda action items at its April 15, 2014, meeting regarding proposed changes to subsistence wildlife regulations and customary and traditional use determinations. In total, the Board accepted the recommendations of the Subsistence Regional Advisory Councils, in whole or with modifications, in 48 out of the 52 proposals on the agenda. Details of these actions and the Board's deliberations are contained in the meeting transcripts. Copies of the transcripts may be obtained by calling our toll free number, 1-800-478-1456, and are available online at the Federal Subsistence Management Program website at <http://www.doi.gov/subsistence/index.cfm>.

The Board uses a consensus agenda on those proposals where there is agreement among the affected Subsistence Regional Advisory Council(s), a majority of the Interagency Staff Committee, and the Alaska Department of Fish and Game concerning a proposed regulatory action. These proposals were deemed non-controversial and did not require a separate discussion. There was one statewide proposal on the consensus agenda, WP14-01 (trapping), which the Board rejected, consistent with all of the Councils' recommendations. The consensus agenda items for the Southcentral Region were WP14-07 (Unit 15C moose), WP14-08 (Unit 7 caribou), WP14-10 (Unit 7 moose), WP14-12 (Unit 6D deer), WP14-14 (Unit 11 goat), WP14-15/45 (Unit 12 caribou), and WP14-19 (Unit 15B&C moose). The Board rejected (WP14-07), adopted (WP14-08, 14-10, 14-12, 14-14, 14-15, 14-19) or took no action on (WP14-45), these proposals are consistent with the Council's recommendations.

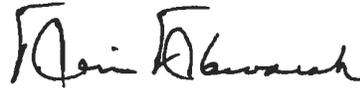
The Federal Subsistence Board appreciates the Southcentral Subsistence Regional Advisory Council's active involvement in and diligence with the regulatory process. The ten Regional Advisory Councils continue to be the foundation of the Federal Subsistence Management

Mr. Lohse

Program, and the stewardship shown by the Regional Advisory Council chairs and their representatives at the Board meeting was noteworthy.

If you have any questions regarding the summary of the Board's actions, please contact Donald Mike, your Regional Council Coordinator, at 1-800-478-1456.

Sincerely,



Tim Towarak
Chair

Enclosure

cc: Federal Subsistence Board
Southcentral Alaska Subsistence Regional Advisory Council
Eugene R. Peltola, Jr., Assistant Regional Director, OSM
Chuck Ardizzone, Deputy Assistant Regional Director, OSM
David Jenkins, Policy Coordinator, OSM
Carl Johnson, Council Coordination Division Chief, OSM
Interagency Staff Committee
Administrative Record



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

Federal Subsistence Board

1011 East Tudor Road, MS121
Anchorage, Alaska 99503



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FWS/OSM 14075.CJ

AUG 06 2014

Ralph Lohse, Chair
Southcentral Alaska Subsistence
Regional Advisory Council
U.S. Fish & Wildlife Service
Office of Subsistence Management
1011 East Tudor Road, MS 121
Anchorage, Alaska 99503

Dear Chairman Lohse:

This letter responds to the Southcentral Alaska Subsistence Regional Advisory Council's (Council) fiscal year 2013 Annual Report. The Secretaries of the Interior and Agriculture have delegated to the Federal Subsistence Board (Board) the responsibility to respond to these reports. The Board appreciates your effort in developing the Annual Report. Annual Reports allow the Board to become aware of the issues outside of the regulatory process that affect subsistence users in your region. We value this opportunity to review the issues concerning your region.

1. Katie John Appeal

The Council encourages the Federal Subsistence Board (Board) and Department of the Interior to do what is necessary in Federal court to protect rural residents of Alaska from the Katie John appeal sought by the State. If the appeal is successful, it will adversely affect subsistence users in rural Alaska. The Council encourages an administrative solution led by the Department of the Interior, and believes that this is the best path to protect subsistence uses.

Response:

The Board appreciates the Council's concerns regarding the status of the most recent *Katie John* case. In February 2014, the Secretary of the Interior filed an opposition to the State's petition to the U.S. Supreme Court in its appeal of the decision by the Ninth Circuit Court of Appeals. In March 2014, the U.S. Supreme Court denied the State's request, leaving intact the Ninth Circuit's prior decisions. As a result, the *Katie John* litigation is resolved, with no changes required to the Federal Subsistence Management Program.



Chairman Lohse

2. Support of the Fisheries Resource Monitoring Program

The Council continues to support the Fisheries Resource Monitoring Program (FRMP). Regional Advisory Councils have used the results from these funded projects, such as biological and subsistence use data to provide sound recommendations for the Federal Subsistence Board's consideration.

The Council has previously stated the Federal Subsistence Management Program should reexamine and reallocate funds among ten regions. The original allocations were made before the Federal government assumed subsistence management in the waters on the Kenai Peninsula. The Council requests that the Board reexamine and reallocate funding in preparation for the next FRMP cycle.

Response:

The Office of Subsistence Management (OSM) strives to implement the best Fisheries Resource Monitoring Program possible. The Council is correct; current funding allocations among regions are in need of review and the Federal Subsistence Board has tasked OSM staff with reviewing the allocations to ensure they reflect the state-wide balance of information needs to aid in the management of subsistence fisheries on Federal public lands.

3. Support Wildlife Resource Monitoring Program

The Council supports a wildlife program similar to the Fisheries Resource Monitoring Program. The FRMP has produced biological and subsistence use data for the Councils to refer to make recommendations to the Board on proposed fisheries regulations. The Council would like to see a similar wildlife monitoring program, upon which to base wildlife recommendations

We request a letter be written to both the Department of the Interior and Agriculture seeking additional funds to establish a wildlife monitoring program. The Council has identified specific data needs regarding the Mentasta and Chisana Caribou Herds as well as Kenai Refuge moose populations. Yet, there is no mechanism in place to fund research on these populations.

If a wildlife program similar to the Fisheries Resource Monitoring Program were established, such needs could also be identified and forwarded to agencies by the Councils and Board. On occasion, the Councils and the Board lack biological data, or are relying on outdated data to make decisions, which is inappropriate. Individual agencies should be encouraged to create partnerships to create a wildlife resource monitoring program. We have had numerous briefings from the Alaska Department of Fish and Game Division of Subsistence and their studies are immensely valuable to the program and for decision making. The Council encourages the agencies and the program to work with the State to financially support their efforts when possible.

Chairman Lohse

Response:

The Board recognizes that there are many potential wildlife research projects in the Southcentral Region that could benefit from the establishment of the Wildlife Resource Monitoring Program similar to the Fisheries Resource Monitoring Program (FRMP). The specific projects mentioned by the Southcentral Council, focused on the Mentasta and Chisana Caribou herds and the Kenai Refuge moose populations, are just a few of the information needs.

The Secretary of the Interior and the Secretary of Agriculture are aware of the request for a Wildlife Resource Monitoring Program as this was one of the items mentioned in the Secretarial review. The Board supports the creation of a wildlife program similar to the existing fisheries monitoring program; however, without additional funding that can be spent on a wildlife program, establishing such a program is difficult. Some funds received by the Office of Subsistence Management currently spent on fisheries monitoring could potentially be spent on wildlife monitoring. However, without increased funding, those funds would likely diminish funding for other areas, such as the FRMP. The Office of Subsistence Management has experienced a declining budget since 2001, overall Federal budgets are declining and it is not likely that they will increase in the foreseeable future.

Unlike the funds received by the Office of Subsistence Management, funds received by the U.S. Forest Service (USFS) can be spent on wildlife monitoring, although the emphasis since the inception of the Federal Subsistence Program has been on fisheries monitoring. With a substantial increase in funds in 2006, the USFS developed a Wildlife Resources Monitoring Program which paralleled the Fisheries Resource Monitoring Program, including the development of a strategic plan. In the Southcentral Region, the USFS implemented the program on the Chugach National Forest. One major project was funded. Unfortunately, the Program was soon terminated when the Forest Service received a substantial cut in funds. Now, only smaller, less expensive wildlife monitoring projects are being funded, with larger projects on hold pending funding changes. At your joint meeting with the Southeast Alaska Subsistence Regional Advisory Council in March 2014, the Forest Service Subsistence Program Leader suggested that if the two Councils could agree to take a certain amount of fisheries monitoring dollars and use them to re-create a wildlife monitoring program, then the USFS would be agreeable. The Councils did not agree to reduce the fisheries monitoring dollars to fund wildlife monitoring.

4. Representation from other Regional Advisory Councils

The Southcentral Council appreciates the participation of members from the Southeast Alaska Subsistence Regional Advisory Council at its fall 2013 meeting, and welcomed their participation in bringing a new perspective on issues related to both the Regional Advisory Councils. The Council encourages representatives from other Councils to share resource-related issues with the Southcentral Council and would like to send its own representatives to other Council meetings.

Chairman Lohse

Response:

The Board appreciates the Council's information that exchanges between Regional Advisory Councils are helpful. There is no prohibition against members of one Council attending other Councils' meetings. Such exchanges will need to be coordinated through the Office of Subsistence Management, subject to the following criteria: (1) the Council discusses the issue at one of its meetings and designates a Council member to attend another Council's meetings; (2) there must be a stated purpose and goal for the attendance at the other meeting; and (3) the existing travel budget has sufficient funds to provide for the opportunity. Councils should coordinate through their Subsistence Council Coordinator.

5. Joint RAC Chairs meeting

The Council requests that the Board consider a joint meeting of the Regional Advisory Council chairs in advance of a regulatory Board meeting. The joint meeting would allow the Council chairs to discuss concerns they may share on administrative and resource management issues. The Council suggests there be a call to the ten Councils to bring forward agenda items for Council and Federal Subsistence Board meetings.

Response:

It is possible for the ten Council chairs to meet in advance of a Federal Subsistence Board meeting, subject to the limitations set forth in the Federal Advisory Committee Act. However, in order to move forward with this, the Councils will need to be provided a briefing paper and an opportunity to express their interest in having such a meeting. If the Council Chairs choose to meet, the Federal Advisory Committee Act would prohibit discussion of topics on which the Councils would or could be giving advice or making recommendations to the Board for its consideration in the rulemaking process. The statute requires that such discussions be held only during publicly noticed, open meetings of each individual Council. Staff with the Office of Subsistence Management can coordinate with the Solicitor's Office in order to provide appropriate guidance to the chairs on how such a meeting may be conducted. This guidance could be in place to provide for such a meeting in connection with the 2015 Federal Subsistence Board regulatory meeting.

6. Tribal Government v. Tribal Organization

The Federal Subsistence Management Program, when conducting consultation, should consider distinguishing between the terms "Tribal Government" and "Tribal Organization." The two entities represent two different functions and should be consulted separately. Federally recognized Tribes are governments, whereas Tribal organizations are non-profit entities chartered under Alaska state law and lack the powers or attributes of government. The Council requests the Board to direct that these changes be applied in the draft consultation implementation guidelines.

Chairman Lohse

Response:

The Board agrees that these terms should be used correctly and that Tribal Organizations are not Tribal Governments with whom the Federal government engages in government-to-government relationships. Neither the Draft Tribal Consultation Implementation Guidelines nor the Federal Subsistence Board Government-to-Government Tribal Consultation Policy currently use the term “Tribal Organization.” It is worth noting, however, that under the consultation policy a Tribe may designate a party in writing to speak on its behalf at a consultation session, and that on occasion this may be a Tribal Organization. For example, during recent Tribal consultation sessions regarding proposed Board action regarding Chinook salmon management on the Kuskokwim River, a representative from the Association of Village Council Presidents (a Tribal organization) was authorized to speak on behalf of several Tribes. Additionally, Tribal Organizations may often be used to assist in conducting outreach to Tribes regarding potential Board action and consultation. However, these actions do not mean that the Board considers Tribal Organizations to be governmental entities.

7. Food Security

The Council was engaged in and presented an excellent briefing on the emerging issue of Food Security at a recent meeting. We are forwarding various web sites for your review and we urge you consider this issue when making decisions.

<http://www.iccalaska.org/servlet/content/Food%20Security.html>

Response:

We thank you for sharing this website about food security issues with the Board and the OSM staff. In addition to food security, a subsistence way of life is closely linked to health and nutrition among many other important community and individual characteristics. During the recent review of the rural determination process, some Council members and others from the public recommended that the Board consider food security and health as important considerations and as a way to think about both rural characteristics and subsistence harvest and management in Alaska. We recommend that this Council continue to bring these important issues to the attention of the Board, especially as it considers how to improve the rural determination process in the future if the Secretaries recommend that it do so.

8. Magnuson-Stevens Act

The Council requests that the Board seek the aid of the Secretaries of the Interior and Agriculture on the reauthorization of the Magnuson-Stevens Act, which should be modified to provide for a dedicated seat on the North Pacific Fisheries Management Council representing subsistence users. Additionally, we request that the Board request that the Secretaries correspond with the Governor of Alaska to appoint a subsistence user to the NPFMC.

Chairman Lohse

Response:

The Federal Subsistence Board supports having a more diverse representation on the North Pacific Fishery Management Council and is willing to write letters to the Secretaries for forwarding the issue on to the Secretary of Commerce and Alaska's Congressional delegation, as well as the Governor of Alaska, expressing this view.

It should be noted that Alaska U.S. Senator Mark Begich, as Chairman of the Senate Subcommittee on Oceans, Atmosphere, Fishing and the Coast Guard, held several hearings in early 2014 regarding reauthorization of the Magnuson-Stevens Act. The Senate's version of the Act adds subsistence to the types of fishing being managed alongside commercial and recreational, adds subsistence to the fishery categories eligible for representation on regional fishery management councils, and refers to Tribal governments' role in managing fish. The draft bill is currently available for public review, and is working its way through the committees, but has not yet been formally introduced.

Additionally, Congressman Don Young has held hearings on the Magnuson-Stevens Act and recently introduced an amendment to the Act that was adopted in the U.S. House Natural Resources Committee. The amendment requires the Governor to consult with subsistence users prior to nominating someone to a seat on the NPFMC. The amendment does not, however, provide for a subsistence seat on the NPFMC. It is also worth noting that the bill moving through the U.S. House would extend the Act to 2018. The House version of the reauthorization bill is H.R. 4742, and you can follow its progress at <https://beta.congress.gov>. Congressman Young is encouraging Alaskans to review the pending legislation and provide him comments at MagnusonStevens@mail.house.gov.

9. Regional Advisory Council Charters

We request that the Board recommend to the Secretaries an amendment to the Council charters, stating that appointed members stay in place until reappointments or new appointments are made. ANILCA states the Councils will have a meaningful role. However, the considerable delay in the appointment process in the last two years has hindered our ability to conduct business, and impairs the Council's effectiveness. Vacancies are a detriment to our process and hinder our ability to address important subsistence-related issues, management plans or policies.

We understand that it took nearly six months to complete the 2013 appointment cycle. The appointment process must be expedited. One of the Board member agencies should be designated as a liaison to Washington, D.C. to assist the appointment process through the Department of the Interior's vetting procedures.

Response:

During the fall 2014 meeting cycle, the Board will be requesting Council input on a number of changes the Board is considering to the nominations and appointment process. These changes are designed to alleviate confusion among applicants, ease the administrative burden in executing

Chairman Lohse

the nominations process, and improve the likelihood of completing appointments in a timely manner. Among these recommendations is an amendment to the Council charters to provide for carryover appointments. With the Councils' agreement, and approval by the Secretaries, hopefully this charter revision will be in place prior to December 2014, when some terms are set to expire. Other Council member appointment changes would require Secretarial rule-making and additional charter revisions; these changes would not be in effect until at least 2016.

10. Council Travel

Occasionally, members of the Council are not provided their advance per diem at meetings. Many members cannot afford this kind of delay. As volunteers, the Council should be provided per diem at the meetings to cover unexpected expenses while on travel status. We request the Board look into the way per diem is paid to Council members and explore internal improvements or efficiencies.

Response:

OSM is working hard to fix delays in per diem travel advance and post-Council meeting per diem payments. For the winter 2014 Southcentral Council meeting, as you know, OSM was unable to provide travel advances for Southcentral Council members. Fortunately, we were able to partially address the lack of advance checks by allowing Council members to charge their meals to their room at the hotel. According to information provided by OSM staff, travel vouchers were processed and paid promptly following that meeting.

There are several factors in the last two years that have contributed to delayed distribution of final per diem payments, from changing accounting systems to changing travel systems. However, in the last year, a great deal of the backlog in per diem distributions has been cleared. There is currently no backlog for your Council. Additionally, OSM recently underwent a reorganization that provided a dedicated travel clerk to the Council Coordination Division. The supervisor for that division will make clearing the per diem backlog a priority for the new travel clerk. Additionally, OSM plans to provide an update on the per diem backlog to the Councils at its fall 2014 meeting.

OSM has also been making changes to the procedures for per diem payments to Council members to assure that per diem will be paid promptly in the future, as well as looking into the way other agencies handle travel payments to see if there are better, more efficient practices available.

11. OSM Budget

The Council continues to value the agency and Office of Subsistence Management staff technical assistance that contribute to the success of our meetings and of this program. We acknowledge the negative results of the budget cuts and staff reductions that have taken place in the last few years. We encourage all agencies to allocate adequate resources for the Federal Subsistence Management Program. In particular, the Council urges the U.S. Fish and Wildlife Service to maximize the use of funds authorized by Congress for subsistence management in Alaska, to

Chairman Lohse

ensure that as much is spent as possible toward this program. The Council encourages the Board to continue to advocate for additional funding so that decisions can be made with adequate information and staff support. Specifically, the Secretaries have raised the issue of the OSM budget as part of the Secretarial Review, and the Council would like to see the Board be more proactive in responding to that directive. Improving the OSM budget would reduce if not eliminate most of the concerns raised in this report.

The Council is grateful for and welcomes Board members who attend Council meetings. The Council would like to extend a special thanks to Federal Subsistence Board member Bud Cribley who attended our joint meeting of the Southeast and Southcentral Councils on March 11-13, 2014.

Response:

Thank you for your support. The Board recognizes that declining budgets over the last ten years have reduced the capabilities of the agencies to fund all aspects of the Federal Subsistence Management Program at the level desired by the Councils. Overall Federal budgets are declining and it is not likely that they will increase in the foreseeable future.

The Council accurately notes that this issue has been raised in the Secretarial Review, where the Secretaries noted the Board should “review and submit recommendations for Departmental consideration of the annual budget for the Federal subsistence program.” The Secretary of the Interior also specifically directed the Director, U.S. Fish and Wildlife Service to “modify the budget to include a line item for the Alaska subsistence program,” to “seek input from the Federal Subsistence Board (FSB) and other stakeholders on budgetary requirements and priorities for the subsistence program” and “[C]oordinate with [the Assistant Secretary for Policy, Management and Budget] an evaluation ... of the subsistence program including budgetary requirements.” These matters are still being examined as part of the ongoing Secretarial Review process.

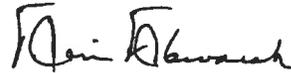
The Board will continue to discuss these issues at its next available work session and include the Council’s budgetary concerns in its next update to the Secretaries on the status of the review. The Board must add, however, that in its August 26, 2011 update to the Secretaries on the status of the review, it noted:

In light of the Secretary’s emphasis on the Federal Subsistence Management Program and resultant heightened expectations of rural Alaskans, additional funding is needed for the Federal Subsistence Management Program to implement many of the Secretarial Recommendations. Unfortunately, funding in 2012 and beyond is likely to be flat or reduced; this will affect the ability of both the Board and the Program to deliver on certain of these recommendations.

Chairman Lohse

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

Sincerely,



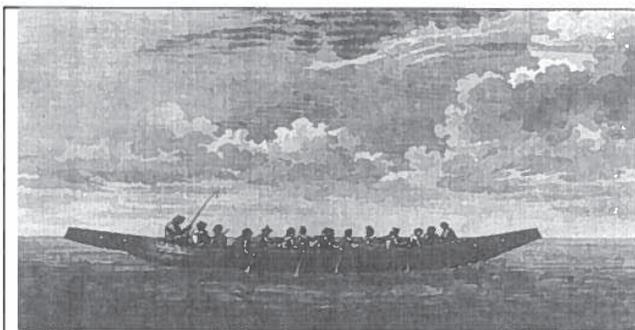
Tim Towarak
Chair

cc: Southcentral Alaska Subsistence Regional Advisory Council
Federal Subsistence Board
Eugene R. Peltola, Jr., Assistant Regional Director, OSM
Chuck Ardizzone, Deputy Assistant Regional Director, OSM
David Jenkins, Policy Coordinator, OSM
Carl Johnson, Council Coordination Division Chief, OSM
Donald Mike, Subsistence Council Coordinator, OSM
Interagency Staff Committee
Administrative Record



General comparison of the Section 804 and customary and traditional use approaches used in the Federal Subsistence Management Program.

Element	804 analysis	C&T use determination analysis
Function	Used to identify the pool of qualified subsistence users when a population of fish or wildlife in a particular area is not sufficient to allow for all qualified subsistence users to harvest from it	Used to recognize a community or area whose residents generally exhibit characteristics of customary and traditional use of specific fish stocks and wildlife populations for subsistence
Authority	ANILCA Section 804 and 50 CFR 100.17	36 CFR 242.16 and 50 CFR 100.16
Legal language	Except as otherwise provided in this Act and other Federal laws, the taking on public lands of fish and wildlife for nonwasteful subsistence uses shall be accorded priority over the taking on such lands of fish and wildlife for other purposes. Whenever it is necessary to restrict the taking of populations of fish and wildlife on such lands for subsistence uses in order to protect the continued viability of such populations, or to continue such uses, such priority shall be implemented through appropriate limitations based on the application of the following criteria:	(a) The Board shall determine which fish stocks and wildlife populations have been customarily and traditionally used for subsistence. These determinations shall identify the specific community's or area's use of specific fish stocks and wildlife populations. For areas managed by the National Park Service, where subsistence uses are allowed, the determinations may be made on an individual basis. (b) A community or area shall generally exhibit the following factors, which exemplify customary and traditional use. The Board shall make customary and traditional use determinations based on application of the following factors:
Criteria/factors	(1) Customary and direct dependence upon the populations as the mainstay of livelihood; and (2) Local residency; and (3) The availability of alternative resources.	(1) A long-term consistent pattern of use, excluding interruptions beyond the control of the community or area; (2) A pattern of use recurring in specific seasons for many years; (3) A pattern of use consisting of methods and means of harvest which are characterized by efficiency and economy of effort and cost, conditioned by local characteristics; (4) The consistent harvest and use of fish or wildlife as related to past methods and means of taking; near, or reasonably accessible from, the community or area; (5) A means of handling, preparing, preserving, and storing fish or wildlife which has been traditionally used by past generations, including consideration of alteration of past practices due to recent technological advances, where appropriate; (6) A pattern of use which includes the handing down of knowledge of fishing and hunting skills, values, and lore from generation to generation; (7) A pattern of use in which the harvest is shared or distributed within a definable community of persons; and (8) A pattern of use which relates to reliance upon a wide diversity of fish and wildlife resources of the area and which provides substantial cultural, economic, social, and nutritional elements to the community or area.
Frequency	Since 1990, the Board has taken action on about twenty 804 analyses	Since 1990, the Board has made about 300 C&T determinations



***Southwest Alaska
Subsistence Regional
Advisory Council***

**Bertrand Adams Sr., Chairman
P. O. Box 349
Yakutat, Alaska 99689**

RAC SE14012.RL

APR 0 1 2014

Mr. Tim Towarak, Chair
Federal Subsistence Board
c/o U.S. Fish and Wildlife Service
Office of Subsistence Management
1011 East Tudor Road, Mail Stop 121
Anchorage, Alaska 99503

Dear Chairman Towarak:

Thank you for your diligence in providing expanded information on our Council's proposed changes to the customary and traditional use determination process (§ .16) to all of the other Regional Advisory Councils. It is our understanding that there has been quality discussion of this issue at many of those other Council meetings.

As a part of our Council's continued effort to review and revise § .16, we authorized a work group to develop preliminary regulatory language. The work group reported to the Council at its March 2014 meeting in Anchorage and the Council adopted the work group's product as our own.

Enclosed is the Council's background paper which includes our recommendation on § .16 regulatory language. Key aspects of our recommendation are that: 1) councils would have the autonomy to recommend customary and traditional use determinations specific to their Region; 2) any restrictions for the taking of fish and wildlife shall be implemented using the criteria established in ANILCA 804 (and repeated in this regulatory language); 3) deference on customary and traditional use determination recommendations would be given to the applicable Regional Advisory Council; and, 4) the current eight factors considered for making customary and traditional use determinations would be eliminated.

We request that Federal staff review our recommendation and provide to us an analysis at our fall 2014 meeting. That analysis should provide staff's best estimate of the effect on both the Southwest Region as well as the other regions of the state. The Council would also

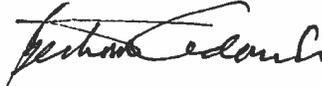


Chairman Towarak

appreciate a review of the proposed language with possible modifications for regulatory clarity, while maintaining our intent.

Any questions regarding this letter can be addressed directly to me or through Mr. Robert Larson, Council Coordinator, U. S. Forest Service, Box 1328, Petersburg, Alaska 99833, (907) 772-5930, robertlarson@fs.fed.us. Thank you for your attention.

Gunalchéesh,



Bertrand Adams Sr.,
Chair

Enclosure

cc: Beth Pendleton, Regional Forester, USFS
Eugene R. Peltola, Jr., Assistant Regional Director, OSM
David Jenkins, Policy Coordinator, OSM
Jack Lorrigan, Native Liaison, OSM
Carl Johnson, Council Coordination Division Chief, OSM
Robert Larson, Subsistence Council Coordinator, USFS
Chairs, Federal Subsistence Regional Advisory Councils
Administrative Record

Customary and Traditional Use Determination Proposal and Rationale Southeast Alaska Subsistence Regional Advisory Council

Introduction: During the fall 2013 regular council meeting, the Council tasked the customary and traditional determination (C&T) workgroup with developing a region-specific proposal for amending the current C&T determination regulations. The workgroup members (C. Needham, D. Hernandez, P. Phillips, and M. Bangs) submitted that work to the Council which adopted the recommendation as its own. The Council considers it vitally important that the intent of the proposal be clearly communicated to the Board and other councils.

Problem: The current federal C&T determination regulations, including the eight factor analysis, were adopted from pre-existing State Regulations. The federal program adopted this framework, with some differences, when it was thought that federal subsistence management would be temporary. As a result of the 2009-2010 comprehensive Federal Subsistence Program Review, the Secretary of the Interior issued a letter of direction, with the concurrence of the Secretary of Agriculture, requesting that the Federal Subsistence Board “review [the] customary and traditional determination process to provide clear, fair, and effective determinations in accord with Title VIII goals and provisions (changes would require new regulations)”. It was stated that this be conducted with regional advisory councils input.

Recommended solution: The intent of this proposed regulation change is to provide a statewide framework for making C&T determinations (see subpart a) while providing an option for region specific regulations that match particular characteristic of each region (see subpart b). The proposal will also provide deference to regional councils (see subpart e).

The Council wanted each regional council to be able to develop region specific regulations that suit their own region, and therefore took the approach to change the umbrella statewide regulation in order to do so. Subpart b of the proposed regulation provides an opportunity for region specific process to be incorporated into the regulation.

The Council’s intent for the Southeast Region would be to make very broad customary and traditional use determinations so that seasons on Federal public lands and waters would remain open to all Federally-qualified rural residents until there is a need to reduce the pool of eligible harvesters using the process described in ANILCA 804. In effect, ANILCA 804 would replace the current Federal C&T determination eight factors with a three-criterion method of restriction on who can harvest a resource.

CURRENT LANGUAGE OF §§ .16 and .17:

§242.16 Customary and traditional use determination process.

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

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

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

(c) The Board shall take into consideration the reports and recommendations of any appropriate Regional Council regarding customary and traditional uses of subsistence resources.

(d) Current determinations are listed in §242.24.

§242.17 Determining priorities for subsistence uses among rural Alaska residents.

(a) Whenever it is necessary to restrict the subsistence taking of fish and wildlife on public lands in order to protect the continued viability of such populations, or to continue subsistence uses, the Board shall establish a priority among the rural Alaska residents after considering any recommendation submitted by an appropriate Regional Council.

(b) The priority shall be implemented through appropriate limitations based on the application of the following criteria to each area, community, or individual determined to have customary and traditional use, as necessary:

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

(c) If allocation on an area or community basis is not achievable, then the Board shall allocate subsistence opportunity on an individual basis through application of the criteria in paragraphs (b)(1) through (3) of this section.

(d) In addressing a situation where prioritized allocation becomes necessary, the Board shall solicit recommendations from the Regional Council in the area affected.

Southeast Alaska Council's Proposed Language

(36 CFR §242.16 and 50 CFR §100.16) Customary and traditional use determination process

(a) The Board shall determine which fish and wildlife have been customarily and traditionally used for subsistence within a geographic area. When it is necessary to restrict the taking of fish and wildlife, and other renewable resources to assure continued viability of a fish or wildlife population, a priority for the taking of such population for non-wasteful subsistence uses shall be implemented based on the application of the following criteria; customary and direct dependence upon the populations as the mainstay of livelihood; local residency; and the availability of alternative resources. For areas managed by the National Park Service, where subsistence uses are allowed, the determinations may be made on an individual basis.

(b) Each region shall have the autonomy to recommend customary and traditional use determinations specific to that region.

(c) The Board shall give deference to recommendations of the appropriate Regional Council(s). Councils will make recommendations regarding customary and traditional uses of subsistence resources based on its review and evaluation of all available information, including relevant technical and scientific support data and the traditional knowledge of local residents in the region.

(d) Current determinations are listed in § 100.24

*NOTE: The Council did not change §242.17, which would therefore remain in effect.



