

SOUTHCENTRAL ALASKA Subsistence Regional Advisory Council



Karen Laubenstein / USFWS

Bishop Beach at low tide.

Meeting Materials
October 15–16, 2012
Homer

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SOUTHCENTRAL ALASKA SUBSISTENCE REGIONAL ADVISORY COUNCIL

Islands and Oceans Visitor Center – Homer, Alaska
 October 15–16, 2012

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

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

*Asterisk identifies action item.

- 1. Call to Order (Chair)**
- 2. Invocation**
- 3. Roll Call and Establish Quorum (Secretary)..... 4**
- 4. Welcome and Introductions (Chair)**
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A. Confirm date and location of winter 2013 meeting*	
B. Select date and location of fall 2013 meeting*	
14. Closing Comments	
15. Adjourn (<i>Chair</i>)	

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 Southcentral Council Coordinator Donald Mike at 907-786-3629 or contact the Office of Subsistence Management at 1-800-478-1456 for general inquiries.

REGION 2—South Central Alaska Regional Advisory Council

Seat	Yr Apptd Term Expires	Member Name & Address	
1	2007 2013	Robert J. Henrichs Cordova	
2	2003 2013	Douglas Floyd Blossom Clam Gulch	
3	2003 2013	Richard Greg Encelewski Ninilchik	
4	2010 2013	Mary Ann Mills Kenai	
5	2010 2013	Lee Ray Adler Glennallen	
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 2012	Judith C. Caminer Anchorage	Secretary
11	1993 2012	Ralph E. Lohse Copper River	Chair
12	2003 2012	Thomas M. Carpenter Cordova	Vice-Chair
13	2012 2012	Elsie Kanayurak Kenai	

SOUTHCENTRAL ALASKA SUBSISTENCE REGIONAL ADVISORY COUNCIL

Meeting Minutes

March 12, 2012

BP Energy Center

Anchorage, Alaska

Call to Order

The meeting was called to order by Chair Ralph Lohse at 9:16 a.m. Invocation was led by Council member Larry Williams.

Roll Call

The following Council members were present and a quorum established: Ralph Lohse (Chair), Tom Carpenter, Greg Encelewski, Judy Caminer, Robert Henrichs, Andrew McLaughlin, Mary Ann Mills, Michael Opheim, James Showalter, Gloria Stickwan, Elsie Kanayurak, Douglas Blossom.

Welcome and Introductions

The following persons were present at the start of the meeting and/or on subsequent days:

Approval of Agenda

The following items were added to the agenda: Railroad moose kill (Henrichs), meeting cycle (Caminer). Mr. Carpenter moved to adopt the amended agenda, seconded by Mr. Henrichs. Motion carried unanimously.

Election of Officers

Mr. Blossom moved to nominate Ralph Lohse as chair, seconded by Mr. Encelewski. Mr. Blossom moved to close nominations, seconded by Mr. Encelewski. Mr. Lohse approved as Chair by unanimous consent.

Mr. Blossom moved to nominate Tom Carpenter as Vice-Chair, seconded by Mr. Showalter. Mr. Blossom moved to close nominations, seconded by Mr. Henrichs. Mr. Carpenter approved as Vice-Chair by unanimous consent.

Mr. Blossom moved to nominate Judy Caminer as Secretary, seconded by Ms. Stickwan. Ms. Caminer approved as Secretary by unanimous consent.

Approval of Minutes

Mr. Encelewski moved to approve the minutes from the October 3-4, 2011 meeting; seconded by Mr. Carpenter. Motion carried unanimously.

Council Member Concerns/Reports

Mr. Carpenter noted that per diem had still not been fully paid from fall 2011 meeting.

Ms. Caminer would like to see more information about agency activities and expressed concerns about sheep north of Anchorage.

Ms. Stickwan was curious about the reasoning for the Federal Subsistence Board reversing its decision regarding rural status of Saxman.

Chair Lohse explained the Board's rationale on that decision and provided a summary of the Board's actions at its January 2012 meeting.

Annual Report

Mr. Carpenter moved to adopt the draft annual report for FY 2011; seconded by Mr. Henrichs. Motion carried unanimously.

Tribal Consultation Policy

The Council reviewed and discussed the most recent draft of the Federal Subsistence Program Tribal Consultation Policy. Ms. Mills commented on the preamble regarding traditional lands and executive orders. She also objected to consultation with ANCSA corporations on the same status as Tribes. She later added she wanted to see a review of ANILCA to support the idea that it was Indian Law. Ms. Stickwan wished to add a reference to Section 809 of ANILCA in the cooperative agreements discussion of the policy. She also expressed a concern about how Tribal consultation regarding customary and traditional use determinations would usurp Regional Advisory Council deference on such decisions. Ms. Caminer noted that she felt the policy was going in the right direction. Mr. Encelewski noted that he felt the working group had been doing good work, but felt that a discussion on Tribal consultation regarding specific management issues was lacking. Mr. Henrichs expressed concern about the limitations on jurisdictional input into U.S. territorial waters out to 200 miles. Ms. Stickwan wanted to see more reporting on when consultation occurs. Nancy Swanton, National Park Service, provided information on the working group and the process of drafting the consultation policy. Jerry Berg, U.S. Fish & Wildlife Service, also provided information to the Council on developing an implementation plan. Several Council members raised issues related to the process and timing.

WP12-22a –

Request for customary and traditional use determination for Ninilchik for brown bear

Pippa Kenner, anthropologist with the Office of Subsistence Management, provided an update on the status of this proposal to the Council. Ms. Kenner noted that the Board had deferred the proposal regarding Unit 8, and that the Ninilchik Traditional Council had requested to withdraw that portion of the proposal. Mr. Encelewski noted that the purpose of the withdrawal was to allow time for the Southcentral Council to meet and discuss the matter with the Kodiak/Aleutians Council. Helen Armstrong, anthropologist with the Office of Subsistence Management, noted that the Federal Subsistence Board would decide whether to accept the withdrawal.

Unit 7 and 15 Moose Management – Kenai National Wildlife Refuge

Jerry Berg, U.S. Fish & Wildlife Service, provided history and an update on Kenai moose management issues. Andy Loranger, Refuge Manager, provided updated harvest information for Unit 15 moose. Mr. Berg then discussed the possibility of delegating management authority from the Board to the refuge manager.

Chair Lohse asked some questions regarding effect on existing regulations and how delegation would work. Mr. Carpenter asked if the delegation would come in the form of a proposal, and Mr. Berg responded that it was a direct request to the Board. Mr. Carpenter and Chair Lohse both noted that the Council has supported authority for closures in the past. Mr. Encelewski expressed concerns over impacts of continued closures on subsistence opportunities. There was also discussion regarding bull/cow ratios. Ms. Caminer inquired regarding impacts of sport hunting on subsistence hunting and vice versa, which led to a discussion on applying closures to particular user groups. Council members also discussed with Mr. Loranger the impact of roadkill on Kenai moose.

Gates of the Arctic SRC Hunting Proposal 11-01

Barbara Cellarius, National Park Service, gave a presentation on a request from the Gates of the Arctic Subsistence Resource Commission regarding an increase in per diem to SRC and Regional Advisory Council members. Council members raised questions regarding potential tax implications of an increase

to per diem. There was also a general discussion as to how per diem rates varied from one community to the next.

Mr. Carpenter moved to support the proposal; seconded by Mr. Encelewski. The motion carried unanimously.

The Council went off record for lunch. Upon going back on record, Mr. Blossom had some questions for Refuge Manager Loranger regarding brown bear populations on the Kenai National Wildlife Refuge.

National Park Service Environmental Assessment: Collection of Antlers on Park Lands

Bud Rice, an environmental protection specialist with the National Park Service, gave a presentation on the current status of the NPS Environmental Assessment (EA) which would relax the rules regarding collection of antlers and other items on park service lands for subsistence use, where subsistence activities are presently authorized under the Alaska National Interest Lands Conservation Act (ANILCA). He reviewed the Executive Summary for the EA, and then reviewed the various alternative actions being considered and the public comment process on those alternatives. Mr. Rice also reviewed concerns and support from various stakeholders.

Council members asked several questions regarding wording and impact of the various alternatives. There was also discussion about the remaining process the Park Service will be using to choose the final alternative. Council members also discussed the merits of the different alternatives and the potential impacts on subsistence users. Particular concerns were raised regarding the burden of imposing a permit system. There were several anecdotal stories exchanged regarding abuses by particular individuals in various parks in the collection of antlers and various materials. The Council then discussed which particular proposal it might support. Mr. Encelewski moved to support the eligibility restrictions in Alternative C, and otherwise support the remaining elements of Alternative B; seconded by Mr. Carpenter. Motion carried unanimously.

Council Charter

The Council discussed various changes made during the 2011 revision to the Councils' Charter. Designated Federal Officer Melinda Hernandez summarized the changes that were made and the explanation for those changes as provided by Washington, D.C.

Alaska Railroad Moose Kills

Mr. Henrichs raised concerns from residents of the region regarding the alarmingly high number of moose kills perpetrated by the Alaska Railroad. He noted the State had supported diversionary feeding to keep moose off railroad tracks, but that the Railroad was against it. He also noted the importance of moose and the high dollar value of that amount of protein to the rural Alaskan diet. Chair Lohse asked if the Railroad was required to distribute moose kill meat; Mr. Henrichs replied in the negative. Mr. Henrichs also noted that diversionary feeding has been successful in deterring moose. Mr. Henrichs suggested drafting a letter to the Alaska Railroad, expressing their concerns, and requesting someone from the Railroad come to the fall meeting to discuss the issues. This was supported by Mr. Carpenter and Ms. Caminer. Mr. Carpenter moved to write the letter; seconded by Mr. Blossom. Motion carried unanimously.

Information Updates for Council

The Chair granted the floor to Ms. Caminer, who discussed the importance of having regular updates on various agency activities so that Council members could be informed as to what is happening in their region and what impacts could be from those activities. She encouraged the Office of Subsistence management to ensure that, with the hiring of new council coordinators, more information is provided so

that Council members can stay informed in between meetings. Ms. Stickwan concurred, noting the Susitna Dam project and the gas pipeline projects. Mr. Encelewski also spoke in support.

Regulatory Cycle

Ms. Caminer raised the issue of the timing of the regulatory cycle in conjunction with the Council and Federal Subsistence Board meeting schedule. She noted that with the current schedule of Council and Federal Subsistence Board meetings, Council members are often required to travel at times when it is hazardous. She also suggested matching up the fisheries and wildlife regulatory cycle so that they cover the same period. Mr. Carpenter added that it is important to schedule meetings at locations that are relevant to the proposals being considered. He also noted that changing both cycles to begin on July 1 would be consistent with the State regulatory process. Ms. Caminer and Chair Lohse agreed that would make it convenient. Jennifer Yuhas, State of Alaska, noted that upcoming State Board meetings were posted on a calendar to help the Council with its meeting planning.

Following a brief break, Mr. Henrichs shared an amusing anecdote about a magpie pulling fur off a cow moose rear end for nesting materials.

Agency Reports

Office of Subsistence Management, Steven Fried

Steve Fried, Fisheries Division Chief for the Office of Subsistence Management, provided a briefing on several topics, including the status of the Secretarial review, recent OSM staffing changes, and the upcoming request for proposals for the Fisheries Resource Monitoring Program. For the status on the Secretarial review, Mr. Fried noted the recent appointments of two rural members, Anthony Christianson and Charles Brower, the status of the review of the December 2008 Memorandum of Understanding between the Board and the State, and the status of the rural determination process. Mr. Fried fielded questions from various Council members.

National Park Service, Barbara Cellarius

Barbara Cellarius, Subsistence Coordinator for Wrangell-St. Elias National Park & Preserve, gave a presentation on the recent NPS Record of Decision regarding the park's off road vehicle Environmental Impact Statement and related management plan. Ms. Cellarius also discussed the recent Federal Subsistence Board decision regarding the subsistence harvest opportunity for the Chisana Caribou Herd. Mr. Carpenter asked questions as to how the NPS would determine which communities were able to conduct a harvest. Ms. Cellarius shared known information about the areas and feedback she has received from communities and the Eastern Interior Alaska Subsistence Regional Advisory Council. Ms. Cellarius and several Council members regarding possible permit allocation options. Ms. Cellarius then provided updates on other NPS matters, including new superintendent for Wrangell-St. Elias, a moose survey for the Nabesna Road, a Dall sheep survey in the Park, and a brown bear project down in Yakutat in cooperation with the Alaska Department of Fish & Game.

Forest Service, Milo Burcham and Ruth D'Amico

Milo Burcham, subsistence biologist of the Chugach National Forest, provided an update. He first discussed the Chugach's schedule of proposed activities, which identifies various USFS activities that may affect subsistence users. He then discussed specific activities. Mr. Burcham noted that the Chugach was undergoing a land management planning revision based on new rules. He also highlighted the Ibek Creek off-highway vehicle trail near Cordova, a proposal to cut mature shrubs on the Copper River Delta to improve moose habitat, and the Bean North Fuel Reduction project on the Kenai. Mr. Burcham also mentioned that the Forest Service was considering seeking delegation of authority for moose management on the Kenai Peninsula due to conservation concerns. He also provided an update on moose permits, harvest and fresh water fishing permits for Prince William Sound, and updates on the Federal subsistence

fishery. Ruth D'Amico, from the Chugach office on the Kenai, provided additional information on the dipnet fishery on the Russian River, Federal moose permits, and the Hope community caribou hunt.

