

# **SOUTHCENTRAL ALASKA Subsistence Regional Advisory Council**



*Carl Johnson*

*Dipnetting for Eulachon in Cook Inlet.*

## **Meeting Materials**

March 13, 2012

Anchorage

## **What's Inside**

Page

<b>1</b>	<b>Agenda</b>
<b>3</b>	<b>Roster</b>
<b>4</b>	<b>Previous Meeting Minutes</b>
<b>14</b>	<b>Draft Annual Report</b>
<b>17</b>	<b>Briefing on Tribal Consultation Policy</b>
<b>33</b>	<b>Gates of the Arctic SRC Proposal Regarding Per Diem</b>
<b>35</b>	<b>Environmental Assessment on Collection of Antlers on Park Lands</b>
<b>59</b>	<b>Status Report on Selected Secretarial Recommendations to the Federal Subsistence Management Program</b>
<b>61</b>	<b>Office of Subsistence Management Staff Changes</b>
<b>63</b>	<b>NPS Record of Decision on Off-Road Vehicles</b>
<b>65</b>	<b>Meeting Calendars</b>
<b>67</b>	<b>Charter</b>

**Southcentral Alaska Subsistence Regional Advisory Council**

Winter 2012 Meeting Agenda  
 BP Energy Center, Anchorage  
 March 13, 2012  
 9:00 a.m.

**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.

1. **Call to Order** (*Chair*)
2. **Roll Call and Establish Quorum** (*Secretary*)..... 3
3. **Welcome and Introductions** (*Chair*)
4. **Review and Adopt Agenda** (*Chair*)..... 1
5. **Election of Officers**
  - A. Chair (*DFO*)
  - B. Vice Chair (*New Chair*)
  - C. Secretary (*New Chair*)
6. **Review and Approve Minutes from Previous Meeting** (*Chair*)..... 4
7. **Reports**
  - A. Council Member Reports
  - B. Chair’s Report
  - C. 805(c) Report (*Chair*)
8. **Public and Tribal Testimony on Agenda and Non-Agenda Items**
9. **Regulatory Proposals**
  - A. Call for proposals to change Federal subsistence fish/shellfish regulations – deadline March 30, 2012
10. **Old Business** (*Chair*)
  - A. Review and Finalize Draft 2011 Annual Report..... 14
  - B. Review of Draft Tribal Consultation Policy ..... 17
  - C. WP12-22a — request for a positive customary and traditional use determination for brown bear by residents of Ninilchik: Unit 8 portion deferred by the Federal Subsistence Board

**11. New Business (Chair)**

- A. Unit 7 & 15 Moose Management (*Andy Loranger – Kenai NWR*)
- B. Gates of the Arctic SRC Proposal Regarding Per Diem (*NPS*).....33
- C. Environmental Assessment on Collection of Antlers on Park Lands (*NPS*) .....35
- D. Review changes to Council Charter (*DFO*)

**12. Agency Reports**

- A. OSM.....59
- B. USFWS
- C. NPS
  - 1. Wrangell-St. Elias
    - a. Record of Decision regarding ORV use in WRST .....63
    - b. Permit allocation for the Chisana Caribou Herd harvest
- D. FS – Chugach National Forest
- E. BLM
- F. ADF&G
- G. Native Organizations

**13. Future Meetings.....65**

- A. Confirm date and location of fall 2012 meeting
- B. Select date and location for winter 2013 meeting

**14. Closing Comments**

**15. Adjourn (Chair)**

Teleconferencing is available upon request. Call the Office of Subsistence Management, at 1-800-478-1456, 786-3888, at least five business days prior to the meeting to receive this service. Please state which agenda topic interests you and whether you wish to testify regarding it.

The U.S. Fish and Wildlife is committed to providing access to this meeting for 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 the Office of Subsistence Management.