Proposal in edited form

(36 CFR §242.16 and 50 CFR §100.16) Customary and traditional use determination process

(a) The Board shall determine which fish stocks and wildlife populations have been customarily and traditionally used for subsistence **within a geographic area**. ~~These determinations shall identify the specific community's or area's use of specific fish stocks and wildlife populations.~~

When it is necessary to restrict the taking of fish and wildlife, and other renewable resources to assurance continued viability of a fish or wildlife population, a priority for the taking of such population for non-wasteful subsistence uses shall be implemented based on the application of the following criteria; customary and direct dependence upon the populations as the mainstay of livelihood; local residency; and the availability of alternative resources. For areas managed by the National Park Service, where subsistence uses are allowed, the determinations may be made on an individual basis.

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

~~(1) A long term consistent pattern of use, excluding interruptions beyond the control of the community or area;~~

~~(2) A pattern of use recurring in specific seasons for many years;~~

~~(3) A pattern of use consisting of methods and means of harvest which are characterized by efficiency and economy of effort and cost, conditioned by local characteristics;~~

~~(4) The consistent harvest and use of fish or wildlife as related to past methods and means of taking; near, or reasonably accessible from, the community or area;~~

~~(5) A means of handling, preparing, preserving, and storing fish or wildlife which has been traditionally used by past generations, including consideration of alteration of past practices due to recent technological advances, where appropriate;~~

~~(6) A pattern of use which includes the handing down of knowledge of fishing and hunting skills, values, and lore from generation to generation;~~

~~(7) A pattern of use in which the harvest is shared or distributed within a definable community of persons; and~~

~~(8) A pattern of use which relates to reliance upon a wide diversity of fish and wildlife resources of the area and which provides substantial cultural, economic, social, and nutritional elements to the community or area.~~

(b) Each region shall have the autonomy to recommend customary and traditional use determinations specific to that region.

(c) The Board shall take into consideration the reports and recommendations of any appropriate Regional Council regarding customary and traditional uses of subsistence resources. The Board shall give deference to recommendations of the appropriate Regional Council(s). Councils will make recommendations regarding customary and traditional uses of subsistence resources based on its review and evaluation of all available information, including relevant technical and scientific support data and the traditional knowledge of local residents in the region.

(d) Current determinations are listed in § [100.24](#)

Appendix

Southeast Alaska Council, 2011 Annual Report Topics

Issue 1: Customary and traditional determinations

At the March 2011 Council meeting, the Council was asked to review how the current customary and traditional use determination process was working. The Council observed that the Federal customary and traditional use determination process and the eight factor analysis is a carryover from State of Alaska regulation. Now that it appears the Federal program will be permanent; it would be appropriate to develop a Federal process based on ANILCA rather than a process developed to address State regulatory authorities. Unfortunately, the Office of Subsistence Management did not provide sufficient information to the Council regarding how the current customary and traditional use determination process was being applied to allow the Council to make definitive recommendations to the Board. The Council wishes to reiterate the recommendation made to the Board during the March 2011 meeting:

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

The Council reiterates support for the following specific regulatory change as recommended at the March 2011 meeting:

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

Southeast Alaska Council, 2012 Annual Report Topics

Issue 1: Customary and Traditional Use Determination Recommendation

The Council believes the current method of restricting access to fish and wildlife resources through a customary and traditional use determination process was not intended by ANILCA. Although SE Council recognizes that there are a number of possible solutions to address this problem, it’s preferred solution is to eliminate the customary and traditional use determination regulations (36 CFR 242.16 and 50 CFR 100.16) and allocate resources as directed in Section 804 of ANILCA. The Council wrote a letter to the other Councils requesting that they reconsider the issue of whether the current customary and traditional use determination process is appropriate and is truly meeting the needs of the residents of their regions. The Council requests the Board provide adequate staff resources to assist the other councils in making an informed decision regarding this complex issue.

Southeast Alaska Council letter to the other Councils, January 11, 2013

The SE Council’s preferred solution is to eliminate the customary and traditional use determination regulations and allocate resources as directed in Section 804 of ANILCA. We would like your Council to consider what would be most beneficial to your region: eliminate customary and traditional use determinations, change the way customary and traditional use determinations are made, or make no change.

RURAL REVIEW BRIEFING FOR THE FEDERAL SUBSISTENCE REGIONAL ADVISORY COUNCILS

In October 2009, Secretary of the Interior Salazar announced a review of the Federal subsistence program. The review was intended “to ensure that the program is best serving rural Alaskans and that the letter and spirit of Title VIII [of ANILCA] are being met.” Secretary Salazar, with the concurrence of Secretary of Agriculture Vilsack, requested that the Federal Subsistence Board initiate a number of actions, one of which was to develop recommendations for regulatory changes to the process of making rural/nonrural determinations in Alaska.

Background

At its January 2012 public meeting, the Federal Subsistence Board elected to conduct a global review of the rural/nonrural determination process, starting with public and Subsistence Regional Advisory Council input. Logically, the global review required the Board to stay its 2007 final rule, whose rural provisions would otherwise have gone into effect in May 2012. The Board determined that the 1991 rural/nonrural determinations would remain in place pending the outcome of its review of the rural determination process (77 FR 12477). The conclusion of the review, and the determinations of rural status, must be completed by March 2017.

Two areas of Alaska—the community of Saxman and the Kenai Peninsula—have proven difficult for the Board to categorize under the current rural determination process. The Board has gone back and forth on whether these locations should be rural or non-rural. Based on the Secretaries’ directive and these high-profile back and forth changes in rural status using the current rural determination process, the Board decided to engage in a year-long, public review of the current process. In December 31, 2012, the Board identified five elements in the rural determination process for public review (77 FR 77005): population thresholds; rural characteristics; aggregation of communities; timelines, and information sources. The Board posed eight general questions for public input concerning these five elements, and one question requesting any additional information. The comment period was open to November 1, 2013, which was extended to December 2, 2013 because of the partial federal government shutdown in October.

The Subsistence Regional Advisory Councils were briefed on the Federal Register notice during their winter 2013 meetings. At their fall 2013 meetings, the Councils provided a public forum to hear from residents of their regions, deliberate on the rural determination process, and provide recommendations for changes to the Board.

Testimonies from members of the public were also recorded during separate hearings held to solicit comments on the rural determination process. The Board held hearings in Barrow, Ketchikan, Sitka, Kodiak, Bethel, Anchorage, Fairbanks, Kotzebue, Nome, and Dillingham. Government-to-government consultations on the rural determination process were held between members of the Board and Tribes, and additional consultations were held between members of the Board and Alaska Native corporations formed under the Alaska Native Claims Settlement Act.

In aggregate, the Board received 475 substantive comments from various sources, including individual citizens, members of regional advisory councils, and other entities or organizations, such as non-profit Alaska Native corporations and borough governments.

Based on Council and public comments, government-to-government and Alaska Native corporation consultations, and briefing materials from the Office of Subsistence Management (see “Review of the Rural Determination Process” briefing following this update), the Board developed a recommendation that simplifies the process of rural/nonrural determinations, as shown below.

Federal Subsistence Board Recommendation

The Board will be recommending to the Secretaries to make the following change in Secretarial regulations:

§100.15 and §242.15. Rural determination process.

- (a) The Board shall determine which areas or communities in Alaska are nonrural.
- (b) All other communities and areas are therefore rural.

The Board also recommended eliminating from Secretarial regulation the specific criteria previously relied upon by the Board in making rural determinations: population thresholds, the population data sources, rural characteristics, community aggregation, and the ten-year review.

Next Steps

If the Secretaries adopt the Board’s recommendation, a series of steps are required in order to meet the March 2017 deadline.

- The Secretaries may decide to propose a rule to change the current rural determination process, based on the Board’s recommendation. The Secretaries would need to act on this recommendation because it affects 36 CFR 242 Subpart B, and 50 CFR 100 Subpart B, which are under Secretarial purview. The public, Regional Advisory Councils, Tribes and Alaska Native corporations would have the opportunity to comment or consult during that rule-making process.
- The Secretaries could then decide to publish a final rule specifying the rural/non rural determination process. The revised process appears in Subpart B of subsistence regulations, under Secretarial authority.
- The Board uses that rule to make rural/nonrural determinations, publishing those determinations in a proposed rule. The public, Regional Advisory Councils, Tribes and Alaska Native corporations would have the opportunity to comment or consult during that rule-making process.
- The Board then publishes a final rule with the revised rural/nonrural determinations. The revised rural/nonrural determinations appear in Subpart C of subsistence regulations, under Board authority.
- If no new rule making is completed by March 1, 2017, specifying rural/nonrural determinations, then the 2007 rule will become enforceable.





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

Federal Subsistence Board

1011 East Tudor Road, MS121
Anchorage, Alaska 99503



FOREST SERVICE

FWS/OSM 14092.DJ

AUG 15 2014

Honorable Sally Jewell
Secretary of the Interior
U.S. Department of the Interior
Office of the Secretary
1849 C Street, Northwest
Washington, DC 20240

Honorable Tom Vilsack
Secretary of Agriculture
U.S. Department of Agriculture
Office of the Secretary
1400 Independence Avenue, Southwest
Washington, DC 20250

Dear Secretaries Jewell and Vilsack:

In October 2009, Secretary of the Interior Salazar announced a review of the Federal subsistence program. The review was intended “to ensure that the program is best serving rural Alaskans and that the letter and spirit of Title VIII [of ANILCA] are being met.” Secretary Salazar, with the concurrence of Secretary of Agriculture Vilsack, requested that the Federal Subsistence Board initiate a number of actions, one of which was to develop recommendations for regulatory changes to the process of making rural/non-rural determinations in Alaska.

The Federal Subsistence Board respectfully submits the following recommendation for improving the rural/non-rural determination process, which was adopted at its April 15-18, 2014 public meeting. Secretarial action is needed to implement this recommendation because 36 CFR 242 subpart B and 50 CFR 100 subpart B are under Secretarial purview. We begin with a brief summary of events leading up to the Board’s recommendation.

Secretaries Jewell and Vilsack

Background

At its January 2012 public meeting, the Federal Subsistence Board elected to conduct a global review of the rural/non-rural determination process, starting with public and Subsistence Regional Advisory Council input. The global review provided the Board with a rationale to stay its 2007 final rule, whose rural provisions would otherwise have gone into effect in May 2012.

The Board determined that the 1991 rural/non-rural determinations would remain in place pending the outcome of its review of the rural determination process (77 FR 12477); March 1, 2012. The conclusion of the review, and the determinations of rural status, must be completed by March 2017.

Two areas of Alaska—the community of Saxman and the Kenai Peninsula—have proven difficult for the Board to categorize under the current rural determination process. In a November 23, 1990 Federal Register notice (55 FR 48877), the Board proposed Saxman to be non-rural, “[b]ecause of Saxman’s close proximity to Ketchikan; because Saxman shares a common school district and Saxman residents make daily or semi-daily shopping trips to Ketchikan; and greater than 15 percent of the working population of Saxman commutes to Ketchikan to work.” In other words, Saxman was socially and economically integrated with neighboring Ketchikan, and not a separate rural community.

In a January 3, 1991 final rule (56 FR 236), the Board reversed its proposal and concluded that Saxman was rural, “because of its character composition and personality not because of the number of people living there.” The Board goes on to note that “Saxman possesses both rural and non-rural characteristics; therefore, based on extensive public testimony, the Board has determined Saxman to be rural for the purposes of subsistence on Federal lands.”

In a May 7, 2007 final rule (72 FR 25688), the Board reversed itself and determined that Saxman was non-rural, based on criteria used to aggregate communities: “The Board made a determination to group all of the road-connected areas, including Waterfall subdivision and Saxman, as well as Pennock Island and parts of Gravina Island, in the Ketchikan Area.” The Board’s reasoning was based on consistency of use of aggregation criteria: “Given comments about the need for consistency of application of the criteria for grouping of communities, and the information on Saxman relative to those criteria, the Board grouped Saxman with the non-rural Ketchikan area.” The three aggregation criteria the Board used are these: 1) Do 30 percent or more of the working people commute from one community to another? 2) Do they share a common high school attendance area? and 3) Are the communities in proximity and road-accessible to one another?

At its April 2014 public meeting, the Board discussed reclassifying Saxman as rural, in part based on the problematic nature of the aggregation criteria. The Board emphasized that Saxman’s rural characteristics may contradict grouping it with Ketchikan.

Secretaries Jewell and Vilsack

The Kenai Area has similarly proven problematic under the current rural determination process, in part because all of the communities in the area are road-connected. In the January 3, 1991 final rule, the Board determined that the Kenai Area was non-rural—including Kenai, Soldotna, Sterling, Nikiski, Salamatof, Kalifonsky, Kasilof, and Clam Gulch—based on aggregating into a single population communities that were perceived as socially and economically integrated.

At a May 4, 2000 public meeting, the Board reversed its 1991 ruling, and determined that all of the Kenai Peninsula was rural (65 FR 40730). The Federal Register final rule noted the following:

The Board, after hearing a summary of the staff report [on rural characteristics], including oral and written comments on the Proposed Rule, receiving a recommendation from the Southcentral Regional Advisory Council, and receiving testimony from the State of Alaska, and numerous interested citizens, deliberated in open forum and determined that the entire Kenai Peninsula should be designated rural.

The next year, at a June 25, 2001 public meeting, the Board rescinded its rural determination from the prior year, and subsequently published a determination of the Kenai Area as non-rural in a May 7, 2002 Federal Register notice (67 FR 30559). This Federal Register notice contained neither background on nor summary of the reasons for the Board rescinding its 2000 determination that all of the Kenai Peninsula was rural.

Based on the Secretaries' directive and these high-profile back-and-forth changes in rural status using the current rural determination process, the Board decided to engage in a year-long, public review of the current process. In December 31, 2012, the Board identified five elements in the rural determination process for public review (77 FR 77005): population thresholds; rural characteristics; aggregation of communities; timelines, and information sources. The Board posed eight general questions for public input concerning these five elements, and one question requesting any additional information. The comment period was open to November 1, 2013, which was extended to December 2, 2013 because of the partial federal government shutdown in October.

The Subsistence Regional Advisory Councils were briefed on the Federal Register notice during their winter 2013 meetings. At their fall 2013 meetings, the Councils provided a public forum to hear from residents of their regions, deliberate on the rural determination process, and provide recommendations for changes to the Board.

Testimonies from members of the public were also recorded during separate hearings held to solicit comments on the rural determination process. The Board held hearings in Barrow, Ketchikan, Sitka, Kodiak, Bethel, Anchorage, Fairbanks, Kotzebue, Nome, and Dillingham. Government-to-government consultations on the rural determination process were held between members of the Board and Tribes, and additional consultations were held between members of the Board and Alaska Native corporations formed under the Alaska Native Claims Settlement Act.

Secretaries Jewell and Vilsack

In aggregate, the Board received 475 substantive comments from various sources, including individual citizens, members of regional advisory councils, and other entities or organizations, such as non-profit Alaska Native corporations and borough governments.

Based on Council and public comments, government-to-government and Alaska Native corporation consultations, and briefing materials from the Office of Subsistence Management, the Board developed a recommendation that simplifies the process of rural/non-rural determinations, as shown below.

Federal Subsistence Board Recommendation

§242.15 and §100.15. Rural determination process.

(a) The Board shall determine if ~~an~~ which areas or ~~community~~ communities in Alaska ~~is~~ are rural/non-rural.

(b) All other communities and areas are therefore rural.

~~In determining whether a specific area of Alaska is rural, the Board shall use the following guidelines:~~

~~(1) A community or area with a population of 2,500 or less shall be deemed to be rural unless such a community or area possesses significant characteristics of a non-rural nature, or is considered to be socially and economically a part of an urbanized area.~~

~~(2) Communities or areas with populations above 2,500 but not more than 7,000 will be determined to be rural or non-rural.~~

~~(3) A community with a population of more than 7,000 shall be presumed non-rural, unless such a community or area possesses significant characteristics of a rural nature.~~

~~(4) Population data from the most recent census conducted by the United States Bureau of Census as updated by the Alaska Department of Labor shall be utilized in this process.~~

~~(5) Community or area characteristics shall be considered in evaluating a community's rural or non-rural status. The characteristics may include, but are not limited to:~~

~~(i) Use of fish and wildlife;~~

~~(ii) Development and diversity of the economy;~~

~~(iii) Community infrastructure;~~

~~(iv) Transportation; and~~

~~(v) Educational institutions.~~

~~(6) Communities or areas which are economically, socially, and communally integrated shall be considered in the aggregate.~~

~~(b) The Board shall periodically review rural determinations. Rural determinations shall be reviewed on a 10-year cycle, commencing with the publication of the year 2000 U.S. census. Rural determinations may be reviewed out-of-cycle in special circumstances. Once the Board makes a determination that a community has changed from rural to non-rural, a waiting period of 5-years shall be required before the non-rural determination becomes effective.~~

(c) Current determinations are listed at §100.23 and §242.23.

Secretaries Jewell and Vilsack

Rationale

Beginning in January 2013, the Board collected information from Subsistence Regional Advisory Councils, Tribes, Alaska Native corporations, and the public on the rural determination process. In general, this information indicates a broad dissatisfaction with the current process.

Aggregation criteria are perceived as arbitrary. Current population thresholds are seen as inadequate to capture the reality of rural Alaska. The decennial review is widely understood as unnecessary.

Based on this information, the Board elected to simplify the process by determining which areas or communities are non-rural in Alaska; all other communities or areas would therefore be rural. The Board intends to make non-rural and rural determinations using a holistic approach that relies on best available data and information provided by the public, and that takes into consideration population size and density, economic indicators, military presence, industrial facilities, use of fish and wildlife, degree of remoteness and isolation, and any other relevant information. The Board also intends to rely strongly on the recommendations of the Subsistence Regional Advisory Councils.

If the Secretaries adopt the Board's recommendation, a series of steps are required in order to meet the March 2017 deadline.

Next Steps

- The Secretaries may decide to propose a rule to change the current rural determination process, based on the Board's recommendation. The Secretaries would need to act on this recommendation because it affects 36 CFR 242 Subpart B, and 50 CFR 100 Subpart B, which are under Secretarial purview. The public, Regional Advisory Councils, Tribes and Alaska Native corporations would have the opportunity to comment or consult during that rule-making process.
- The Secretaries could then decide to publish a final rule specifying the rural/non rural determination process. The revised process appears in Subpart B of subsistence regulations, under Secretarial authority.
- The Board uses that rule to make rural/non-rural determinations, publishing those determinations in a proposed rule. The public, Regional Advisory Councils, Tribes and Alaska Native corporations would have the opportunity to comment or consult during that rule-making process.
- The Board then publishes a final rule with the revised rural/non-rural determinations. The revised rural/non-rural determinations appear in Subpart C of subsistence regulations, under Board authority.

Secretaries Jewell and Vilsack

- If no new rule making is completed by March 1, 2017, specifying rural/non-rural determinations, then the 2007 rule will become enforceable.

Thank you in advance for your timely response to this matter.

Sincerely,



Tim Towarak
Chair

cc: Federal Subsistence Board

Pat Pourchot, Special Assistant for Alaska Affairs, DOI
Eugene R. Peltola, Jr., Assistant Regional Director, OSM
Chuck Ardizzone, Deputy Assistant Regional Director, OSM
David Jenkins, Policy Coordinator, OSM
Ken Lord, Office of the Solicitor, Alaska Region
Dawn Collingsworth, Office of Legal Counsel, USDA
Administrative Record



Review of the Rural Determination Process

A Briefing for the Federal Subsistence Board

April 15, 2014

Background

The Alaska National Interest Lands Conservation Act (ANILCA), Title VIII, Section 802 asserts that “the purpose of this title is to provide the opportunity for rural residents engaged in a subsistence way of life to do so.”

In drafting ANILCA, however, the Congress did not define the term “rural.”

Senate Report No. 96-413, which comments on Title VIII, provides examples of *cities* excluded from rural status—“Ketchikan, Juneau, Anchorage, and Fairbanks”—and examples of *communities* that are rural—“such as Dillingham, Bethel, Nome, Kotzebue, Barrow, and other Native and non-Native villages scattered throughout the State.” The Senate Report further indicates the dynamic nature of rural communities and the inevitability of change: “[T]he Committee does not intend to imply that the rural nature of such communities is a static condition: the direction of the economic development and rural character of such communities may change over time.” Such change is not necessarily from rural to nonrural; it may also be from nonrural to rural.

Secretarial Review

In October 2009, the Secretary of the Interior initiated a Subsistence Program Review; the Secretary of Agriculture later concurred with this course of action. The review concluded, among other things, that the Federal Subsistence Board (Board) should review the process for rural determinations, with input from the Subsistence Regional Advisory Councils (Council). If needed, the Board should then make recommendations to the Secretary of the Interior and the Secretary of Agriculture for changes to the process for rural determinations.

Federal Subsistence Board Review

At its January 17-21, 2012 public meeting, the Federal Subsistence Board elected to conduct a global review of the rural/nonrural determination process. The review started with recommendations from the Regional Advisory Councils, comments from the public, and consultations with Tribes and ANCSA Corporations. With the review underway, the Board stayed the 2007 final rule, in which rural determinations would have otherwise come into effect in May 2012. The Board determined that the 1991 rural/nonrural determinations would remain in place pending the outcome of its review of the rural determination process. Adak was the singular exception, whose status changed from nonrural to rural in 2007.

Federal Register Notice

In a Federal Register notice, published December 31, 2012 (77 FR 77005), the Board identified five elements in the rural determination process for public review: Population thresholds; rural characteristics;

aggregation of communities; timelines, and information sources. The Board posed eight general questions for members of the public to consider regarding these five elements and one question requesting any additional information on how to make the process more effective.

Population thresholds. A community or area with a population below 2,500 will be considered rural. A community or area with a population between 2,500 and 7,000 will be considered rural or nonrural, based on community characteristics and criteria used to group communities together. Communities with populations more than 7,000 will be considered nonrural, unless they possess significant rural characteristics. In 2008, the Board recommended to the Secretaries that the upper population threshold be changed to 11,000.

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

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

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

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

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

Aggregation of communities. Communities that are economically, socially, and communally integrated are considered in the aggregate in determining rural and nonrural status. The aggregation criteria are as follows: Do 30 percent or more of the working people commute from one community to another; do they share a common high school attendance area; and are the communities in proximity and road-accessible to one another?

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

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

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

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

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

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

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

Opportunities to Participate

The public comment period for the review of the rural determination process opened December 31, 2012 and closed on December 2, 2013. The original public notice closed the comment period November 1, 2013; the extension was posted as a result of the partial government shutdown in October 2013.

The Councils were briefed on the public notice during their winter 2013 meetings. At their fall 2013 meetings, the Councils provided a public forum to hear from the residents of their regions, deliberate on rural determination processes, and provide recommendations for changes to the Board.

Testimonies from members of the public were recorded during hearings held to solicit comments on the rural determination process. Hearings occurred in Barrow, Ketchikan, Sitka, Kodiak, Bethel, Anchorage, Fairbanks, Kotzebue, Nome, and Dillingham. A PowerPoint presentation and time for discussion and dialogue on specific questions were provided prior to each hearing.

Government-to-government consultations on the rural determination process were held between members of the Board and Tribes. Formal consultations were held between members of the Board and Alaska Native Claims Settlement Act (ANCSA) corporations.

Summary of Recommendations from Regional Advisory Councils

The Councils provided several comments about **population thresholds**. Few Councils made specific recommendations regarding the current population threshold criteria, noting rather that they were generally arbitrary. One Council recommended the presumptive rural threshold be increased to 11,000. One Council suggested the presumptive non-rural threshold should be increased to 20,000. Several noted that rural characteristics should be weighed more heavily than population thresholds. Only one Council expressed support for the current population thresholds.

The Councils provided many comments about **aggregation**. Four Councils suggested eliminating aggregation. Most Councils noted that the current application of aggregation is arbitrary and produces inconsistent results. One Council suggested that communities need to be provided better opportunities to demonstrate whether or not any aggregation factors are applicable. Other Councils noted that any increase of population due to outside development (i.e., mines, military bases) should not be aggregated. Additionally, one Council noted that 30 percent of working people commuting from one community to another was too low of a threshold to aggregate those communities, and communities that show a high reliance on fish and wildlife should not be aggregated.

The Councils provided most of their comments on the **rural characteristics**. The Councils recommended numerous additional criteria to consider for rural characteristics. More than one Council noted the importance of cultural and spiritual factors that should be considered, and that geographic remoteness and isolation should be considered. One Council suggested removing educational institutions

and not including any infrastructure that is constructed for temporary use. One Council noted that gardening and whether a community is a “resident zone community” under National Park Service regulations were indicative of rural characteristics. Two Councils noted that not being connected to the road system should be an automatic qualifier for rural status. Some Councils recommended that the Board give substantially more weight to rural characteristics than to population thresholds, and the use of fish and wildlife should be accorded the most weight among rural characteristics.

The Councils provided several comments about the rural review **timeline**. Most Councils recommended the Board move to completely eliminate the 10-year review. Five Councils specifically suggested that a review should only be conducted if there has been a significant change, for example if a community’s population has substantially increased or decreased since the last determination. One Council suggested that when a review is conducted, it should be made using a 5-year average to avoid temporary population spikes. Several Councils said the 10-year review is stressful on communities and a waste of time, finances, and resources. Only one Council supported maintaining the current 10-year review.

The Councils made few comments about what **sources of information** to use in the process. Most Councils supported the use of the U.S. Census data, but provided additional suggestions for data sources such as Tribal databases, harvest reports, property taxes, and the Alaska Permanent Fund Dividend registry.

Councils provided some recommendations for how the Board could otherwise improve the process, including allowing rural residents to remain Federally-qualified subsistence users if they move to a non-rural area purely for economic reasons (e.g., employment). One Council suggested that verification of the rural nature of such individuals could occur by confirming registration with a local Tribal Council (i.e., IRA). Other Councils noted there needs to be more transparency and clarity in how the Federal Subsistence Board arrives at its rural determinations. The Councils noted that their recommendations on rural status should be given deference by the Board.

Summary of Public Comments

The Board received 475 substantive comments from various sources, including individual citizens, members of regional advisory councils, and other entities or organizations (e.g., non-profit Native corporations, borough governments). This section of the briefing does not include results of Tribal consultations. The comments of members of the regional advisory councils include both recommendations made by motion and vote and recommendations made during the course of discussions among council members.

One analyst reviewed each comment for specific suggestions and recommendations made to the Board. Appendix A contains detailed results of the analysis of public comments.

The Board received 101 comments about population thresholds. Most recommended that the Board move to completely eliminate the use of population thresholds because these are arbitrarily and inconsistently applied by agencies. Many recommended replacing population thresholds with more appropriate community characteristics. Some recommended that the upper population threshold be increased from 7,000 to a number in the range 10,000 to 30,000. Few indicated general support for using population thresholds. Some recommended doing something else regarding population.

The Board received 114 comments about rural characteristics. Most recommended that the Board either add or eliminate characteristics; some recommended a combination of both. Some recommended that the Board give substantially more weight to rural characteristics than to population thresholds. Few indicated support for the current list of rural characteristics. Some recommended doing something else regarding rural characteristics.

The Board received 90 comments about aggregation. Most recommended the Board completely eliminate aggregation. Many recommended the Board change how it does aggregation. Some indicated that aggregation eliminates the subsistence priority for some communities. Some indicated that the concept of aggregation is too confusing to be useful. Few indicated support for the current aggregation criteria. A few recommended doing something else regarding aggregation.

The Board received 66 comments about the rural review timeline. Most recommended the Board move to completely eliminate the 10-year review. Some said the 10-year review is a stressful burden on communities and a waste of time and resources. Some indicated support for doing a 10-year review. Others recommended the timeline for review be increased.

The Board received 42 comments about what sources of information to use in the process. Some recommended the Board use Tribal consultation as a primary source of information. Others recommended giving deference to the regional advisory councils on the rural status of their communities. A few recommended the Board rely more on community feedback. Few indicated support for using the 2010 Census data. Many recommended using other sources of information such as the Wolfe and Fischer report and subsistence harvest surveys.

The Board received 60 comments recommending how it could otherwise improve the process, including eliminating the rural/non-rural label, extending the comment period, deferring to the regional advisory councils, and redefining the process as an issue of food security and health.

Formal Consultations with Tribes and ANCSA Corporations

Three consultations were held telephonically with Tribes and ANCSA corporations on the rural determination process¹.

A total of 20 Tribes, three Tribal or village associations, and 12 ANCSA corporations participated with Federal staff, Board members, and their designees in consultations on the rural determination process. Some of those on the telephone only listened and did not directly discuss the rural determination process. This section includes those who spoke on the record. A Board member or their designee provided a wrap up of each call to validate that the consultation was accurately recorded.

Summary of Tribal Consultation

The Tribes that participated generally recommended that the revised rural process should allow Tribal members living in nonrural areas to return to their villages to gather subsistence foods. Economic factors

¹ There will be an opportunity for face-to-face consultation with Tribes and ANCSA corporations at the April 15 Federal Subsistence Board meeting.

cause them to live in non-rural areas, but they still need to access their traditional foods. Several callers requested a Native preference for subsistence needs.

The Native Village of Kotzebue. The Native Village of Kotzebue pointed out that ANILCA only defines or mentions rural, not non-rural, and wondered why this was part of the dialogue.

The Native Village of Kotzebue said that population thresholds are arbitrary and therefore should not be used to trigger a review of a communities' rural status. Rural characteristics are more important in the process than population thresholds. Instead, the Board should develop a different trigger for initiating rural reviews. For example, the Board could begin rural reviews based on a change in community characteristics or other issues that have become common knowledge to federal or state subsistence managers.

The Kenaitze Tribe. The Kenaitze Tribe's area, with its non-rural status, makes it difficult for Tribal members to subsist. The Kenaitze Tribe is now in a position in which applying for Federal and State grants has become necessary to assist their community. The Tribe expressed concern about the 2,500 population threshold. The Tribe thought that unless a community is connected to a road system it should remain rural. The Kenaitze Tribe requested that population thresholds be eliminated and other characteristics should be used to define rural because the population numbers appear to be an arbitrary means of determination.

The Kenaitze Tribe conducted a needs assessment to help it define subsistence use, schooling, employment, and medical needs, which could be used to help the Board make a recommendation to the Secretaries. Board member Sue Masica was interested in this information, and felt the Board should consider how different the Kenaitze are from the rest of the Kenai population.