Alaska Department of Fish and Game, Jennifer Yuhás

Jennifer Yuhás reported for the Department. She first noted the calendar for upcoming Board of Fisheries and Board of Game meetings. She then responded to prior Council member questions regarding Nabesna Moose and the Memorandum of Understanding. Ms. Yuhás then responded to a question regarding a proposal to allow the sale of trophy antlers in divorce cases. Mr. Blossom had a question about permits for an antlerless moose hunt in Unit 15C.

Native Village of Eyak, Keith VandenBroek

Mr. VandenBroek first discussed Eyak's continued involvement with the Fisheries Resource Monitoring Program, particularly its efforts since 2001 to study Chinook escapement on the Copper River using fishwheels. He also noted that Eyak will be working with ADF&G to install an antenna array at the Gulkana counting tower to enhance its program. Mr. VandenBroek then noted various moose efforts that Eyak is undertaking, including an orphan moose program and cooperating with the Chugach National Forest on moose habitat enhancement.

Future Meetings

The Council confirmed a fall meeting date of October 15-16, 2012 in Anchorage. The Council set the winter 2013 meeting date for February 20-21, location to be determined later.

The Council briefly discussed the upcoming Federal Subsistence Board meeting and raising the issue of the regulatory cycle at one of those meetings.

The meeting adjourned.

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

Carl Johnson, DFO
USFWS Office of Subsistence Management

Ralph Lohse, Chair
Southcentral Alaska Subsistence Regional Advisory Council

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

PROPOSAL REVIEW PROCEDURES

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

FP13-15 Executive Summary	
General Description	Proposal FP13-15 requests that the expiration date for the community fish wheel salmon fishery on the Kasilof River be removed from regulation allowing continued operation of the community fish wheel. <i>Submitted by Darrel Williams on behalf of Ninilchik Traditional Council</i>
Proposed Regulation	§ __.27(i)(10)(iv)(H) (8) This regulation expires December 31, 2011, or 3 years after the first installation of the fish wheel, whichever comes first, or unless renewed by the Federal Subsistence Board. See the analysis for the full regulation.
OSM Preliminary Conclusion	Support
Southcentral Regional Council Recommendation	
Interagency Staff Committee Comments	
ADF&G Comments	Oppose
Written Public Comments	None

DRAFT STAFF ANALYSIS FP13-15

ISSUES

Proposal FP13-15, submitted by Darrel Williams on behalf of Ninilchik Traditional Council requests that the expiration date for the community fish wheel salmon fishery on the Kasilof River be removed from regulation allowing continued operation of the community fish wheel.

DISCUSSION

In 2008, the Federal Subsistence Board adopted Proposal FP08-09 to allow for a temporary community fish wheel. The new regulation was adopted to determine the feasibility of operating a fish wheel to harvest salmon on the Kasilof River. The fishery regulation expired in 2011. In 2012, the Ninilchik Traditional Council requested an emergency special action to allow for continued operation of one fish wheel in the upper mainstem of the Kasilof River beginning July 1 through August 29, 2012. This proposal would remove the expiration date from the current regulation allowing the operation of the community fish wheel to continue beginning in 2013.

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 through a fish wheel fishery 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 15 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.

- (8) *This regulation expires December 31, 2011, or 3 years after the first installation of the fish wheel, whichever comes first, or unless renewed by the Federal Subsistence Board.*

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 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;

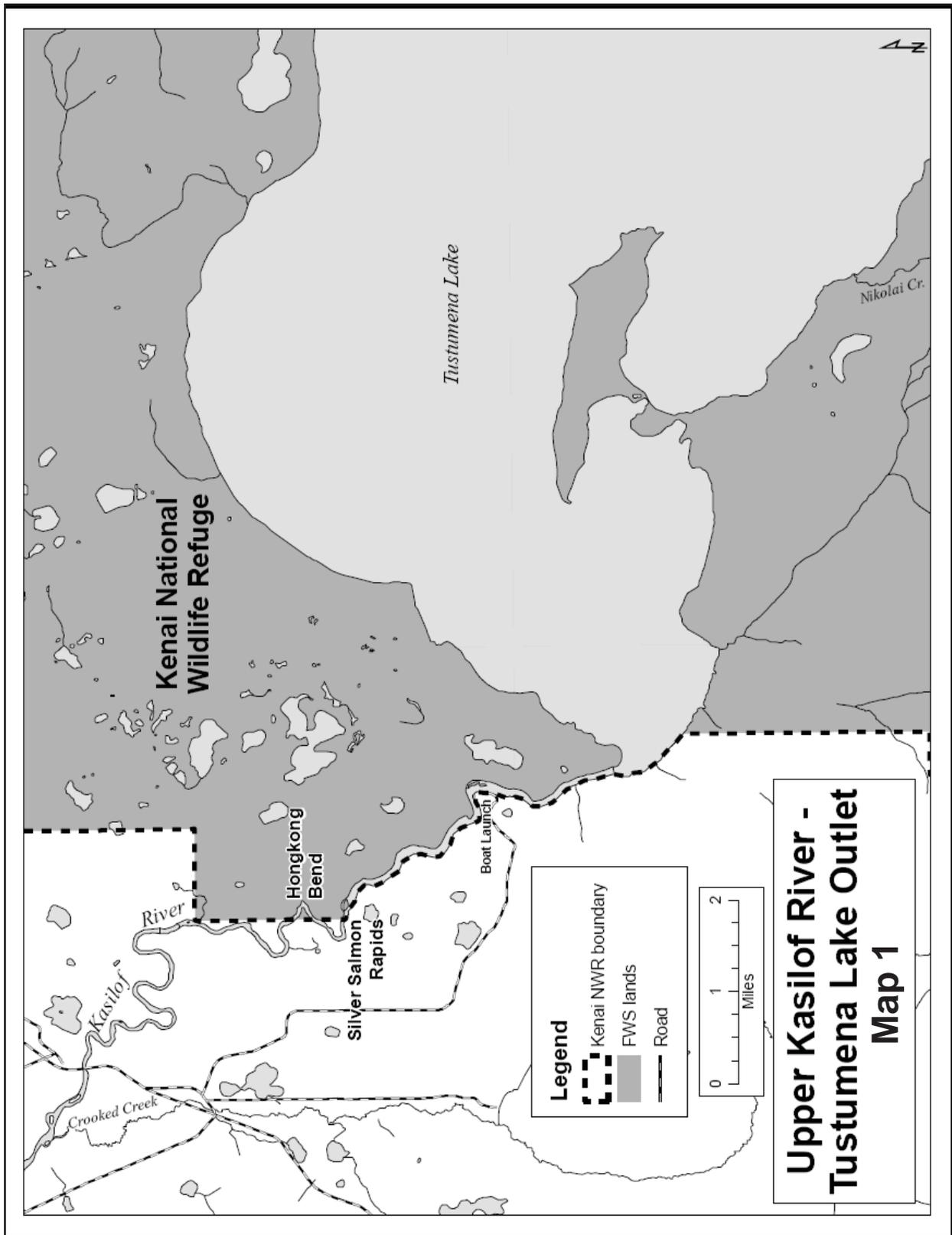
- (ii) *If they are not the fish wheel owner, attach an additional wood, metal or plastic plate at least 12 inches high by 12 inches wide to the fish wheel that is plainly visible, and that contains their fishing permit number, name, and address in letters and numerals at least 1 inch high;*
- (iii) *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 15 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.*
- ~~(8) *This regulation expires December 31, 2011, or 3 years after the first installation of the fish wheel, whichever comes first, or unless renewed by the Federal Subsistence Board.*~~

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 (**Map 1**). 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

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 Kasilof River drainage, 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 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 and 10 flounder for the head of each household and 10 salmon for each additional household member. 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 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 and sport fisheries are restricted.

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.

In January 2006, the 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 final positive customary and traditional use determination for Ninilchik residents for all fish in the Kenai River Area.

During their May 2007 meeting, the 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 Board adopted a proposal to establish a winter season subsistence fishery in 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 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 examine 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 wheel to be classified as a gear type, but only in the Kasilof River. The Board specified that only one fish wheel with a live box was allowed in the upper mainstem of the Kasilof River. A permit would be required to fish the fish wheel and before the permit was awarded an operation plan must be submitted to and approved by the inseason manager. 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.

Biological Background and Harvest History

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 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 (Fall et al. 2004).

The total number of sockeye salmon returning to Upper Cook Inlet, in 2011, was estimated at 6,293,845 well above the 10-year average of 4,160,322 (2002 –2011). Salmon populations in the Kasilof River are healthy, and harvests, while large, have been within sustainable limits. In 2011, Kasilof River sockeye salmon escapement was estimated at 245,721, well within the optimal escapement goal range of 160,000 – 390,000 (Shields 2012). The temporary fish wheel fishery share Federal household and annual total

harvest limits for all species with the dip net/rod and reel fisheries in the Kasilof River. While residents of Ninilchik made efforts to operate a fish wheel in 2010, 2011 and 2012 no fish have been harvested to date (Palmer 2012 and Williams 2012). Currently, most of the effort has been focused on designing and implementing an effective fish wheel and searching for a productive site.

In 2011, a total of 131 Federal subsistence fishing permits were issued and 71 were actively used for subsistence fishing. Of the active Federal permits, 82% were used on Kenai River to harvest 1089 sockeye salmon and 18% were used on the Kasilof River resulting in 1 sockeye being harvested (FSPS 2012 and Palmer 2012 pers. comm.).

In 2012, the community fish wheel was operational for a total of 12 day starting July 5 and continuing through August 3. Each fishing day consisted of assembling the fish wheel and launching the wheel into Kasilof River, setting the fish wheel in position to fish and installing a fish weir to guide fish into the wheel. Once operation of the wheel was completed for the day, the fish wheel and weir were removed from the river. The fish wheel was fished between six and ten hours each time it was launched into the Kasilof River (Williams 2012).

Effects of the Proposal

To date, the temporary fish wheel fishery has had no effect on existing fishery resources but its future effects remain unknown. Overharvest of small stocks could arise if the fish wheel becomes a viable capture technique and harvest levels increase beyond sustainable levels. Research funded by OSM (Gates et al 2010) noted differences in migratory timing between most populations of coho salmon spawning in Tustumena Lake tributaries and the Kasilof River main stem. Several of the lake tributary populations appear to be small (a few hundred fish), but they comprise the majority of the early portion of the run. These populations may be susceptible to overexploitation in fisheries that target the early component of the run. In addition, Tustumena Lake tributaries support small numbers of steelhead trout that migrate seasonally through the upper Kasilof River. While the fish wheel is required to have a live box that will be monitored regularly allowing most incidentally caught fish to be released unharmed, there is a concern over the effects of handling contributing to mortality or misidentification of captured steelhead being accidentally harvested. The in-season manager can take action, if necessary, to address these potential concerns.

Ninilchik Tribal Council has submitted an operation plan for the fish wheel during all years and has complied with the provisions in regulation. They have continued to implement the fish wheel and attempt to locate a desirable fishing site. The fish wheel, as well as its associated cables and anchoring devices have been situated and visibly marked so that they did not constitute a navigational hazard to boat.

OSM PRELIMINARY CONCLUSION

Support Proposal FP13-15.

Justification

Community fish wheels were among the types of gear suggested for potential Federal subsistence fisheries harvest in Cook Inlet Management Area (Fall et. al. 2004). Since a fish wheel fishery has not been fully implemented on the Kasilof River, possible effects of the fishery are not fully understood. It is possible that the fish wheel fishery could provide an effective means of harvesting salmon while conserving healthy fish populations by keeping harvests within sustainable levels; avoiding excessive mortality of nontarget species; and allowing for species, stock, and size-selective management. The

developing fishery will need to be closely monitored. The Ninilchik Traditional Council has demonstrated their interest in developing a community fish wheel fishery by submitting annual operational plans, complying with all regulations and continuing to deploy their fish wheel. The fish wheel could increase Federal subsistence harvest opportunities for residents of Ninilchik and should continue to be allowed as gear type in regulation.

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ADF&G Comments on FP13-15
August 14, 2012, Page 1 of 3

Alaska Department of Fish and Game
Comments to Interagency Staff Committee

Fisheries Proposal FP13-15: Revise the Kasilof River fish wheel fishery from a temporary three-year fishery to a permanent fishery for residents of Ninilchik.

Introduction: Adoption of this Ninilchik Traditional Council proposal would change the status of the fish wheel subsistence fishery on the Kasilof River from a temporary fishery which must be reevaluated for continued use every three years to a permanent fishery. All other regulatory requirements for this fish wheel fishery would remain the same.