**REGION 2**  
**South Central Alaska Regional Advisory Council**

<b>Seat</b>	<b>Yr Apptd Term Expires</b>	<b>Member Name &amp; Address</b>
<b>1</b>	2007 <b>2013</b>	<b>Robert J. Henrichs</b> Cordova, Alaska
<b>2</b>	2003 <b>2013</b>	<b>Douglas Floyd Blossom</b> Clam Gulch, Alaska
<b>3</b>	2003 <b>2013</b>	<b>Richard Greg Encelewski</b> Ninilchik, Alaska
<b>4</b>	2010 <b>2013</b>	<b>Mary Ann Mills</b> Kenai, Alaska
<b>5</b>	2010 <b>2013</b>	<b>Lee Ray Adler</b> Glennallen, Alaska
<b>6</b>	2003 <b>2014</b>	<b>Gloria Stickwan</b> Copper Center, Alaska
<b>7</b>	2011 <b>2014</b>	<b>James R. Showalter</b> Soldotna, Alaska
<b>8</b>	2011 <b>2014</b>	<b>Michael V. Opheim</b> P.O. Drawer L Seldovia, Alaska
<b>9</b>	2011 <b>2014</b>	<b>Andrew T. McLaughlin</b> Chenega Bay, Alaska
<b>10</b>	2009 <b>2012</b>	<b>Judith C. Caminer</b> Anchorage, Alaska
<b>11</b>	1993 <b>2012</b>	<b>Ralph E. Lohse</b> <b>Chair</b> Cordova, Alaska (summer) Copper Center, Alaska
<b>12</b>	2003 <b>2012</b>	<b>Thomas M. Carpenter</b> <b>Vice-Chair</b> Cordova, Alaska
<b>13</b>	<b>2012</b>	<b>Vacant</b>

**Southcentral Subsistence Regional Advisory Council**  
**Draft Meeting Minutes**  
**October 3 and 4, 2011**  
**Cantwell Community Hall**  
**Cantwell, Alaska**

**Council Members**

Tom Carpenter (Vice-Chair), Lee Adler, Judy Caminer, Greg Encelewski, Robert Henrichs, Mary Ann Mills, Gloria Stickwan

Excused Absences: Ralph Lohse, Donald Kompkoff, Sr., Doug Blossom, John C. Lamb, Sr., Tricia Waggoner

**Attendees**

The following individuals were present for all or part of the meeting:

Amy Craver - Denali National Park and Preserve

Andy Loranger - Kenai National Wildlife Refuge

Barbara Cellarius - Wrangell-St. Elias National Park and Preserve

Becky Schwanke - Alaska Department of Fish and Game

Bill Mills - subsistence user

Bob Okenek- subsistence user (via teleconference)

Coleen Brown - US Fish and Wildlife Service, Office of Subsistence Management

Daniel Sharp - Bureau of Land Management

Doug Palmer - Kenai National Wildlife Refuge

Eleanor Dementi - Native Village of Cantwell and Ahtna Board of Directors

Frank Robbins - Alaska Department of Fish and Game

Glenn Chen - Bureau of Indian Affairs

Helen Armstrong - US Fish and Wildlife Service, Office of Subsistence Management

Ivan Encelewski - Ninilchik Tribal Council

Jennifer Yuhas - Alaska Department of Fish and Game

Jerry Berg - US Fish and Wildlife Service

John Dahman - subsistence user (via teleconference)

Judy Putera - Wrangell-St. Elias National Park and Preserve

Karen Hyer - US Fish and Wildlife Service, Office of Subsistence Management

KJ Mushovic - US Fish and Wildlife Service, Office of Subsistence Management

Leonard Mayo - subsistence user

Milo Burcham - US Forest Service

Pat Owen - Denali National Park and Preserve

Sandy Rabinowich - National Park Service

Sky Starkey - (via teleconference)

Steven Kessler - US Forest Service

Thomas McDonough - Alaska Department of Fish and Game (via teleconference)

Wilson Justin - Cheesh'na Tribal Council

and

Court Reporter Meredith Downing

### **Call to Order**

The meeting was called to order by Acting Chair Carpenter at approximately 8:40 am.

### **Roll Call**

Seven Council members were present and a quorum established.

### **Review and Adoption of Agenda**

The agenda was reviewed. It was proposed to take up WSA 11-03 with WP 12-30/31.