The Kenaitze Tribe proposed an exemption to the rural determination process for all Tribal members. It feels that Tribal people have been denied fishing opportunities, which threatens the very heart of who they are. The Tribe stated, "The rural determination process focuses on customary and traditional use as a geographic area. This is flawed logic. Customary and traditional people and their customary and traditional use should be considered, rather than the geographic boundaries."

The Sun'aq Tribe. The Sun'aq Tribe stated that other departments of the Federal government have looked into the definition of rural. A number of provisions have allowed for rural enclaves within an urban area. The caller felt that this concept should be further explored.

The Sun'aq Tribe also had a question about the entire timeline for the rural determination process: At what point will the Federal Subsistence Board decide what they are going to recommend to the Secretaries? What's next?

Native Villages of Napaskiak and Napakiak. The Native Village of Napaskiak requested to be exempt from all rural determinations. The Native Village of Napakiak supported this position.



The Knik Tribe. The Knik Tribe said the discussion should focus on 50 CFR 100.15. It also supported the comments of the Kenaitze Tribe. The Knik Tribe recommended the Board consider the U.S. Census-mapped Alaska Native village areas to be exempt from the rural determination process.

Native Village of St. Mary's. The Native Village of St. Mary's said that subsistence resources are affected by the size of the community relying on them plus those harvesters from outside areas. The Native Village of St. Mary's thought that population thresholds may be useful. It supported a Tribal rights stance. It also said that smaller communities along the river most likely will remain rural, but Bethel could get large enough that it could lose its status if the process is not changed.

Summary of Consultations with ANCSA Corporations

Bethel Native Corporation. The representative from the Bethel Native Corporation (BNC) stated that most local villages that are close to each other do not want to be grouped together in a rural determination scenario. BNC requested that representatives from the Federal Subsistence Program speak to the State on behalf of rural communities and their current rural determinations.

BNC requested that the upper population threshold be changed from 7,000 to 12,000. BNC was in favor of the 10-year review. It recommended using the State of Alaska subsistence food survey and 150 pounds per person per year as a minimum threshold for subsistence food usage necessary to be rural.

Sealaska. The Sealaska Corporation urged the Board to immediately act to reinstate Saxman's rural status and that of other similarly situated communities and review their status as rural or non-rural based on their independent characteristics in the ongoing Secretarial review. Since the Board has already extended a compliance date for the change in status required by the 2007 Final Rule, reinstating Saxman's rural status would have no administrative impact. It would however eliminate the need for Saxman to file a lawsuit challenging the 2007 Final Rule, which it will have to do by July 2014, long before the completion of the ongoing review. This would be a very simple solution and would save both the Federal government and the Native Village of Saxman the costs involved in litigation.

Sealaska recommended that the Board take into consideration the cultural integrity and cultural practices around subsistence that rural communities and native people have and look at the social integration among community members. In Southeast Alaska there is a communal system, a Clan system, a House system that integrates their communities, and this is particularly evident in the community of Saxman.

Sealaska advised the Board to look at the spiritual relationship that Native people have to their wildlife. The State of Alaska and the courts have already recognized that there are religious and spiritual dimension to subsistence hunting and fishing among Native peoples.

Sealaska recommended that the Board look at the distribution systems or the sharing of fish and wildlife that goes on in Native communities. It is anything but an individually-based activity.

Sealaska emphasized that the Federal government is in the position to protect a subsistence way of life and the trust responsibility between the federal government and Alaska Native peoples. It felt the rural characteristics are a crucial definition of a rural community and that the population numbers are an

arbitrary measure of what is or is not rural. Aggregation of communities, commuting, and the sharing of a high school are inappropriate measures of a community's rural status. It felt that the presence of a Federally-recognized Tribe in the community should carry weight in the rural determination process.

Alternatives to the Current Rural Determination Process

The Interagency Staff Committee and Office of Subsistence Management staff developed a list of six alternatives, based on recommendations from the Councils, consultation with Tribes and ANCSA corporations, and comments from the public. The alternatives are as follows (Appendix B).

1. No change to the current process.
2. No change, except eliminate the 10-year review.
3. No change, except eliminate the 10-year review, increase the upper population threshold to 11,000, and add geographic remoteness and isolation to the list of rural characteristics.
4. Define "rural" as communities or areas with a population less than 15,000, using current aggregations.
5. Define "rural" as communities or areas with a population less than 15,000, using current aggregations, with the exception of the Southcentral area, for which current rural determinations will remain in regulation.
6. Identify specific communities and areas as nonrural; all other communities and areas are therefore rural. These determinations will be made by the Secretaries of the Interior and Agriculture in Subpart B of Subsistence Management Regulations for Public Lands in Alaska.

Next Steps

- The Board may decide to forward to the Secretaries recommendations for improving the rural determination process.
- The Secretaries may decide to propose a rule to change the current rural determination process, based on the Board's recommendations; the public, Councils, Tribes, and ANCSA corporations would have the opportunity to comment or consult during that rule-making process.
- The Secretaries would publish a final rule specifying the rural determination process.
- If the Secretaries did publish a final rule specifying a different process to be used, the Board would use it to make rural determinations (except in the case of Alternative 6), publishing those determinations in a proposed rule; the public, Councils, Tribes, and ANCSA corporations would have the opportunity to comment or consult on that proposed rule.
- The Board could then publish a final rule with the revised determinations as to the rural status of communities or areas; if no new rule making is done by March 1, 2017, the 2007 rule would become enforceable.



Appendix A

Synthesis of Public Comments on the Rural Determination Process

Staff at the Office of Subsistence Management read appropriate public transcripts and letters containing comments about the rural determination process; populated a database with the comments; and placed the comments into the five elements (i.e., categories) described in the Federal Register notice (77 FR 77005) dated December 31, 2012. We added “other” as a category to capture comments that addressed question number nine in the notice and other comments that did not specifically address one of the five elements.

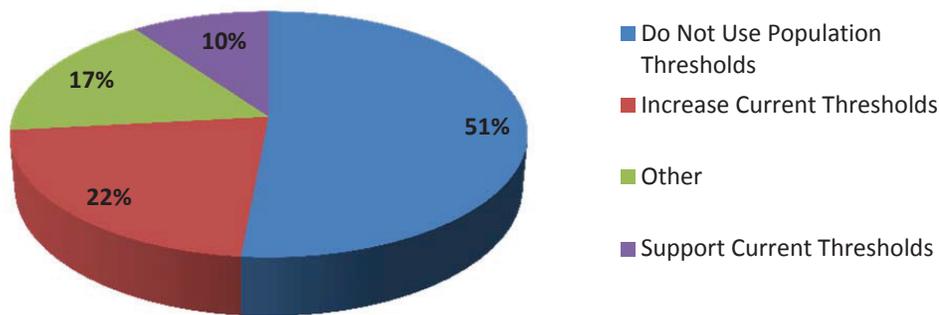
The staff input 496 total public comments into the database; 475 were determined to be substantive. By substantive, we mean comments that meaningfully addressed the rural determination process and made concrete recommendations to the Federal Subsistence Board (Board).

The Board received 278 comments from individual citizens representing the public, 137 comments from members of subsistence regional advisory councils, 37 comments from Alaska Native entities, and 25 comments from other entities (e.g., city and borough governments). Comments from members of the regional advisory councils include both recommendations formally made by motion and vote and recommendations made in the course of discussions and deliberations among council members prior to a formal motion.

This appendix is a synthesis of the public comments. It does not include results from formal consultations with Tribes and ANCSA corporations, which are separate from public comments. A single analyst reviewed all public comments in the database and wrote a brief analysis of each substantive comment. The analyses primarily focused on concise recommendations made to the Board concerning each of the five categories. The analyst grouped each recommendation into subcategories for each category, including the other category.

Population Thresholds

The Board received 101 substantive comments about population thresholds, subdivided into four types of recommendations:



In 52 comments, respondents recommended that the Board move to eliminate the use of population thresholds because these are inadequate in the context of most Alaskan communities, arbitrarily and inconsistently applied by federal agencies, and lack empirical evidence to support their use in making rural determinations. Many of these comments strongly recommended that the Board replace population thresholds with more appropriate rural and/or community characteristics, both qualitative and quantitative. Respondents thought that these would better reflect the nature of communities in Alaska. The characteristics listed include:

- geographical remoteness
- isolation
- annual income
- unemployment rate
- distance to urban markets
- a community's history of subsistence use
- other holistic cultural, political, social, and economic characteristics

In 22 comments, respondents recommended that the current, upper population threshold be raised from 7,000 to a number in the range of 10,000 to 30,000. Specific suggestions included 11,000, 15,000, 20,000, and 25,000.

Seventeen comments recommended the Board do something else regarding population thresholds, including:

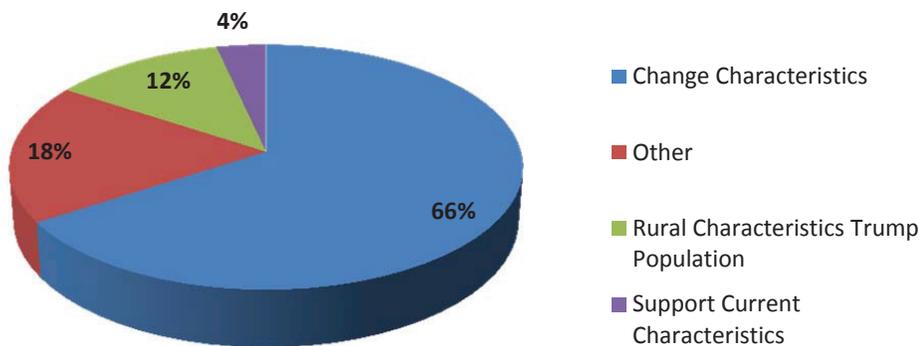


- Adopt and apply the rural development thresholds used by U.S. Department of Agriculture, which range from 2,500 to 50,000.
- Use the Permanent Fund Dividend population numbers.
- Exclude increases in populations due to industrial developments such as mining.
- Enhance monitoring of natural population growth for individual communities.
- Use population densities.

Ten comments indicated general support for using population thresholds in the rural determination process.

Rural Characteristics

The Board received 114 substantive comments about rural characteristics, subdivided into four types of recommendations:



In 75 comments, respondents recommended that the Board change the list of rural characteristics that it applies in the rural determination process. These comments contained requests to add or eliminate rural characteristics from the current list, some requested doing both. For example, some suggested that the Board add “geographical remoteness” and “subsistence use patterns” and eliminate diversity of economy; community infrastructure; transportation; and educational institutions.

No comments indicated a desire to remove use of fish and wildlife from the list, however some recommended that it be changed to “use of fish and wildlife *for subsistence*.” A written comment from a tribal government told the Board “subsistence use of fish and wildlife is the one essential crux of Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) and is

synonymous with the definition of rural in Alaska; use of fish and wildlife as a land use category is essential in any rural determination process used by the Board now and in the future.”

Other additions to the list of rural characteristics included:

- diversity of subsistence resources available
- cost of living and inflation rates
- spiritual, cultural, and ceremonial practices of people who have a subsistence way of life
- community identity
- patterns of boom and bust cycles over time
- access to cell phone and Internet services
- production and use of wild foods
- traditional practices of sharing, bartering, and gift giving
- a community’s customary and traditional uses of resources in its area
- presence of an organized tribal government
- proximity to urban areas and available services such as medical care
- patterns of reciprocity and dependence on one another for survival
- length of time in a place/duration of existence in a place
- gardening

In 14 comments, respondents recommended the Board give substantially greater weight to rural community characteristics than it gives to population thresholds when making rural determinations.

Twenty-one comments recommended that the Board do something else regarding rural characteristics, including:

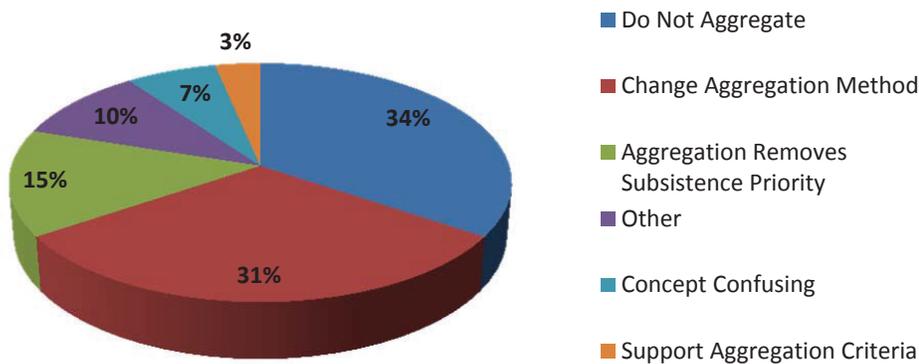
- Weight rural and/or community characteristics as the most important criterion.
- Weight “use of fish and wildlife” as the most important rural characteristic.
- Designate all island communities rural.
- Adapt and use some of the rural characteristics used by the State of Alaska (e.g., extent of sharing of subsistence resources).
- Adopt and apply the rural characteristics outlined in Wolfe and Fischer (2003).
- Do not apply one-size-fits-all criteria across communities.
- Use the three criteria in Section 804 of ANILCA as rural characteristics.

Four comments indicated general support for applying the current list of rural characteristics.



Aggregation of Communities

The Board received 90 substantive comments about aggregation, subdivided into six types of recommendations:



In 36 comments, respondents recommended the Board move to completely eliminate aggregation from the rural determination process. Many indicated that the current method of aggregation is biased and inappropriate. In general, these respondents recommended that the Board evaluate communities based on their unique histories and individual sets of characteristics.

In 28 comments, respondents recommended the Board change how it applies the concept of aggregation. Suggestions included:

- Only apply aggregation where a large urban center is closely connected to smaller communities located beyond its municipal boundaries.
- Determine how population influxes due to mining, oil, and/or military developments affect the current aggregation criteria.
- Do not aggregate communities just because they are connected by road.
- Do not aggregate any community that has its own city council.
- Do not aggregate any community that has a federally-recognized tribe.
- Only aggregate communities that are physically linked to urban centers by highway.
- Eliminate all the criteria used for aggregating communities because these are not useful for demonstrating a community's rural characteristics.
- Increase the percentage of working people commuting from 30 to 50 percent.
- Only eliminate the commuting for work criterion.
- Only eliminate the sharing of a common high school criterion.
- Do not use the current criteria alone; use these in conjunction with communities' histories, demographics, and political divisions.

- Defer to the knowledge and insights of the regional advisory councils when deciding which aggregation criteria to apply.

Thirteen comments indicated that aggregation takes away the subsistence priority of some communities, which is legally protected under ANILCA Title VIII.

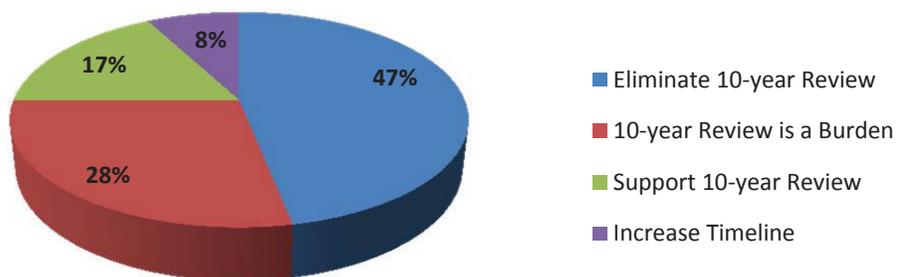
Six comments indicated that some people find the concept of aggregation to be confusing, both in how the concept is applied and the word is defined.

Three comments indicated support for applying the current list of aggregation criteria.

Four comments recommended that the Board do something else regarding aggregation such as carefully consider the impacts of aggregation on subsistence practices such as trading and sharing.

Timelines

The Board received 66 substantive comments about the rural review timeline, subdivided into four types of recommendations:



In 30 comments, respondents recommended the Board completely eliminate the 10-year review of rural status. As reflected by 18 comments, the main rationale for eliminating the 10-year review is because it is viewed as a stressful burden on communities and a waste of time and resources for both communities and federal agencies.

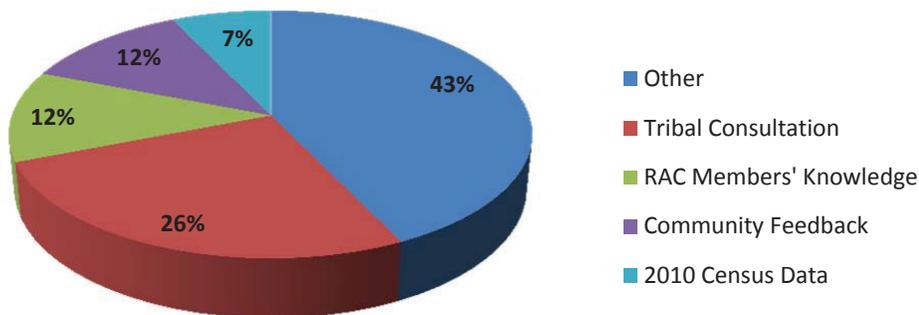
Eleven comments indicated support for doing a 10-year review. In five comments, respondents recommended that the timeline for review be increased (e.g., 15-year intervals, 100-year intervals, review rural determinations only when a community's population exceeds the upper threshold).



Two comments recommended that the Board do something else regarding timelines (i.e., decrease the interval between rural reviews, make rural status permanent unless a substantial change warrants otherwise).

Information Sources

The Board received 42 substantive comments about what sources of information to use in the process, subdivided into five types of recommendations:



In 11 comments, respondents recommended the Board use tribal consultation as a primary source of information for making rural determinations.

Five comments recommended relying on the knowledge of the regional advisory councils by giving them deference concerning the rural status of the communities they represent.

Five respondents recommended using feedback from the affected communities as a primary source of information (e.g., ask community residents what they think makes their community rural and what would have to change before they would consider their community to be non-rural).

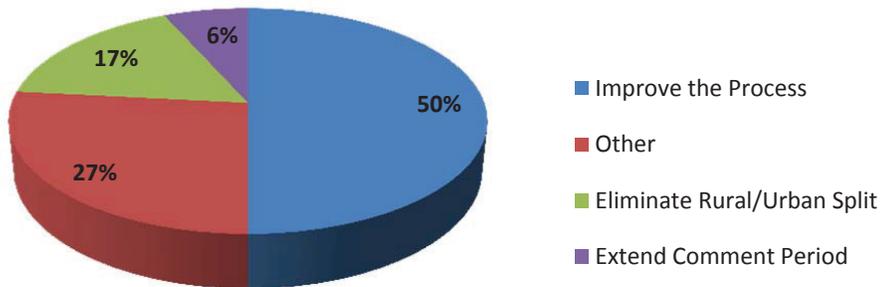
In 18 comments, respondents recommended that the Board use other sources of information such as:

- the intent of ANILCA Title VIII
- Wolfe and Fischer (2003)
- Permanent Fund Dividend database
- State of Alaska regulations
- subsistence harvest surveys conducted in a systematic and scientific manner

Three comments indicated support for using the 2010 Census data.

Other Recommendations

The Board received 60 substantive comments recommending something be done to otherwise improve the process, subdivided into four types of recommendations:



In 30 comments, respondents recommended how the Board should improve the rural determination process. Suggestions included:

- Eliminate the state-wide approach; replace it with a region-by-region approach because the regional advisory councils are only qualified to talk about their regions.
- Provide more time for formal tribal consultation and public participation.
- Improve communication, outreach, and education for the regional advisory councils and the public.
- Apply “rural plus Native” or tribal affiliation for deciding who has subsistence priority.
- Adapt and apply the process used by the National Oceanic and Atmospheric Administration and the National Marine Fisheries Service for subsistence halibut harvest.
- Consider health and nutrition in the process.
- Host meetings on rural determinations in rural communities outside of hub cities and urban centers.
- Use only one process for making rural determinations; the dual system is too burdensome for subsistence harvesters.
- Apply improved social science data and analyses in the process to account for dynamic cultural identities.
- Abandon the state’s system of Game Management Units on federal public lands because it prevents a fair and accurate rural determination process.
- Remove legal constraints.
- Make the results of tribal consultation available to the regional advisory councils before they are asked to deliberate on the process.



- Apply the Criterion-Referenced Assessment Method outlined by Wolfe and Fischer (2003).
- Consider fish and wildlife populations in the rural determination process.
- Consider various definitions of rural as used by other agencies.

In 10 comments, respondents recommended completely eliminating the rural/non-rural dualistic label because it threatens the subsistence priority of many Alaskan communities and the ways of life of many Alaska Native peoples.

In 16 comments, respondents recommended doing something else, including:

- Give deference to the regional advisory councils.
- Redefine the rural determination process as an issue of food security and health.
- Adopt and use an Alaskan Native priority with international declarations on the rights of indigenous people.
- Use a point system or similar metric to determine rural status.

Four respondents recommended extending the comment period because more time is needed to provide meaningful input and recommendations about the rural determination process used by the Board.

Appendix B. Alternatives for the Rural Determination Process

Alternative*	Short Summary	Relationship to Comments	Pros	Cons
1	No change.	Most comments suggest various changes to the current process; a few comments suggest making no changes to the process.	Maintains continuity with current process. Few results of rural status determinations have been controversial.	Widely perceived as flawed. Has resulted in a few controversial determinations, such as Saxman and the Kenai Peninsula. Requires a periodic review even when there have been no change.
2	No change, except eliminate 10-year review.	Many comments suggest that a review should happen only in the event of substantial change to a community or area. 10-year review is a stressful burden on communities and a waste of government resources.	Eliminating review alleviates anxiety of a 10-year review among communities. Reduces periodically time-consuming and redundant staff work.	Would likely continue to be widely perceived as flawed.
3	No change, except eliminate 10-year review, increase upper population threshold to 11,000, and add geographic remoteness and isolation to the list of rural characteristics.	Comments ranged from not using population numbers to increasing the upper limit to 10,000 or as high as 30,000. 11,000 was most commonly mentioned. New recommended rural characteristics are geographic remoteness and isolation.	11,000 was the population of the smallest community/area mentioned as rural in the Senate report for ANILCA Title VIII. 11,000 had previously been recommended to the Secretaries by the Federal Subsistence Board. The public has supported this threshold change as better reflective of rural. Geographic remoteness and isolation captures rural characteristics that might otherwise not be accounted for using other characteristics.	A threshold of 11,000 does not alleviate the anxiety of communities or areas as they gain population over time. The use of geographic remoteness and isolation adds to the complexity of the evaluation of rural characteristics.
4	Define rural as communities or areas with populations less than 15,000 using current	In general, when population thresholds were discussed, the majority of commenters proposed a number of between 10,000 and 30,000.	Helps provide assurance that growing rural hub-communities will continue to be considered rural. A single threshold simplifies the determination process by using available and relatively accurate	The addition of communities/areas to the pool of Federally-qualified subsistence users may result in increased competition for resources among those hunting, fishing or trapping under Federal subsistence regulations. If affected



Alternative*	Short Summary	Relationship to Comments	Pros	Cons
5	Define rural as communities or areas with populations less than 15,000 using current aggregations. Current rural determinations for Southcentral remain in force.	Comments described a community or area's geographic remoteness and isolation as rural characteristics. Road accessible communities with relatively easy access to urban centers are viewed differently than those similarly sized communities in remote areas.	information. Similarly sized and situated communities, such as Kodiak and Ketchikan, would be categorized the same. Same as #4. Recognizes the determinations made to date in Southcentral Alaska that have undergone considerable review and discussion. Competition for Federal fish and wildlife subsistence resources would be unchanged in Southcentral.	fish/wildlife populations cannot accommodate additional rural users, limitations on subsistence, based upon ANILCA 804 criteria, may become necessary. Same as #4. Uneven application of "rural" across the State.
6	Identify specific communities and areas as non-rural; all other communities and areas are therefore rural. Determinations made by the Secretaries of the Interior and Agriculture (Subpart B).	Many comments suggested that a review of a community's rural status should happen only if there is substantial change. (No specific comments were received to move the determinations to the Secretaries' responsibility.)	Fits well with the notion of no periodic review, since review of determinations would occur infrequently and only when deemed necessary by the Secretaries.	Reduces flexibility to modify boundaries as communities or areas change. Decisions are made in DC, rather than locally. Could be viewed as a less open and transparent process.

*All alternatives except 1 would have no periodic review; review would be by petition. (See Alternative 2 for pros and cons, which would also apply to Alternatives 3-6).

Fisheries Resource Monitoring Program

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

Overview

The Fisheries Resource Monitoring Program (Monitoring Program) is unique to Alaska. It was established in 1999 under Title VIII of ANILCA and is run by the Office of Subsistence Management. The Monitoring Program is a competitive funding source for studies on subsistence fisheries that are intended to expand the understanding of subsistence harvest (Harvest Monitoring), traditional knowledge of subsistence resources (Traditional Ecological Knowledge), and the populations of subsistence fish resources (Stock Status and Trends). Gathering this information improves the ability to manage subsistence fisheries in a way that will ensure the continued opportunity for sustainable subsistence use by rural Alaskans on Federal public lands.

Funding Regions

Funding for the Monitoring Program is separated into six regions: the *Northern Region*, which includes the North Slope, Northwest Arctic, and Seward Peninsula Regional Advisory Councils; the *Yukon Region* includes the Yukon-Kuskokwim Delta, Western Interior, and Eastern Interior Regional Councils; the *Kuskokwim Region* includes the Western Interior and Yukon-Kuskokwim Delta Regional Advisory Councils; the *Southwest Region* includes the Bristol Bay and Kodiak/Aleutians Regional Advisory Councils; the *Southcentral Region* includes the Southcentral Regional Advisory Council; and, the *Southeast Region* includes the Southeast Regional Advisory Council.

Table 1. Regional Advisory Councils represented within each of the six Funding Regions for the Fisheries Resource Monitoring Program.

Funding Region	Regional Advisory Councils
1. Northern	North Slope, Northwest Arctic, and Seward Peninsula
2. Yukon	Yukon-Kuskokwim Delta, Western Interior, and Eastern Interior
3. Kuskokwim	Western Interior and Yukon-Kuskokwim Delta
4. Southwest	Bristol Bay and Kodiak/Aleutians
5. Southcentral	Southcentral
6. Southeast	Southeast



Subsistence Resource Concerns

For each of the six funding regions Federal Subsistence Regional Advisory Councils and other stakeholders have identified subsistence fishery resource concerns (Priority Information Needs). These are used by the Monitoring Program to request project proposals that will provide managers with the information needed to address those resource concerns.

In the coming year there will be at least two opportunities for Regional Advisory Councils and other stakeholders to discuss subsistence fishery resource concerns for their Monitoring Program funding regions. These discussions will occur at each of the winter and fall 2014 Regional Advisory Councils meetings. Resource concerns identified during these discussions will be used to direct the request for proposals for studies on subsistence fisheries during the 2016 funding cycle.

Funding Cycles

Every two years the Monitoring Program requests proposals for studies on subsistence issues such as subsistence harvest (Harvest Monitoring), traditional knowledge of subsistence resources (Traditional Ecological Knowledge), and the populations of subsistence fish resources (Stock Status and Trends). The most recent funding cycle for the Monitoring Program occurred in 2014. The request for proposals was announced in spring of 2013 and funding decisions were made in winter of 2014. Projects selected to receive funding in 2014 will last from one to four years depending on the duration of the proposed study. The next funding cycle will begin with a request for proposals in fall of 2014 and funding decisions (Monitoring Plan) announced in early 2016.

Funding Recommendations

Project proposals received by the Office of Subsistence Management are summarized by staff biologists and social scientists in preparation for a Technical Review Committee. The Technical Review Committee made up of members of five Federal Agencies and three representatives from Alaska Department of Fish and Game. This committee reviews and then makes recommendations on whether the project is appropriate to receive funding (Fund), needs some modifications in order to be recommended for funding (Fund with Modification), or is not an appropriate proposal to receive funding from the Monitoring Program (Do Not Fund). Funding recommendations made by the Technical Review Committee are based on how well the project would meet Strategic Priorities for the region, whether the project has sound Technical-Scientific Merit, the Ability and Resources of the researchers, and, how well the project would support Partnership-Capacity building for future projects in the region. The Technical Review Committee's funding recommendation is called the Draft Monitoring Plan.

During the fall Federal Subsistence Regional Advisory Council Meetings the Draft Monitoring Plan is reviewed by Regional Advisory Council members and a ranking of projects within the funding region is made for projects proposed within each of the six funding regions.

Following the fall Regional Advisory Council meetings and prior to the Federal Board Meeting, a second ranking of projects for the Draft Monitoring Plan is made by an Interagency Staff Committee consisting of members of each of the five federal agencies involved in subsistence management in Alaska.

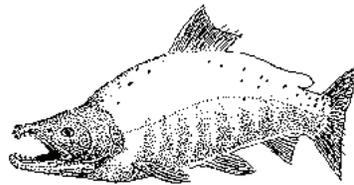
The final funding recommendation is made during the Federal Subsistence Board Meeting when the Board reviews the draft Monitoring Plan and subsequent ranking recommendations made by the Regional Advisory Councils, and Interagency Staff Committee. The funding recommendation made by the Federal Subsistence Board is considered to be the final Monitoring Plan for the funding cycle. This Monitoring Plan is then approved by the Assistant Regional Director of the Office of Subsistence Management and funds are awarded to each of the projects recommended for funding in the final Monitoring Plan.



DRAFT

PRIORITY INFORMATION NEEDS

FEDERAL SUBSISTENCE FISHERIES



2016 Fisheries Resource Monitoring Program

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

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

The Office of Subsistence Management (OSM) invites the submission of proposals for fisheries investigation studies to be initiated under the 2016 Fisheries Resource Monitoring Program (Monitoring Program). Taking into account funding commitments for ongoing projects, and contingent upon Congressional funding, we anticipate approximately \$4.0 million available in 2016 to fund new monitoring and research projects that provide information needed to manage subsistence fisheries for rural Alaskans on Federal public lands. Funding may be requested for up to four years duration.