Only residents of Ninilchik may harvest salmon from the Kasilof River under federal subsistence fishing regulations. Only one fish wheel will be allowed in the upper mainstem of the Kasilof River and this fish wheel fishery is for residents of Ninilchik. An operating plan must be submitted by the organization regarding who is responsible for construction, installation, operation, use, and removal of the fish wheel. The plan must be approved by the inseason fishery manager, in consultation with the Kenai National Wildlife Refuge (NWR) manager, and must also include how fishing time and fish will be offered and distributed among households and residents of Ninilchik. Fishing for sockeye, Chinook, coho, and pink salmon will be closed by Special Action prior to regulatory end dates if the annual total harvest limit for the species is reached or superseded by other Federal Special Action. Salmon taken in the Kasilof River dip net or fish wheel fisheries will be included as part of each household's annual limit for the Kenai River. After 200 rainbow/steelhead trout have been taken in the dip net fishery, or after August 15, all rainbow/steelhead trout must be released unless otherwise provided. Rainbow/steelhead trout cannot be kept in the fish wheel fishery. All fish harvested as part of the household limit in the dip net or fish wheel fisheries in the Kasilof River must be reported to the inseason manager within 72 hours of leaving the fishing location. Failure to respond to reporting requirements or return this completed harvest permit by the due date listed on the permit may result in issuance of a violation notice and will make you ineligible to receive a subsistence permit during the following regulatory year.

Impact on Subsistence Users: The proponent anticipates that this proposal will allow Ninilchik federal subsistence users to continue to harvest fish where the community has a customary and traditional determination.

Impact on Other Users: None noted at this time, because the harvest of fish has been zero.

Opportunity Provided by State: The Kasilof River is located in the Anchorage-MatSu-Kenai-Nonsubsistence Area designation under state law (5 AAC 99.015. (3)). The state provides a broad array of personal use, recreational, and educational fisheries that provide more opportunity than is used by Ninilchik to meet needs for personal and family consumption as well as cultural purposes.

Conservation Issues: The department continues to express conservation concerns about the fish stocks in Kasilof River.

ADF&G Comments on FP13-15
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Incidental handling of rainbow/steelhead trout, Arctic char/Dolly Varden, lake trout, and other resident species is a concern. Although harvest of rainbow/steelhead trout will be prohibited in the fish wheels, handling mortality of resident species caught and released from a fish wheel may be greater than that caused in the sport fishery.

The department is particularly concerned about the potential of handling mortality caused by the catch and release of captured rainbow/steelhead trout during the migration timing of steelhead trout in Kasilof River. Operation of a fish wheel for six weeks after the proposed season closure for retention of Chinook salmon may induce unnecessary handling mortality of incidentally-captured weakened Chinook salmon well into their spawning phase. The reporting of the number of Chinook salmon released during the spawning season needs to be a permit stipulation. The Department of Fish and Game staff conduct fisheries research projects on Kasilof River. Requiring the reporting of captured tagged fish would assist the agencies with understanding the impacts a new fishery will have on populations of fish which little is known.

Enforcement Issues: None noted at this time.

Jurisdiction Issues: The department requests detailed maps showing the boundaries within which federal regulations would apply and the justification for claiming those boundaries. A detailed land status map is needed that distinctly illustrates land ownership, easements, and exact boundaries of legal federal jurisdiction. If this proposal is adopted, subsistence users will have to know exactly where federal regulations apply to install a fish wheel and to keep from violating state regulations.

Other Issues: The use of community fish wheels raises a number of issues, in addition to conservation and jurisdiction. For example, coordination between operators of the community fish wheels and households receiving the fish will have to be carefully planned to prevent harvesting more fish than needed at a given time and to ensure that individuals do not exceed household limits. Ensuring that overall community limits are not exceeded may be difficult, even though the rod and reel and dipnet fishermen are required to report harvests in a timely manner. If this proposal is adopted, individuals catching and receiving the fish should be issued a federal fish wheel permit to identify them as federally-qualified subsistence users. Frequent catch reporting must be required. Given the lack of stock status information and the harvest potential of this fishery, the department recommends a 24-hour, rather than 72-hour, reporting requirement to ensure compliance with established limit. A reporting period longer than 48 hours could result in significant overharvest.

There is a need to better define cumulative harvest limits between the subsistence fisheries gear types. The proposal presents challenges to a Federal Designated Individual regarding the ability to manage multiple gear types with specific harvest limits in a timely manner.

The department recommends that language be inserted into the regulation which would prohibit installation of a fish wheel within 500 yards downstream of a department fish wheel. The department is concerned that if a fish wheel is installed within 500 yard downstream of a research fish wheel, fish migration patterns may be altered, which would impact project results and disrupt long term data sets.

ADF&G Comments on FP13-15
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During the 3+ years since the Kasilof River fish wheel fishery was established, no fish have been harvested (G. E. Pappas, State Subsistence Liaison, USFWS OSM, Anchorage, personal communication). Since this gear type has not proven to be an efficient or effective harvest method, the department recommends that this fish wheel fishery be discontinued. If it is allowed to continue, we recommend that it be approved on a temporary basis for an additional three years and not be approved as a permanent fishery. Approval on a temporary basis, would allow the fishery to be reevaluated in the future to determine if it is meeting its objectives.

Recommendation: Oppose.

Briefing for Regional Advisory Councils – Fall Cycle, 2012

on

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

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

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

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

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

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

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

GENERAL CHANGES

1. *Plain language:* Several Councils requested that plain language be used wherever possible. A few changes were made in response as indicated in the document. We would appreciate if Councils can suggest additional such changes.

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

2. *Reordering:* The MOU is reformatted to consistently place Federal language before State language as this MOU focuses on the Federal Subsistence Program and Federal public lands. This partially addresses multiple Councils' concerns about the tone of the MOU.
3. *Glossary and definition of terms:* Rather than creating a glossary or defining terms we have spelled out text fully and tried to use plain language.

SOME SPECIFIC CHANGES

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

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

Proposed Schedule

June-July 2012	Revised version is provided to the Federal Subsistence Board and State for review/approval to move forward with RAC and AC review. FSB approval occurred on July 18, 2012.
August-October 2012	RACs and ACs review and provide comments. Tribes / ANCSA Corporations are invited to consult on the revised version at Council meetings or by special request to OSM. At least one Federal MOU working group member participates in each RAC meeting to dialogue about the revised draft. Attendance is in-person if possible and otherwise by conference call.

Memorandum of Understanding

- | | |
|---------------------|--|
| November 2012 | Federal & State MOU working group addresses comments received. MOU working group develops list of remaining issues. |
| November-December | Signatories (FSB / State) each meet with their respective agency staff to discuss the revised version and issues, if any; sends comments to the MOU working group. |
| November-December | MOU working group meets to resolve signatories' issues, if any, based on direction from their signatories. |
| January 22-24, 2013 | Federal Subsistence Board public meeting and final Tribal/ANCSA Corporation consultation. Signatories (FSB, BOG, BOF, and ADF&G) meet to work out final details and agree to sign revised MOU. This meeting also serves as the annual MOU meeting. |

SUMMARY OF WINTER 2011 COUNCIL COMMENTS ON THE MEMORANDUM OF UNDERSTANDING

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

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

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

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

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

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

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

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

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

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

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

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

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

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

III. Guiding Principles

- (1) ... other entities. *This includes keeping an open mind to the possibility of and implementation of predator control when the conservation of a particular species is in peril;*
- (2) Use best available ...and local traditional *and ecological* knowledge (*TEK*) for decisions...for subsistence use on *harvests* on Federal Public Lands.

IV. The FSB and State of Alaska Mutually agree:

- (2) To recognize that State and Federal...data and information and cultural *TEK* information are important...
- (9) To designate.to identify *Tribal and/or* local agency...

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

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

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

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

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

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

The Council had the following specific recommendations:

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

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

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

MEMORANDUM OF UNDERSTANDING

For

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

between the

Federal Subsistence Board

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

and

State of Alaska

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

I. PREAMBLE

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

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

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

Comment [SPR1]: Two members added.

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

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

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

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

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

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

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

Comment [SPR6]: Paragraph relocated from above.

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

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

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

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

II. PURPOSES

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

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

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

III. GUIDING PRINCIPLES

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

V. GENERAL PROVISIONS

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

Comment [SPR22]: Plain language.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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SIGNATORIES

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

Commissioner
Alaska Department of Fish and Game
Date:

Chair of the Federal Subsistence Board
Date:

Chair
Alaska Board of Fisheries
Date:

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

Chair
Alaska Board of Game
Date:

Regional Forester
U.S. Forest Service
Date:

Regional Director
National Park Service
Date:

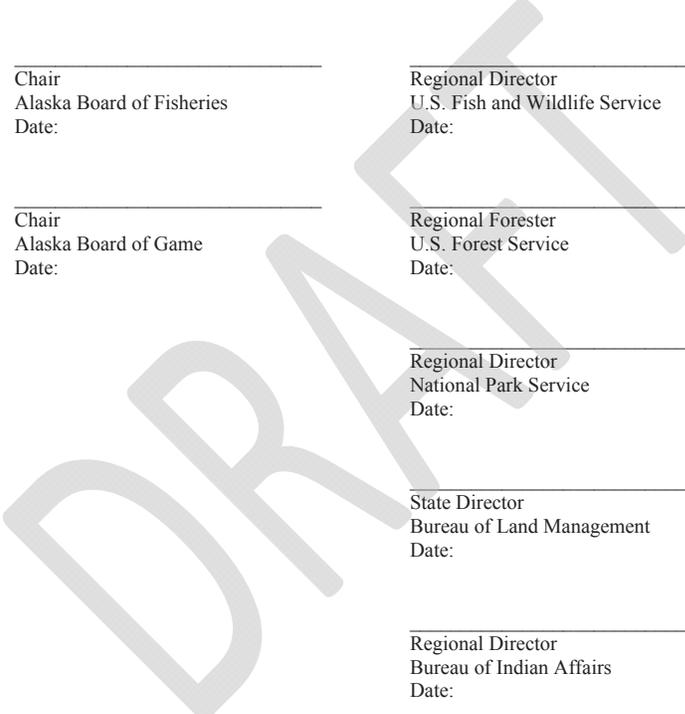
State Director
Bureau of Land Management
Date:

Regional Director
Bureau of Indian Affairs
Date:

Member of the Federal Subsistence Board
Date:

Member of the Federal Subsistence Board
Date:

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



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APPENDIX

SCOPE FOR PROTOCOLS AND/OR PROCEDURES

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



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

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



JUL 31 2012

FWS/OSM12060.CA

Refuge Manager
Kenai National Wildlife Refuge
P. O. Box 2139
Soldotna, Alaska 99669-2139

Dear Kenai Refuge Manager:

This letter delegates specific regulatory authority from the Federal Subsistence Board to the Kenai National Wildlife Refuge Manager to issue emergency special actions if necessary to ensure the continued viability of a wildlife population, to continue subsistence uses of wildlife, or for reasons of public safety; or temporary special actions if the proposed temporary change will not interfere with the conservation of healthy wildlife populations, will not be detrimental to the long-term subsistence use of wildlife resources, and is not an unnecessary restriction on non-subsistence users. This delegation only applies to the Federal public lands subject to ANILCA Title VIII within the Kenai National Wildlife Refuge.

It is the intent of the Federal Subsistence Board that special actions related to the management of wildlife by Federal officials be coordinated, prior to implementation, with the Alaska Department of Fish and Game (ADF&G) and the Southcentral Alaska Subsistence Regional Advisory Council (Council) as stipulated in 36 CFR 242.19 and 50 CFR 100.19 and under the guidelines of the Memorandum of Understanding between the Federal Subsistence Board and the State of Alaska. Federal managers are expected to work with State managers, the Council and affected tribes to minimize disruption to resource users and existing agency programs, consistent with the need for special action.

DELEGATION OF AUTHORITY

- 1. Delegation:** The Kenai Refuge Manager is hereby delegated authority to issue emergency or temporary special actions affecting moose on Federal lands as outlined in Scope of Delegation. An emergency action may not exceed 60 days and may not be extended unless the procedures for adoption of a temporary special action have been followed. A temporary special action requires adequate notice and public hearing. Special actions are governed by Federal regulation at 36 CFR 242.19 and 50 CFR 100.19.

Refuge Manager

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2. **Authority:** This delegation of authority is established pursuant to 36 CFR 242.10(d)(6) and 50 CFR 100.10(d)(6).
3. **Scope of Delegation:** The regulatory authority hereby delegated is limited to the following authorities within the limits set by regulation at 36 CFR 242.26 and 50 CFR 100.26.

You may set Federal subsistence harvest quotas, close, reopen or adjust seasons, and adjust harvest and possession limits to include antler restrictions for moose. You may also close Federal Public lands to the take of this species by all users.

This delegation to issue special actions may be exercised under the conditions as defined in 36 CFR 242.19(a) and (b)(1) and 50 CFR 100.19(a) and (b)(1).

All other proposed changes to codified regulations including, but not limited to, customary and traditional use determinations, adjustments to methods and means of take, or customary trade shall be directed to the Federal Subsistence Board.

The Federal lands subject to this delegated authority are those within Kenai National Wildlife Refuge.