*Mr. Henrichs **moved** to approve and adopt the agenda as amended. Mr. Encelewski **seconded**. Motion carried.*

### **Review and Adoption of Minutes**

*Mr. Henrichs **moved** to accept the draft minutes of the Southcentral Subsistence Regional Advisory Council of March 16 and 17, 2011. Mr. Encelewski **seconded**. Motion carried.*

### **Chair's Report**

Acting Chair Carpenter referred Council members to the reply to the Council's annual report, and solicited topics for the 2011 annual report. Suggestions included:

Predator control

Board support of openings in areas where take will be inconsequential

Not being given deference in the matter of WSA11-02

Being told at the July Board meeting that public testimony would be taken on WSA11-02, then not receiving the opportunity

Desire to see more deference to Councils in general on special actions

Request a report on the Mentasta Plan

Request that the Office of Subsistence Management (OSM) evaluate other communities for goat in Unit 11

Request more information on moose in the Kings Bay drainage

Request summaries of executive sessions in a timely manner

### **Council Member Concerns and Observations**

Council member concerns and observations included:

- The continued need for predator control
- Reports of complaints regarding the requirement to pack out the stomach, along with the head and other organs, when packing out meat harvested in the Unit 13 community hunt
- Lowest Dall sheep populations in Homer and the valley in over 40 years
- Appear to be hanging at the low bottom of the 10-12 year grouse cycle
- New prototype fishwheel deployed at the Federal subsistence fishery on the Kasilof
- State and Federal actions on Kenai moose hunt have proven a hardship on the community
- Native Village of Eyak received a \$200,000 grant from the US Fish and Wildlife Service (FWS) for an orphan moose calf program that will begin next year

- Good salmon run on the Copper River this year
- Need to respond to the Board of Fisheries on personal use fishery
- Need for meeting with the Alaska Department of Fish and Game (ADF&G) on Unit 13 community hunt

### **Administrative Business**

Council coordinator KJ Mushovic directed Council members to materials not included in the book and noted open application periods for both Council and new Board appointments.

### **Report on September 26, 2011 Tribal Consultation and ANCSA Corporation Teleconferences**

Jerry Berg (FWS) provided a handout and verbal summary of the tribal and ANCSA corporation consultation teleconferences, conducted as part of an interim process while long term protocol is under development. Both the Niniilchik Tribal Council and Ahtna, Inc participated.

### **Public Testimony**

There was no public testimony at the time the Council considered the item on its agenda. It was agreed that anyone teleconferencing in to testify would be provided with the opportunity at that time.

While the Council considered statewide proposals, Mr. John Dahman of Niniilchik teleconferenced in to testify on WP12-30/31 and WSA11-03. Mr. Dahman testified that, especially in light of continuing non-resident and trophy permit hunts continuing in the Unit, subsistence opportunities should not be restricted – subsistence uses should be the last to face restrictions. Mr. Dahman was dubious about the ability of the proposal to address the perceived emergency in just two years.

Shortly afterward, Mr. Bob Okenek of Niniilchik teleconferenced in to testify on WP12-30/31 and WSA11-03. Mr. Okenek testified that, with the new restrictions in place this year, he and his family have invested quite a bit of time and money, but have no meat in the freezer so far, while they are normally successful subsistence hunters. Mr. Okenek felt that it was unfair to restrict subsistence uses when non-resident and trophy permit hunts continue.

As WSA11-03 was being considered by the Council, Mr. Sky Starkey teleconferenced in to testify that ANILCA clearly intends to provide a meaningful priority for subsistence uses in times of resource concern.

### **Proposed Changes Federal Subsistence Wildlife Regulations**

The following wildlife proposals represent the final action taken by the Council for the Federal Subsistence Board to consider.

### **Statewide Proposals**

#### **WP12-01: Requirements when selling handicrafts incorporating claws**

**Support** Proposal WP12-01. Council members note traditional knowledge of the region's practices of harvesting bears and use of all parts, including claws, and that there are no conservation concerns regarding bear populations. The Council agrees that the proposal will clarify regulations but won't

unnecessarily restrict subsistence users and concurred that it is appropriate to monitor sales. If some areas of the state do not concur, modifications can be sought at the regional level. The Council recognizes that the proposal is a recommendation resulting from the extensive efforts of the Brown Bear Claw Working Group. The Council considered the written comments of the Ahtna Tene Nene' Customary and Traditional Use Committee and the Gates of the Arctic National Park Subsistence Resource Commission (SRC). Tribal consultation comments were provided by the Allakaket Tribal Council, the Sun'aq Tribe of Kodiak, and the Organized Village of Kasaan.