Although all proposals addressing subsistence fisheries on Federal public lands will be considered, the 2016 Notice of Funding Availability is focused on priority information needs. The Monitoring Program is administered among six regions: Northern Alaska, Yukon, Kuskokwim, Southwest Alaska, Southcentral Alaska, and Southeast Alaska regions. Strategic plans developed by workgroups of Federal and State fisheries managers, researchers, Regional Advisory Council members and other stakeholders, have been completed for three of the six regions: Southeast, Southcentral (excluding Cook Inlet Area), and Southwest Alaska. These plans identify prioritized information needs for each major subsistence fishery and can be viewed on or downloaded from OSM's website: <http://www.doi.gov/subsistence/monitor/fisheries/index.cfm> . Independent strategic plans were completed for the Yukon and Kuskokwim regions for salmon in 2005, and jointly for whitefish in 2012. For the Northern Region and the Cook Inlet Area, priority information needs were developed with input from Regional Advisory Councils, the Technical Review Committee, Federal and State managers and staff from OSM.

This document summarizes priority information needs for 2016 for all six regions and a multi-regional category that addresses priorities that extend over two or more regions. Investigators preparing proposals for the 2016 Monitoring Program should use this document and relevant strategic plans, and the Notice of Funding Availability, which provides foundational information about the Monitoring Program, to guide proposal development. While Monitoring Program project selections may not be limited to priority information needs identified in this document, proposals addressing other information needs must include compelling justification with respect to strategic importance.

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

Because cumulative effects of climate change are likely to fundamentally affect the availability of subsistence fishery resources, as well as their uses, and how they are managed, investigators are requested to consider examining or discussing climate change



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

Projects with an interdisciplinary emphasis are encouraged. The Monitoring Program seeks to combine ethnographic, harvest monitoring, traditional ecological knowledge, and biological data to aid in management. Investigators are encouraged to combine interdisciplinary methods to address information needs, and to consider the cultural context of these information needs.

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

The following sections provide specific regional and multi-regional priority information needs for the 2016 Monitoring Program. They are not listed in priority order.

Northern Alaska Region Priority Information Needs

The Northern Alaska Region is divided into three areas which reflect the geographic areas of the three northern Regional Advisory Councils (Seward Peninsula, Northwest Arctic, and North Slope). Together, the three areas comprise most of northern Alaska, and contain substantial Federal public lands. Since 2001, the three northern Regional Advisory Councils have identified important fisheries issues and information needs for their respective areas. For the Northern Alaska Region, the 2016 Notice of Funding Availability is focused on the following priority information needs:

- Understanding differences in cultural knowledge, beliefs, and perceptions of subsistence resources between fishery managers and subsistence users in Northwestern Alaska.
- Local and cultural knowledge about, locations of, perceptions of abundance, and harvest monitoring for coastal lagoon whitefishes.
- Description and analysis of sharing networks and customary trade of salmon in villages in northern Alaska.
- Reliable estimates of Chinook salmon escapement for the Unalakleet River drainage.

- Abundance, location and movement of Arctic grayling in the Point Hope and Wainwright area.
- Abundance, location and movement of whitefish in the Meade River
- Abundance, location and movement of smelt in the Wainwright area.
- Mapping chum distribution in Northern Alaska.
- Documentation of longevity, age of maturity, and the abundance of fish of a given size range or maturity status for lake trout in the upper Anaktuvuk River.
- Arctic cisco population assessment, including distribution, migration, and age structure in northern Alaska.
- Changes in Dolly Varden abundance in relationship to water levels in overwintering pools.
- Changes in fish health associated with climate change in Northern Alaska.
- Identification of overwintering areas for Dolly Varden in northern Alaskan rivers, identification of demographic qualities of overwintering fish, and estimating overwintering fidelity of fish.

Yukon Region Priority Information Needs

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

For the Yukon Region, the 2016 Notice of Funding Availability is focused on the following priority information needs:

- Reliable estimates of salmon species escapements (for example, projects using weir, sonar, mark-recapture methods).



- Geographic distribution of salmon and whitefish species in the Nulato River, Salmon Fork of the Black River, Porcupine River and Chandalar River.
- An indexing method for estimating species-specific whitefish harvests on an annual basis for the Yukon drainage. Researchers should explore and evaluate an approach where sub-regional clusters of community harvests can be evaluated for regular surveying, with results being extrapolated to the rest of the cluster, contributing to drainage-wide harvest estimates.
- Methods for including “quality of escapement” measures (for example, potential egg deposition, sex and size composition of spawners, spawning habitat utilization) in establishing Chinook salmon spawning goals and determining the reproductive potential and genetic diversity of spawning escapements.
- A review of escapement data collection methods throughout Yukon drainage to ensure that test fisheries are accurately accounting for size distribution and abundance of fishes (e.g. are smaller Chinook being counted accurately).
- Harvest and spawning escapement level changes through time in relation to changes in gillnet construction and use (for example, set versus drift fishing, mesh size changes) for Chinook salmon subsistence harvest in the mainstem Yukon River.
- Bering cisco population assessment and monitoring
- Burbot population assessments in lakes known to support subsistence fisheries.

Kuskokwim Region Priority Information Needs

Since 2001, the Yukon-Kuskokwim Delta and Western Interior Regional Advisory Councils, with guidance provided by the Kuskokwim Fisheries Resource Coalition, have identified a broad category of issues and information needs in the Kuskokwim Region. Additionally, a research plan for salmon and a research plan for whitefish have been used to identify priority information needs for salmon and whitefish.

For the Kuskokwim Region, the 2016 Notice of Funding Availability is focused on the following priority information needs:

- Reliable estimates of Chinook, chum, sockeye, and coho salmon escapement (for example, projects using weir, sonar, mark-recapture methods).
- Methods for including “quality of escapement” measures (for example, potential egg deposition, sex and size composition of spawners, spawning habitat utilization) in establishing Chinook salmon spawning goals and determining the reproductive potential and genetic diversity of spawning escapements.
- Estimate the size and growth of the sport fishery over the next 30 years.
- An understanding of the meaning and significance of sharing in the context of the social, cultural, and economic life of people in the lower Kuskokwim Area.
- Impacts of sport fishery on cultural values and social systems.
- Local knowledge of whitefish species to supplement information from previous research in central Kuskokwim River drainage communities. Groups of communities might include Kalskag, Lower Kalskag, Aniak, and Chuathbaluk or Red Devil, Sleetmute, and Stony River.
- Local knowledge of whitefish species to supplement information from previous research in lower Kuskokwim River drainage communities. Groups of communities might include Kwethluk, Akiachak, and Tuluksak or Chefornak, Kipnuk, Kongiganek, and Kwigillingok.
- An indexing method for estimating species-specific whitefish harvests on an annual basis for the Kuskokwim drainage. Researchers should explore and evaluate an approach where sub-regional clusters of community harvests can be evaluated for regular surveying with results being extrapolated to the rest of the cluster, contributing to drainage-wide harvest estimates.



Southwest Alaska Region Priority Information Needs

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

For the Southwest Alaska Region, the 2016 Notice of Funding Availability is focused on the following priority information needs:

- Reliable estimates of salmon escapements in the Lake Clark watershed (for example, from projects utilizing a weir, sonar, and/or mark-recapture methods).
- Historical salmon escapement to the Lake Clark watershed using isotopic analysis of lake sediment cores.
- Size and age structure of sockeye salmon spawners representative of the diversity among populations with Lake Clark National Park and Preserve.
- Rearing habitat capacity for juvenile sockeye salmon in Lake Clark National Park and Preserve.
- Comparative ecological evaluation of lake rearing habitats of subsistence sockeye salmon stocks in southwest Kodiak Island, Alaska, including Olga Lakes and Akalura Lake watersheds; assessment of 1) the decline in salmon stocks and associated subsistence harvest opportunities, and 2) the potential effects of climate change on salmon production in these lake systems.
- Distribution and timing of spawning by sockeye salmon in the major watersheds of Katmai National Park and Preserve.
- Harvest of salmon for subsistence use by residents of the communities of Cold Bay, King Cove, and Sand Point, including harvest methods and means by species and distribution practices.
- Description and analysis of the social network underlying the distribution of fish harvested for subsistence by residents of the Bristol Bay Area or Chignik Area.

Southcentral Alaska Region Priority Information Needs

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

For the Southcentral Region, the 2016 Notice of Funding Availability is focused on the following priority information needs:

- Obtain reliable estimates of Chinook and sockeye salmon escapement into the Copper River drainage (for example, projects utilizing weir, sonar, mark-recapture methods).
- Abundance, run timing, spawning site fidelity and timing, and age, sex, and length composition for Chinook and coho salmon that stage or spawn in waters of the Kenai River and its tributaries below Skilak Lake under federal subsistence fishery jurisdiction.
- Abundance, run timing, spawning site fidelity and timing, and age, sex, and length composition for Chinook and coho salmon that stage or spawn in waters of the Kasilof River and its tributaries under federal subsistence fishery jurisdiction.

Southeast Alaska Region Priority Information Needs

A strategic plan was developed for the Southeast Alaska Region in 2006 and was reviewed to ensure that priority information needs were identified.

For the Southeast Alaska Region, the 2016 Notice of Funding Availability is focused on the following priority information needs:

- Reliable estimates of sockeye salmon escapement. Stocks of interest include: Gut Bay, Red, Kah Sheets, Karta, Salmon Bay, Sarkar and Hoktaheen.
- In-season subsistence harvest of sockeye salmon. Stocks of interest include: Hatchery Creek, Gut Bay, Red, Kah Sheets, Salmon Bay, Sarkar, Kanalku, and Hoktaheen.
- Escapement index for Yakutat Forelands eulachon (continuation)

Multi-Regional Priority Information Needs

The Multi-regional category is for projects that may be applicable in more than one region. For the Multi-Regional category, the 2016 Notice of Funding Availability is focused on the following priority information needs:



- Changes in subsistence fishery resources and uses, in the context of climate change where relevant, including, but not limited to, fishing seasons, species targeted, fishing locations, fish quality, harvest methods and means, and methods of preservation. Include management implications.
- Effects of the Bering Sea and Gulf of Alaska pollock fishery on Federal Chinook and chum subsistence resources throughout Alaska.
- Changes in subsistence fishery resources, in the context of climate change, including but not limited to fish movement and barriers including permafrost slump, water quality and temperature, draining of tundra lakes, changing patterns of precipitation both snow and rain, changing freeze-up and break-up.
- Develop alternative methods for evaluating Chinook and chum salmon escapement measures (for example, potential egg deposition, sex and size composition of spawners, spawning habitat utilization) in establishing spawning goals and determining the reproductive potential and genetic diversity of spawning escapements.

DRAFT

FP15-01 Executive Summary

General Description	Proposal FP15-01 requests that the definition of “hook” be described in regulation as “a hook with or without a barb.”The proposed language would clarify the type of fishing hook that could be used under Federal subsistence fisheries regulations where hooks are an authorized methods and means to take fish. <i>Submitted by the Southcentral Alaska Subsistence Regional Advisory Council (SCRAC)</i>
Proposed Regulation	<p><i>Proposed Federal Subsistence Regulations</i></p> <p><i>§__.25 (a) Definitions. The following definitions apply to all regulations contained in this part:</i></p> <p><i>Hook means a single shanked fish hook with a single eye constructed with 1 or more points with or without barbs.</i></p>
OSM Preliminary Conclusion	Support
Southeast Regional Council Recommendation	
Southcentral Regional Council Recommendation	
Kodiak/Aleutians Regional Council Recommendation	
Bristol Bay Regional Council Recommendation	
Yukon/Kuskokwim Delta Regional Council Recommendation	
Western Interior Regional Council Recommendation	
Seward Peninsula Regional Council Recommendation	
Northwest Arctic Regional Council Recommendation	
Eastern Interior Regional Council Recommendation	
North Slope Regional Council Recommendation	



FP15-01 Executive Summary (continued)

Interagency Staff Committee Comments	
ADF&G Comments	
Written Public Comments	1



June 11, 2014

US Fish & Wildlife Service
 ATTN: Theo Matuskowitz
 Office of Subsistence Management
 1011 East Tudor Rd., MS-121
 Anchorage, Alaska 99503

To the Federal Subsistence Board:

On behalf of the Ahtna Tene Nene' Customary & Traditional Use Committee, I am pleased to submit comments to the Federal Subsistence Board on the 2015-2017 Federal Subsistence Fisheries Statewide - Proposal FP15-01.

I support Proposal 15-01 to add new definition to hook, which is defined as a single shanked fish hook with a single eye constructed with 1, 2, or 3 points with or without barbs.

Federally qualified subsistence users who fish with rod and reel do not fish recreationally for salmon. Those who choose to fish with rod and reel under federal subsistence program in the Upper Copper River District fish keep harvested salmon. They most likely do not catch and release salmon that are caught with rod and reel.

The average eleven year (2002-2013) reported Federal harvest with rod and reel of Sockeye and Chinook in the Glennallen Subdistrict of the Upper Copper River District was 5 Sockeye and 9 Chinook. Damage to the Sockeye and Chinook that would be caused by barbed hooks would minimal since the subsistence users would most likely retain all the hooked fish for consumption.

Please change federal regulation for the hook definition to allow single shanked fish hook with a single eye with 1, 2, or 3 points with or without barbs.

Sincerely,

Gloria Stickwan

Gloria Stickwan,
 C&T/Environmental Coordinator

P.O. Box 649 – Glennallen, Alaska 99588
 Phone: (907) 822-3476 – Fax: (907) 822-3495

DRAFT STAFF ANALYSIS FP15-01

ISSUES

Proposal FP15-01 submitted by the Southcentral Alaska Subsistence Regional Advisory Council (SCRAC) requests that the definition of “hook” be described in regulation as “a hook with or without a barb.”

The proposed language would clarify the type of fishing hook that could be used under Federal subsistence fisheries regulations where hooks are an authorized methods and means to take fish.

DISCUSSION

The proponent requests a change to existing statewide Federal regulatory language to eliminate the potential for adoption of default methods and means restriction of a Federal subsistence fishery to the use of barbless hooks. This proposal was submitted in response to a recent Alaska Board of Fisheries decision (see regulatory history section) to restrict the Kenai River Chinook salmon sport fishery methods and means to the use of barbless hooks under certain conditions. If the Kenai River Chinook salmon sport fishery is restricted to the use of barbless hooks, the Federal subsistence rod and reel fishery might also be restricted to the use of barbless hooks by default.

In many parts of Alaska, stand-alone Federal subsistence fisheries regulations do not exist within § ___.25 or .27. Federal subsistence fisheries methods and means regulations are the same for taking of fish under State of Alaska sport fishing regulations (5 AAC 56 and 5 AAC 57), unless specifically modified in Federal regulation. In those areas where Federal subsistence fisheries regulations are absent, § ___.14(a) indicates State fisheries regulations apply to public lands and are adopted as Federal subsistence fisheries regulations to the extent they are not inconsistent with, or superseded by, Federal subsistence regulations. In other words, if the State of Alaska adopts fisheries regulations, such as requiring barbless hooks in a fishery where Federal subsistence fisheries regulations do not exist or do not address what type of hook is allowed, Federal subsistence regulations would default to State regulations resulting in Federal subsistence users being restricted to barbless hooks.

Existing Federal Regulations

§ __ 100.14 and § __ 242.14 Relationship to State procedures and regulations

(a) State fish and game regulations apply to public lands and such laws are hereby adopted and made a part of the regulations in this part to the extent they are not inconsistent with, or superseded by, the regulations in this part.

Currently there is no Federal definition of “hook”; thus, the State of Alaska definition for the Kenai River applies.

Proposed Federal Subsistence Regulations

§ __.25 (a) *Definitions*. The following definitions apply to all regulations contained in this part:

Hook means a single shanked fish hook with a single eye constructed with 1 or more points with or without barbs.

Existing State Regulation

5 AAC 57.121. Special provisions for the seasons, bag, possession, and size limits, and methods and means for the Lower Section of the Kenai River Drainage Area

(1)(J) during times when the retention of king salmon is prohibited under 5 AAC 57.160(d) (2)(A) or 5 AAC 21.359(e)(1), only one unbaited, barbless, single-hook, artificial lure may be used when sport fishing for king salmon; in this subparagraph, "barbless" means the hook is manufactured without a barb or the barb has been completely removed or compressed so the barb is in complete contact with the shaft of the hook;

5AAC 21.359. Kenai River Late-Run King Salmon Management Plan

(e) From July 1 through July 31, if the projected inriver run of late-run king salmon is less than 22,500 fish, in order to achieve the sustainable escapement goal and provide reasonable harvest opportunity, the commissioner may, by emergency order, establish fishing seasons as follows:

(1) in the Kenai River sport fishery,

(A) the use of bait is prohibited; or

(B) the use of bait and retention of king salmon are prohibited, and only one unbaited, barbless, single-hook, artificial lure, as described in 5 AAC57.121(1)(J), may be used when sport fishing for king salmon;

Extent of Federal Public Waters

For purposes of this discussion, the phrase "Federal public waters" is defined as those waters described under 36 CFR 242.3 and 50 CFR 100.3. FP15-01 was submitted to address Federal subsistence fisheries in all Federal public waters of Alaska.

Regulatory History

Over the years, numerous proposals requesting restriction of sport fisheries methods and means to barbless hooks have been submitted to the Alaska Board of Fisheries. At the January 29 – February 11, 2014 Upper Cook Inlet meeting, the Alaska Board of Fisheries deliberated Proposals 47, 48, 49, and 224 which requested restricting various Cook Inlet spot fisheries to the use of barbless hooks (ADF&G 2013 A, pages 144, ADF&G 2013 B, pages 280-286). The Alaska Department of Fish and Game opposed these proposals because restricting anglers to the use of barbless hooks would have a negative effect on sport fishery opportunity without a measureable biological benefit. The Alaska Department of Fish and



Game also indicated use of barbless hooks reduces angler efficiency by 9-24%, according to one study, resulting in anglers fishing longer in order to achieve their bag limits, or reducing their harvest.

The Alaska Board of Fisheries adopted an amended Proposal 48 for the Kenai River Chinook salmon sport fishery requiring barbless hooks as a conservation measure when the fishery is restricted to catch and release only. The discussions during the Alaska Board of Fisheries deliberations focused on reducing Chinook salmon handling mortality in the sport fishery when restricted to catch and release status. The regulatory language defining “barbless hooks” within 5 AAC 57.121(1)(J) is *the hook is manufactured without a barb or the barb has been completely removed or compressed so the barb is in complete contact with the shaft of the hook.*

The Kenai River Chinook salmon sport fishery is the first fishery in Alaska with a barbless hook regulation. At their March 12, 2014 meeting, the SCRAC was made aware of the new State sport fishery regulation and how it could, by default, impact the Federal subsistence Chinook salmon rod and reel fishery in the Kenai River. In response to the Alaska Board of Fisheries action, the SCRAC submitted this proposal. The State of Alaska regulatory definition of a “barbless hook” was not available at the SCRAC meeting and the SCRAC was not presented with the language contained in the Proposed Federal Regulatory Language section above.

Biological Background

The previously referenced Alaska Department of Fish and Game staff comments to the Alaska Board of Fishery state the use of barbless hooks does not reduce mortality of released fish by a measurable amount. These staff comments generally indicate the vast body of research conducted on catch and release mortality of fish largely suggest there is no significant difference in mortality rates between using barbed and barbless hooks (ADF&G 2013 A page 144), though some studies support the use of barbless hooks for specific species in some fisheries.

Current Events

Many Federal subsistence fisheries in Alaska allow the use of fishing hooks as a legal means of harvesting fish. Current Federal subsistence fisheries regulations reference allowing the use of a hook with a handline, jigging gear, long line, mechanical jigging gear, troll gear, hook and line attached to a rod or pole, and rod and reel. Though the use of fishing hooks is authorized, Federal subsistence regulations do not define a fishing hook and do not clearly indicate whether or not fishing hooks require a barb or not.

The SCRAC indicated adoption of this proposal, if submitted as a statewide proposal, could benefit Federally-qualified subsistence users throughout Alaska. Allowing the continued use of barbed hooks in all Federal subsistence fisheries, where use of hooks is authorized, will benefit subsistence users by reducing the chance of losing a fish hooked on a barbless hook as subsistence fishing is characterized by efficiency of harvest. Additionally, the SCRAC transcripts state the purpose of this proposal is to legally maintain Federal subsistence fishermen’s choice if they want to use a barbed or a barbless hook (SCRAC 2014).

Other Alternates Considered

The State of Alaska has adopted a Kenai River Chinook salmon sport fishery relate regulations which define a “barbless hook” under 5 AAC 57.121(1)(J)... *"barbless" means the hook is manufactured without a barb or the barb has been completely removed or compressed so the barb is in complete contact with the shaft of the hook;*. Regulatory language defining a “barbless hook” was not available for evaluation at the SCRAC meeting when FP15-01 was submitted. An alternative to consider for Proposal FP15-01 is to support the proposal with modification by incorporating the regulatory language offered in this proposal with the regulatory language adopted by the State of Alaska. Supporting Proposal FP15-01 with the modification of mirroring the State of Alaska’s statewide definition of a barbless hook will reduce regulatory complexity and enforcement concerns. The following is alternative proposed regulatory language reflecting the above suggested modification.

§ __.25 (a) *Definitions*. The following definitions apply to all regulations contained in this part:

Hook means a single shanked fish hook with a single eye constructed with 1 or more points with or without barbs. A hook without a “barb” means the hook is manufactured without a barb or the barb has been completely removed or compressed so the barb is in complete contact with the shaft of the hook

Effects of the Proposal

If this proposal is adopted, it would maintain Federally-qualified subsistence users’ ability to select the type of fishing hooks, with or without barbs, they want to use. Once a definition of hook is in Federal regulation, Federally-qualified subsistence users will not have to be concerned if the State of Alaska changes the definition of a hook or restricts other fisheries to the use of barbless hooks. Adoption of this proposal is not expected to have any effect on Federally-qualified subsistence users, practices, fisheries, or fish stocks targeted. Adoption of this proposal will not result in additional impacts Federal subsistence users have on Alaska’s fishery resources because Federal subsistence users most likely utilize barbed hooks where hooks are authorized to increase harvest efficiency as subsistence fishing is characterized by efficiency of harvest.

If this proposal is adopted, Federal and State regulations will be divergent in fisheries restricted to use of barbless hooks under State regulations. Adoption of FP15-01 will establish a Federal subsistence regulatory definition of hook to include both barbed and barbless hooks which will supersede both current and future State barbless hooks regulations.

If this proposal is not adopted, Federally-qualified users will be restricted to use the type of hook specified and defined by the State of Alaska, since there is no Federal definition of hook. The first, and currently only, Federal subsistence fishery which could be impacted by not adopting FP15-01 is the Kenai River Chinook salmon fishery, where rod and reel is an authorized methods and means. Additionally, if this proposal is not adopted, potential barbless hooks restrictions in other future Federal subsistence fisheries would unnecessarily decrease harvest efficiency of Federally-qualified subsistence users.



OSM PRELIMINARY CONCLUSION

Support Proposal FP15-01

Justification

The proposal would add a definition of “hook” in Federal regulations. Currently subsistence users must comply with the State’s method and means when fishing with one or more hooks, even if the regulation is for barbless hooks, which reduces harvest efficiency. Restricting subsistence users from harvesting fish with barbed hooks would be an unnecessary restriction to existing fishing practices statewide.

Adoption of this proposal would protect Federal subsistence fishermen’s choice to use barbed or barbless hooks. Adoption of this proposal would not result in additional impacts to Alaska’s fisheries resources by Federal subsistence fishermen.

LITERATURE CITED

SCRAC, 2014. Transcripts of the Southcentral Regional Advisory Council proceedings pages 68-72, March 12, 2014 in Anchorage, Alaska. Office of Subsistence Management, FWS. Anchorage, AK.

ADF&G, 2013 A. Alaska Department of Fish and Game staff comments on commercial, personal use, sport, guided sport, and subsistence finfish regulatory proposals, committee of the whole-groups 1-6 for the Upper Cook Inlet Management Area, Alaska Board of Fisheries meeting Anchorage, Alaska, January 31-February 12, 2014. Alaska Department of Fish and Game, Regional Information Report No. 2A13-04, Anchorage.

ADF&G, 2013 B. Alaska Department of Fish and Game staff comments on commercial, personal use, sport, guided sport, and subsistence finfish regulatory proposals, Committees D, E, F, G for the Upper Cook Inlet Management Area, Alaska Board of Fisheries meeting Anchorage, Alaska, January 31-February 12, 2014. Alaska Department of Fish and Game, Regional Information Report No. 2A13-05, Anchorage.

FP15-09 Executive Summary	
General Description	<p>Proposal FP15-09 requests the total cash value per household of salmon taken within the Kenai River drainage and exchanged in customary trade between rural residents and individuals other than rural residents not exceed \$1,000.00 annually. Additionally, customary trades should be recorded and reported, and advertising should be regulated. <i>Submitted by Courtney Larsen of Cooper Landing, Alaska.</i></p>
Proposed Regulation	<p>§ ____ .27 Subsistence taking of fish</p> <p><i>(b) Methods, means and general restrictions</i></p> <p><i>(12) Transactions between a rural resident and others. In customary trade, a rural resident may exchange fish, their parts, or their eggs, legally taken under the regulations in this part, for cash from individuals other than rural residents if the individual who purchases the fish, their parts, or their eggs uses them for personal or family consumption. If you are not a rural resident, you may not sell fish, their parts, or their eggs taken under the regulations in this part. The Board may recognize regional differences and regulates customary trade differently for separate regions of the State.</i></p> <p><i>(i) Bristol Bay Fishery Management Area—The total cash value per household of salmon taken within Federal jurisdiction in the Bristol Bay Fishery Management Area and exchanged in customary trade between rural residents and individuals other than rural residents may not exceed \$400.00 annually. These customary trade sales must be immediately recorded on a customary trade recordkeeping form. The recording requirement and the responsibility to ensure the household limit is not exceeded rest with the seller.</i></p> <p><i>(ii) Upper Copper River District—The total cash value of salmon per household taken within the Upper Copper River District and exchanged in customary trade between rural residents and individuals other than rural residents may not exceed \$500.00 annually. No more than 50 percent of the annual household limit may be sold under paragraphs (b)(11) and (12) of this section when taken together. These customary trade sales must be immediately recorded on a customary trade recordkeeping form. The recording requirement and the responsibility to ensure the household limit is not exceeded rest with the seller.</i></p> <p><i>(iii) Customary trade of Yukon River Chinook salmon may only occur between Federally qualified rural residents with a current customary and traditional use determination for Yukon River Chinook salmon.</i></p>

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FP15-09 Executive Summary (continued)

<p>Proposed Regulation (continued)</p>	<p><i>(iv) Cook Inlet Area, Kenai River Drainage—The total cash value per household of salmon taken within the Kenai River drainage and exchanged in customary trade between rural residents and individuals other than rural residents may not exceed \$1,000.00 annually. These customary trades for cash must be immediately recorded on a customary trade recordkeeping form and submitted to the federal agency. The recording requirement and the responsibility to ensure the annual cash limit is not exceeded rest with the seller. Rural residents may advertise in public postings, paper circulations, and internet media venues. Any publication must always disclose verbiage (in readable font type and size) that states that fish are federally subsistence caught and that the fish are for personal consumption only and are not to be resold (with CFR regulation section number cited).</i></p>
<p>OSM Preliminary Conclusion</p>	<p>Oppose</p>
<p>Southcentral Regional Council Recommendation</p>	
<p>Interagency Staff Committee Comments</p>	
<p>ADF&G Comments</p>	
<p>Written Public Comments</p>	

DRAFT STAFF ANALYSIS
FP15-09

ISSUES

Proposal FP15-09, submitted by Courtney Larsen of Cooper Landing, Alaska, requests the total cash value per household of salmon taken within the Kenai River drainage and exchanged in customary trade between rural residents and individuals other than rural residents not exceed \$1,000.00 annually. Additionally, customary trades should be recorded and reported, and advertising should be regulated.

DISCUSSION

A “customary trade” occurs when a person legally harvests fish in a Federal subsistence fishery and then exchanges fish, their parts, or their eggs for cash. To be legal, such exchanges cannot reach the level of a “significant commercial enterprise.” The proponent states that he submitted the proposal because some Cooper Landing residents look for additional sources of income to help pay for items such as gas (for transportation) and oil (for heat). The proponent states that, in Alaska, people have commonly used word-of-mouth to arrange customary trades; however, it is becoming more and more common for people in rural Alaska to communicate electronically, on Facebook® or Craig’s List® for example, which law enforcement might decide is advertising for a significant commercial enterprise and therefore illegal. The proponent states that advertising customary trades should be legal. To ensure customary trades do not become significant commercial enterprises, the proponent seeks to limit the cash value of salmon per household exchanged in customary trade. The proponent is also requesting a record-keeping requirement to document exchanges of salmon for cash. To help ensure that salmon obtained through customary trade do not then enter the commercial market, advertisers must guarantee in writing that the salmon were legally harvested under Federal subsistence regulations and must communicate in writing that its only legal use is personal or family consumption. The proponent anticipates the new regulation will not impact salmon populations nor recreational or commercial users of salmon. The proponent made his request for the Kenai River “District,” which is not a known designation, and he meant the Kenai River drainage (Larsen 2014, pers. comm.).

Existing Federal Regulation**36 CFR 242.27 and 50 CFR 100.27 Subsistence taking of fish***(b) Methods, means and general restrictions*

(12) Transactions between a rural resident and others. In customary trade, a rural resident may exchange fish, their parts, or their eggs, legally taken under the regulations in this part, for cash from individuals other than rural residents if the individual who purchases the fish, their parts, or their eggs uses them for personal or family consumption. If you are not a rural resident, you may not sell fish, their parts, or their eggs taken under the regulations in this part. The Board may recognize regional differences and regulates customary trade differently for separate regions of the State.

(i) Bristol Bay Fishery Management Area—The total cash value per household



of salmon taken within Federal jurisdiction in the Bristol Bay Fishery Management Area and exchanged in customary trade between rural residents and individuals other than rural residents may not exceed \$400.00 annually. These customary trade sales must be immediately recorded on a customary trade recordkeeping form. The recording requirement and the responsibility to ensure the household limit is not exceeded rest with the seller.