4. **Effective Period:** This delegation of authority is effective until superseded or rescinded.
5. **Guidelines for Review of Proposed Special Actions:** The Refuge Manager will use the following guidelines to determine the appropriate course of action when reviewing proposed special actions.
 - A. Does the proposed special action fall within the geographic and regulatory scope of delegation?
 - B. Does the proposed regulation need to be implemented immediately as a special action, or can the desired conservation or subsistence use goal be addressed by deferring the issue to the appropriate time in the normal regulatory cycle?
 - C. Does the supporting information in the proposed special action substantiate the need for the action?
 - D. Are the assertions in the proposed special action confirmed by biological information and/or by other affected subsistence users?
 - E. Is the proposed special action supported in the context of historical information on population status and harvests by affected users?

Refuge Manager

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- F. Is the proposed special action likely to achieve the expected results?
- G. Have the perspectives of ADF&G managers, the Council and affected tribes been fully considered in the review of the proposed special action?
- H. Have the potential effects of the proposed special action on all affected users been considered?
- I. Can public announcement of the proposed special action be made in a timely manner to accomplish the management objective?
- J. After evaluating all information and weighing the merits of the special action against other actions, including no action, is the special action reasonable, rational and responsible?
- K. Guidelines for Delegation:**
 - A. The Refuge Manager will become familiar with the management history of moose in the region, with the current State and Federal regulations and management plans, and be up-to-date on population and harvest status information.
 - B. The Refuge Manager will review special action requests or situations that may require a special action and all supporting information to determine (1) if the request/situation falls within the scope of authority, (2) if significant conservation problems or subsistence harvest concerns are indicated, and (3) what the consequences of taking or not taking an action may be on subsistence users and non-subsistence users. Requests not within the delegated authority of the Refuge Manager will be forwarded to the Federal Subsistence Board for consideration. The Refuge Manager will keep a record of all special action requests and their disposition. A copy of documents associated with each record will be provided to the Office of Subsistence Management no later than sixty days after development of the document.
 - C. The Refuge Manager will immediately notify the Federal Subsistence Board through the Assistant Regional Director for the Office of Subsistence Management, U.S. Fish and Wildlife Service, and notify/consult with local ADF&G managers, the Regional Advisory Council Chair, affected tribes and other affected Federal managers concerning special actions being considered.

Refuge Manager

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- D. The Refuge Manager will issue timely decisions. Users, affected State and Federal managers, law enforcement personnel, and the Regional Advisory Council Chair should be notified before the effective date/time of decisions. If an action is to supersede a State action not yet in effect, the decision will be communicated to affected users, State and Federal managers, and the Regional Advisory Council Chair at least six hours before the State action would be effective. If a decision is to take no action, the proponent of the request will be notified immediately.
- E. There may be unusual circumstances under which the Refuge Manager will determine that he/she should not exercise the authority delegated, but instead request that the Federal Subsistence Board address the special action request. This option should be exercised judiciously and when time allows. Such a decision should not be considered when immediate management actions are necessary for wildlife conservation purposes. The Federal Subsistence Board may also determine that a special action request should not be handled by the delegated official but by the Board itself and rescind the delegated authority for that specific action only.

This delegation of authority will provide subsistence users in the region a local point of contact and will facilitate a local liaison with State managers and other user groups to modify the take-of-wildlife regulations outside of the regulatory proposal period. A timely management decision, made locally, can optimize the opportunity for users to harvest wildlife and can ensure the continued viability of a wildlife population.

Should you have any questions about this delegation of authority, please feel free to contact the Assistant Regional Director for the Office of Subsistence Management at 1-800-478-1456 or (907) 786-3888.

Sincerely,

/S/

Tim Towarak
Chair, Federal Subsistence Board

cc: Cora Campbell, Commissioner, Alaska Department of Fish and Game
Geoffrey L. Haskett, Regional Director, USFWS
Pete Probasco, Assistant Regional Director, OSM
Interagency Staff Committee
Ralph E. Lohse, Chair, Southcentral Alaska Subsistence Regional Advisory Council
Jennifer Yuhas, ADF&G
Administrative Record



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

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



AUG 03 2012

FWS/OSM 12064.DJ

District Ranger
U.S. Department of Agriculture
Region 10 Forest Service
Seward Ranger District
P.O. Box 390
Seward, Alaska 99664

Dear District Ranger:

This letter delegates specific regulatory authority from the Federal Subsistence Board (Board) to the District Ranger of the Seward Ranger District of the Chugach National Forest to issue emergency special actions if necessary to ensure the continued viability of a wildlife population, to continue subsistence uses of wildlife, or for reasons of public safety; or temporary special actions if the proposed temporary change will not interfere with the conservation of healthy wildlife populations, will not be detrimental to the long-term subsistence use of wildlife resources, and is not an unnecessary restriction on non-subsistence users. This delegation only applies to the Federal public lands subject to ANILCA Title VIII within the Seward Ranger District of the Chugach National Forest.

It is the intent of the Federal Subsistence Board that special actions related to the management of wildlife by Federal officials be coordinated, prior to implementation, with the Alaska Department of Fish and Game (ADF&G) and the Southcentral Alaska Subsistence Regional Advisory Council (Council) as stipulated in 36 CFR 242.19 and 50 CFR 100.19 and under the guidelines of the Memorandum of Understanding between the Federal Subsistence Board and the State of Alaska. Federal managers are expected to work with State managers and the Council to minimize disruption to resource users and existing agency programs, consistent with the need for special action.

DELEGATION OF AUTHORITY

- 1. Delegation:** The District Ranger of the Seward Ranger District of the Chugach National Forest is hereby delegated authority to issue emergency or temporary special actions affecting moose on Federal lands as outlined in the Scope of Delegation. An emergency action may not exceed 60 days and may not be extended unless the

District Ranger

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procedures for adoption of a temporary special action have been followed. A temporary special action requires adequate notice and public hearing. Special actions are governed by Federal regulation at 36 CFR 242.19 and 50 CFR 100.19.

2. **Authority:** This delegation of authority is established pursuant to 36 CFR 242.10(d)(6) and 50 CFR 100.10(d)(6).
3. **Scope of Delegation:** The regulatory authority hereby delegated is limited to the following authorities within the limits set by regulation at 36 CFR 242.26 and 50 CFR 100.26.

You may set Federal subsistence harvest quotas, close, reopen or adjust seasons, and adjust harvest and possession limits for moose. You may also close Federal public lands to the take of this species by all users.

This delegation to issue special actions may be exercised under the conditions as defined in 36 CFR 242.19(a) and (b)(1) and 50 CFR 100.19(a) and (b)(1).

All other proposed changes to codified regulations including, but not limited to, customary and traditional use determinations, adjustments to methods and means of take, or customary trade shall be directed to the Federal Subsistence Board.

The Federal lands subject to this delegated authority are those within Chugach National Forest, in Unit 7 remainder.

4. **Effective Period:** This delegation of authority is effective until superseded or rescinded.
5. **Guidelines for Review of Proposed Special Actions:** The District Ranger will use the following guidelines to determine the appropriate course of action when reviewing proposed special actions.
 - A. Does the proposed special action fall within the geographic and regulatory scope of delegation?
 - B. Does the proposed regulation need to be implemented immediately as a special action, or can the desired conservation or subsistence use goal be addressed by deferring the issue to the appropriate time in the normal regulatory cycle?
 - C. Does the supporting information in the proposed special action substantiate the need for the action?
 - D. Are the assertions in the proposed special action confirmed by biological information and/or by other affected subsistence users?

District Ranger

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- E. Is the proposed special action supported in the context of historical information on population status and harvests by affected users?
- F. Is the proposed special action likely to achieve the expected results?
- G. Have the perspectives of ADF&G managers and the Council been fully considered in the review of the proposed special action?
- H. Have the potential effects of the proposed special action on all affected users been considered?
- I. Can public announcement of the proposed special action be made in a timely manner to accomplish the management objective?
- J. After evaluating all information and weighing the merits of the special action against other actions, including no action, is the special action reasonable, rational and responsible?

6. Guidelines for Delegation:

- A. The District Ranger will become familiar with the management history of moose in the region, with the current State and Federal regulations and management plans, and be up-to-date on population and harvest status information.
- B. The District Ranger will review special action requests or situations that may require a special action and all supporting information to determine (1) if the request/situation falls within the scope of authority, (2) if significant conservation problems or subsistence harvest concerns are indicated, and (3) what the consequences of taking or not taking an action may be on subsistence users and non-subsistence users. Requests not within the delegated authority of the District Ranger will be forwarded to the Federal Subsistence Board for consideration. The District Ranger will keep a record of all special action requests and their disposition. A copy of documents associated with each record will be provided to the Office of Subsistence Management (OSM) no later than sixty days after development of the document.
- C. The District Ranger will immediately notify the Federal Subsistence Board through the Assistant Regional Director for the Office of Subsistence Management, U.S. Fish and Wildlife Service, and notify/consult with local ADF&G managers, the Regional Advisory Council Chair, and other affected Federal managers concerning special actions being considered.
- D. The District Ranger will issue timely decisions. Users, affected State and Federal managers, law enforcement personnel, and the Regional Advisory Council Chair

District Ranger

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should be notified before the effective date/time of decisions. If an action is to supersede a State action not yet in effect, the decision will be communicated to affected users, State and Federal managers, and the Regional Advisory Council Chair at least six hours before the State action would be effective. If a decision is to take no action, the proponent of the request will be notified immediately.

- E. There may be unusual circumstances under which the District Ranger will determine that he/she should not exercise the authority delegated, but instead request that the Federal Subsistence Board address the special action request. This option should be exercised judiciously and when time allows. Such a decision should not be considered when immediate management actions are necessary for wildlife conservation purposes. The Federal Subsistence Board may also determine that a special action request should not be handled by the delegated official but by the Board itself and rescind the delegated authority for that specific action only.

This delegation of authority will provide subsistence users in the region a local point of contact and will facilitate a local liaison with State managers and other user groups to modify the take of wildlife regulations outside of the regulatory proposal period. A timely management decision, made locally, can optimize the opportunity for users to harvest wildlife and can ensure the continued viability of a wildlife population.

Should you have any questions about this delegation of authority, please feel free to contact the Assistant Regional Director for the Office of Subsistence Management at 1-800-478-1456 or (907) 786-3888.

Sincerely,
/S/

Tim Towarak
Chair, Federal Subsistence Board

cc: Federal Subsistence Board
Interagency Staff Committee
Cora Campbell, Commissioner, ADF&G
Beth Pendleton, Regional Forester, USDA—Forest Service
Peter J. Probasco, Assistant Regional Director, OSM
Kathy O'Reilly-Doyle, Deputy Assistant Regional Director, OSM
Chuck Ardizzone, Wildlife Division Supervisor, OSM
David Jenkins, Subsistence Policy Coordinator, OSM
Ralph E. Lohse, Chair, Southcentral Alaska Subsistence Regional Advisory Council
Jennifer Yuhas, Federal Subsistence Liaison Team Leader, ADF&G
Administrative Record



SUSITNA-WATANA HYDRO

Clean, reliable energy for the next 100 years.

Susitna-WatanaHydro.org

Diversifying Alaska's Energy Portfolio

The Susitna-Watana Hydro Project will provide long-term, stable electric rates for generations of Alaskans while diversifying the state's energy portfolio and moving Alaska toward its goal of using 50 percent renewable energy by 2025.

The powerhouse, dam and related facilities, expected to be on line at the end of 2023, will be linked by transmission lines to the Railbelt Intertie. With an installed capacity of 600 megawatts (MW) it would produce an annual average of 2,800,000 megawatt hours (MWh), providing half of the Railbelt's electrical needs.

Susitna-Watana Hydro benefits:

- Clean, reliable energy for Alaska
- Stable electricity rates businesses and consumers for 100+ years
- State-financed project repaid by selling generated electricity
- Helps Alaska achieve 50 percent renewable energy goal by 2025
- An estimated 1,000 jobs during construction phase

The Susitna-Watana Hydro Project will help diversify Alaska's energy portfolio. A mix of energy sources is essential to the state's future energy needs.