**WP10-02 (Deferred WP08-05): Requirements when selling handicrafts incorporating claws**

**Take No Action on** Proposal WP10-02. ADF&G intends to withdraw this proposal with the permission of the Board. The Council prefers supporting WP12-01.

**WP12-02: Redefine “designated hunter” so that a designated hunter can only hunt for elders or a person who is disabled**

**Oppose** Proposal WP12-02. The Council finds many statewide proposals problematic in general in light of regional variances and this one in particular for its lack of specific detail. The Council recognizes that the practice of using a designated hunter is both culturally oriented and appropriate and notes that the current system seems to be working well, so this change is not needed. The Council considered the written comments of the Ahtna Tene Nene' Customary and Traditional Use Committee, Gates of the Arctic and Lake Clark SRCs, tribal consultation comments provided by the Sun'aq Tribe of Kodiak, the Organized Village of Kasaan, and ANCSA corporation comments provided by the Cully Corporation (Point Lay). The Council also considered testimony by Wilson Justin, representing the Cheesh'na Tribal Council.

**WP12-03: Trapping; incidental take**

**Oppose** Proposal WP12-03. The Council believes that the regulatory authority already exists to accomplish the goals of this proposal. The council questions whether a move of 300 feet would be effective. The Council considered tribal consultation comments provided by the Organized Village of Kasaan and the written comments of the Ahtna Tene Nene' Customary and Traditional Use Committee.

**Regional Proposals**

**WP12-22:**

- a) Revise customary and traditional use determination for brown bear in Units 8, 15A and 15B for residents of Ninilchik**
- b) Revise season dates for brown bear in Units 15A and 15B**

**Support** Proposal WP12-22a. The Council notes longstanding ties and kinship between residents of Units 8 and 15, which can exist even when not officially documented by government agency records. The Council cites the need to connect people to resources that they use in their areas. The Council finds no conservation concern for bears in the subject units, while predator control is a concern. The Council

considered tribal consultation testimony provided by the Ninilchik Traditional Council and the Sun'aq Tribe of Kodiak, and testimony from the Cheesh'na Tribal Council.

**Support** Proposal WP12-22b, with the OSM suggested modification to maintain the season announcement, align the state and federal season dates, and maintain the authority of the Kenai National Wildlife Refuge manager to open and close the season in Unit 15 – remainder (Units 15A and 15B), based on conservation concerns. The Council finds the proposal supported by substantial evidence and feels it should not be detrimental to subsistence users because of the small anticipated take. The Council considered testimony provided by the Ninilchik Traditional Council.

**WP12-23/24: Establish season and harvest limit for Caribou in Unit 11**

**Oppose** Proposal WP12-23. The Council has conservation concerns and felt that it was inconsistent to open a new area in a location already of concern for increased hunting pressure. The Council notes that, if populations are strong enough to establish a season, customary and traditional use should be considered first. The council also finds changing an existing hunt area to create a new area confusing. The Council considered the written comments of the Ahtna Tene Nene' Customary and Traditional Use Committee, the testimony of the Cheesh'na Tribal Council and ANCSA corporation consultation testimony from Ahtna, Inc.

**Support** Proposal WP12-24. The Council feels that, in the event this proposal is successful, an ANILCA Section 804 analysis should be undertaken and a working group established to determine harvest levels. The Council finds the testimony of the Cheesh'na Tribal Council, questioning the numbers in the Mentasta Herd Cooperative Management Plan and traditional hunting practices and how they came to be lost, compelling.

**WP12-25: Revise season date for Caribou in Unit 13**

**Support** Proposal WP12-25. The council does not find a conservation concern that would result from this proposal, and sees it as a way to provide additional subsistence harvest opportunity while spreading out hunter effort. The Council considered Gloria Stickwan's testimony as an individual, and the testimony of the Cheesh'na Tribal Council, as well as the written comments of the Ahtna Tene Nene' Customary and Traditional Use Committee.