(ii) Upper Copper River District—The total cash value of salmon per household taken within the Upper Copper River District and exchanged in customary trade between rural residents and individuals other than rural residents may not exceed \$500.00 annually. No more than 50 percent of the annual household limit may be sold under paragraphs (b)(11) and (12) of this section when taken together. These customary trade sales must be immediately recorded on a customary trade recordkeeping form. The recording requirement and the responsibility to ensure the household limit is not exceeded rest with the seller.

(iii) Customary trade of Yukon River Chinook salmon may only occur between Federally qualified rural residents with a current customary and traditional use determination for Yukon River Chinook salmon.

Proposed Federal Regulation

§ ____.27 Subsistence taking of fish

(b) Methods, means and general restrictions

(12) Transactions between a rural resident and others. In customary trade, a rural resident may exchange fish, their parts, or their eggs, legally taken under the regulations in this part, for cash from individuals other than rural residents if the individual who purchases the fish, their parts, or their eggs uses them for personal or family consumption. If you are not a rural resident, you may not sell fish, their parts, or their eggs taken under the regulations in this part. The Board may recognize regional differences and regulates customary trade differently for separate regions of the State.

(i) Bristol Bay Fishery Management Area—The total cash value per household of salmon taken within Federal jurisdiction in the Bristol Bay Fishery Management Area and exchanged in customary trade between rural residents and individuals other than rural residents may not exceed \$400.00 annually. These customary trade sales must be immediately recorded on a customary trade recordkeeping form. The recording requirement and the responsibility to ensure the household limit is not exceeded rest with the seller.

(ii) Upper Copper River District—The total cash value of salmon per household taken within the Upper Copper River District and exchanged in customary trade

between rural residents and individuals other than rural residents may not exceed \$500.00 annually. No more than 50 percent of the annual household limit may be sold under paragraphs (b)(11) and (12) of this section when taken together. These customary trade sales must be immediately recorded on a customary trade recordkeeping form. The recording requirement and the responsibility to ensure the household limit is not exceeded rest with the seller.

(iii) Customary trade of Yukon River Chinook salmon may only occur between Federally qualified rural residents with a current customary and traditional use determination for Yukon River Chinook salmon.

(iv) Cook Inlet Area, Kenai River Drainage—The total cash value per household of salmon taken within the Kenai River drainage and exchanged in customary trade between rural residents and individuals other than rural residents may not exceed \$1,000.00 annually. These customary trades for cash must be immediately recorded on a customary trade recordkeeping form and submitted to the federal agency. The recording requirement and the responsibility to ensure the annual cash limit is not exceeded rest with the seller. Rural residents may advertise in public postings, paper circulations, and internet media venues. Any publication must always disclose verbiage (in readable font type and size) that states that fish are federally subsistence caught and that the fish are for personal consumption only and are not to be resold (with CFR regulation section number cited).

Existing State Regulation

Sport Fishery

5 AAC 75.015. Statewide Provisions, Sale of sport-caught fish unlawful

No person may buy, sell or barter sport-caught fish or their parts.

Personal Use Fishery

5 AAC 77.010. Statewide Provisions, Methods, means, and general restrictions

(b) It is unlawful to buy, sell, trade or barter fish or their parts taken under the regulations in 5 AAC 77.

Extent of Federal Public Lands

For purposes of this discussion, the phrase “Federal public waters” is defined as those waters described under 36 CFR 242.3 and 50 CFR 100.3. Federal public waters of the Kenai River drainage comprise about 70 miles of the Kenai River plus its tributaries, which are situated in the Kenai Peninsula District of the Cook Inlet Fishery Management Area. Federal public waters are within and adjacent to the Kenai National Wildlife Refuge and the Chugach National Forest (see **Cook Inlet Area Map**).



Customary and Traditional Use Determinations

Only residents of Cooper Landing, Hope, and Ninilchik are allowed to harvest salmon under Federal regulations in the Kenai River drainage.

Background

There is a well-documented history of people trading wild resources for cash in Alaska (see Fienup-Riordan 1986, Ikuta et al. 2012, Krieg et al. 2007, Magdanz et al. 2007, Langdon 2012, and Moncrieff 2007). Taking cash in exchange for wild resources has become a common method for distributing wild resources. Advertising is defined as a public notice, especially in print, for the purposes of informing the public, or any action of making something generally known to get the attention of the public, which can include an announcement of goods for sale (Random House 2014). In some rural communities, households use public notices, oral or in print, to inform the public of salmon available to exchange in customary trade. Federal subsistence fishing regulations allow rural residents of Alaska to exchange in customary trade fish, their parts, or their eggs, legally taken under Federal subsistence regulations. For exchanges between rural residents and individuals other than rural residents, individuals making such exchanges must use the fish, their parts, or their eggs for personal or family consumption. The definition of customary trade does not allow a person to engage in trade that constitutes a significant commercial enterprise (§ ____ .4). Additionally, businesses are not allowed to purchase, receive, or sell fish, their parts, or their eggs taken under Federal subsistence regulations as part of a business transaction (§ ____ .27(b)(13)). As mentioned above, further restrictions have been enacted for the Bristol Bay, Upper Copper River, and Yukon/Northern management areas.

Generally, Federal subsistence regulations apply only within or adjacent to conservation system units and other Federal lands. However, Federal regulations governing customary trade of subsistence taken resources extend to any customary trade of legally taken fish regardless of where the actual cash transaction takes place. State officials may disagree with this view (FSB 2003:12).

Regulatory History

Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) specifically identifies customary trade as a legitimate subsistence use (ANILCA Sec. 803). The term “customary trade” is defined by regulation as the “. . . exchange for cash of fish and wildlife resources regulated in this part, not otherwise prohibited by Federal law or regulation, to support personal or family needs, and does not include trade which constitutes a significant commercial enterprise” (§ ____ .4). While the exchange of subsistence resources as customary trade may involve fish, shellfish or wildlife resources, this proposal addresses only the customary trade of salmon.

Prior to October 1, 1999, Federal subsistence regulations applied only to subsistence fisheries in non-navigable waters. The regulations in effect at that time contained the same definition for “customary trade” cited above, but also included the following prohibition: “No person may buy or sell fish, their parts, or their eggs which have been taken for subsistence uses, unless, prior to the sale, the prospective buyer or seller obtains a determination from the Federal Subsistence Board that the sale constitutes customary trade” (§ ____ .26(c)(1) (1995)).

In 2003, the Board adopted a revised set of customary trade regulations in order to provide a more enforceable regulatory framework for this long-standing subsistence practice (§____.27(b)(11) and (12)). When adopting the rule, the Board sought to accommodate customary and traditional practices to the extent reasonably practicable, while preventing abuses of the subsistence preference in the form of significant commercial transactions. The Board also recognized that it would probably be necessary to make future modifications to the final rule to accommodate regional differences in permissible customary trade transactions (FSB 2003). This proposal represents such a regional modification.

In 2003, the Board followed the recommendation of the Southwest Alaska Subsistence Regional Advisory Council (Council) and opposed Proposal FP04-18 that would have prohibited people from exchanging for cash fish taken from Federal public waters on the Kenai Peninsula. The Board reasoned that the ANILCA provides for customary trade, and that there was no evidence that customary trade was a problem (FSB 2003:15).

In 2005, the Board followed the Council recommendation and opposed Proposal FP05-10 that would have limited the cash value of fish per household a person could harvest in the Cook Inlet Fishery Management Area and exchange in customary trade to \$500.00 annually for trades between rural residents, and \$400.00 annually for trades between rural residents and individuals other than rural residents. The Council recommended opposing the proposal because of people's low participation rates and small harvests in the subsistence fishery (FWS 2014).

Except for herring roe-on-kelp in Southeast Alaska and finfish in the Norton Sound-Port Clarence Area, State regulations do not allow the exchange of subsistence-caught fish for cash. However, this has not been actively enforced for small-scale traditional exchanges.

Harvest History

Until 2007, Federal regulations generally paralleled State sport fishing regulations in the Kenai River drainage. Additionally, since 2007 under Federal subsistence regulations, people have been allowed to harvest salmon with a dip net at Russian River Falls, Moose Range Meadows, and an area below Mile 48 of the Kenai River. Only sockeye salmon harvests have been reported. Subsistence users reported harvesting 1,176 sockeye salmon annually (2007–2013 average). The majority of sockeye salmon harvested in the Federal subsistence fishery was taken in the Russian River Falls dip net fishery (**Table 1** and **Table 2**).

In State fisheries in the Kenai River drainage, the harvest of early-run sockeye salmon is primarily by sport users. Sport users harvested 28,136 fish annually from 2003 to 2012 on average. For late-run sockeye salmon, sport users harvested 299,572 fish, dipnetters harvested 247,22 fish, and commercial



Table 1. The sockeye salmon harvest reported on returned Federal subsistence fishing permits, by location and regulatory year.

KENAI RIVER DRAINAGE								
FEDERAL SUBSISTENCE FISHERY								
Location of harvest	Number of sockeye salmon harvested							
	2007	2008	2009	2010	2011	2012	2013	7-year average
Dip Net Fisheries								
Russian River Falls	527	1,281	809	804	953	1,285	1,267	989
Kenai River below Mile 48	0	0	30	0	0	0	0	4
Moose Range Meadows	12	0	0	0	0	0	0	2
Rod and Reel Fisheries								
Upper Kenai/Russian River	169	125	165	57	46	43	68	96
Moose Range Meadows	4	202	93	42	90	86	73	84
Totals	712	1,608	1,097	903	1,089	1,414	1,408	1,176

Source: Anderson 2014, pers. comm.

Table 2. The number of Federal subsistence permits issued, by year and community.

KENAI RIVER DRAINAGE				
FEDERAL SUBSISTENCE FISHERY				
Regulatory year	Number of permits issued			
	Cooper Landing	Hope	Ninilchik	Total
2013	80	28	12	120
2012	76	29	15	120
2011	69	19	19	107

Source: Anderson 2014, pers. comm.

users harvested 3.4 million fish annually (2003–2012 average). Chinook and coho salmon runs are primarily managed for sport fisheries. Sport users harvested 2,334 early-run Chinook salmon annually (2004–2013 average), 9,916 late-run Chinook salmon annually (2004–2013 average), and 568 coho salmon annually (2003–2012 average). Commercial fishers harvested 172,716 coho salmon annually (2004 to 2013 average) (Begich 2013).

Biological Background

This section is in the analysis for Proposal FP15-10.

Effects of the Proposal

If this proposal is adopted, people's customary trade of salmon on the Kenai Peninsula would be limited. A household would be limited to a \$1,000.00 cap on the value of salmon its members could exchange annually. The limit would only apply to salmon harvested from the Kenai River drainage under the

authority of a Federal subsistence permit. A person engaging in customary trade would have to enter all sales on a Customary Trade Record Keeping Form and would have to return the form to the Federal agency that issued it. A person would have to include language in any advertisements that the salmon (1) were taken legally under Federal subsistence regulations, (2) can only be used for personal or family consumption, and (3) cannot be resold. The proponent's intent is to limit people's exchanges with tourists and nonrural residents of Alaska, from Anchorage or Kenai for example. The dollar value limit being proposed is not directly related to current or historical amounts of salmon exchanged for cash, but is a limit the proponent has requested to prevent exchanges that could be perceived as sales that are part of a "significant commercial enterprise," which is illegal. No information is readily available describing the current level of customary trade of salmon on the Kenai Peninsula. It is likely that customary trade of salmon occurs at low levels. Adopting the new regulation would help prevent large scale sales of salmon under the customary trade regulations. The new regulation would not impact recreational or commercial users of salmon or salmon populations.

OSM PRELIMINARY CONCLUSION

Oppose Proposal FP09-15

Justification

Residents of Cooper Landing, Hope, and Ninilchik are the only Federally qualified subsistence users of salmon in the Kenai River drainage. They are allowed to harvest salmon under Federal regulations as well as exchange their salmon for cash in customary trade as long as sales do not rise to the level of a significant commercial enterprise. Currently, the definition of a significant commercial enterprise is not in regulation. This proposal seeks to establish a limit on the value of salmon exchanged for cash, require record keeping and reporting, and regulate advertising. The new regulation would only apply when exchanges occur with people who are not rural residents of Alaska. Since 2007, people have reported harvesting between 700 and 1,400 salmon annually under Federal subsistence regulations in the Kenai River drainage (**Table 2**). This harvest has had no impact on other uses or salmon populations. It is not clear how many salmon, if any, were exchanged for cash; however, placing a dollar limit in regulation for a practice that is likely very infrequent is not necessary. Additionally, advertising salmon available for exchange in customary trade is already legal under Federal subsistence management regulations.

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FP15-10 Executive Summary

<p>General Description</p>	<p>Proposal FP15-10 requests a community set gillnet fishery be established within the Kenai River for salmon. Currently, Federal subsistence users may harvest late-run Chinook, sockeye, coho and pink salmon with dip nets in the Kenai River at Moose Range meadows (approximate River Mile 26.5 to River Mile 29). <i>Submitted by Ninilchik Traditional Council.</i></p>
<p>Proposed Regulation</p>	<p>§ __.27(i)(10)(iv) <i>You may take only salmon, trout, Dolly Varden, and other char under authority of a Federal subsistence fishing permit. Seasons, harvest and possession limits, and methods and means for take are the same as for the taking of those species under Alaska sport fishing regulations (5 AAC 56 and 5 AAC 57) unless modified herein. Additionally for Federally managed waters of the Kasilof and Kenai River drainages:</i></p> <p><i>(A) through (G)</i></p> <p><i>(H) Residents of Ninilchik may harvest sockeye, Chinook, coho, and pink salmon with a gillnet in the Federal public waters of the Kenai River. Residents of Ninilchik may retain other species incidentally caught in the Kenai River except for rainbow trout and Dolly Varden 18 inches or longer. Rainbow trout and Dolly Varden 18 inches or greater must be released.</i></p> <p><i>(1) Only one community gillnet can be operated on the Kenai River. The gillnet cannot be over 10 fathoms in length to take salmon, and may not obstruct more than half of the river width with stationary fishing gear. Subsistence stationary gillnet gear may not be set within 200 feet of other subsistence stationary gear.</i></p> <p><i>(2) One registration permit will be available and will be awarded by the Federal in-season fishery manager, in consultation with the Kenai National Wildlife refuge manager, based on the merits of the operation plan. The registration permit will be issued to an organization that, as the community gillnet owner, will be responsible for its, use, and removal in consultation with the Federal fishery manager.</i></p>

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FP15-10 Executive Summary (continued)

<p>Proposed Regulation (continued)</p>	<p><i>As part of the permit, the organization must:</i></p> <p><i>(i) Prior to the season, provide a written operation plan to the Federal fishery manager including a description of how fishing time and fish will be offered and distributed among households and residents of Ninilchik;</i></p> <p><i>(ii) After the season, provide written documentation of required evaluation information to the Federal fishery manager including, but not limited to, persons or households operating the gear, hours of operation and number of each species caught and retained or released.</i></p> <p><i>(3) The gillnet owner (organization) may operate the net for subsistence purposes on behalf of residents of Ninilchik by requesting a subsistence fishing permit that:</i></p> <p><i>(i) Identifies a person who will be responsible for fishing the gillnet;</i></p> <p><i>(ii) Includes provisions for recording daily catches, the household to whom the catch was given, and other information determined to be necessary for effective resource management by the Federal fishery manager.</i></p> <p><i>(4) Fishing will be allowed from June 15 through October 31 on the Kenai River unless closed or otherwise restricted by Federal special action.</i></p> <p><i>(5) Salmon taken in the gillnet fishery will be included as part of the dip net/rod and reel fishery annual total harvest limits for the Kasilof River and as part of dip net/rod and reel household annual limits of participating households.</i></p> <p><i>(6) Fishing for each salmon species will end and the fishery will be closed by Federal special action prior to regulatory end dates if the annual total harvest limit for that species is reached or superseded by Federal special action.</i></p>
<p>OSM Preliminary Conclusion</p>	<p>Oppose</p>
<p>Southcentral Regional Council Recommendation</p>	
<p>Interagency Staff Committee Comments</p>	

FP15-10 Executive Summary (continued)	
ADF&G Comments	
Written Public Comments	



DRAFT STAFF ANALYSIS
FP15-10

ISSUES

Proposal FP15-10, submitted by Ninilchik Traditional Council requests a community set gillnet fishery be established within the Kenai River for salmon. Currently, Federal subsistence users may harvest late-run Chinook, sockeye, coho and pink salmon with dip nets in the Kenai River at Moose Range meadows (approximate River Mile 26.5 to River Mile 29). They may also harvest salmon with dip net in the Kenai River at approximate River mile 45.5 to 48. Early-run and late-run Chinook, sockeye, coho and pink salmon may be harvested in all Federal public waters in the Kenai River drainage with rod and reel.

DISCUSSION

The proponent requests establishment of a community set gillnet fishery in the Kenai River to add additional subsistence harvest opportunities for residents of Ninilchik. Only one community gillnet would be utilized in the Kenai River. The community gillnet would be limited to 10 fathoms in length or less. An operational plan would be developed and approved by the Federal inseason fishery managers. This operational plan would include deployment location, fishing times and a methodology for distributing the harvest. All salmon taken in the Kenai River gillnet fishery would be included as part of the annual households' limit for Ninilchik. Currently, the household limit for Chinook salmon is 10 for the permit holder and each additional household member is allowed two additional fish. The total annual harvest limit is 500 Chinook salmon with a fishing season from June 16th through August 15th. The household limit for sockeye salmon is 25 for the permit holder and each additional household member is allowed five additional fish. The total annual harvest limit for sockeye salmon is 4,000. The season runs from June 16th through August 15th.

The proponent asserts that current Federal subsistence fisheries do not allow sufficient subsistence fishing opportunities for Ninilchik residents. Currently, Federal subsistence users may harvest salmon in the Russian River Falls, Kenai River below mile 48, and in Moose Range meadows with dip nets and rod and reel. They may also harvest salmon in the Kenai River watershed with a rod and reel in all Federal public waters open to sport fishing.

The proponent indicates efforts to establish a meaningful Federal subsistence fishery on the Kenai River have not been successful. The proponent originally asked for a subsistence gillnet fishery (FP 07-27) based on the local knowledge of the area and experience of the users. An interim measure was provided through (FP 08-09 and 11-15) for a community fish wheel. While the Ninilchik Traditional Council has made a good faith effort to operate the fish wheel under the current Federal subsistence regulations, they have not been successful in harvesting and salmon to date.

Existing Federal Regulation

§ ____.27(i)(10)(iv) *You may take only salmon, trout, Dolly Varden, and other char under authority of a Federal subsistence fishing permit. Seasons, harvest and possession limits, and methods and means for take are the same as for the taking of those species under Alaska sport fishing regulations (5 AAC 56 and 5 AAC 57) unless modified herein. Additionally for Federally managed waters of the Kasilof and Kenai River drainages:*

(A) Through (G)

Proposed Federal Regulation

§ ____.27(i)(10)(iv) *You may take only salmon, trout, Dolly Varden, and other char under authority of a Federal subsistence fishing permit. Seasons, harvest and possession limits, and methods and means for take are the same as for the taking of those species under Alaska sport fishing regulations (5 AAC 56 and 5 AAC 57) unless modified herein. Additionally for Federally managed waters of the Kasilof and Kenai River drainages:*

(A) through (G)

(H) Residents of Ninilchik may harvest sockeye, Chinook, coho, and pink salmon with a gillnet in the Federal public waters of the Kenai River. Residents of Ninilchik may retain other species incidentally caught in the Kenai River except for rainbow trout and Dolly Varden 18 inches or longer. Rainbow trout and Dolly Varden 18 inches or greater must be released.

(1) Only one community gillnet can be operated on the Kenai River. The gillnet cannot be over 10 fathoms in length to take salmon, and may not obstruct more than half of the river width with stationary fishing gear. Subsistence stationary gillnet gear may not be set within 200 feet of other subsistence stationary gear.

(2) One registration permit will be available and will be awarded by the Federal in-season fishery manager, in consultation with the Kenai National Wildlife refuge manager, based on the merits of the operation plan. The registration permit will be issued to an organization that, as the community gillnet owner, will be responsible for its, use, and removal in consultation with the Federal fishery manager. As part of the permit, the organization must:

(i) Prior to the season, provide a written operation plan to the Federal fishery manager including a description of how fishing time and fish will be offered and distributed among households and residents of Ninilchik;

- (ii) After the season, provide written documentation of required evaluation information to the Federal fishery manager including, but not limited to, persons or households operating the gear, hours of operation and number of each species caught and retained or released.*
- (3) The gillnet owner (organization) may operate the net for subsistence purposes on behalf of residents of Ninilchik by requesting a subsistence fishing permit that:*
- (i) Identifies a person who will be responsible for fishing the gillnet;*
- (ii) Includes provisions for recording daily catches, the household to whom the catch was given, and other information determined to be necessary for effective resource management by the Federal fishery manager.*
- (4) Fishing will be allowed from June 15 through October 31 on the Kenai River unless closed or otherwise restricted by Federal special action.*
- (5) Salmon taken in the gillnet fishery will be included as part of the dip net/rod and reel fishery annual total harvest limits for the Kasilof River and as part of dip net/rod and reel household annual limits of participating households.*
- (6) Fishing for each salmon species will end and the fishery will be closed by Federal special action prior to regulatory end dates if the annual total harvest limit for that species is reached or superseded by Federal special action.*

Extent of Federal Public Water

Federal public waters are defined and described under 36 CFR 242.3 and 50 CFR100.3. For the Kenai River, Federal public waters under consideration include all waters of the Kenai River within and adjacent to the exterior boundaries of the Kenai National Wildlife Refuge and Chugach National Forest (**Cook Inlet Area Map**). This includes Kenai Lake and its tributaries and all water downstream to the confluence of the upper branch of the Killey River (approximately RM 45.5) and approximately 2 miles of the mainstem Kenai River between RM 26.5 and RM 29 (known locally as Moose Range Meadows), and most of the upper reaches of tributaries below Skilak Lake including the Moose, Killey and Funny Rivers.

Customary and Traditional Use Determinations

Residents of the communities of Cooper Landing, Hope and Ninilchik have a positive customary and traditional use determination for all fish in the Kenai River except burbot and grayling.

Regulatory History

Pre- and Early Statehood Fisheries

Until 1952 freshwater streams in the Kenai Peninsula were open to subsistence fishing, but poorly managed commercial fisheries decimated salmon runs. In 1952, as part of efforts to rebuild salmon runs, all streams and lakes of the Kenai Peninsula were closed to subsistence fishing under Territory of Alaska regulations. Only rod and reel fishing was allowed for “personal use” (Fall et al. 2004).

Contemporary State Fisheries

A State regulatory management plan for Upper Cook Inlet salmon (5 AAC 21.363) provides the Alaska Board of Fisheries guiding principles and provisions to use when adopting management plans for specific stocks. The State classified most of the Cook Inlet Area, including the Kenai and Kasilof River drainages, as a nonsubsistence area in 1992 (5AAC 99.015(3)). The only State subsistence fisheries in Cook Inlet occur in areas that are not accessible from the road system, including the Tyonek, Windy Bay, Port Chatham, Kyuktolik, and Port Graham subdistricts, as well as portions of Seldovia Bay and the Yentna River drainage.

Commercial and sport fisheries are complex and intensively managed by the State of Alaska. There are three main management plans that apply to Kenai and Kasilof river salmon stocks: *Upper Cook Inlet Management Plan* (5 AAC 21.363), *Kenai River and Kasilof River Early-Run King Salmon Conservation Management Plan* (5 AAC 57.160), and *Kasilof River Salmon Management Plan* (5 AAC 21.365). These plans provide State of Alaska management goals for sustained yield, guidance for mixed-species and mixed-stock fisheries, and instructions for allocation between competing fisheries.

The State also has a regulatory management plan for *Upper Cook Inlet personal use salmon fisheries* (5 AAC 77.540). This plan established four personal use fisheries in Cook Inlet: Kasilof River dip net, Kasilof River set gillnet, Kenai River dip net, and Fish Creek dip net. Unlike subsistence fisheries, personal use fisheries do not have a priority over other existing uses. Personal use fisheries are open to all residents of Alaska, require a household permit, and occur in marine and intertidal waters outside of Federal public lands. These fisheries target sockeye salmon, the species of greatest abundance and for which the best stock assessment information is available. Annual harvest limits are 25 salmon for the head of each household and 10 salmon for each additional household member. The limit is combined for all four fisheries. Incidentally caught coho, pink, and chum salmon may be retained as part of the annual limit. Each household is limited to one Chinook salmon in the Kenai River dip net fishery. No retention of Chinook salmon is allowed in the Kasilof River or the Deep Creek dip net fishery, but any Chinook salmon caught in the Kasilof River set gillnet fishery may be retained as part of the annual limit.

Finally, the State administers several educational fisheries in Cook Inlet under the provisions of 5 AAC 93.200 – 93.235 (Nelson et al. 1999 and Fall et al. 2004). Educational fishery permits are only available in nonsubsistence areas. The purpose of educational fisheries is to allow groups to practice traditional harvest and use methods so that these practices and knowledge are not lost. Educational fisheries, unlike subsistence fisheries, do not have priority over other fisheries. Therefore, during times of resource shortages, educational fisheries could be restricted before or at the same time as commercial, sport and personal use fisheries are restricted. For the Kasilof River, only the Kenaitze Tribe has been issued an



educational permit to fish one set gillnet in marine waters near the mouth of the river. The tribe has participated in an educational fishery since 1991, and for the Kasilof River is allowed to harvest up to 50 Chinook salmon prior to July 1, 50 Chinook salmon after July 1, and 200 coho salmon. For the Ninilchik area, three organizations have been issued educational permits to harvest salmon using one or two set gillnets in marine waters near the Ninilchik River mouth and other traditional methods in freshwaters of the Ninilchik River below the Sterling Highway Bridge. The Ninilchik Traditional Council has participated in an educational fishery since 1993 and is currently permitted to harvest up to 850 salmon annually, of which 75 can be Chinook salmon taken through July 20 and another 25 can be Chinook salmon taken after July 20.

Federal Subsistence Fisheries in the Cook Inlet Area

In 2002, Federal subsistence regulations for harvest in the Cook Inlet Area were established for salmon, trout, and Dolly Varden and other char. A Federal subsistence permit was required and seasons, harvest and possession limits, and methods and means for take were the same as those in Alaska sport fishing regulations. This fishery was established as an interim measure to provide some subsistence opportunity in the Cook Inlet Area for Federally qualified rural residents. Initially, there were no customary and traditional use determinations for salmon, trout, Dolly Varden, and char in Cook Inlet; so all rural residents of Alaska could harvest under Federal regulations.

In January 2006, the Federal Subsistence Board made positive customary and traditional use determinations for Hope and Copper Landing residents for all fish in the Kenai River Area, and for Ninilchik residents for all fish within the Kasilof River drainage within the Kenai National Wildlife Refuge. In November 2010, the Board made a positive customary and traditional use determination for Ninilchik residents for all fish in the Kenai River Area.

During their May 2007 meeting, the Federal Subsistence Board adopted proposals that established dip net/rod and reel salmon fisheries on the Kasilof and Kenai Rivers; increased previously established harvest, possession, and annual limits for salmon and selected resident species for existing rod and reel fisheries on the Kasilof and Kenai River drainages; and allowed use of up to two single or treble hooks and bait for rod and reel fishing during specified dates for both systems. Also during the May 2007 meeting, the Federal Subsistence Board adopted a proposal to establish a winter season subsistence fishery at Tustumena Lake with jigging through the ice and gillnets fished under the ice for lake trout, rainbow trout and Dolly Varden/Arctic char.

In 2007, the Southcentral Alaska Subsistence Regional Advisory Council submitted Proposal FP08-09 to establish a temporary community fish wheel on both the Kenai and Kasilof Rivers. The Council contended that the fish wheels would provide a more effective means for Federally qualified subsistence users to harvest salmon. They requested the establishment of fish wheel as a gear type be temporary to evaluate the feasibility of operating this type of gear. The Federal Subsistence Board, at its January 2008 meeting, adopted the proposal with modification to allow fish wheels to be classified as a gear type, but only in the Kasilof River. The Federal Subsistence Board specified that only one fish wheel with a live box would be allowed in the upper mainstem of the Kasilof River. A permit would be required to use the fish wheel and

that an operation plan must be submitted to and approved by the Federal inseason manager, before the permit would be awarded. Individuals operating the fish wheel would need to have a Federal subsistence fishing permit and all harvest limits on the permit would apply to the fish wheel. Salmon harvested by the fish wheel will be included as part of each household's annual limit and all fish harvested must be reported to the in-season manager with 72 hours of leaving the fishing location. The Federal Subsistence Board at its January 2012 meeting supported FP13-15 to remove the expiration date for the community fish wheel salmon fishery on the Kasilof River allowing continued operation of the fish wheel.

Alaska Department of Fish and Game, Subsistence Division completed a study (OSM study 03-045) documenting past, present and potential noncommercial harvests and uses of fish in waters of the Cook Inlet Management Area. One of the project objectives was to identify potential areas and gear types for Federal subsistence fishing opportunities. Subsistence Division personnel completed key respondent interviews and held focus group meetings to gather public input. Community fish wheels were among the ideas suggested for potential Federal subsistence fisheries in the Cook Inlet Management Area. According to interviews conducted in the study most of the households agreed that current seasonal limits in the State personal use fisheries were adequate and most respondents supported basing any future Federal subsistence fishing regulations on State sport fishing rules. Many supported the status quo, were only interested in opportunities in State waters (especially marine waters) or expressed concerns about the consequences of net fisheries in fresh water (Fall et al. 2004).