Project Highlights

Location:

River mile 184, above Devils Canyon

Size:

750-foot high dam

Reservoir:

41-miles long, 2-miles wide (at widest)

Estimated Supply:

Nearly 50 percent of Railbelt electrical demand

Installed Capacity:

600 MW

Annual Energy

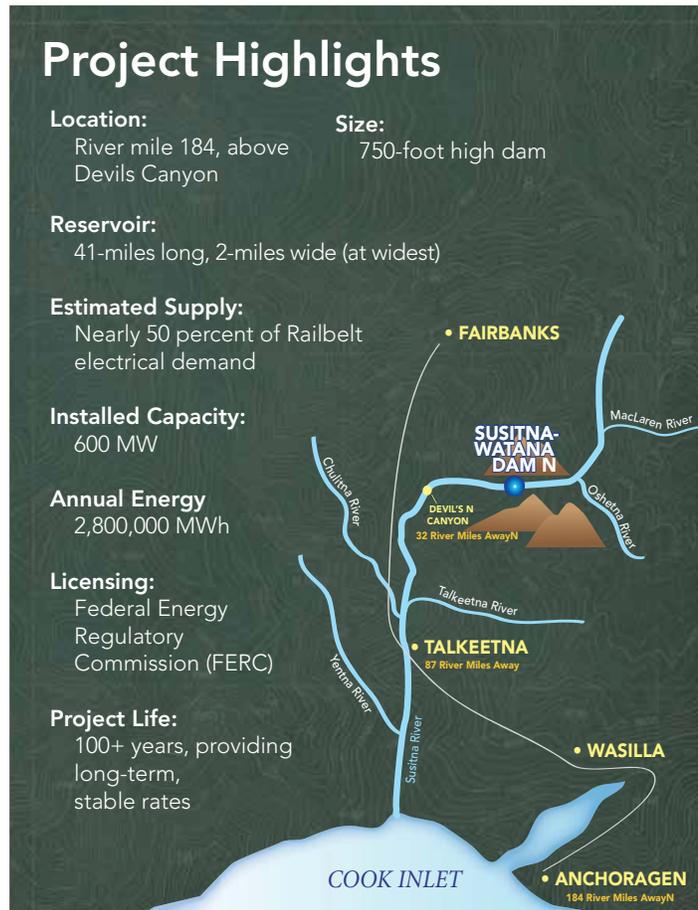
2,800,000 MWh

Licensing:

Federal Energy Regulatory Commission (FERC)

Project Life:

100+ years, providing long-term, stable rates

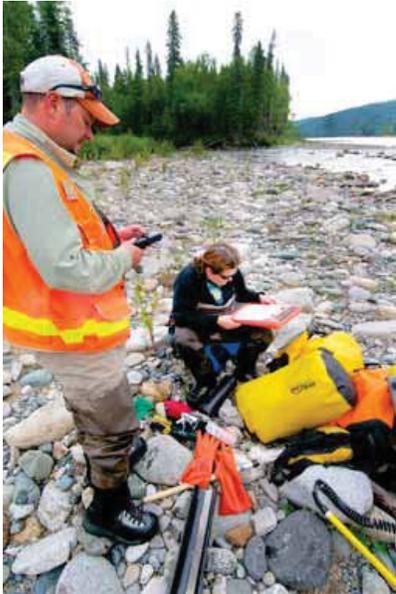


Susitna-Watana Hydro Project • susitnawatana@aidea.org
(907) 771-3000 • Fax (907) 771-3044

2012 – 2016 Studies-Engineering-Financing-Licensing 2017 – 2023 Construction

Susitna-Watana Hydro Studies Under Way

The Sustina-Watana Hydro team has embarked on an unprecedented, extensive study plan that encompasses the Susitna River system and surrounding areas. The findings from these studies are essential to developing the project in a way that delivers the benefits of hydro while protecting the environment.



Dozens of field workers in the field this summer conducting studies along the Susitna River system.

Geology & Soils

- Geology and Soils Characterization Study

Water Resources

- Baseline Water Quality Study
- Water Quality Modeling Study
- Groundwater-related Aquatic Habitat Study
- Geomorphology Study
- Fluvial Geomorphology Modeling below Watana Dam Study
- Ice Processes in the Susitna River Study
- Glacial and Runoff Changes Study
- Mercury Assessment and Potential for Bioaccumulation Study

Instream Flow Studies:

Fish Aquatics & Riparian

- Resource Management Goals and Objectives
- Fish and Aquatics Instream Flow Study
- Riparian Instream Flow Study

Fish & Aquatic Resources

- Study of Fish Distribution and Abundance in the Upper Susitna River
- Study of Fish Distribution and Abundance in the Middle and Lower Susitna River
- Salmon Escapement Study
- River Productivity Study
- Characterization of Aquatic Habitats in the Susitna River with Potential to be Affected by the Susitna-Watana Project
- The Future Watana Reservoir Fish Community and Risk of Entrainment Study
- Study of Fish Passage Feasibility at Watana Dam
- Study of Fish Passage Barriers in the Middle and Upper Susitna River and Susitna Tributaries
- Aquatic Resources Study within the Access Alignment, Transmission Alignment, and Construction Area
- Genetic Baseline Study for Selected Fish Species
- Analysis of Fish Harvest in and Downstream of the Susitna-Watana Hydroelectric Project Area
- Eulachon Distribution and Abundance in the Susitna River Study
- Cook Inlet Beluga Whale Study

Wildlife Resources

- Study of Distribution, Abundance, Productivity and Survival of Moose
- Study of Distribution, Abundance, Movements and Productivity of Caribou

- Study of Distribution, Abundance and Habitat Use of Dall's Sheep
- Study of Distribution, Abundance and Habitat Use by Large Carnivores
- Study of Distribution and Abundance of Wolverines
- Study of Terrestrial Furbearer Abundance and Habitat Use
- Study of Aquatic Furbearer Abundance and Habitat Use
- Study of Species Composition and Habitat Use of Small Mammals
- Study of Distribution and Habitat Use of Little Brown Bat
- Waterbird Migration, Breeding and Habitat Study
- Survey Study of Eagles and Other Raptors
- Breeding Survey Study of Landbirds and Shorebirds
- Study of Population Ecology of Willow Ptarmigan in Game Unit Management Unit 13, Southcentral Alaska
- Study of Distribution and Habitat Use of Wood Frogs
- Evaluation of Wildlife Habitat Use Study
- Wildlife Harvest Study

Botanical Resources

- Vegetation & Wildlife Habitat Mapping Study
- Riparian Study
- Wetland Mapping Study
- Rare Plant Study
- Invasive Plant Study

Recreation & Aesthetic Resources

- Recreation Resources Study
- Aesthetics Resources Study
- Recreational Boating / River Access Study

Cultural & Paleontological Resources

- Cultural Resources Study
- Paleontological Resources Study

Subsistence Resources

- Subsistence Baseline Documentation Study

Socioeconomic &

Transportation Resources

- Regional Economic Evaluation Study
- Social Conditions and Public Goods and Services Study
- Transportation Resources Study
- Health Impact Assessment Study
- Air Quality

Project Safety

- Probably Maximum Flood Study
- Site Specific Seismic Hazard Evaluation Study

Susitna-WatanaHydro.org

Southcentral Alaska Subsistence Regional Advisory Council
c/o U.S. Fish and Wildlife Service
1011 East Tudor Road, MS 121
Anchorage, Alaska 99503
Phone: 907-786-3888 or 1-800-478-1456, Fax: 907-786-3898

RAC SC12005.CJ

MAY 3 1 2012

Mr. Tim Towarak, Chair
Federal Subsistence Board
1011 East Tudor Road, MS 121
Anchorage, Alaska 99503

Dear Mr. Towarak:

The Southcentral Alaska Subsistence Regional Advisory Council (Council) appreciates the opportunity to submit this annual report to the Federal Subsistence Board (Board) under the provisions of Section 805(a)(3)(D) and Section 805(c) of the Alaska National Interest Lands Conservation Act (ANILCA). At its public meeting in Cantwell, Alaska in October 2011, the Council identified concerns and recommendations for its 2011 report, then finalized and approved the report at its March 2012 meeting in Anchorage.

1. King's Bay Moose

The Council requests that the appropriate State and Federal agencies take whatever steps are necessary to gain a better understanding of the moose population subject to WP12-29, particularly that part of Unit 7 draining into King's Bay. The area is remote and there is very little known about the population, so more information is vitally important to understanding and managing the population.

2. Mentasta Caribou Plan

There was considerable discussion at the fall 2011 meeting of the Council regarding the Mentasta Caribou Herd. It is an important herd to the region, but has not historically undergone much study; yet, the Council had proposals before it in the last regulatory cycle that impacted the herd. The Council requests that the Board, through the Office of Subsistence Management, provide a briefing on the Mentasta Caribou Plan so that Council members may be better informed about the population to aid in future decision making.

Tim Towarak

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3. Chisana Caribou Herd

Given the number of communities impacted by harvests of the Chisana Caribou Herd, and the number of agencies and entities involved in the Chisana Caribou Herd Management Plan, the Council requests that a working group be formed to determine the appropriate process for distributing the harvest of the Chisana Caribou Herd. The Council also desires to form a subcommittee on the Chisana Caribou Herd.

4. Predator Control

The Council has raised the issue of predator control in the past, but feels it must raise it again due to continued problems with predation. As the Council has previously noted, it believes that moose, caribou, and sheep populations in Units 11, 12, 13 and 15 have been adversely impacted by increased predation by wolves and bears. The Council believes that active management of wolves and bears must be considered to promote healthy populations of moose, caribou, and sheep in order to increase subsistence harvest opportunities.

5. Opening up Remote Areas for More Subsistence Opportunity

The Council would like to note that it considers WP12-29 as a model for identifying remote areas that could be opened up for more subsistence harvest opportunities. Increased takes in such areas would be inconsequential due to the limited number of Federally qualified subsistence users who could take advantage of increased harvest opportunities.

6. Deference on Special Action Requests

The Council wishes to express its dissatisfaction with the Board's deference in responding to Special Action Requests on the Kenai Peninsula, particularly WSA11-03, as well as in response generally to such requests. With regard to WSA11-03, the Council felt it created a special trophy hunt for non-subsistence users, denied the rural subsistence preference required by ANILCA, and created a serious conservation concern due to the small number of moose in the area. It illustrates the general problem where Special Action Requests are considered and implemented without any deference to the Regional Advisory Councils.

7. Classification of Chitina Fishery

The Council has been monitoring changes made by the Alaska Board of Fish regarding the status of the Chitina fishery, notably regarding its classification of the fishery as either a personal use fishery or subsistence fishery. The Council wishes to stress that it remains supportive of the personal use classification. The Council wants to ensure that its position on this matter is communicated to the State Board of Fisheries or other appropriate State entities if and when the issue arises in the future.

Tim Towarak

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8. Analysis on Goat in Unit 11

The Council requests that the Office of Subsistence Management work with applicable agencies to conduct analysis of the use of goat by communities in Unit 11. Goats are scarce in that area and there has been very little hunting of goat, so having a better understanding of how communities use the goat would better inform future management decisions.

9. Summaries of Executive Sessions

The Council requests that the Board provide summaries of its executive sessions to Regional Council members in a more timely fashion so that Councils may be more meaningfully informed of those decisions that the Board chooses to make outside of the public process.

The Southcentral Alaska Subsistence Regional Advisory Council appreciates the Federal Subsistence Board's support. We look forward to continuing discussions about the issues and concerns of subsistence users of the Southcentral Alaska region, and invite you to attend one of our Council meetings. If you have questions about this report, please contact me through Carl Johnson, acting regional council coordinator, via the Office of Subsistence Management at (800) 478-1456 or (907) 786-3676.

Sincerely,
/S/

Ralph Lohse, Chair

cc: Federal Subsistence Board Members
Southcentral Alaska Subsistence Regional Advisory Council



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240



DEC 19 2006

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

Dear Mr. Nicholia:

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

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

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

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

Mr. Gerald Nicholia

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Bureau of Land Management (BLM)

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

U.S. Fish and Wildlife Service (Service)

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

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

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

Mr. Gerald Nicholia

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

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

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

National Park Service (NPS)

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

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

Mr. Gerald Nicholia

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

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

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

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

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

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

Mr. Gerald Nicholia

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

Sincerely,
/S/

Acting Assistant Secretary for Fish
and Wildlife and Parks

Summary of U.S. Forest Service Predator Control Policies

The U.S Forest Service manages lands within the Chugach and Tongass National Forests under the National Forest Management Act and other authorities. Guidelines for animal damage management are included in Forest Service Manual 2600. In Section 2650.2 the objective of animal damage management activities is to protect National Forest System resources, to protect activities taking place on National Forest System lands, and to reduce threats to human health and safety. Section 2650.3 directs that National Forest System resources must be adequately protected during animal damage management activities authorized by the states and conducted by the states or Animal and Plant Health Inspection Service (APHIS) - Animal Damage Control program. This policy in no way defines or limits the authority of States to regulate the taking of predators according to State and other applicable Federal laws. When the Forest Service conducts animal damage management activities, such as controlling small mammal populations on plantations, the agency must comply fully with state and federal laws.

Agreements are in place to specifically address actions initiated by APHIS to manage wild vertebrates causing damage on NFS lands, to minimize livestock losses due to predation by coyotes, mountain lions and other predators, to manage wildlife diseases, and to protect other wildlife from predation as requested by the Forest Service and/or State wildlife management agencies. Under the Multiple Use Sustained-Yield Act of 1960 (16 U.S.C. 528-532) and other authorities, the Forest Service conducts activities to control wildlife damage to NFS resources caused by small mammals and other animals, such as damage to timber stands by beavers.



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

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



U.S. FOREST SERVICE

SEP 13 2012

FWS/OSM 12054.CJ

Mr. Ralph E. Lohse, Chair
Southcentral Alaska Subsistence
Regional Advisory Council
P.O. Box 14
Cordova, Alaska 99574

Dear Mr. Lohse:

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

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

Issue 1: King's Bay Moose

The Council requests that the appropriate State and Federal agencies take whatever steps are necessary to gain a better understanding of the moose population subject to WP12-29, particularly that part of Unit 7 draining into King's Bay. The area is remote and there is very little known about the population, so more information is vitally important to understanding and managing the population.