Biological Background and Harvest History

All Pacific salmon species spawn within the Kenai River drainage, and the runs are harvested in State commercial, sport, personal use, subsistence and educational fisheries and Federal subsistence fisheries (Begich 2013). The State's *Upper Cook Inlet Salmon Management Plan* (5 AAC 21.363) establishes long-term direction for the management of Upper Cook Inlet salmon stocks. It provides mandatory criteria that the Alaska Board of Fisheries must consider when adopting management plans for specific fish stocks, and establishes a set of guiding principles for the adoption of regulations governing salmon fisheries. The plan focuses the commercial fisheries take on late-run sockeye salmon, while early-run sockeye, early- and late-run Chinook, and coho salmon runs are primarily managed for sport fisheries. Considerable information has been compiled on abundance and distribution of sockeye, Chinook, and coho salmon runs, but little information is available on either pink or chum salmon runs. Spawning escapement goals have been set for sockeye and Chinook salmon runs, and sustainable harvest levels have been estimated for sockeye, Chinook, and coho salmon.

Early-Run Sockeye Salmon

Most early-run sockeye salmon spawn within the Russian River; the State's *Russian River Sockeye Salmon Management Plan* (5 AAC 56.075) establishes escapement objectives and provides guidelines for the State of Alaska management of fisheries harvesting this run. The primary harvest of this run occurs within the sport fishery, and the State manages other fisheries to minimize the harvest of early run sockeye. The sustainable escapement goal range set by this plan is 14,000 to 37,000 early-run sockeye salmon, which are counted through a weir.

Sport fishing for early-run sockeye salmon primarily occurs within the Russian River. This fishery includes the lower Russian River up to a marker 600 yards below Russian River Falls, and the mainstem Kenai River from the confluence down to the powerline crossing. The allowable gear in this fishery is restricted to fly fishing only, and the fishery opens June 11 at the conclusion of the spawning season closure for rainbow trout. Daily and possession limits for sockeye salmon throughout the Kenai River drainage are 3 per day and 3 in possession. Sport fishery harvests of early-run Russian River sockeye salmon during 2003–2012, the most recent 10 year period for which data are available, have ranged from 15,231 to 59,097 with an average harvest of 28,136 (Begich 2013). On average, the sport fishery harvested about 47% of the total early-run to Russian River during this period.

The Kenaitze Tribe educational fishery currently consists of one set gillnet that is fished in marine waters just south of the Kenai River mouth. The net can be fished from 1 May through 30 November, and there is an annual harvest limit of 8,000 salmon, as well as species and stock restrictions. Annual harvests of early-run Russian River sockeye salmon during 2004–2013, the most recent 10 year period, have ranged from 275 to 2,374 sockeye salmon, with an average of 1,405.

Escapement into the Russian River system is estimated using a weir below the outlet of Upper Russian Lake. Early-run sockeye salmon enter the Kenai River from about mid-May through mid-June. During 2004–2013, spawning escapements have ranged from 24,111 to 80,524 sockeye salmon, with an average escapement of 41,656 (Begich 2013).

Late-Run Sockeye Salmon

Late-run sockeye salmon is the most intensively managed and utilized Kenai River salmon resource; these fish spawn throughout the drainage. The State's *Kenai River Late-run Sockeye Salmon Management Plan* (5 AAC 21.360) and *Russian River Sockeye Salmon Management Plan* (5 AAC 56.075) establish escapement objectives and provides guidelines for the management of all fisheries harvesting the late run. The optimum escapement goal range for the total drainage, including the Russian River system, is set at 500,000 to 1,000,000 late-run sockeye salmon, which is estimated with sonar equipment installed in the lower Kenai River. The sustainable escapement goal range for the Russian River is set at 30,000–110,000 late-run sockeye salmon, which is monitored with a weir. While primary harvest of the late-run occurs within the commercial fishery, the State manages the commercial fishery to provide for harvests within other fisheries as well as to achieve spawning goals.

The harvest of late-run sockeye salmon is monitored in all existing commercial, personal use, sport, and educational fisheries (Begich 2013). Commercial fisheries are conducted in the marine waters of Cook Inlet using both drift and set gillnets. During 2003–2012, the commercial harvest has ranged from 204,579 to 5,277,995 late-run sockeye salmon, with an average of 3,445,684. About half of the commercial harvest is generally taken within a few days centered on 20 July. A personal use dip net fishery occurs at the mouth of the Kenai River and extends upstream as far as the Warren Ames Bridge. Dip nets can be fished from boats in the section of river from the City Dock upstream to the Warren Ames Bridge. To target effort on late-run sockeye salmon, and reduce harvests of late-run Chinook salmon and coho salmon, this dip net fishery is only open 10–31 July. All Alaska residents may participate, permits are required, and the annual household

limit is 25 salmon for the permit holder and 10 additional salmon for each household member. About 14,000 to 15,000 households participate each year. Annual sockeye salmon harvests have ranged from 127,630 to 537,765 late-run sockeye salmon during 2004–2012, with an average of 347,222. The Kenaitze educational fishery annual harvests have ranged from 2,246 to 5,278 late-run sockeye salmon during 2004–2013, with an average of 3,505. Sport fishery daily and possession limits for late-run sockeye salmon throughout the Kenai River drainage are 3 per day and 3 in possession. Total sport fish harvests have ranged from 173,425 to 455,454 late-run sockeye salmon during 2003–2012, with an average of 299,572. For the Russian River component, sport harvests have ranged from 31,364 to 110,244 late-run sockeye salmon during this time period, with a mean of 73,131.

The late-run sockeye enter the Kenai River from about mid-June through mid-August. The total drainage spawning escapement has ranged from 614,946 to 1,599,217 late-run sockeye salmon during 2004–2013, with an average of 1,200,114 (Begich 2013). While many of these sockeye salmon spawn within Skilak, Kenai, and Hidden lakes and their tributaries, large numbers also spawn in the Russian River system. The Russian River spawning escapement has ranged from 31,364 to 110,244 late-run sockeye salmon during 2004–2013, with an average of 60,520.

Early-Run Chinook Salmon

Most early-run Chinook salmon spawn in Kenai River tributaries, and the State's *Kenai River and Kasilof River Early-Run King Salmon Conservation Management Plan* (5 AAC 56.070) establishes escapement objectives and guidelines for the management of all existing fisheries harvesting this run. This plan also tries to ensure that the age and size composition of the harvest closely approximates that of the run. The primary harvest of this run occurs within the sport fishery. Most of the sport harvest is taken within the Kenai River, although the Deep Creek marine sport fishery takes an undetermined, but likely small number, of Kenai River early-run Chinook salmon based on tag recoveries (King and Breakfield, 2002). The State manages other fisheries to minimize the harvest of this run. The commercial and personal use fisheries open after most early-run Chinook salmon have entered the Kenai River, and the personal use fishery has a seasonal limit of 1 Chinook salmon per household. The Kenaitze Tribe's educational fishery has a seasonal limit of 300 Chinook salmon. The optimal escapement goal range set by this plan is 5,300 to 9,000 early-run Chinook salmon, which is estimated with sonar equipment installed in the lower Kenai River. To achieve the escapement goal, daily sonar estimates of Chinook salmon passing the sonar site and estimates of the sport harvest from creel surveys are used in a run timing model to project total inriver return, total harvest and final spawning escapement. If escapement is projected to fall below the lower end of the goal's range, the fishery is restricted by steps to catch-and-release only and ultimately to closure. Bait cannot be used until escapement is projected to reach the upper end of the goal's range. To help ensure that the age and size composition of the harvest is similar to that of the run, there is a slot limit that specifies the size of Chinook salmon that may be retained. The slot limit is in effect from 1 January to 30 June from the Kenai River mouth upstream to the outlet of Skilak Lake, and from 1 to 14 July from the Soldotna Bridge upstream to the outlet of Skilak Lake.

All sport fishing for early-run Chinook salmon in the Kenai River occurs below Skilak Lake. The daily and possession limit is 1 Chinook salmon per day and 1 in possession. Additionally, there is an annual limit of 2



Chinook salmon from the Kenai River. Only Chinook salmon less than 42 inches or greater than 55 inches can be retained. Sport fishery harvests of early-run Kenai River Chinook salmon during 2004-2013 have ranged from 0 to 4,693, with an average of 2,334 (Begich 2013). These harvests do not include the estimated hook-and-release mortality of about 4% of the total catch (Bendock and Alexandersdottir 1992). The Kenaitze Tribe's educational fishery harvest has ranged from 11 to 76 early-run Chinook salmon during 2004–2013, with an average of 42. No estimates of the number of early-run Kenai River Chinook salmon harvested in commercial or personal use fisheries are available, but due to the timing of these fisheries these harvests are assumed to be negligible.

Estimated early-run Chinook salmon escapement into the Kenai River system is estimated using sonar equipment. Early-run Chinook salmon enter the Kenai River from about late-May through late-June. Most early-run Chinook salmon spawn in Kenai River tributaries below the outlet of Skilak Lake, and most of these spawners are bound for the Killey and Funny rivers. On average, only about 7% of all early-run Chinook salmon spawn in tributaries within and above Skilak Lake (Bendock and Alexandersdottir 1992 and Burger et al. 1983). Spawning escapements from 2004-2013 have ranged from 2,033 to 19,817 early-run Chinook salmon, with an average of 9,449 (Begich 2013).

Late-Run Chinook Salmon

Most late-run Chinook salmon spawn in the mainstem Kenai River, and the State's *Kenai River Late-Run Chinook Salmon Management Plan* (5 AAC 21.359) establishes escapement objectives and guidelines for the management of all existing fisheries harvesting this run. While this run is primarily managed for use by the sport fishery, the incidental harvest in commercial fisheries is substantial. Most of the sport harvest is taken below the Soldotna Bridge within the Kenai River, although some are taken in marine waters in the Deep Creek sport fishery. The daily and possession limit is 1 Chinook salmon per day and 1 in possession. Additionally, there is an annual limit of 2 Chinook salmon from the Kenai River. Most of the commercial harvest is taken in the East Side set gillnet fishery. The personal use fishery has a seasonal limit of 1 Chinook salmon per household, and the Kenaitze Tribe's educational fishery has a seasonal limit of 300 Chinook salmon. The biological escapement goal range set by this plan is 17,800 to 35,700 late-run Chinook salmon, which is estimated with sonar equipment installed in the lower Kenai River. To achieve the escapement goal, daily sonar estimates of Chinook salmon passing the sonar site and estimates of the sport harvest from creel surveys are used in a run timing model to project total inriver return, total harvest and final spawning escapement. If escapement is projected to fall below the lower end of the goal's range, the fishery is restricted by several steps, including prohibiting use of bait, to catch-and-release only and ultimately to closure.

The harvest of late-run Chinook salmon is monitored in all existing commercial, personal use, sport, and educational fisheries (Begich 2013). Commercial fishery harvests during 2004–2013 have ranged from 599 to 16,286 Kenai River late-run Chinook salmon, with an average of 7,247. Harvests in the Deep Creek marine sport fishery have ranged from 30 to 996 Kenai River late-run Chinook salmon during 2003–2012, with an average of 414. Sport fishery harvests in the Kenai River have ranged from 7,515 to 18,746 late-run Chinook salmon during 2003-2012, with an average of 13,887. These in-river harvests do not include the estimated hook-and-release mortality of about 4% of the total catch (Bendock and Alexandersdottir 1992).

Personal use dip net fishery harvests have ranged from 103 to 18,214 late-run Chinook salmon during 2004–2013, with an average of 9,916. Kenaitze Tribe’s educational fishery harvests have ranged from 0 to 21 late-run Chinook salmon during 2004–2013, with an average of 9.

The late-run Chinook salmon escapement estimate into the Kenai River system is estimated using sonar equipment. Late-run Chinook salmon enter the Kenai River from about late-June through late-July. Most late-run Chinook salmon spawn in the mainstem Kenai River between the Soldotna Bridge and the outlet of Skilak Lake, and about 8.6% of the total late run spawns within or above Skilak Lake (Bendock and Alexandersdottir 1992, Hammarstrom et al. 1985, Burger et al. 1983).

Coho Salmon

The State manages Kenai River coho salmon primarily for take in sport fisheries, and the *Kenai River Coho Salmon Conservation Management Plan* (5 AAC 56.080) establishes management actions and guidelines for sport harvest of Kenai River coho salmon. A coded-wire tag recovery program for Kenai River coho salmon has been conducted since 1993 (Lafferty et al. 2005). This has allowed estimates to be made of harvest timing and exploitation in Cook Inlet commercial fisheries as well as the total run. There are no escapement goals for Kenai river coho salmon. Although genetics studies have shown differences between and within early and late returning spawning components (Olsen et al. 2003 and Crane et al. 2007), the entire run is currently managed as a unit by the State.

The harvest of coho salmon is monitored in all existing commercial, personal use, sport, and educational fisheries, but stock specific information for commercial fisheries, based on coded-wire tag returns, is only available through 2003 (Lafferty et al. 2005). While total harvests of coho salmon in Upper Cook Inlet commercial fisheries are generally several hundreds of thousands each year, harvests of Kenai River coho salmon are only a small component of the total. Commercial fishery harvests have ranged from 95,215 to 311,058 coho salmon during 2004–2013, with an average of 172,716. Total sport fishery harvests have ranged from 150 to 1,173 coho salmon during 2003–2012, with an average of 568.

Effects of the Proposal

The proposal would provide additional subsistence harvest opportunities for Federally qualified subsistence users living in Ninilchik, but limiting the fishing opportunity to residents of Ninilchik is problematic because Cooper Landing and Hope have customary and traditional use determination for all fish within the Kenai National Wildlife Refuge and the Chugach National Forest including the Kenai River. Federal subsistence regulations must provide opportunity for all eligible rural residents and adopting this proposal as submitted does not provide subsistence harvest opportunities for residents of Copper Landing and Hope. The proposed gillnet fishery along with ongoing existing fisheries could lead to a harvest of Chinook salmon and steelhead trout in the Kenai River that would be above sustainable harvest levels. Gillnets do not lend themselves well to selective harvest of species or stocks. Incidental catch of resident species would occur in any gillnet fishery for salmon resulting in mortality of non-targeted species.

OSM PRELIMINARY CONCLUSION

Oppose Proposal FP15-10.

Justification

Gillnets do not allow for species, stock and size selective management or control of harvest. Introduction of gillnets as a gear type in the Kenai River could exacerbate an existing Chinook salmon population concern, and could result in an over-harvest of resident species. Currently, residents of Ninilchik, Cooper Landing and Hope have a positive customary and traditional use determination for all fish in the Kenai River.

Without a Section 804 analysis justifying a preference for the community of Ninilchik, there is no reason to exclude the other communities. If this proposal were to be adopted, multiple community gillnets would be allowed in Kenai River. Widespread inriver gillnet opportunity would be inconsistent with conserving healthy fish populations. Of particular concern is the Chinook salmon which are experiencing below average returns and the potential incidental harvest of stocks or species that are spawning, less abundant and prone to over harvest.

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FP15-11 Executive Summary	
General Description	Proposal FP15-11 requests a community set gillnet fishery be established within the Kasilof River for salmon. <i>Submitted by Ninilchik Traditional Council.</i>
Proposed Regulation	<p>§ __.27(i)(10)(iv) <i>You may take only salmon, trout, Dolly Varden, and other char under authority of a Federal subsistence fishing permit. Seasons, harvest and possession limits, and methods and means for take are the same as for the taking of those species under Alaska sport fishing regulations (5 AAC 56 and 5 AAC 57) unless modified herein. Additionally for Federally managed waters of the Kasilof and Kenai River drainages:</i></p> <p><i>(A) through (G)</i></p> <p><i>(H) Residents of Ninilchik may harvest sockeye, Chinook, coho, and pink salmon through a fish wheel fishery or gillnet in the Federal public waters of the upper mainstem of the Kasilof River. Residents of Ninilchik may retain other species incidentally caught in the Kasilof River except for rainbow/steelhead trout, which must be released and returned unharmed to the water.</i></p> <p><i>(I) through (3)</i></p> <p><i>(4) Only one community gillnet can be operated on the Kasilof River. The gillnet cannot be over 10 fathoms in length to take salmon, and may not obstruct more than half of the river width with stationary fishing gear. Subsistence stationary gillnet gear may not be set within 200 feet of other subsistence stationary gear.</i></p> <p><i>(5) One registration permit will be available and will be awarded by the Federal in-season fishery manager, in consultation with the Kenai National Wildlife refuge manager, based on the merits of the operation plan. The registration permit will be issued to an organization that, as the community gillnet owner, will be responsible for its use and removal in consultation with the Federal fishery manager.</i></p>

continued on next page

FP15-11 Executive Summary (continued)	
Proposed Regulation (continued)	<p><i>(i) Prior to the season, provide a written operation plan to the Federal fishery manager including a description of how fishing time and fish will be offered and distributed among households and residents of Ninilchik;</i></p> <p><i>(ii) After the season, provide written documentation of required evaluation information to the Federal fishery manager including, but not limited to, persons or households operating the gear, hours of operation and number of each species caught and retained or released.</i></p> <p><i>(6) The gillnet owner (organization) may operate the net for subsistence purposes on behalf of residents of Ninilchik by requesting a subsistence fishing permit that:</i></p> <p><i>(i) Identifies a person who will be responsible for fishing the gillnet;</i></p> <p><i>(ii) Includes provisions for recording daily catches, the household to whom the catch was given, and other information determined to be necessary for effective resource management by the Federal fishery manager.</i></p> <p><i>(7) Fishing will be allowed from June 15 through October 31 on the Kasilof River unless closed or otherwise restricted by Federal special action.</i></p> <p><i>(8) Salmon taken in the gillnet fishery will be included as part of dip net/rod and reel fishery annual total harvest limits for the Kasilof River and as part of dip net/rod and reel household annual limits of participating households.</i></p> <p><i>(9) Fishing for each salmon species will end and the fishery will be closed by Federal special action prior to regulatory end dates if the annual total harvest limit for that species is reached or superseded by Federal special action.</i></p>
OSM Preliminary Conclusion	Oppose
Southcentral Regional Council Recommendation	
Interagency Staff Committee Comments	
ADF&G Comments	
Written Public Comments	



**DRAFT STAFF ANALYSIS
FP15-11**

ISSUES

Proposal FP15-11, submitted by Ninilchik Traditional Council requests a community set gillnet fishery be established within the Kasilof River for salmon. Currently, Kasilof River salmon may be harvested with dip net, rod and reel and fish wheel from the outlet of Tustumena Lake to Silver Salmon Rapids. An operational plan would be submitted to and approved by the Federal in-season fishery manager. Salmon harvested from the gillnet fishery will be included as part of each household's annual limit for the Kenai River. Gillnet catches would be reported to the Federal in-season manager within 72 hours of leaving the fishing location.

DISCUSSION

The proponent requests establishment of a community set gillnet fishery in the Kasilof River to add additional subsistence harvest opportunities for residents of Ninilchik. The proponent states that only one community gillnet would be utilized in the Kasilof River. The community gillnet will be limited to 10 fathoms in length or less. An operational plan would be developed and approved by the Federal in-season fishery manager. This operational plan would include deployment locations, fishing time and a methodology for distributing the catch. All salmon taken in the Kasilof River gillnet fishery would be included as part of each households' limit. Currently the household limit for Chinook salmon is 10 for the permit holder and two additional fish for each additional household member with a total annual harvest limit of 500 fish. The fishing season is from June 16th through August 15th. The household limit for sockeye salmon is 25 for the permit holder and each additional household member is allowed five additional fish. The total annual harvest limit for sockeye salmon is 4,000 and the season runs from June 16th through August 15th.

The proponent asserts that harvest by dip net, fish wheel and rod and reel in the Kasilof River does not allow sufficient subsistence fishing opportunities for Ninilchik residents. Efforts to establish a meaningful Federal subsistence fishery on the Kasilof River using a fish wheel have not been successful. The proponent states that historically fish wheels were not used in lower Cook Inlet, because they never worked well enough to be used as a traditional gear type. While the Ninilchik Traditional Council has made a good faith effort to operate the fish wheel under the current Federal subsistence regulations, Ninilchik residents have not yet been successful in harvesting salmon using this method.

Existing Federal Regulation

§ __.27(i)(10)(iv) You may take only salmon, trout, Dolly Varden, and other char under authority of a Federal subsistence fishing permit. Seasons, harvest and possession limits, and methods and means for take are the same as for the taking of those species under Alaska sport fishing regulations (5 AAC 56 and 5 AAC 57) unless modified herein. Additionally for Federally managed waters of the Kasilof and Kenai River drainages:

(A) through (G)

(H) Residents of Ninilchik may harvest sockeye, Chinook, coho, and pink salmon with a fishwheel in the Federal public waters of the upper mainstem of the Kasilof River. Residents of Ninilchik may retain other species incidentally caught in the Kasilof River except for rainbow/steelhead trout, which must be released and returned unharmed to the water.

(1) Only one fish wheel can be operated on the Kasilof River. The fish wheel must have a live box, must be monitored when fishing, must be stopped from fishing when it is not being monitored or used, and must be installed and operated in compliance with any regulations and restrictions for its use within the Kenai National Wildlife Refuge.

(2) One registration permit will be available and will be awarded by the Federal in-season fishery manager, in consultation with the Kenai National Wildlife refuge manager, based on the merits of the operation plan. The registration permit will be issued to an organization that, as the fish wheel owner, will be responsible for its construction, installation, operation, use, and removal in consultation with the Federal fishery manager. The owner may not rent or lease the fish wheel for personal gain. As part of the permit, the organization must:

(i) Prior to the season, provide a written operation plan to the Federal fishery manager including a description of how fishing time and fish will be offered and distributed among households and residents of Ninilchik;

(ii) During the season, mark the fish wheel with a wood, metal, or plastic plate at least 12 inches high by 12 inches wide that is permanently affixed and plainly visible, and that contains the following information in letters and numerals at least 1 inch high: registration permit number; organization's name and address; and primary contact person name and telephone number;

(iii) After the season, provide written documentation of required evaluation information to the Federal fishery manager including, but not limited to, persons or households operating the gear, hours of operation and number of each species caught and retained or released.

(3) People operating the fish wheel must:

(i) Have a valid Federal subsistence fishing permit in their possession;

(ii) If they are not the fish wheel owner, attach an additional wood, metal or plastic plate at least 12 inches high by 12 inches wide to the fish wheel that is plainly visible, and that contains their fishing permit number, name, and address in letters and numerals at least 1 inch high;

- (iii) Remain on site to monitor the fish wheel and remove all fish at least every hour;
 - (iv) Before leaving the site, mark all retained fish by removing their dorsal fin and record all retained fish on their fishing permit; and
 - (v) Within 72 hours of leaving the site, report their harvest to the Federal fisheries manager.
- (4) The fish wheel owner (organization) may operate the fish wheel for subsistence purposes on behalf of residents of Ninilchik by requesting a subsistence fishing permit that:
- (i) Identifies a person who will be responsible for operating the fish wheel;
 - (ii) Includes provisions for recording daily catches, the household to whom the catch was given, and other information determined to be necessary for effective resource management by the Federal fishery manager.
- (5) Fishing will be allowed from June 16 through October 31 on the Kasilof River unless closed or otherwise restricted by Federal special action.
- (6) Salmon taken in the fish wheel fishery will be included as part of dip net/rod and reel fishery annual total harvest limits for the Kasilof River and as part of dip net/rod and reel household annual limits of participating households.
- (7) Fishing for each salmon species will end and the fishery will be closed by Federal special action prior to regulatory end dates if the annual total harvest limit for that species is reached or superseded by Federal special action.

Proposed Federal Regulation

§ __.27(i)(10)(iv) You may take only salmon, trout, Dolly Varden, and other char under authority of a Federal subsistence fishing permit. Seasons, harvest and possession limits, and methods and means for take are the same as for the taking of those species under Alaska sport fishing regulations (5 AAC 56 and 5 AAC 57) unless modified herein. Additionally for Federally managed waters of the Kasilof and Kenai River drainages:

(A) through (G)

(H) Residents of Ninilchik may harvest sockeye, Chinook, coho, and pink salmon through a fish wheel fishery or gillnet in the Federal public waters of the upper mainstem of the Kasilof River. Residents of Ninilchik may retain other species incidentally caught in the Kasilof River except for rainbow/steelhead trout, which must be released and returned unharmed to the water.

(I) through (3)

- (4) Only one community gillnet can be operated on the Kasilof River. The gillnet cannot be over 10 fathoms in length to take salmon, and may not obstruct more than half of the river width with stationary fishing gear. Subsistence stationary gillnet gear may not be set within 200 feet of other subsistence stationary gear.*
- (5) One registration permit will be available and will be awarded by the Federal in-season fishery manager, in consultation with the Kenai National Wildlife refuge manager, based on the merits of the operation plan. The registration permit will be issued to an organization that, as the community gillnet owner, will be responsible for its use and removal in consultation with the Federal fishery manager.*
- (i) Prior to the season, provide a written operation plan to the Federal fishery manager including a description of how fishing time and fish will be offered and distributed among households and residents of Ninilchik;*
- (ii) After the season, provide written documentation of required evaluation information to the Federal fishery manager including, but not limited to, persons or households operating the gear, hours of operation and number of each species caught and retained or released.*
- (6) The gillnet owner (organization) may operate the net for subsistence purposes on behalf of residents of Ninilchik by requesting a subsistence fishing permit that:*
- (i) Identifies a person who will be responsible for fishing the gillnet;*
- (ii) Includes provisions for recording daily catches, the household to whom the catch was given, and other information determined to be necessary for effective resource management by the Federal fishery manager.*
- (7) Fishing will be allowed from June 15 through October 31 on the Kasilof River unless closed or otherwise restricted by Federal special action.*
- (8) Salmon taken in the gillnet fishery will be included as part of dip net/rod and reel fishery annual total harvest limits for the Kasilof River and as part of dip net/rod and reel household annual limits of participating households.*
- (9) Fishing for each salmon species will end and the fishery will be closed by Federal special action prior to regulatory end dates if the annual total harvest limit for that species is reached or superseded by Federal special action.*

Extent of Federal Public Water

Federal public waters are defined and described under 36 CFR 242.3 and 50 CFR100.3. For the Kasilof River, Federal public waters under consideration include all waters of the Kasilof River within and adjacent

to the exterior boundaries of the Kenai National Wildlife Refuge (**Cook Inlet Area Map**). This includes approximately the upper 7 miles of the Kasilof River from the outlet of Tustumena Lake downstream to Silver Salmon Rapids.

Customary and Traditional Use Determinations

Only Residents of the community of Ninilchik have a positive customary and traditional use determination for all fish in the Kasilof River.

Regulatory History

Pre- and Early Statehood Fisheries

Until 1952 freshwater streams in the Kenai Peninsula were open to subsistence fishing, but poorly managed commercial fisheries decimated salmon runs. In 1952, as part of efforts to rebuild salmon runs, all streams and lakes of the Kenai Peninsula were closed to subsistence fishing under Territory of Alaska regulations. Only rod and reel fishing was allowed for “personal use” (Fall et al. 2004).

Contemporary State Fisheries

A State regulatory management plan for Upper Cook Inlet salmon (5 AAC 21.363) provides the Alaska Board of Fisheries guiding principles and provisions to use when adopting management plans for specific stocks. The State classified most of the Cook Inlet Area, including the Kenai and Kasilof River drainages, as a nonsubsistence area in 1992 (5AAC 99.015(3)). The only State subsistence fisheries in Cook Inlet occur in areas that are not accessible from the road system, including the Tyonek, Windy Bay, Port Chatham, Kyuktolik, and Port Graham subdistricts, as well as portions of Seldovia Bay and the Yentna River drainage.

Commercial and sport fisheries are complex and intensively managed. There are three main management plans that apply to Kenai and Kasilof river salmon stocks: *Upper Cook Inlet Management Plan* (5 AAC 21.363), *Kenai River and Kasilof River Early-Run King Salmon Conservation Management Plan* (5 AAC 57.160), and *Kasilof River Salmon Management Plan* (5 AAC 21.365). These plans provide goals for sustained yield, guidance for mixed-species and mixed-stock fisheries, and instructions for allocation between competing fisheries.

The State also has a regulatory management plan for Upper Cook Inlet personal use salmon fisheries (5 AAC 77.540). This plan established four personal use fisheries in Cook Inlet: Kasilof River dip net, Kasilof River set gillnet, Kenai River dip net, and Fish Creek dip net. Unlike subsistence fisheries, personal use fisheries do not have a priority over other existing uses. Personal use fisheries are open to all residents of Alaska, require a household permit, and occur in marine and intertidal waters outside of Federal public lands. These fisheries target sockeye salmon, the species of greatest abundance and for which the best stock assessment information is available. Annual harvest limits are 25 salmon for the head of each household

and 10 salmon for each additional household member. The limit is combined for all four fisheries. Incidentally caught coho, pink, and chum salmon may be retained as part of the annual limit. Each household is limited to one Chinook salmon in the Kenai River dip net fishery. No retention of Chinook salmon is allowed in the Kasilof River or the Deep Creek dip net fishery, but any Chinook salmon caught in the Kasilof River personal use set gillnet fishery may be retained as part of the annual limit.

Finally, the State administers several educational fisheries in Cook Inlet under the provisions of 5 AAC 93.200 – 93.235 (Nelson et al. 1999 and Fall et al. 2004). Educational fishery permits are only available in nonsubsistence areas. The purpose of educational fisheries is to allow groups to practice traditional harvest and use methods so that these practices and knowledge are not lost. Educational fisheries, unlike subsistence fisheries, do not have priority over other fisheries. Therefore, during times of resource shortages, educational fisheries could be restricted before or at the same time as commercial and sport fisheries are restricted. For the Kasilof River, only the Kenaitze Tribe has been issued an educational permit to fish one set gillnet in marine waters near the mouth of the river. The tribe has participated in an educational fishery since 1991, and for the Kasilof River is allowed to harvest up to 50 Chinook salmon prior to July 1, 50 Chinook salmon after July 1, and 200 coho salmon. For the Ninilchik area, three organizations have been issued educational permits to harvest salmon using one or two set gillnets in marine waters near the Ninilchik River mouth and other traditional methods, in freshwaters of the Ninilchik River below the Sterling Highway Bridge. The Ninilchik Traditional Council has participated in an educational fishery since 1993 and is currently permitted to harvest up to 850 salmon annually, of which 75 can be Chinook salmon taken through July 20 and another 25 can be Chinook salmon taken after July 20.