Response

Biologists from the U.S. Forest Service and the Alaska Department of Fish and Game are collaborating to conduct moose surveys in the portion of Unit 7 that drains into Kings Bay. Pending funding and availability of personnel, it is anticipated that the next survey will take place during the 2012-13 winter.

Mr. Ralph E. Lohse

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Issue 2: Mentasta Caribou Herd

There was considerable discussion at the fall 2011 meeting of the Council regarding the Mentasta Caribou Herd. It is an important herd to the region, but has not historically undergone much study; yet, the Council had proposals before it in the last regulatory cycle that impacted the herd. The Council requests that the Board, through the Office of Subsistence Management, provide a briefing on the Mentasta Caribou Plan so that Council members may be better informed about the population to aid in future decision making.

Response

We support the Council's interest in having a better understanding of the Mentasta caribou herd. We will schedule a National Park Service (NPS) and Tetlin National Wildlife Refuge presentation on the information available on the herd, as well as the management plan, for the winter 2013 meeting.

Issue 3: Chisana Caribou Herd

Given the number of communities impacted by harvests of the Chisana Caribou Herd, and the number of agencies and entities involved in the Chisana Caribou Herd Management Plan, the Council requests that a working group be formed to determine the appropriate process for distributing the harvest of the Chisana Caribou Herd. The Council also desires to form a subcommittee on the Chisana Caribou Herd.

Response

At the January 2012 Board meeting, the NPS Alaska Regional Director expressed concern about the time and cost needed for a working group, given the goal of implementing a hunt in the fall of 2012. The Director committed the NPS to reach out to the participating communities and associated tribal governments to seek out their views regarding allocation of permits among communities. Staff at Wrangell-St. Elias National Park and Preserve have met with and received input from the Southcentral Regional Advisory Council, the Eastern Interior Regional Advisory Council, the Wrangell-St. Elias National Park Subsistence Resource Commission, the Upper Tanana-40 Mile Fish and Game Advisory Committee, the Tok Cutoff/Nabesna Road Fish and Game Advisory Council, the Northway Village Council, the Tetlin Village Council, the Cheesh'na Tribal Council, the Mentasta Traditional Council, and two Chisana residents.

National Park Service staff has also discussed hunt implementation with staff at Tetlin National Wildlife Refuge and the Tok office of the Alaska Department of Fish and Game. The feedback received during these meetings will be used in developing a plan to implement the hunt. It is anticipated that a report on the plan for permit distribution will be provided to the Eastern Interior and Southcentral Alaska Councils at their fall meetings and a more complete report on the hunt will be provided at the winter 2013 Council meetings.

Mr. Ralph E. Lohse

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As to the Council's request to form a subcommittee, the Board chose not to pursue that route through its actions at the January 2012 Board meeting. However, the Board would be willing to revisit the issue pending the outcome of the hunt. Once information from the hunt has been examined, if the Council is still interested in pursuing a subcommittee, then it can request the formation of one at that time.

Issue 4: Predator Control

The Council has raised the issue of predator control in the past, but feels it must raise it again due to continued problems with predation. As the Council has previously noted, it believes that moose, caribou, and sheep populations in Units 11, 12, 13 and 15 have been adversely impacted by increased predation by wolves and bears. The Council believes that active management of wolves and bears must be considered to promote healthy populations of moose, caribou, and sheep in order to increase subsistence harvest opportunities.

Response

The Board recognizes the Council's concerns regarding the status of ungulate populations and future subsistence harvest opportunities. The Board also acknowledges that the Councils have raised this issue on several prior occasions. However, it is important to highlight several key aspects of the Board's Predator Management Policy (May 2004). First, "[t]he Board administers the subsistence taking and uses of fish and wildlife on Federal public lands through regulations that provide for the non-wasteful harvest of fish and wildlife by Federally qualified rural residents, consistent with the maintenance of healthy populations of harvested resources." This language is based on 50 CFR 100.10(a). The primary focus and extent of the Board's authority is to regulate subsistence activities. As further stated in the Policy, the Alaska National Interest Lands Conservation Act (ANILCA) and its regulations provide that a "subsistence use" means use of "wild renewable resources for direct personal or family consumption" [ANILCA Section 803].

Finally, the Policy adds: "Wildlife management activities on Federal public lands *other than the subsistence* take and use of fish and wildlife, *such as predator control* and habitat management, are the responsibility of and remain within the authority of the individual land management agencies" (emphasis added). This assertion has a historical basis in the Federal Subsistence Management Program. In the 1992 Final Environmental Impact Statement (EIS) for the Federal Subsistence Management Program, it specifically noted that "[h]abitat manipulation projects and predator control programs are the responsibility of each land management agency" and beyond the scope of what was being considered for the subsistence program by the EIS.

The individual land manager policies on predator control for each of the Department of the Interior agencies that participate in the Federal Subsistence Management Program are outlined in the enclosed letter. Similarly, the U.S. Forest Service land management policies are outlined in an enclosed statement.

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Should residents of the Southcentral region wish to amend regulations on harvest of wolves as a subsistence use through hunting or trapping, they are encouraged to submit an appropriate proposal in the next wildlife regulatory cycle. However, proposals identified as predator control measures will not be considered. Should any person or group desire predator control on any Federal conservation units in Alaska, they would need to contact the respective land manager. Office of Subsistence Management staff could assist in identifying the appropriate individual(s) to contact.

Issue 5: Opening up Remote Areas for More Subsistence Opportunity

The Council would like to note that it considers WP12-29 as a model for identifying remote areas that could be opened up for more subsistence harvest opportunities. Increased takes in such areas would be inconsequential due to the limited number of Federally qualified subsistence users who could take advantage of increased harvest opportunities.

Response

The Board encourages the Council to submit proposals identifying remote areas it believes could be opened up to provide additional subsistence opportunities within its region.

Issue 6: Deference on Special Action Requests

The Council wishes to express its dissatisfaction with the Board's deference in responding to Special Action Requests on the Kenai Peninsula, particularly WSA11-03, as well as in response generally to such requests. With regard to WSA11-03, the Council felt it created a special trophy hunt for non-subsistence users, denied the rural subsistence preference required by ANILCA, and created a serious conservation concern due to the small number of moose in the area. It illustrates the general problem where Special Action Requests are considered and implemented without any deference to the Regional Advisory Councils.

Response

The Board recognizes two types of Special Actions: (1) Emergency Special Actions and (2) Temporary Special Actions. With both types of Special Actions, the Board may seek Council recommendations if the timing of a regularly scheduled meeting of the affected Council permits this, without undue delay. In order to make any recommendation to the Board, an affected Council must meet in a publicly noticed meeting, under Federal Advisory Committee Act requirements. The timing of an Emergency Special Action may be such that it requires the Board to act without the benefit of Council recommendations.

With Temporary Special Actions, the Board will consult with Chairs of the Regional Advisory Councils of the affected regions prior to implementing a temporary special action.

Mr. Ralph E. Lohse

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The Board will continue to make every effort to consult with affected Regional Advisory Councils if such consultation does not result in an undue delay. If the Board is able to consult with the Council under those circumstances, the Board will seek Council recommendations on the proposed temporary special action. If and when the Council is able to meet, discuss and make recommendations on particular Special Action Requests, the Board will defer to the Council's recommendation consistent with 50 CFR 100.19(a)(1).

Issue 7: Classification of Chitina Fishery

The Council has been monitoring changes made by the Alaska Board of Fish regarding the status of the Chitina fishery, notably regarding its classification of the fishery as either a personal use fishery or subsistence fishery. The Council wishes to stress that it remains supportive of the personal use classification. The Council wants to ensure that its position on this matter is communicated to the State Board of Fisheries or other appropriate State entities if and when the issue arises in the future.

Response

The Alaska Board of Fisheries changed the Chitina salmon dipnet fishery from a State subsistence to a State personal use fishery in 2003. During its 2011/2012 cycle, the Alaska Board of Fisheries received two proposals (54 and 55) to reclassify the Chitina personal use salmon dipnet fishery to a subsistence fishery. While a Federal Subsistence Management Program representative was present and participated at the December 2011 meeting in Valdez, no written Federal comments were provided for either of these proposals. Ultimately, the Alaska Board of Fisheries took no action on these proposals. The next time Prince William Sound Area regulatory proposals for salmon will be considered by the Alaska Board of Fisheries will be during its 2014/2015 cycle. Prior to this cycle, the Southcentral Council may wish to engage the Eastern Interior Regional Advisory Council on this issue, since that Council submitted proposal 55. The Council may also submit comments, through its Council Coordinator, to the Alaska Board of Fisheries on any proposals to express its concerns. In addition, the OSM State Subsistence Liaison, George Pappas, tracks these issues and could assist the Council Coordinator as needed.

Issue 8: Analysis on Goat in Unit 11

The Council requests that the Office of Subsistence Management work with applicable agencies to conduct analysis of the use of goat by communities in Unit 11. Goats are scarce in that area and there has been very little hunting of goat, so having a better understanding of how communities use the goat would better inform future management decisions.

Response

The Board interprets this issue to request information regarding all users of goat in Unit 11, not merely residents of communities in Unit 11. The Board agrees with the Council that there is a

Mr. Ralph E. Lohse

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need for additional information about the use of goat in Unit 11. The last comprehensive household harvest survey was in the 1980s. Wrangell-St. Elias National Park and Preserve, in cooperation with the Alaska Department of Fish and Game, is in the process of conducting community harvest surveys in most Copper Basin communities. These surveys document the use and harvest of wild renewable resources, including goat, for all households in smaller communities and a representative sample of households in larger communities. A total of four communities have been surveyed thus far, with four additional communities planned for early 2013.

The Board is aware that Kenny Lake residents have requested being included in the customary and traditional use determination for goat in Unit 11. Kenny Lake is one of the communities scheduled for the 2013 survey. If a proposal to the Board to recognize Kenny Lake residents' use of goat in Unit 11 is submitted during a future proposal window, the survey results would be available for use in the staff analysis of that proposal.

Issue 9: Summaries of Executive Sessions

The Council requests that the Board provide summaries of its executive sessions to Regional Council members in a more timely fashion so that Councils may be more meaningfully informed of those decisions that the Board chooses to make outside of the public process.

Response

The Board's policy on executive sessions, revised May 3, 2011, states that a summary of each executive session will be kept and at a minimum will include who was in attendance and subjects that were discussed. This summary will be made available to the Regional Advisory Councils and, upon request, the public. Executive sessions are held at the discretion of the Chair for the purpose of reviewing proprietary data or private information, engaging in attorney-client communications, making decisions on personnel matters (including Regional Advisory Council nominations), and addressing other issues determined by the Chair to be appropriate for a closed session and for which a public meeting is not required by law. The Board's policy states the use of executive sessions will be minimized to the extent possible and the Board will not engage in regulatory rulemaking or act on regulatory proposals during an executive session.

It is currently the practice to include summaries of executive sessions in press releases following any Board meeting when applicable. These releases are issued within a couple of working days of the meeting and are distributed to a wide distribution list, including your Council Coordinator who should forward that to you. The news releases are also available on the OSM website.

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

Mr. Ralph E. Lohse

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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,

/S/

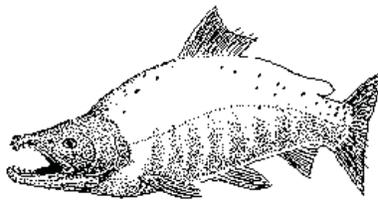
Tim Towarak, Chair
Federal Subsistence Board

cc: Southcentral Alaska Subsistence
Regional Advisory Council
Federal Subsistence Board
Interagency Staff Committee
Pete Probasco, Assistant Regional Director, OSM
Kathy O'Reilly-Doyle, Deputy Assistant Regional Director, OSM
Carl Johnson, Council Coordinator Div. Chief, OSM
Donald Mike, Council Coordinator, OSM
Administrative Records

DRAFT

PRIORITY INFORMATION NEEDS

FEDERAL SUBSISTENCE FISHERIES



2014 Fisheries Resource Monitoring Program

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

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

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

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

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

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

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

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

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

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

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

Northern Region Priority Information Needs

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

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

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

Yukon Region Priority Information Needs

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

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

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

Kuskokwim Region Priority Information Needs

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

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

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

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

Southwest Region Priority Information Needs

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

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

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

Southcentral Region Priority Information Needs

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

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

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

Southeast Region Priority Information Needs

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

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

Eulachon

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

Sockeye Salmon

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

Multi-Regional Priority Information Needs

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

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

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

REGULATORY CYCLE REVIEW BRIEFING

Issue

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

Background

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

Several changes were made following this review:

1. The fall meeting window was expanded.

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

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

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

Recommendations

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

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

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

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

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

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

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

Reference tables for above narrative.

Table 1. Past FSB Meeting Dates.

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

Table 2. Current Regulatory Cycle.