Federal Subsistence Fisheries in the Cook Inlet Area

In 2002, Federal subsistence regulations for harvest in the Cook Inlet Area were established for salmon, trout, and Dolly Varden and other char. A Federal subsistence permit was required and seasons, harvest and possession limits, and methods and means for take were the same as those in Alaska sport fishing regulations. This fishery was established as an interim measure to provide some subsistence opportunity in the Cook Inlet Area for Federally qualified rural residents. Initially, there were no customary and traditional use determinations for salmon, trout, Dolly Varden, and char in Cook Inlet; so all rural residents of Alaska could harvest under Federal regulations.

In January 2006, the Federal Subsistence Board made positive customary and traditional use determinations for Hope and Cooper Landing residents for all fish in the Kenai River Area, and for Ninilchik residents for all fish within the Kasilof River drainage within the Kenai National Wildlife Refuge. In November 2010, the Board made a final positive customary and traditional use determination for Ninilchik residents for all fish in the Kenai River Area.

During their May 2007 meeting, the Federal Subsistence Board adopted proposals that established dip net/rod and reel salmon fisheries on the Kasilof and Kenai Rivers; increased previously established harvest, possession, and annual limits for salmon and selected resident species for existing rod and reel fisheries on the Kasilof and Kenai River drainages; and allowed use of up to two single or treble hooks and bait for rod

and reel fishing during specified dates for both systems. Also during the May 2007 meeting, the Federal Subsistence Board adopted a proposal to establish a winter season subsistence fishery at Tustumena Lake with jigging through the ice and gillnets fished under the ice for lake trout, rainbow trout and Dolly Varden/Arctic char.

In 2007, the Southcentral Alaska Subsistence Regional Advisory Council submitted Proposal FP08-09 to establish a temporary community fish wheel on both the Kenai and Kasilof Rivers. The Council contended that the fish wheels would provide a more effective means for Federally qualified subsistence users to harvest salmon. They requested a temporary establishment of fish wheels as a gear type be temporary to evaluate the feasibility of operating this type of gear. The Federal Subsistence Board, at its January 2008 meeting, adopted the proposal with modification to allow fish wheels to be classified as a gear type, but only in the Kasilof River. The Federal Subsistence Board specified that only one fish wheel with a live box would be allowed in the upper mainstem of the Kasilof River. A permit would be required to use the fish wheel and that an operation plan must be submitted to and approved by the Federal inseason manager, before the permit would be awarded. Individuals operating the fish wheel would need to have a Federal subsistence fishing permit and all harvest limits on the permit would apply to the fish wheel. Salmon harvested by the fish wheel would be included as part of each household's annual limit and all fish harvested must be reported to the in-season manager within 72 hours of leaving the fishing location. The Federal Subsistence Board at its January 2012 meeting supported FP13-15 to remove the expiration date for the community fish wheel salmon fishery on the Kasilof River allowing continued operation of the fish wheel.

Alaska Department of Fish and Game, Subsistence Division completed a study (OSM study 03-045) documenting past, present and potential noncommercial harvests and uses of fish in waters of the Cook Inlet Management Area. One of the project objectives was to identify potential areas and gear types for Federal subsistence fishing opportunities. Subsistence Division personnel completed key respondent interviews and held focus group meetings to gather public input. Community fish wheels were among the ideas suggested for potential Federal subsistence fisheries in the Cook Inlet Management Area. According to interviews conducted in the study most of the households agreed that current seasonal limits in the State personal use fisheries were adequate and most respondents supported basing any future Federal subsistence fishing regulations on State sport fishing rules. Many supported the status quo; were only interested in opportunities in State waters (especially marine waters) or expressed concern about the consequences of net fisheries in fresh water (Fall et al. 2004).

Biological Background and Harvest History

Sockeye Salmon

Sockeye salmon are the most abundant salmon species in the Kasilof River drainage, and the State's *Kasilof River Salmon Management Plan* (5 AAC 21.365) establishes escapement objectives (160,000-390,000 fish) and provides guidelines for the management of fisheries harvesting this run. Kasilof River sockeye salmon are harvested in large numbers in mixed-stock commercial salmon fisheries in Cook Inlet (Shields 2013). The Upper Cook Inlet commercial sockeye salmon harvest has ranged from 2,045,794 to 3,402,450

sockeye salmon during 2004–2013, with a 10-year average harvest of 3,402,459. The sport fishery harvest in the mainstem Kasilof River has ranged from 3,693 to 7,834 sockeye salmon during 2004–2013, with a 10-year average harvest of 6,203. Sport fishing for sockeye salmon is not permitted within Tustumena Lake or its tributaries. The personal use gillnet and dip net fisheries harvests of Kasilof River salmon have ranged from 59,690 to 102,920 sockeye salmon during 2004–2013, with an 10-year average harvest of 84,544. Educational fisheries harvests have ranged from 12 to 300 sockeye salmon during 2004–2013, with a 10-year average harvest of 93. In 2013, the Kasilof River sockeye salmon escapement was estimated at 489,654, which exceeded the optimal escapement goal range of 160,000 – 390,000.

Chinook Salmon

Chinook salmon are harvested during mixed-stock commercial salmon fisheries in the upper Cook Inlet. The 2013 upper Cook Inlet harvest of 5,398 Chinook salmon was the fifth smallest since 1966 (Shields 2013) and was 63% less than the previous 10-year (2003–2012) average annual harvest of 14,450. The decline in Chinook salmon harvest observed during the 2013 season was likely caused by a decreased abundance of Chinook salmon in the Upper Cook Inlet and subsequent restrictions placed on the commercial fisheries for Chinook salmon conservation.

The Kasilof River supports both early and late runs of Chinook salmon. The early-run supports the larger recreational fishery. The State's *Kenai River and Kasilof River Early-Run King Salmon Conservation Management Plan* (5 AAC 56-070) establishes escapement objectives and guidelines for the management of fisheries harvesting this run. No management plan exists for Kasilof River late-run Chinook salmon. The late-run Kasilof River Chinook salmon compose a wild stock and abundance and run timing of the population is unknown (Reimer 2012). Sport fishing for Chinook salmon occurs on the mainstem Kasilof River, is focused on the enhanced early run of Crooked Creek Chinook salmon, which can be identified by an adipose fin clip, and is not allowed above the Sterling Highway Bridge after 30 June. Sport fish harvest of wild Chinook salmon (with an adipose fin), above the bridge prior to July 1, is restricted to Tuesdays, Thursday and Saturdays by regulation.

In 2012, Kasilof River Chinook sport harvest was 927. The total Chinook salmon sport fishery harvest in the Kasilof River has ranged from 927 to 4,234 during 2003–2012, with an average harvest of 3,224 (Begich 2013). Estimates of the number of late-run Chinook salmon within these harvests from 2003 - 2012, and range from 55 to 2,164, with an average harvest of 1116. In 2013, 64 Chinook salmon were harvested in the Kasilof River personal use fishery. Harvests from the personal use gillnet and dip net fishery, which is directed at Kasilof River sockeye salmon, have ranged from 103 to 457 Chinook salmon during 2003–2012, with an average harvest of 232. In 2013 the Kasilof area educational fisheries harvested 3 early run Chinook salmon. The historical harvest ranged from 2 to 13 Chinook salmon during 2003–2012, with an average harvest of 4.

Early-run Chinook salmon, including the hatchery-produced component, spawn in Crooked Creek during late May and June. Only the headwaters of Crooked Creek lie within the Kenai National Wildlife Refuge, so early-run Chinook salmon are not generally available for harvest in Federal public waters. Late-run Chinook salmon spawn in the upper mainstem Kasilof River, including the outlet of Tustumena Lake,



during August and September, and would be available for harvest by Federally qualified subsistence users.

Coho Salmon

Coho salmon are likely the second most abundant salmon species in the Kasilof River drainage, and are harvested during mixed-stock commercial salmon fisheries in Cook Inlet. Total annual harvest within these fisheries is usually hundreds of thousands of coho salmon. The contribution of Kasilof River coho salmon to these harvests is not known. The sport fishery harvest in the mainstem Kasilof River ranged from 1,740 to 4,217 coho salmon during 2003–2013, with an average harvest of 3,158 (Begich 2013). The sport fishery harvest in Tustumena Lake is much less and has ranged from 0 to 338 coho salmon during this same time period, with an average harvest of 96. Kasilof area educational fisheries harvests have ranged from 0 to 44 coho salmon during 2004-2013, with an average harvest of 23.

Other Alternatives Considered

A set gillnet fishery in Tustumena Lake with a fishing season through late summer or early fall would allow additional opportunity for Federal subsistence users to harvest sockeye and coho salmon while minimizing the harvest of both Chinook salmon and steelhead trout. Early-run Chinook salmon, including the hatchery-produced component, spawn below Tustumena Lake in Crooked Creek during late May and June and do not migrate. The majority of late-run Chinook salmon spawn in the mainstem of the Kasilof River, with significant spawning areas at mouth of Crooked Creek and between river mile 9 and river mile 18 (Reimer 2012). Steelhead trout returning to the Kasilof River watershed are considered fall-run fish, entering freshwater between mid-August and November and over-wintering before spawning in Crooked Creek and tributaries of Tustumena Lake during May and June. A gillnet fishery in Tustumena Lake would provide additional harvest opportunity for while still protecting the Chinook salmon and steelhead trout which continue to be species of concern.

A beach seine fishery could be implemented on the Kasilof River and Tustumena Lake under the same restrictions as the proposed gillnet fishery. Using seines instead of gillnets would allow for non-targeted species to be released unharmed. In addition, fishers could avoid an overharvest Chinook salmon and steelhead trout.

Effects of the Proposal

If this proposal is adopted it would provide additional subsistence harvest opportunity for Federally qualified subsistence users living in Ninilchik. Currently Ninilchik is the only community with customary and traditional use determination for the Kasilof River. The proposed gillnet fishery along with ongoing existing fisheries could lead to a harvest of Chinook salmon and steelhead trout in the Kasilof River that would be above sustainable harvest levels. Gillnets do not lend themselves well to selective harvest of species or stocks. Incidental catch of resident species would occur in any gillnet fishery for salmon resulting in mortality of non-targeted species.

OSM PRELIMINARY CONCLUSION

Oppose Proposal FP15-11.

Justification

Gillnets do not allow for species, stock and size selective management or control of harvest. Introduction of gillnets as a gear type in the Kasilof River could lead to a Chinook salmon conservation concern, and could result in an over-harvest of resident species. Of particular concern is the potential incidental catch of stocks or species that are spawning, less abundant and prone to over harvest, or of critical size. Currently, subsistence users from the community of Ninichik may harvest salmon with a community fish wheel, dip nets and rod and reel, these gear types provide a selective method of harvesting salmon while protecting species of concern.



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**Partnerships to Build Capacity: A Vision Forward for the
Partners for Fisheries Monitoring Program
The Office of Subsistence Management
Regional Advisory Council Review Draft**

Purpose

The Federal Subsistence Program is conducting an evaluation of the Partners for Fisheries Monitoring Program to determine if any changes should be made to the program prior to the February, 2015 call for proposals. We would like your input. Regional Advisory Council (RAC) comments and/or recommendations to assist that evaluation will be most useful. This document was created as a first step towards writing a strategic plan that will guide the Partners Program for the next five years. Although each RAC may comment on any area of the Program, helpful responses would address the following questions:

- Are there changes that you would like to see made to the Partners Program?
- Should the Program be involved in other activities?
- Are there things the Program can do better?
- Should the Program work with issues pertaining to other subsistence resources, such as wildlife?
- Are there others sources of funding that could help support the Program?
- Should there be a limit on the number of years an organization can be funded through this Program?
- How can the Partners Program help develop self-sustaining local programs?

Mission

The mission for the Partners for Fisheries Monitoring Program is to expand and strengthen the role of rural Alaska communities and the residents in their ability to participate in the management of local fisheries resources within the Federal Subsistence Management Program. Partner organizations within the Program work directly with communities to disseminate information on fisheries stocks and regulations, provide opportunities for rural youth to participate in fisheries monitoring projects, and provide avenues for information exchange between communities and the Regional Advisory Councils and the Federal Subsistence Board.

Background and History

In 1999, the Secretaries of the Departments of the Interior and Agriculture expanded federal subsistence management in Alaska to include fisheries under Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA). When ANILCA was passed by Congress in 1980 it specified that the taking on public lands of fish and wildlife for subsistence shall be accorded priority over the take of fish and wildlife for other purposes (Section 804). The Secretaries of the Interior and Agriculture established the Federal Subsistence Management Program in 1990 and



assigned to the Federal Subsistence Board the responsibility for administering the subsistence taking and uses of fish and wildlife on federal public lands and waters.

Beginning in 2002, the Federal Subsistence Board established the Fisheries Resource Monitoring Program (FRMP) to fund monitoring and research studies on fisheries stocks, subsistence harvest patterns, and traditional ecological and cultural knowledge. Five Federal agencies (U.S. Fish and Wildlife Service, Bureau of Land Management, National Park Service, Bureau of Indian Affairs, and the U.S. Forest Service) work with the Alaska Department of Fish and Game, Regional Advisory Councils (RACs), Alaska Native Organizations, and other entities to implement the FRMP. The Partners for Fisheries Monitoring Program (Partners Program) is tied to the FRMP to help stakeholders build capacity in fisheries research and monitoring. The Partners Program is a competitive cooperative agreement program sponsored by the U.S. Fish and Wildlife Service, Office of Subsistence Management (OSM) in Alaska. The Partners Program began in 2002 to increase involvement by residents of rural Alaskan communities in subsistence fisheries research and management.

The Partners Program was initiated to address issues facing rural Alaskans who depend on subsistence resources as a way of life. The Federal Subsistence Program is evaluating the current program to determine if changes need to be made to the Partners Program. A comprehensive strategic plan will be developed for the Partners Program that will assist the Federal Subsistence Program in identifying and better addressing priority issues related to subsistence harvest and will guide operations of the program and how funding is awarded.

This initial vision document is designed to propose a way forward for the program and solicit input from regional advisory councils and other stakeholders. The final strategic plan will incorporate this vision and establish goals, objectives, and specific implementation strategies for the Partners Program for the next five years.

Current Program Activities

Through a competitive cooperative agreement program, the Federal Subsistence Program funds rural and Native organizations which in turn hire fisheries anthropologists, biologists, or educators. The Partner hired by the funded organization lives and works in the communities where the organization is based. They work with FRMP projects and serve as facilitators, principle investigators, co-principle investigators and/or research partners. They disseminate information from research projects to their local constituents, Regional Advisory Councils, Federal and State agencies, the Federal Subsistence Board, and other stakeholders. Through the Partners Program, residents of rural communities gain information about the fisheries research being done in their areas, which may encourage rural subsistence users to become more involved with the fisheries monitoring and management process.

Partners in the program also mentor rural youth by working with the public schools in their areas, giving guest lectures and providing informational packets for school teachers to teach about subsistence fisheries resources. They provide guidance and information to local youth about college programs such as the Alaska Native Science and Engineering Program (ANSEP) and other college programs that focus on anthropology, biological sciences or natural resource management. They provide a variety of opportunities for local, rural students to become

involved with fisheries resources monitoring projects through science camps and paid internships.

Since 2002, the program has provided funding for a minimum of five partnerships a year. Each competitive grant is funded up to four years. **Figure 1** shows five Alaska Native Organizations that are currently funded through the Partners Program, including Kuskokwim Native Association (KNA), Native Village of Eyak (NVE), Orutsararmiut Native Council (ONC), Tanana Chiefs Conference (TCC), and Bristol Bay Native Association (BBNA).

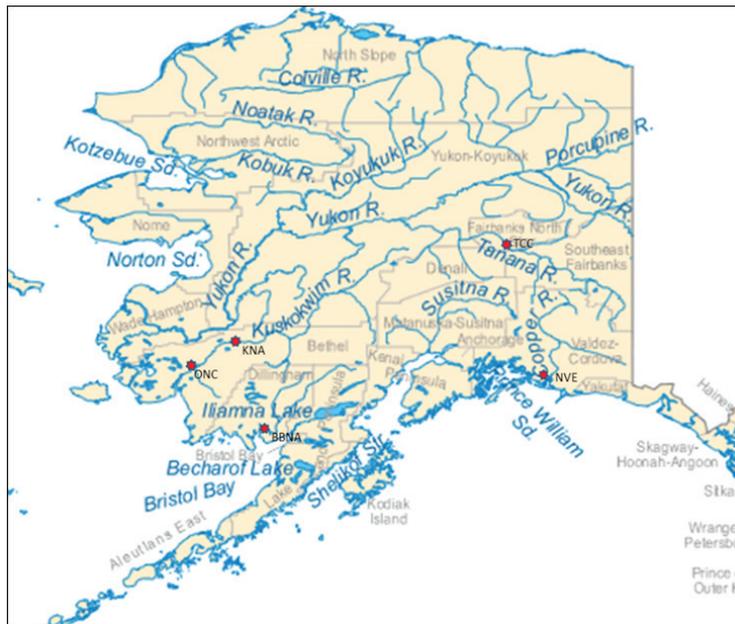


Figure 1. Location of current partnering organizations in Alaska.

Collectively, these five organizations work with 142 villages. Each program is slightly different in its scope, depending on the needs of their constituents. The Partners work to build bridges with rural residents in the communities where their organizations serve.

Partners fill an important role in these communities because they serve as contacts for community members looking for information about subsistence resources, research, and regulations related to subsistence harvesting of fish. By working directly with fisheries research projects in their areas, Partners become more informed about the status of the resources and issues concerning subsistence harvesters. The Partners are an important link between subsistence users and those who regulate these resources.

Partners attend meetings of the Regional Advisory Councils, the Federal Subsistence Board, and meetings in communities in which they work. At these venues, Partners present results and conclusions from research and educational projects in their region. The Partners Program encourages and facilitates rural residents' participation in the Federal process of subsistence management through its close connections to rural communities, Regional Advisory Councils,

and other fisheries advisory groups. Partners also work with subsistence harvesters to solicit ideas for priority informational needs for future research sponsored by the Federal Subsistence Program. The partners provide information about community concerns regarding fisheries resources and management back to the Federal Subsistence Program.

The Partners Program builds capacity for residents in rural communities and aims to find new ways to link subsistence users with Federal and State resource managers, bringing ideas to the table, providing on the ground information, and mentoring and providing educational and employment opportunities for youth.

Drafting the Strategic Plan

A core group of people from the Office of Subsistence Management, other staff in the Federal Subsistence Management Program, and past and present Partners worked together to create this vision document. After email and telephone discussions with people from State and Federal agencies, past and present Partners, and two of the chairs of Regional Advisory Councils, this team developed a preliminary list of planning issues to be addressed in the strategic plan. From the issues identified in this process, the team was able to craft a vision statement for the Partners Program with preliminary goals. Once the main goals for the Program are determined, objectives and strategies will be developed to help meet these goals which will be fully articulated in the final strategic plan.

Planning Issues

1. To date there is minimal incorporation of traditional knowledge with modern management leaving some stakeholders feeling marginalized and creating distrust of management's motivations and actions. Even among fisheries scientists and managers within and between agencies there is disagreement about the best approach to conservation, and the interpretation of data. How can the Partners Program help resolve different beliefs in, and approaches to fundamental conservation principles, reducing the complexities of stakeholder involvement and increasing the effectiveness of subsistence management?
2. The regional advisory councils are responsible for informing local communities about the Federal Subsistence Program and the actions of the Federal Subsistence Board. Partners are in an ideal position to help members of the Regional Advisory Councils by informing communities about subsistence management actions and policies. How can the Partners Program improve communication and outreach so that information flows better between the Federal Subsistence Program and rural subsistence users?
3. Meaningful engagement and communication between Regional Advisory Councils, the Federal Subsistence Program, and Partners in the Partners Program need to be encouraged to ensure the Regional Advisory Councils' input and knowledge are incorporated into the activities of the Partners Program.

4. How long should any one agency or organization be allowed to obtain funding to participate in the Partners Program? Should there be a time limit on how long a program can be funded? Should funding be phased out over several years?
5. How can the Partners Program work with communities to provide information concerning emerging issues such as increased reliance on subsistence foods, loss of fisheries stocks, and climate change in their region?
6. There are opportunities for rural students to become involved with fisheries monitoring through paid summer internships, working at various fisheries projects across the state. Partners can also assist with outreach and mentoring students who seek professional careers in resource management. How can the Partners mentor youth so that they will become more engaged in the conservation of fisheries, fisheries monitoring, and the subsistence regulations process?

Preliminary Goals

1. Develop and maintain credibility and open communication with partners in resource conservation, management, and monitoring, including all stakeholders.
2. Provide outreach and education to facilitate working together with stakeholders to better include their knowledge in the decision making process.
3. Strengthen existing or develop new collaborative management relationships between stakeholders.
4. Provide and promote opportunities for youth awareness and engagement in monitoring, conservation, and management of subsistence resources.
5. Make collaborative management more effective by developing a greater understanding of different approaches to conservation principles.
6. Develop a strategy for funding Partners' Organizations that addresses identified regional subsistence management needs and build local capacity to participate in management decisions regarding subsistence harvests.
7. Develop strategies to increase visibility, accountability, and share successes of the program within U.S. Fish and Wildlife and other funding agencies.

Next Steps

This vision document will be presented at the fall 2014 regional advisory council meetings where the OSM will solicit input and ideas about how to expand and improve the Partners Program. The core team will continue to do scoping with other stakeholders to incorporate a broader range of ideas in the final strategic plan, which will outline in detail the priorities, goals, and objectives



Draft Vision Document for the Partners Program

August 1, 2014

that will guide the implementation of the Partners Program for the next five years, including evaluation and monitoring achievements and success.

Strategic Plan Team

Palma Ingles, PhD	OSM Partners Program Coordinator, lead author
Jeff Brooks, PhD	OSM, Social Scientist, facilitator and advisor
Karen Hyer	OSM, Fisheries
Eva Patton	OSM, Council Coordinator and past Partner
Cal Casipit	US Forest Service
Dan Gillikin	Fisheries Director for Kuskokwim Native Association, and part of the Partners Program

For More Information

Contact: Dr. Palma Ingles, Partners Program Coordinator, OSM, US Fish and Wildlife Service.
Email: Palma_ingles@fws.gov
Phone: 907-786-3870

ANNUAL REPORTS

Background

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

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

Report Content

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

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

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

Report Clarity

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

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



- Council Coordinators and OSM staff should assist the Council members during the meeting in ensuring that the issue is stated clearly.

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

Report Format

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

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

CHALLENGES WITH AND RECOMMENDED CHANGES TO NOMINATIONS/APPOINTMENTS PROCESS FOR REGIONAL ADVISORY COUNCIL MEMBERS

A briefing for the Federal Subsistence Regional Advisory Councils
June 27, 2014

As the Councils know, and have noted in some of their annual reports and correspondence to the Federal Subsistence Board, the process for appointing Council members has often been delayed in recent years. In the last two appointment cycles, the Secretary did not appoint or reappoint Council members by the expiration of their terms on December 2. In 2013 (for the 2012 appointments), most of the Council members were appointed by January 4, 2013, but were not completed until May 3. In 2014 (for the 2013 appointments), only two regions were appointed by mid-January, and the process was not completed until May 22. This has created problems in coordinating travel for new or reappointed Council members and left some Councils with less than a full complement of members.

Additionally, there are other aspects of the current nominations/appointment process that, while not as problematic as the appointment delays, create difficulties for the program, the Councils, and the public. These additional issues are:

- Under the current system, the application period opens in the fall, with appointments from the prior appointment cycle being announced in December. The overlap between appointment periods has led to individuals applying again before hearing the results from the prior cycle, not knowing whether or not they have been selected for appointment.
- Under the current appointment process, alternates are identified and vetted in D.C., but not appointed. They are also not notified that they have been identified as an alternate. This leads to delays in having alternates appointed to fill vacancies. With recent examples, the most rapid appointment of an alternate to replace an unexpected vacancy has been two months.
- The number of applicants for the open seats on the Councils has been decreasing. In the first ten years of the program, there was an average of 104 applications per year; in the last ten years, that annual average has dropped to 70 – a 33% reduction in applicants.

Recommendations

The Office of Subsistence Management, in consultation with the Interagency Staff Committee and Federal Subsistence Board, has considered these issues and identified some potential solutions. The Board is seeking input from the Councils on these recommended changes.

Change Terms and Possibly Appointment Cycle

The first recommended change involves changing from a 3-year term to a 4-year term for Council appointments, with consideration of modifying the appointment cycle from an annual process to a biennial (two-year) process. For 4-year terms on an annual cycle, 25% of seats

would be open for appointment each cycle; for 4-year terms on a biennial cycle, 50% of seats would be open for appointment each cycle. At least one Council has requested longer terms in a recent annual report.

The following summary outlines the advantages and disadvantages for each approach:

4-year annual cycle

Advantages

- Fewer open seats per annual cycle, to match increasingly fewer applicants
- Fewer names submitted to D.C. for approval could speed-up approval and appointments
- Keeps Council applications in the public's attention

Disadvantages

- No cost savings for annual cost of display ads for public outreach on applications
- Requires work of nominations panels, and ISC and FSB meetings every year for nominations (but keeps each engaged)

4-year biennial cycle

Advantages

- Reduce burden on OSM, agency staff and FSB by conducting nomination panel reviews every two years
- Reduce public outreach costs by 50% over two year period
- Eliminates overlap of appointment cycles and related confusion

Disadvantages

- May increase burden on panel, ISC, OSM, FSB and D.C. by submitting more names in a given year for approval and appointment
- May take the Council appointment process out of public eye and make outreach more difficult

Changing the terms of Council members from 3 to 4 years would require both a charter amendment and a change to Secretarial regulations (50 C.F.R. §100.11(b)(2) and 36 C.F.R. §242.11(b)(2)).

Formally Appoint Alternates to the Council

Another recommendation is to formally appoint alternates to the Council. In this case, the alternate would receive a letter stating that they are appointed as an alternate and would assume a seat as a member of the Council in the event of an unexpected vacancy. The alternate would then complete the remaining term of the vacated seat.

Advantages

- Immediate filling of unexpected vacancies on the Council
- Applicant is aware that they are an alternate, and retains interest

Disadvantages

- Could lead to potential ill feelings or questions about why one person was selected as an alternate compared to one who was appointed or the need to explain the placement order of alternates
- Could seem to be wasted time for an alternate if never seated

This change would involve an amendment to the Council charter. Currently, the charter states “A vacancy on the Council will be filled in the same manner in which the appointment is made.” That would be revised to state, “A vacancy on the Council will be filled by an alternate duly appointed by the Secretary or, if no alternate is available, filled in the same manner in which the appointment is made.”

At this time, the recommendation of formal alternate appointments does not contemplate that the alternates would play a greater role, such as attending a meeting in the event that a quorum might not be established. The Councils are invited to provide feedback or suggestions on an enhanced role for alternates.

Carry-Over Terms

The Western Interior Alaska Subsistence Regional Advisory Council has recommended that the charters be amended to provide for carryover terms; that is, that if terms expire, and no appointment letters are issued in a timely manner, that the Council members whose terms expired remain seated until a new appointment or reappointment letter is issued. The Western Interior Council points to the charters for the National Park Service’s Subsistence Resource Commissions as an example. Those charters provide the following: “If no successor is appointed on or prior to the expiration of a member’s term, then the incumbent members will continue to serve until the new appointment is made.”

Advantages

- If appointments are delayed in the future, Councils can still conduct business with a more complete Council
- Sitting Council members who are awaiting reappointment can plan ahead with certainty

Disadvantages

The key disadvantage relates to timing of when the late appointment is made. If a sitting Council member is awaiting reappointment and plans to attend a meeting, and someone else is appointed to that seat instead, it creates a couple of problems. First, it disrupts the plans of the sitting Council member who had intended to attend the meeting. Second, if the new member is appointed with insufficient time to arrange for travel, it may now affect the ability of the Council to establish quorum.

This would require a change to the Council charter. If the Councils request this change, and the Secretaries approve the change, it could be implemented by December 2, 2014. However, this change would only be an amendment to the charter. The charter would still require renewal in 2015 as currently scheduled.



Youth Involvement in Councils

Several Councils have expressed the desire to enhance youth involvement in the Council process, and several ideas have been suggested. One idea is to develop relationships between local schools and the Council process. This is highly encouraged and can be facilitated through the Subsistence Council Coordinator. No approval, charter amendments or regulatory changes would be required. Councils are encouraged to do this as desired and as opportunities exist on a regional basis.

Another suggestion that some Councils have made is to have a youth mentorship program or even a “Youth Seat” on the Council. The U.S. Fish and Wildlife Service guidance on Federal Advisory Committees (based on its authority under the Federal Advisory Committee Act), only provides for four types of memberships: Representatives (standard Council members), Special Government Employees, Regular Government Employees, and Ex Officio Members (appointed by virtue of holding another office) (107 FW 4.6). The concept of a “Youth Seat” would not fit under any of these categories, so a youth could not be a member of the Council or designated in the charter.

However, that does not mean there is not another way to pursue this option. One possibility would be to have a local Tribal Council select a youth to serve as a “Youth Liaison” to the Council, and sponsor that youth to attend the Council meeting. If the meeting is in the community, it would not create any extra costs. The Councils are asked to indicate if they wish OSM to assist them in exploring the establishment of a “Youth Seat” or some sort of youth mentorship program. However implemented, it would have to be clear that the Federal Subsistence Management Program would not be responsible for any youth under 18 who would travel.