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

Table 3. Proposed Changes to the Regulatory Cycles

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

GUIDANCE ON ANNUAL REPORTS

Background

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

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

Report Content

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

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

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

Report Clarity

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

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

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

Report Format

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

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

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

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 decision making process affecting the taking of fish and wildlife on the public lands within the region for subsistence uses.
 - d. Prepare an annual report to the Secretary containing the following:
 - (1) An identification of current and anticipated subsistence uses of fish and wildlife populations within the region.
 - (2) An evaluation of current and anticipated subsistence needs for fish and wildlife populations within the region.

- (3) A recommended strategy for the management of fish and wildlife populations within the region to accommodate such subsistence uses and needs.
 - (4) Recommendations concerning policies, standards, guidelines and regulations to implement the strategy.
 - e. 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 \$150,000, including all direct and indirect expenses and .75 staff years.
 8. **Designated Federal Officer.** The DFO is the Subsistence Council Coordinator for the region or such other Federal employee as may be designated by the Assistant Regional Director – Subsistence, Region 7, U.S. Fish and Wildlife Service. The DFO is a full-time Federal employee appointed in accordance with Agency procedures. The DFO will:
 - Approve or call all of the advisory committee's and subcommittees' meetings,
 - Prepare and approve all meeting agendas,
 - Attend all committee and subcommittee meetings,
 - Adjourn any meeting when the DFO determines adjournment to be in the public interest, and
 - Chair meetings when directed to do so by the official to whom the advisory committee reports.

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

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 seven of the members (70 percent) represent subsistence interests within the region and three of the members (30 percent) represent commercial and sport interests within the region. The portion of membership representing commercial and sport interests must include, where possible, at least one representative from the sport community and one representative from the commercial community.

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

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

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

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

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

14. **Subcommittees.** Subject to the DFO's approval, subcommittees may be formed for the purposes of compiling information or conducting research. However, such subcommittees must act only under the direction of the DFO and must report their recommendations to the full Council for consideration. Subcommittees must not provide advice or work products directly to the Agency. The Council Chair, with the approval of the DFO, will appoint subcommittee members. Subcommittees will meet as necessary to accomplish their assignments, subject to the approval of the DFO and the availability of resources.

15. **Recordkeeping.** Records of the Council, and formally and informally established subcommittees or other subgroups of the Council, must be handled in accordance with General Records Schedule 26, Item 2, or other approved Agency records disposition schedule. These records shall be available for public inspection and copying, subject to the Freedom of Information Act, 5 U.S.C. 552.

//Signed//

Secretary of the Interior

○

DEC - 2 2011

Date Signed

DEC 03 2011

Date Filed

STAFFING UPDATE

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

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

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

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

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

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

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

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

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

BUDGET UPDATE

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

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

COUNCIL MEMBERSHIP APPLICATION/NOMINATION UPDATE

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

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

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

RURAL DETERMINATION PROCESS AND METHOD REVIEW

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

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

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

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

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

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

Other topics of concern may arise through the review process.

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

BRIEFING ON CONSULTATION POLICIES

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

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

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

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

Federal Subsistence Board

Government-to-Government Tribal Consultation Policy

Preamble

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

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

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

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

Government-to-Government Tribal Consultation Policy

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

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

Background

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

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

Goals

The goals of the Federal Subsistence Management Program are to:

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

Government-to-Government Tribal Consultation Policy

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

Consultation

1. Communication

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

2. Roles and Responsibilities

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

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

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

Government-to-Government Tribal Consultation Policy

4. Timing

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

5. Methods

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

Accountability and Reporting

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

Training

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

Government-to-Government Tribal Consultation Policy

Alaska Native Corporation Consultation

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

Adopted by the Board on May 9, 2012

Government-to-Government Tribal Consultation Policy

Definitions

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

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

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

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

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

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

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

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

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

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

Government-to-Government Tribal Consultation Policy

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

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

List of Appendices

APPENDIX A: Federal Subsistence Consultation Implementation Guidelines

APPENDIX B: Federal Subsistence Management Cycle

APPENDIX C: Venues for FSMP Training

DRAFT April 27, 2012

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

Appendix A

Interim Implementation Guidelines

for

Fiscal Year 12-13

Federal Subsistence Management Program

Tribal and ANCSA Corporation Consultation

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

CONSULTATION SCHEDULE FOR THE REGULATORY CYCLE

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



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



Step 6 (April 1 and July 1)

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

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

Step 1 (January - March)

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

Step 2 (April - May)

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

Step 5 (January)

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

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

Step 4 (August - October)

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

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

Step 3 (April - August)

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

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

Appendix C

Venues for Training

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



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

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



U.S. FOREST SERVICE

JUN 28 2012

FWS/OSM 12046.AM

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

Dear Tribal Leader:

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

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

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

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

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

1) Nominations to the Board's Consultation Workgroup

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

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

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

or via e-mail to
subsistence@fws.gov

or via fax at
907-786-3898

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

2) Consultation on Proposed Federal Subsistence Fishing Regulations

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

Tribal Leader

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

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

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

Sincerely,

/s/ Tim Towarak 

Tim Towarak, Chair
Federal Subsistence Board

Enclosures (2)

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



U.S. FISH and WILDLIFE SERVICE
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Anchorage, Alaska 99503-6199



U.S. FOREST SERVICE

JUN 28 2012

FWS/OSM 12047.AM

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

Dear ANCSA Corporations:

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

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ANCSA Corporation

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

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

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

Sincerely,

/s/ Tim Towarak 

Tim Towarak, Chair
Federal Subsistence Board

Enclosures (2)

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

BUREAU OF LAND MANAGEMENT
Hunting Guide Capacity Environmental Assessment

The Bureau of Land Management (BLM) Alaska State Office, in cooperation with its District and Field Offices, has begun a process to address commercial hunting guide Special Recreation Permit capacities for BLM public lands in Alaska. The BLM has received public interest and a range of comments on social issues and user conflicts with commercial hunting guides. To address these conflicts, the BLM proposes to complete a statewide hunting guide capacity analysis, through an environmental assessment (EA), to determine the allocation of Special Recreation Permits (SRP) for each Guide Use Area on BLM public lands in Alaska.

The goal of this analysis is to determine the number of guide permits the BLM will issue that allows guides to operate concessions on BLM managed lands. This analysis is not being undertaken to allocate the number of clients served or the number of animals taken. It will simply assign a maximum number of Special Recreation Permits that will be issued for any Guide Use Area which includes BLM managed lands. This analysis will determine the proper allocation of commercial hunting guide permits per Guide Use Area based on user conflicts and social issues associated with commercial hunting guides. These social issues are anticipated to drive the scope of the EA, including the affected environment, the identification of alternatives, the analysis of impacts, and subsequent decisions.

Receiving detailed comments regarding user conflicts (or the lack thereof) related to commercial hunting guides in specific Guide Use Areas will be helpful in completing this analysis. You may submit comments in writing to the BLM the methods listed in the Comment section below.

The initial 60 day scoping period for this project ended September 9, 2012. However, as the range of alternatives are being developed over the next several months, the BLM encourages and welcomes additional comments regarding both the guide capacity study and issues regarding guiding concessions on BLM managed lands in Alaska. Additional opportunities for public participation and consultation will be announced when the draft environmental assessment is ready for public review.

Comments may be submitted by any of the following methods:

Email: BLM_AK_Hunt_Guide_Capacity_Study@blm.gov
Fax: (907) 271-5479. Attn: GUA Comments
Mail: BLM Alaska State Office,
Attn: Hunting Guide Capacity Comments
BLM Alaska, 222 West 7th Avenue, Suite 13
Anchorage, AK 99513

FOR FURTHER INFORMATION CONTACT: For information and/or to have your name added to the mail list, contact Bill Overbaugh, at (907) 271-5508.

Thank you for your interest in Alaska's public lands.



National Park Service
U.S. Department of the Interior

Wrangell-St. Elias
National Park/Preserve

P.O. Box 439
Mile 106.8 Richardson Hwy
Copper Center, AK 99573

907-822-5234 phone
907-822-7216 fax

Wrangell-St. Elias National Park/Preserve News Release

For Immediate Release – July 23, 2012
Rick Obernesser – (907) 822-5234

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 total of 14 registration permits will be issued to federally qualified subsistence users. The hunt will open on September 1 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 and Tok. For residents of Chistochina, Mentasta Lake, Northway, and Tetlin, permits will be distributed by the tribal council offices in those communities. Permits will be issued to residents of Tok and Chisana on a first-come, first-served basis at the Tetlin National Wildlife Refuge in Tok, starting at 11 AM on Monday, August 6. Please bring your State of Alaska resident hunting license, a photo ID (such as a driver's license), and proof of local physical address when you come to get a permit. Documentation of physical address can include a voter registration card or a telephone or electric bill listing your physical address.

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. In 1994 almost all hunting of Chisana caribou was stopped. From 2003 to 2006, a recovery effort designed to increase recruitment and calf survival was conducted. The herd population currently appears to be stable at approximately 700 animals. In recent years, a management plan has been developed to provide a broad framework of recommendations and strategies to guide management and conservation of the herd. The conditions for this hunt are consistent with the plan.

For more information, contact Barbara Cellarius, Subsistence Coordinator, at (907) 822-7236.

--NPS--

EXPERIENCE YOUR AMERICA

The National Park Service cares for special places saved by the American people so that all may experience our heritage.

MENTASTA CARIBOU HERD COOPERATIVE MANAGEMENT PLAN:

EXECUTIVE SUMMARY:

The Mentasta caribou herd is located in southeast mainland Alaska and Western Yukon Territory. This small herd has declined from a high of approximately 3,100 animals in 1985 to less than 900 in 1994. During winter the Mentasta herd often intermingles with the larger Nelchina caribou herd which currently numbers about 45,000 animals and has ranged from 5,000 to 70,000 animals. In winter this combined herd may cross state, native, private, and federal conservation unit boundaries, as well as the international boundary with Canada.

This plan is a cooperative effort by The Alaska Department of Fish and Game (ADF&G), The U. S. National Park Service (NPS), and the U. S. Fish and Wildlife Service (FWS) to adopt management guidelines that reflect the varied federal and state policies and laws concerning management of the Mentasta caribou herd.

One of the overriding management concerns, and as a consequence a driving factor of this management plan, is the need to allow harvest by federally-eligible subsistence users when ever possible. Within a National Park, this harvest must be consistent with sound management principles and the conservation of natural and healthy populations of wildlife. A harvest strategy must be adopted that will seek to incorporate, rather than influence, natural fluctuations in caribou abundance, composition, and productivity. This is a realistic goal which reflects the NPS policy that natural processes be allowed to influence populations of wildlife to the greatest extent possible while still providing for subsistence and recreational harvest as directed by the Alaska National Interest Lands Conservation Act (ANILCA).

The agencies agree that the overall management goal for the Mentasta caribou herd is to allow for "natural" population fluctuations which are primarily the result of natural environmental factors. There will be a strong emphasis on nonconsumptive uses, and the priority consumptive use will be by federally-eligible subsistence users. State authorized hunting will be allowed when the available harvest quota exceeds the level needed to provide a reasonable opportunity to federal subsistence users.

A fall harvest quota for State Game Management Units (GMUs) 11 and 12 will be set annually. A fall harvest of between 15% and 20% of the 2-year mean calf recruitment will be allowed as long as such recruitment is at least 80 calves. At population levels exceeding 2,000 caribou the bag limit will be either sex. At population levels below 2,000 the hunt will be limited to bulls only and will be closed if the 2-year mean fall bull:cow ratio slips below 35 bulls:100 cows.

When this annual quota is greater than 70, both federally-qualified subsistence users and state authorized hunters will be allowed to hunt Mentasta caribou in fall. When quotas are 70 or fewer, only federally-qualified subsistence users will be allowed to harvest Mentasta caribou during the fall season. Further, when the quota drops below 30, permits will be allocated among federal subsistence users in accordance with a priority system based on: 1) customary and direct dependence upon the resources as the mainstay of one's livelihood; 2) local residency; and 3) availability of alternative resources.

Winter hunts, targeted primarily for the Nelchina caribou herd (and sometimes the Forty-mile), will continue to be managed so as to minimize the incidental harvest of Mentasta caribou. Minimum mixing ratios and aggregation behavior will be used to assure that the impact of cumulative incidental Mentasta harvest is insignificant. An agency proposing to open a winter hunt will be responsible for coordinating survey flights to determine mixing ratios and aggregation behavior of the herds. That agency will also be responsible for advising the cooperating agencies of the proposed hunt and the status of the mixed herd.

The agencies will cooperate to monitor the status and trends of the Mentasta caribou herd and a cooperative Inventory and Monitoring Plan will be developed to facilitate and clarify the roles and responsibilities of each agency.

Copies of this plan are available from:

SUPERINTENDENT
WRANGELL-ST. ELIA'S NATIONAL PARK AND PRESERVE
P.O. BOX 29
GLENNALLEN, ALASKA 99588



United States Department of the Interior

NATIONAL PARK SERVICE
Denali National Park & Preserve
Mile 237 Parks Highway
P.O. Box 9
Denali Park, AK 99755

Denali National Park & Preserve South Central RAC Update

Denali Loses Renowned Wildlife Biologist

Thomas J. Meier was born Oct. 7, 1950. The trail ended abruptly for Tom, 61, when he died unexpectedly on Aug. 12, 2012 at his home on Karma Ridge near Denali National Park, Alaska.

An avid outdoorsman, Tom lived his passion, working for over 35 years as a wildlife biologist. After graduating from Pine City High School in 1968, Tom earned a B.S. in Biology and M.S. in Zoology from the University of Minnesota which set him on the track to becoming one of the foremost experts on wolves in North America.

He began studying wolves in 1976 and worked for the U.S. Fish and Wildlife Service in Minnesota and Wisconsin for 10 years. He joined research trips to Palmer Station, Antarctica in 1980 and 1981 and lent his expertise to Israel in 1998. Tom first moved to Alaska in 1986 to conduct fieldwork for the Denali wolf project for the U.S. National Park Service and returned to Minnesota to pursue a doctorate in 1993. The trail next led to Kalispell, Mont. where he joined a U.S. Fish and Wildlife Service project to restore the wolf population in the Northwestern United States, but his love of Alaska took him back to Denali in 2004 to lead the biological program and conduct research. He coauthored what is considered one of the most comprehensive and accessible studies of wolves, *The Wolves of Denali*, and gave presentations around the world.

SELECTED WILDLIFE UPDATE 2011-12

Bears

The transition to a new grizzly bear monitoring study area on the north side of the Outer Range mountains between the Kantishna Hills and the east end of the park began in 2009. The objective of this study is to document ecology of grizzly bears and movements on the northeast side of the park especially outside the north park boundary where they may be subject to legal harvest and possible future intensive management efforts by the State of Alaska.

Currently 16 bears are fitted with GPS radio collars that store location data every 2 hours. Four bears are fitted with conventional radio collars including one black bear. Bears have been radio tracked each year from May through October. Only a few locations of bears outside the park boundary could be verified with those flights. All GPS collars are programmed to fall off in September 2012. Finer resolution GPS data will be available at that time. Travel by bears outside the park boundary will be quantified upon analysis of those data.

Recent changes to Alaska state hunting regulations now allows the taking of grizzly bears at bait stations during open black bear seasons in certain game management units. The NPS has objected to the BOG about the implementation of this change on NPS lands and is currently exploring options to restrict this

activity in the Preserve. Specifically, feeding bears is contrary to NPS policy and is likely to result in food conditioning and compromise public safety. The Denali SRC has written a letter that objects to this to bear baiting in the Preserve because it is incompatible with subsistence.

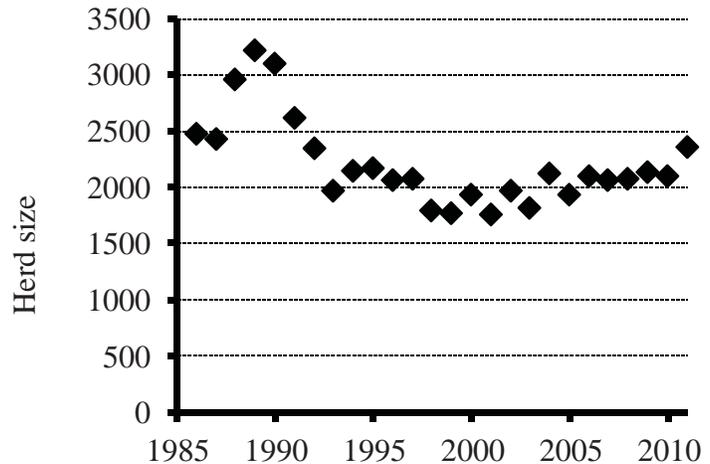
Wolves

In April 2012, there were 70 wolves in the 9 packs being monitored by park biologists. The estimated density of wolves in Denali (about 9.9 wolves per 1000 square miles or 3.8 wolves per 1000 square kilometers) was slightly from last year's estimate of 10.2 wolves per 1000 square miles or 3.9 wolves per 1000 square kilometers.

Biologists captured and radio-collared 14 wolves in March 2012. In the year ending April 30, 2012, five radio-collared wolves died from natural causes and four were killed by humans. Three of the four wolves killed by humans had dispersed away from park packs and were killed near Parson, Tok, and Nikolai. One collared member of the Grant Creek pack was snared just outside the park on the Savage River.

Caribou

A tentative estimate of herd size in late September 2011 was 2,350 caribou. Although preliminary, this population estimate is the first notable increase in about 7 years, and the highest herd number since 1992 as the population was crashing. Prior to this year, herd size has been relatively stable over the last 7 years (see graph at right). Calf survival has averaged 28% over the last 8 years, compared to 15% during 1991-2003.



Moose

Biologists used a spatial moose survey estimation method to estimate the number of moose on the north side of the Alaska Range Mountains in Denali National Park and Preserve in November 2011. We observed 496 moose during the aerial survey and estimated (\pm 90% confidence interval [CI]) 1477 ± 238 moose for the entire survey area. Overall density was 0.15 moose/km² (.38 moose/ mi²). The calf:bull:cow ratio was 29:53:100. We estimated that 75% of cows were without calves, 21% of cows had 1 calf, and 4% of cows had 2 calves present.

A proposal has been funded to census sensitive moose populations for potential subsistence harvest in the Cantwell and Yentna areas of Denali National Park for fall 2013. Harvest of moose by subsistence hunters has the potential to increase, due to a number of biological and social factors. This raises concerns about the natural and healthy nature of moose populations and the sustainability of harvest. Information is needed to make management decisions regarding harvest quotas and other regulatory strategies. We will conduct moose surveys on the south side of the Alaska Range in the Yentna and Cantwell areas to estimate moose densities, distribution, and the sex and age composition of moose populations. Standard aerial moose survey methods will be used.

Despite restriction on ORV use, moose harvest in the Cantwell traditional use area remains the basically the same.

Sheep

Dall’s sheep abundance was estimated from distance sampling surveys conducted in July 2011. The following table shows the estimated total sheep with 95% confidence intervals and approximate percentages of ewe-like (ewes, yearlings and ¼ curl rams), lambs, less than full-curl rams and full-curl or greater rams.

2011 Sheep Estimates	Ewelike	Lambs	Rams <full- curl	Rams ≥full- curl	Total Sheep
Denali NP&Pres	50%	15%	26%	8%	2,232 (1,834-3,794)

The percentages for each composition class are approximate and do not total 100% due to rounding errors, etc.

Salmon

A proposal has been funded to inventory salmon spawning areas vulnerable to hydrologic change and downstream harvest in 2013. The low-elevation forests of Denali National Park and Preserve, which make up more than 2,000 square miles in the northwest part of the unit, are much less visited and less understood than the mountainous areas of Denali. These lowlands lack the density and diversity of ungulate species that characterize the more familiar parts of the park and preserve. They are commonly seen as "hungry country," with low densities of both prey and predators. Radioisotope studies have suggested that salmon, bringing nutrients from the Bering Sea into interior Alaska, are an important source of nutrition for wolves in this area. The introduction of marine nutrients by migrating salmon can be an important driver of ecosystem. The sightings of animals and tracks near known salmon streams suggests that many other species of carnivores and birds also depend on this resource. Salmon are also used as a subsistence resource by the low-density human population north and west of the park and preserve.

Although some areas of salmon concentration in tributaries of the Kantishna River have been well-known for many years, such as Toklat Springs on the Toklat River and Fish Camp on Moose Creek, no comprehensive survey of salmon movements into Denali National Park and Preserve has been made. In recent years, salmon have been observed in a number of streams in the park where they had not been previously known. Three species, including king salmon (*Oncorhynchus tshawytscha*), coho salmon, (*Oncorhynchus kisutch*), and fall chum salmon, (*Oncorhynchus keta*), spawn in Denali.

This study would fund flights in spring to identify upwelling areas potentially used by salmon, in summer identify king and summer chum salmon spawning streams, and in autumn to locate coho and chum salmon concentrations. It would also help to fund a cooperative project with the Alaska Department of Fish and Game, to conduct October helicopter surveys for chum salmon runs in Denali National Park and Preserve. Finally, it would contribute toward aerial radio-tracking efforts to locate salmon marked with radio tags by the U. S. Fish and Wildlife Service.

Benefits of identifying the locations and numbers of salmon runs in Denali include an understanding of the scope of this little-understood part of the park’s ecosystem, and the provision of a baseline for future salmon monitoring. Recent observations of starving wolves in the northwestern part of the park and preserve suggest that salmon may be a crucial nutritional source for wolves there. Likewise, many other

mammals and birds undoubtedly depend on salmon for nutrition, especially in winter when salmon carcasses are available in unfrozen spring areas. By providing a baseline for the geographic and numeric scope of salmon runs in Denali, we can make a significant contribution to the understanding and management of the park's resources.

Furbearers

A proposal has been funded to use winter track counts to study the effects of trapping and habitat change on forest carnivores. In the approximately 4 million acres of new Denali National Park and Denali National Preserve lands created by the Alaska National Interest Lands Conservation Act (ANILCA), fur trapping and hunting are allowed. Qualified rural residents may hunt and trap on both park and preserve lands, subject to regulation by the Federal Subsistence Board, while the general public may hunt and trap on preserve lands, subject to Alaska state game regulations. Carnivorous furbearers found on these lands include marten (*Martes americana*), lynx (*Lynx canadensis*), wolverine (*Gulo gulo*), river otter (*Lontra canadensis*), mink (*Neovison vison*), wolf (*Canis lupus*), coyote (*Canis latrans*), and red fox (*Vulpes vulpes*).

Extensive research and monitoring efforts have focused on wolves in Denali, but little is known about any of the other species of carnivores. This project will initiate regular ground-based transect sampling of carnivore tracks in the ANILCA additions to Denali, by establishing snowmobile travel routes and data recording protocols similar to those currently used in other Alaska parks, and by investigating appropriate statistical methods to analyze the data. The Denali Subsistence Advisory Commission has requested that the National Park Service begin a study of furbearer numbers and distribution in the park and preserve, and ground-based track surveys show the greatest promise of collecting meaningful data at a reasonable cost.

This project will fund the purchase of appropriate snowmobiles for travel in the remote northwestern portion of Denali National Park and Preserve, as well as field gear, fuel, and other equipment and supplies needed to carry out winter track surveys. It is hoped that this project will also provide access for surveys specifically targeted at wolverine numbers and distribution, on-the-ground surveys of important salmon spawning areas, and other field activities in this remote and seldom-visited area of the park and preserve.

Project Updates

Funding was received to Understand How Communities Perceive Climate Change at a Local Level. Climate change threatens two assets that National Parks in Alaska seek to conserve: natural resources and cultural diversity as embodied in subsistence communities. This project will seek to understand why subsistence users utilize park resources, how subsistence users perceive the ecosystems they rely on, their observation of changes brought about with global warming, and the types of information they need to make decisions regarding adaptation to climate change. This study will pave the way for community and Park adaptation planning by providing information about observed changes, perceptions of system function and by identifying indicators that communities are, or would be, interested in monitoring in order to make adaptation planning decisions.

Winter 2013 Regional Advisory Council Meeting Calendar

February–March 2013 current as of 10/02/12

Meeting dates and locations are subject to change.

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
<i>Feb. 10</i>	<i>Feb. 11</i> <i>Window Opens</i>	<i>Feb. 12</i> BB—Naknek SP—Nome	<i>Feb. 13</i>	<i>Feb. 14</i>	<i>Feb. 15</i>	<i>Feb. 16</i>
<i>Feb. 17</i>	<i>Feb. 18</i> HOLIDAY	<i>Feb. 19</i>	<i>Feb. 20</i> SC—TBA EI—Tok	<i>Feb. 21</i>	<i>Feb. 22</i>	<i>Feb. 23</i>
<i>Feb. 24</i>	<i>Feb. 25</i>	<i>Feb. 26</i> NS—Barrow	<i>Feb. 27</i> YKD—Bethel	<i>Feb. 28</i>	<i>Mar. 1</i>	<i>Mar. 2</i>
<i>Mar. 3</i>	<i>Mar. 4</i>	<i>Mar. 5</i> NWA—Kotzebue WI—Galena	<i>Mar. 6</i>	<i>Mar. 7</i>	<i>Mar. 8</i>	<i>Mar. 9</i>
<i>Mar. 10</i>	<i>Mar. 11</i>	<i>Mar. 12</i> SE—Ketchikan	<i>Mar. 13</i>	<i>Mar. 14</i>	<i>Mar. 15</i>	<i>Mar. 16</i>
<i>Mar. 17</i>	<i>Mar. 18</i>	<i>Mar. 19</i>	<i>Mar. 20</i>	<i>Mar. 21</i>	<i>Mar. 22</i> <i>Window Closes</i>	<i>Mar. 23</i>
<i>Mar. 24</i>	<i>Mar. 25</i>	<i>Mar. 26</i> K/A—Old Harbor/Kodiak	<i>Mar. 27</i>	<i>Mar. 28</i>	<i>Mar. 29</i>	<i>Mar. 30</i>

Fall 2013 Regional Advisory Council Meeting Calendar

August–October 2013 current as of 10/02/12

Meeting dates and locations are subject to change.

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