Nominations under Annual Cycle
4-Year Glimpse

Jan-01	Feb-01	Mar-01	Apr-01	May-01	Jun-01	Jul-01	Aug-01	Sept-01	Oct-01	Nov-01	Dec-01		
		Nominations/Appointments Process - Year 0										NR Appts - Year 0	
							Application Period - Year 1						
Jan-02	Feb-02	Mar-02	Apr-02	May-02	Jun-02	July-02	Aug-02	Sept-02	Oct-02	Nov-02	Dec-02		
	Year 1 - App. cont.			Nominations/Appointments Process - Year 1									NR Appts - Year 1
							Application Period - Year 2						
Jan-03	Feb-03	Mar-03	Apr-03	May-03	Jun-03	Jul-03	Aug-03	Sep-03	Oct-03	Nov-03	Dec-03		
	Year 2 - App. Cont.			Nominations/Appointments - Year 2									NR Appts - Year 2
							Application Period - Year 3						
Jan-04	Feb-04	Mar-04	Apr-04	May-04	Jun-04	Jul-04	Aug-04	Sep-04	Oct-04	Nov-04	Dec-04		
	Year 3 - App. Cont.			Nominations/Appointments - Year 3									NR Appts - Year 3
							Application Period - Year 4						

Two-Year Bottom Line

88 open seats
 130 applications
 62 agency staff in panels
 \$40,000 for PR outreach

Schedule

Panel Reports due - end of April
 ISC meeting - mid-June
 FSB meeting - mid-July
 Surnaming packet and concurrence - August
 Packet to Secretary - September



Nominations under Proposed Biennial Cycle

4-Year Glimpse

Jan-01	Feb-01	Mar-01	Apr-01	May-01	Jun-01	Jul-01	Aug-01	Sept-01	Oct-01	Nov-01	Dec-01	
							Application Period - First Cycle					
Jan-02	Feb-02	Mar-02	Apr-02	May-02	Jun-02	July-02	Aug-02	Sept-02	Oct-02	Nov-02	Dec-02	
App. cont.		Nominations/Appointment Process - First Cycle										NR Appts - Year 1
Jan-03	Feb-03	Mar-03	Apr-03	May-03	Jun-03	Jul-03	Aug-03	Sep-03	Oct-03	Nov-03	Dec-03	
							Application Period - Second Cycle					
Jan-04	Feb-04	Mar-04	Apr-04	May-04	Jun-04	Jul-04	Aug-04	Sep-04	Oct-04	Nov-04	Dec-04	
App. Cont.		Nominations/Appointment Process - Second Cycle										NR Appts - Year 2

Schedule

Two-Year Bottom Line

- 55 open seats
 - 90 applications
 - 31 agency staff in panels
 - \$20,000 for PR outreach
- Panel Reports due - end of April
 - ISC meeting - late May, early June
 - FSB meeting - late June, early July
 - Surnaming packet and concurrence - late July
 - Packet to Secretary - late July

Western Interior Alaska Subsistence Regional Advisory Council

c/o U.S. Fish & Wildlife Service

1011 East Tudor Road MS 121

Anchorage, Alaska 99503

Phone: (907) 787-3888, Fax: (907) 786-3898

Toll Free: 1-800-478-1456

RAC WI14032.MH

MAY 28 2014

Mr. Tim Towarak, Chair
Federal Subsistence Board
c/o U.S. Fish and Wildlife Service
Office of Subsistence Management
1011 East Tudor Road MS 121
Anchorage, Alaska 99503

Dear Mr. Towarak:

In recent meetings, the Western Interior Alaska Subsistence Regional Advisory Council has been very active in discussions regarding the late Secretarial appointments to the Councils, which have become a recurring theme in our annual reports and correspondence. This year's appointment cycle was completed nearly six months late.

I recently attended the Federal Subsistence Board meeting in Anchorage April 15-17, 2014 and was very encouraged by the discussion and dialogue and some of the great suggestions that were presented to improve the process. I understand that many of the modifications will take a substantial amount of time to implement.

We appreciate the hard work of Office of Subsistence Management (OSM) staff and Pat Pourchot, Special Assistant to the Secretary for Alaska Affairs, who have been continuing to pursue solutions to this problem. The Council looks forward to reviewing the suggested changes to timelines and processes at the fall meeting cycle. No official announcements can be made regarding who has been appointed until all vetting has been completed for all ten Councils. Frustrations and negative impacts to our Councils and processes were exacerbated tremendously in the most recent round of meetings. We feel this is unacceptable and encourage action to ensure this does not happen again.

As discussed at the Board meeting, all Council charters should be amended as soon as possible to allow for individuals to continue serving beyond the expiration date of their terms, until replaced or reappointed (similar to the National Park Service Subsistence Resource Commissions).

Mr. Towarak

Amending the Council charters will prevent some of the challenges and issues these late appointments have created. We encourage OSM and the Board to take whatever action necessary to begin this process immediately.

Thank you for the opportunity to assist the Federal Subsistence Management Program to meet its charge of protecting subsistence resources and uses of these resources on Federal public lands and waters. We look forward to continuing discussions about the issues and concerns of subsistence users of the Western Interior Region. If you have questions about this letter, please contact me via Melinda Burke, Regional Council Coordinator, with the Office of Subsistence Management at 1-800-478-1456 or (907) 786-3885.

Sincerely,



Jack Reakoff, Chair

cc: Federal Subsistence Board
Pat Pourchot, Special Assistant for Alaska Affairs, DOI
Eugene Peltola Jr., Assistant Regional Director, OSM
Chuck Ardizzone, Deputy Assistant Regional Director, OSM
David Jenkins, Policy Coordinator, OSM
Carl Johnson, Council Coordination Division Chief, OSM
Western Interior Alaska Subsistence Regional Advisory Council
Chairs, Subsistence Regional Advisory Councils
Interagency Staff Committee
Administrative Record

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Phone: (907) 786-3888, Fax (907) 786-3898
Toll Free: 1-800-478-1456

RAC WI14003.MH

FEB 12 2014

Honorable Sally Jewell
Secretary of the Interior
U.S. Department of the Interior
Office of the Secretary
1849 C Street, N.W.
Washington, D.C. 20240

Dear Secretary Jewell:

The Western Interior Alaska Subsistence Regional Advisory Council (Council) is one of the ten Federal Subsistence Regional Advisory Councils formed under Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) and chartered under the Federal Advisory Committee Act (FACA). Section 805 of ANILCA and the Council's charter establish its authority to initiate, review, and evaluate regulations, policies, management plans, and other matters related to subsistence on Federal public lands and waters within the Western Interior Alaska region. The Council provides a regional forum for discussion and recommendations for subsistence related issues on public lands.

All of the Councils are dealing with an extremely late completion of the annual Secretarial Appointment process to fill Council seats. The delay also happened last year, and this Council sent a letter to you expressing concerns about the problem (see enclosure). This year's delay is even worse than last year, making each year progressively later in completing official appointments. Terms expired on December 2, 2013 for three seats on our Council. It is now February 11, less than 3 weeks before our winter meeting—we only just received word on February 6, 2014 on appointments for two seats and the question remains as to who will be appointed to fill the third seat.

The delay in appointments has had a negative effect on the planning and execution of important and extensive work which must be completed in a timely manner prior to our meetings. Further, these delays have discouraged applicants and future applicants from serving on the Council. This is a disastrous consequence given the steady decrease in the number of applications in recent years. Our Council wishes to re-emphasize that steps must be taken to ensure delays in

Secretary Jewell

2

appointments do not continue. We suggest our Council charters be amended to allow for a member to continue serving until official Secretarial Appointments are made.

It is an important role for this Council, and others, to assist the Federal Subsistence Program in meeting its charge of protecting subsistence resources and uses of these resources on public lands and waters in Alaska. We cannot fulfill our role when timely appointments to fill vacant seats are not given a priority. If you have questions about this letter, please contact me via Melinda Burke, Subsistence Council Coordinator, with the Office of Subsistence Management at 1-800-478-1456 or (907) 786-3885.

Sincerely,



Jack Reakoff, Chair

● Enclosure

● cc: Tom Vilsack, Secretary of Agriculture, USDA
● Laura Marquez, White House Liaison
● Pat Pourchot, Special Assistant for Alaska Affairs, DOI
Geoff Haskett, Regional Director, USFWS Region 7
Eugene R. Peltola Jr., Assistant Regional Director, OSM
Karen Hyer, Acting Deputy Assistant Regional Director, OSM
David Jenkins, Policy Coordinator, OSM
Carl Johnson, Council Coordination Division Chief, OSM
Federal Subsistence Board
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RAC WI13014.MH

MAY 06 2013

Honorable Sally Jewel
Secretary of Interior
U.S. Department of the Interior
Office of the Secretary
1849 C Street, N.W.
Washington, D.C. 20240

Dear Secretary Jewel:

The Western Interior Alaska Subsistence Advisory Council (Council) is one of the ten regional councils formed under Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) and chartered under the Federal Advisory Committee Act (FACA). Section 805 of ANILCA and the Council's charter establish its authority to initiate, review, and evaluate regulations, policies, management plans, and other matters related to subsistence on Federal public lands and waters within the Western Interior Alaska region. The Council provides a forum for discussion and recommendations for subsistence fish and wildlife management in the region.

The Council met in Galena, Alaska, on March 5-6, 2013, and conducted a public meeting regarding subsistence issues. Among the topics discussed at this meeting were the very late Secretarial appointments to the Regional Subsistence Advisory Councils as well as the currently vacant Assistant Regional Director position since the departure of Peter J. Probasco at the Office of Subsistence Management (OSM).

Our way of life and the extreme weather common to our region are just two of the factors that make it necessary for the Council to plan well in advance for travel (personal and Council) as well as seasonal food gathering activities. The extremely late appointments create tremendous difficulties for individuals to plan in advance for travel and Council commitments. Further, our support staff needs sufficient time to plan for the very complicated logistical arrangements necessary for travel to and from rural Alaska communities. This year's delay was significantly longer than we have experienced in the past. Two of our incumbent council members did not hear about their appointment status until less than two weeks before our most recent scheduled gathering. Shockingly, it is my understanding that there remains at least one Council that has not

Secretary Jewell

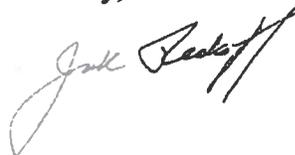
received word of a member's reappointment, amounting to a nearly four-month delay. Such delays are unacceptable to our statutory "meaningful role" in Federal subsistence management of fish and wildlife. Steps need to be taken as soon as possible so that delays in these very important and critical appointments do not happen again.

In the future, this Council would appreciate correspondence from the Office of Subsistence Management if these delays persist. Incumbent applicants must be informed of the status of appointments if they are expected to prepare for coming meetings and allow time in their schedules for travel. Old appointments expire in early December, which is when the announcement for appointments to those vacant seats is anticipated. New applicants may assume they have not been appointed if no official notice is sent about the delay. This could affect their ability to travel to their meetings, as lead time is necessary for the proper authorizations as well as clearing their personal calendars for Council duties.

The recent high number of retirements, budget issues, sequestration, and hiring freeze has caused great concern among the Council regarding the leadership and workload of OSM. The permanent hiring of a new Assistant Regional Director is a critical action which this Council feels needs to happen as soon as possible. This Council would be willing to correspond and provide any supporting language to make this happen soon, despite the current hiring freeze.

Thank you for the opportunity for this Council to assist the Federal Subsistence Management Program to meet its charge of protecting subsistence resources and uses of our resources on Federal public lands and waters. We look forward to continuing discussions about the issues and concerns of subsistence users of the Western Interior Region. If you have questions about this correspondence, please contact me via Melinda Hernandez, Subsistence Council Coordinator with OSM, at (907) 786-3885.

Sincerely,



**Jack Reakoff, Chair
Western Interior Alaska Subsistence
Regional Advisory Council**

**cc: Kathleen M. O'Reilly-Doyle, Acting Assistant Regional Director, OSM
David Jenkins, Acting Deputy Assistant Regional Director, OSM
Carl Johnson, Council Coordination Division Chief, OSM
Melinda Hernandez, Council Coordinator, OSM
Pat Pourchot, Special Assistant for Alaska Affairs, DOI
Federal Subsistence Board
Western Interior Regional Advisory Council
Administrative Record**



United States Department of the Interior NATIONAL PARK SERVICE

Wrangell-St. Elias National Park & Preserve
Mile 106.8 Richardson Hwy. -- P.O. Box 439
Copper Center, AK 99573-0439
907 822 5234 Fax 907 822 7216

WRANGELL-ST. ELIAS NATIONAL PARK SUBSISTENCE RESOURCE COMMISSION

Prepared by Barbara Cellarius (barbara_cellarius@nps.gov)
August 22, 2014

The Wrangell-St. Elias National Park Subsistence Resource Commission (WRST SRC) provides a venue for local subsistence users to have input into the management of subsistence resources in Wrangell-St. Elias National Park. Since the establishment of the Federal subsistence program in 1990, the nine-member commission has also been making recommendations on proposals affecting Wrangell-St. Elias National Park directly to Regional Advisory Councils and the Federal Subsistence Board. At its spring 2013 meeting, the SRC elected Karen Linnell of Kenny Lake as its new chair.

Federal Regional Advisory Councils (RAC) appoint three members to the SRC. These members provide an important link between the SRC and the Federal Subsistence Board. According to ANILCA Section 808(a), RAC appointees to the SRC must be a member of either the regional advisory council or a local advisory committee within the region and also engage in subsistence uses within the park.

The Regional Advisory Councils who address issues in Wrangell-St. Elias National Park and Preserve include the Southcentral RAC, the Eastern Interior RAC, and the Southeast RAC. Bert Adams, Sr., is the Southeast RAC appointee to the WRST SRC. His term expires in November 2014. Gloria Stickwan is the Southcentral RAC appointee to the WRST SRC. Her term expires in November 2014. Sue Entsminger is the Eastern Interior RAC appointee to the WRST SRC. Her term expires in November 2015.

In addition to the RAC appointments, three members of the SRC are appointed by the Governor of Alaska and three members are appointed by the Secretary of the Interior. Subsistence users interested in applying for a seat on the WRST SRC should contact Barbara Cellarius at 822-7236 or barbara_cellarius@nps.gov.



Wrangell-St. Elias SRC meeting at the Ahtna Cultural Center in Copper Center, AK, March 2014.





National Park Service
U.S. Department of the Interior

Wrangell-St. Elias
National Park/Preserve

P.O. Box 439
Mile 106.8 Richardson Hwy
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Wrangell-St. Elias National Park/Preserve News Release

For Immediate Release – July 17, 2014
Mark Keogh – (907) 822-7223

Plans for Subsistence Hunt of Chisana Caribou Herd Announced

Copper Center, AK – Plans for a federal subsistence hunt for the Chisana caribou herd were announced today by Wrangell-St. Elias Superintendent Rick Obernesser, the designated federal manager for the hunt. The Federal Subsistence Board authorized a limited harvest from the Chisana caribou herd at its January 2012 meeting. Consistent with the cooperative management plan for the herd, the harvest quota will be 7 bull caribou, and a maximum of 18 federal registration permits will be issued to federally qualified subsistence users. The hunt will open on August 10 and close on September 30 or when the quota has been reached. Hunters are asked to report back within three days of harvesting an animal or at the end of the season if unsuccessful. The hunt area is Federal public lands in Unit 12 that lie east of the Nabesna River and Glacier and south of the Winter Trail running southeast from Pickerel Lake to the Canadian border.

Eligibility for the hunt is limited to permanent residents of Chisana, Chistochina, Mentasta Lake, Northway, Tetlin, Tok, Unit 12 along the Nabesna Road (mileposts 25-46), and that portion of Unit 12 east of the Nabesna River and the Nabesna Glacier and south of the Winter Trail. For residents of Chistochina, Mentasta Lake, Northway, and Tetlin, permits will be distributed through the tribal council offices in those communities. Contact the council offices for additional information, including any application deadlines. Permits will be issued to residents of Tok on a first-come, first-served basis at the Tetlin National Wildlife Refuge office in Tok, between 11 AM and 1 PM on Tuesday, July 29. Please bring your State of Alaska resident hunting license, a photo ID (such as an Alaska driver's license), and proof of local physical address. Documentation of physical address can include a voter registration card or a telephone or electric bill listing your physical address. For residents of other eligible areas and for Tok residents after July 29, contact Barbara Cellarius, Subsistence Coordinator, at 822-7236 for permit information.

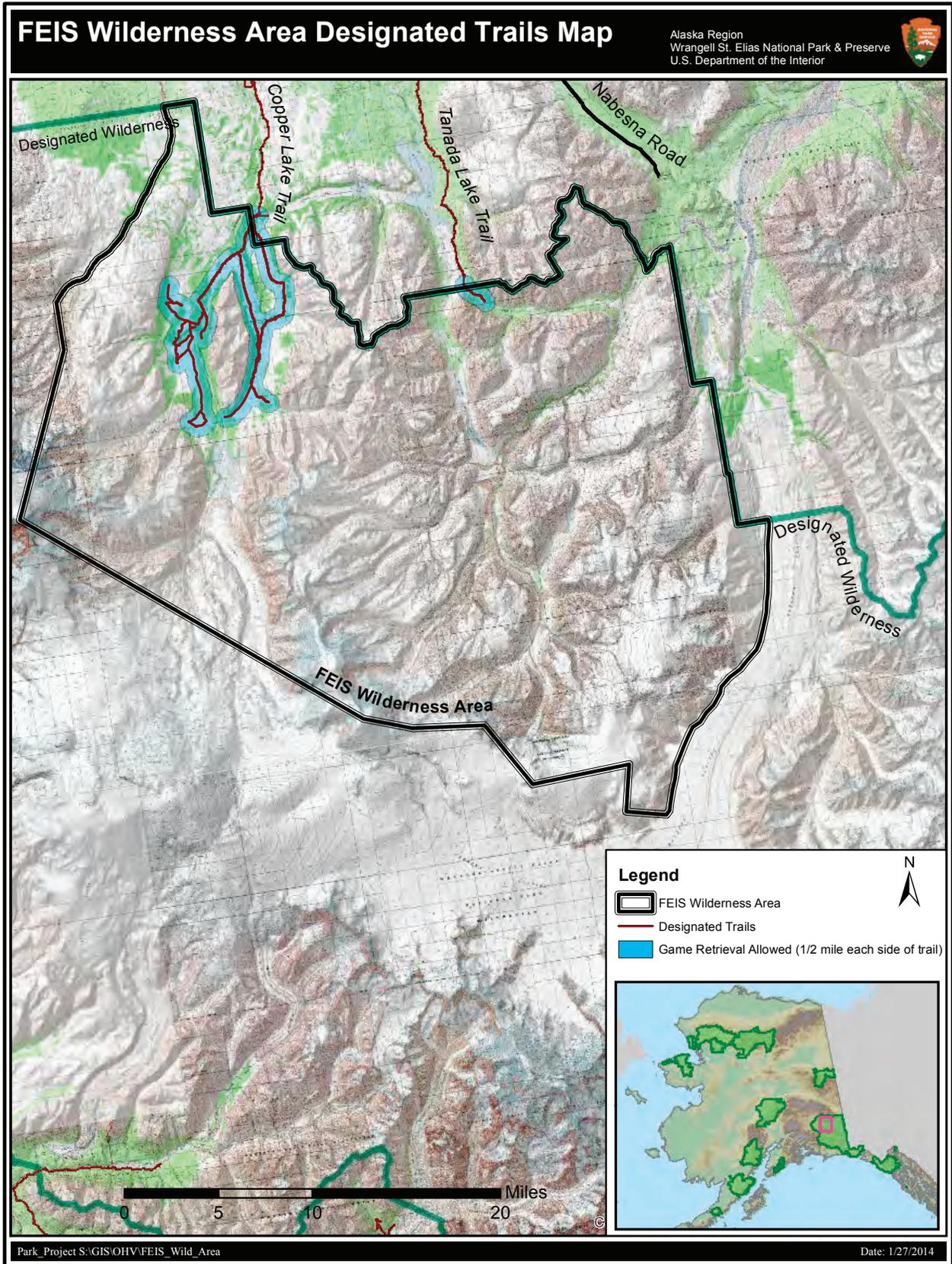
The Chisana caribou herd is a small international herd occurring in Yukon and Alaska on the Klutlan Plateau and near the headwaters of the White River. In the United States, its range is primarily within the boundaries of Wrangell-St. Elias National Park and Preserve. From the late 1980s through 2003, the herd experienced a decline in population and almost all hunting was stopped in 1994. From 2003 to 2006, a recovery effort designed to increase recruitment and calf survival was conducted. The herd population currently appears stable at approximately 700 animals. The herd management plan provides recommendations and strategies to guide its management and conservation. The conditions for this hunt are consistent with the plan.

For more information, contact Barbara Cellarius, Subsistence Coordinator, at (907) 822-7236 or barbara_cellarius@nps.gov.

--NPS--

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U.S. Department of the Interior

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Wrangell-St. Elias National Park/Preserve News Release

For Immediate Release – August 20, 2014
Mark Keogh – (907) 822-7223

Final Rule on Nabesna Off-Road Vehicle EIS

Copper Center, AK – The National Park Service (NPS) has published in the Federal Register a final rule for the management of off-road vehicle (ORV) use in the Nabesna District of Wrangell-St. Elias National Park and Preserve (WRST). The rule is effective September 19, 2014. The final rule is supported by the Nabesna Off-Road Vehicle Management Plan/Environmental Impact Statement (FEIS) and Record of Decision (ROD). The ROD was signed on December 14, 2011.

The Record of Decision followed a 4-year planning process that included intensive public involvement. During the planning process, NPS held and attended public meetings with other federal agencies, state agencies, Native corporations, tribal councils, environmental organizations, citizens groups, and subsistence advisory bodies to discuss the ORV Management Plan/EIS. Following the Record of Decision in late 2011, WRST has continued to inform involved stakeholders regarding the status of the final rule.

A proposed rule was published in the Federal Register on January 15, 2014 and was open for comments for 60 days. Eight comments were received. The final rule includes NPS responses to substantive comments. No substantial changes were made to the proposed rule as a result of comments received.

The final rule includes the following:

1. Designation of trails in the Nabesna District of the National Preserve where ORVs may be used off park roads for recreational purposes. At this time, this includes the following trails:

- Lost Creek trail
- Trail Creek trail
- Soda Lake trail

As trails are improved in the national preserve portion of the Nabesna district, they will be designated for recreational ORV use. These include the Reeve's Field trail, the Caribou Creek trail, and the Suslota trail.

2. Prohibition of the use of certain types of vehicles based upon size and weight. The following types of vehicles may not be used for recreational uses or subsistence uses in Wrangell-St. Elias National Park and Preserve:

- Tracked rigs greater than 5.5 feet in width or 4,000 lbs. curb weight.

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- Street legal highway vehicles.
- Custom 4x4 jeeps, SUVs, or trucks designed for off-road use.
- Original or modified “deuce and a half” cargo trucks.
- Dozers, skid-steer loaders, excavators, or other construction equipment.
- Motorcycles or dirt bikes.
- Log skidders.
- Wheeled vehicles (including all-terrain vehicles, utility vehicles, and Argos) exceeding 1,500 lbs. curb weight, not including trailers.

3. For trails in the FEIS Wilderness Area (Black Mountain trails and the southern portions of the Tanada Lake trail), the rule requires that subsistence ORV users stay on trails or within identified trail corridors. The trail corridors consist of 0.5 miles on either side of the trail, and ORV use in areas outside of the established trail will be solely for purposes of game retrieval. ORV travel outside of these designated trail corridors in the FEIS Wilderness Area will be prohibited. Trails and trail corridors in the FEIS Wilderness Area, and the boundaries of the FEIS Wilderness Area, are identified on a map available at the Slana Ranger Station and the Main Park Visitor Center, and on the park’s website at <http://www.nps.gov/wrst/parkmgmt/planning.htm>. They will also be identified at the Tanada and Copper Lake trailheads.

You can access the Federal Register notice by going to the following website:
<http://www.gpo.gov/fdsys/pkg/FR-2014-08-20/pdf/2014-19740.pdf>

Any questions can be directed to Bruce Rogers, park planner, at 907-822-7276 or Rick Obernesser, Superintendent, at 907-822-7202.



Winter 2015 Regional Advisory Council Meeting Calendar

February–March 2015 current as of 9/15/2014

Meeting dates and locations are subject to change.

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

Fall 2015 Regional Advisory Council Meeting Calendar August–November 2015

Meeting dates and locations are subject to change.

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
<i>Aug. 16</i>	<i>Aug. 17</i> WINDOW OPENS	<i>Aug. 18</i>	<i>Aug. 19</i>	<i>Aug. 20</i>	<i>Aug. 21</i>	<i>Aug. 22</i>
<i>Aug. 23</i>	<i>Aug. 24</i>	<i>Aug. 25</i>	<i>Aug. 26</i>	<i>Aug. 27</i>	<i>Aug. 28</i>	<i>Aug. 29</i>
<i>Aug. 30</i>	<i>Aug. 31</i>	<i>Sept. 1</i>	<i>Sept. 2</i>	<i>Sept. 3</i>	<i>Sept. 4</i>	<i>Sept. 5</i>
<i>Sept. 6</i>	<i>Sept. 7</i> HOLIDAY	<i>Sept. 8</i>	<i>Sept. 9</i>	<i>Sept. 10</i>	<i>Sept. 11</i>	<i>Sept. 12</i>
<i>Sept. 13</i>	<i>Sept. 14</i>	<i>Sept. 15</i>	<i>Sept. 16</i>	<i>Sept. 17</i>	<i>Sept. 18</i>	<i>Sept. 19</i>
<i>Sept. 20</i>	<i>Sept. 21</i>	<i>Sept. 22</i>	<i>Sept. 23</i>	<i>Sept. 24</i>	<i>Sept. 25</i>	<i>Sept. 26</i>
<i>Sept. 27</i>	<i>Sept. 28</i>	<i>Sept. 29</i>	<i>Sept. 30</i> <i>End of Fiscal Year</i>	<i>Oct. 1</i>	<i>Oct. 2</i>	<i>Oct. 3</i>
<i>Oct. 4</i>	<i>Oct. 5</i>	<i>Oct. 6</i>	<i>Oct. 7</i>	<i>Oct. 8</i>	<i>Oct. 9</i>	<i>Oct. 10</i>
<i>Oct. 11</i>	<i>Oct. 12</i>	<i>Oct. 13</i>	<i>Oct. 14</i>	<i>Oct. 15</i>	<i>Oct. 16</i>	<i>Oct. 17</i>
<i>Oct. 18</i>	<i>Oct. 19</i>	<i>Oct. 20</i>	<i>Oct. 21</i>	<i>Oct. 22</i>	<i>Oct. 23</i>	<i>Oct. 24</i>
<i>Oct. 25</i>	<i>Oct. 26</i>	<i>Oct. 27</i>	<i>Oct. 28</i>	<i>Oct. 29</i>	<i>Oct. 30</i>	<i>Oct. 31</i>
<i>Nov. 1</i>	<i>Nov. 2</i>	<i>Nov. 3</i> NS—Kaktovik (tent.)	<i>Nov. 4</i>	<i>Nov. 5</i>	<i>Nov. 6</i> WINDOW CLOSES	<i>Nov. 7</i>



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

Southcentral Alaska Subsistence Regional Advisory Council

Charter

1. **Committee's Official Designation.** The Council's official designation is the Southcentral Alaska Subsistence Regional Advisory (Council).
2. **Authority.** The Council is reestablished by virtue of the authority set out in the Alaska National Interest Lands Conservation Act (16 U.S.C. 3115 (1988)) Title VIII, and under the authority of the Secretary of the Interior, in furtherance of 16 U.S.C. 410hh-2. The Council is established in accordance with the provisions of the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C. Appendix 2.
3. **Objectives and Scope of Activities.** The objective of the Council is to provide a forum for the residents of the Region with personal knowledge of local conditions and resource requirements to have a meaningful role in the subsistence management of fish and wildlife on Federal lands and waters in the Region.
4. **Description of Duties.** The Council possesses the authority to perform the following duties:
 - a. Recommend the initiation of, review, and evaluate proposals for regulations, policies, management plans, and other matters relating to subsistence uses of fish and wildlife on public lands within the Region.
 - b. Provide a forum for the expression of opinions and recommendations by persons interested in any matter related to the subsistence uses of fish and wildlife on public lands within the Region.
 - c. Encourage local and regional participation in the decisionmaking 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. Appoint one member to the Wrangell-St. Elias National Park Subsistence Resource Commission and two members to the Denali National Park Subsistence Resource Commission in accordance with Section 808 of the Alaska National Interest Lands Conservation Act (ANILCA).
 - f. Make recommendations on determinations of customary and traditional use of subsistence resources.
 - g. Make recommendations on determinations of rural status.
 - h. Provide recommendations on the establishment and membership of Federal local advisory committees.
5. **Agency or Official to Whom the Council Reports.** The Council reports to the Federal Subsistence Board Chair, who is appointed by the Secretary of the Interior with the concurrence of the Secretary of Agriculture.
 6. **Support.** The U.S. Fish and Wildlife Service will provide administrative support for the activities of the Council through the Office of Subsistence Management.
 7. **Estimated Annual Operating Costs and Staff Years.** The annual operating costs associated with supporting the Council's functions are estimated to be \$160,000, including all direct and indirect expenses and 1.15 staff years.
 8. **Designated Federal Officer.** The DFO is the Subsistence Council Coordinator for the Region or such other Federal employee as may be designated by the Assistant Regional Director – Subsistence, Region 7, U.S. Fish and Wildlife Service. The DFO is a full-time Federal employee appointed in accordance with Agency procedures. The DFO will:
 - Approve or call all of the advisory committee's and subcommittees' meetings,
 - Prepare and approve all meeting agendas,
 - Attend all committee and subcommittee meetings,
 - Adjourn any meeting when the DFO determines adjournment to be in the public interest, and
 - Chair meetings when directed to do so by the official to whom the advisory committee reports.



9. **Estimated Number and Frequency of Meetings.** The Council will meet 1-2 times per year, and at such times as designated by the Federal Subsistence Board Chair or the DFO.
10. **Duration.** Continuing.
11. **Termination.** The Council will terminate 2 years from the date the Charter is filed, unless, prior to that date, it is renewed in accordance with the provisions of Section 14 of the FACA. The Council will not meet or take any action without a valid current charter.
12. **Membership and Designation.** The Council's membership is composed of representative members as follows:

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

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

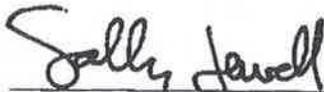
Members will be appointed for 3-year terms. A vacancy on the Council will be filled in the same manner in which the original appointment was made. Members serve at the discretion of the Secretary.

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

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

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

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


Secretary of the Interior

NOV 25 2013

Date Signed

DEC 03 2013

Date Filed