**WP12-26: Close fox hunting in Unit 7 and trapping in Units 7 and 15**

**Oppose** Proposal WP12-26. The Council feels that the human take is insignificant, poses no conservation concern, and notes that the equivalent area of forest lands carry no such restriction.

**WP12-27: Add additional residents to customary and traditional use determination for goats in Unit 11**

**Support** Proposal WP12-27. The Council finds the analysis information adequately establishes a pattern of customary and traditional use. The Council considered the testimony of the Cheesh'na Tribal Council, as well as the written comments of the Ahtna Tene Nene' Customary and Traditional Use Committee.

While considering WP12-27, the Council was made aware of requests from Mr. Jake Butler and Mr. Dean Wilson, Jr. that residents of Kenny Lake also be considered for a customary and traditional use determination. The Council encourages further analysis on communities that seem logical to consider, and that when there is adequate information to make a determination, the opportunity to consider additional determinations should be brought back to the Council and then the Board as expeditiously as possible.

**WP12-28: Revise existing cultural and educational permit for moose in Units 6B and 6C**

**Support** Proposal WP12-28. The Council supports this proposal as there are no conservation concerns, and recognizes the difficulty the community has had in recent years obtaining a bull moose for culturally important events. The Council considered the testimony of the Native Village of Eyak and the Cheesh'na Tribal Council.

**WP12-29: Establish a season and harvest limit for moose in Unit 7**

**Support** Proposal WP12-29. The Council feels that this proposal will provide opportunity to a group of subsistence users that are likely to see only a very limited harvest in this remote area, and reasons that the hunt can be closed after limited harvest occurs. The Council feels that supporting this proposal demonstrates to small, subsistence reliant communities that the Federal Subsistence Program is considering their interests.

**WP12-30/31: Revise harvest limit and season and require sealing of antlers for moose in Units 7, 15A, 15B and 15C** were **withdrawn** by the proponents.

**WP12-32: Revise season dates for elder sheep hunts in Units 11 and 12**

**Support** Proposal WP12-32 with modifications setting the season dates to 8/1 to 8/30 and stipulating that the harvest of ewes accompanied by lambs be prohibited. The Council feels that elders will be provided with more flexibility and more harvest opportunity in better weather conditions by adjusting the season dates. The Council also heard testimony that elders would not knowingly shoot ewes with lambs, so that restriction should not pose a hardship. The Council considered the testimony of the Cheesh'na Tribal Council, as well as the written comments of the Ahtna Tene Nene' Customary and Traditional Use Committee.

**WP12-33/34/35/36: Revise hunting and trapping seasons and harvest limit for wolf in Units 11, 12, 13D and 14C**

**Oppose** WP12-33/34/35/36. The Council feels that there are no conservation concerns that warrant these proposals. The Council considered the testimony of the Cheesh'na Tribal Council, as well as the written comments of the Ahtna Tene Nene' Customary and Traditional Use Committee.

**Crossover Proposals**

**WP10-104/WP12-65/66: Revise Unit 12 caribou harvest limit and season dates**

**Oppose** WP10-104. The Council continues to have the concerns with this deferred proposal that it identified when originally considered. The Council feels that the proposal is detrimental to subsistence users and that there is not an adequate harvestable surplus for a joint hunt. The Council considered the testimony of the Cheesh'na Tribal Council.

**Oppose** WP12-65. The Council finds that this proposal did not address its recommendations for opening this hunt. The Council considered the testimony of the Cheesh'na Tribal Council, the written comments of the Ahtna Tene Nene' Customary and Traditional Use Committee, and ANCSA corporation consultation testimony from Ahtna, Inc.

**Support** WP12-66 with the modifications suggested by the OSM and contingent on the formation of a subcommittee to consist of representatives from the Southcentral Alaska Subsistence Regional Advisory Council, the Eastern Interior Alaska Subsistence Regional Advisory Council, the communities of Chistochina, Mentasta, Northway, and Tetlin, plus three or four additional interested members of the public from the other villages considered or areas between.

The Council identified member Gloria Stickwan as its preferred representative, should the subcommittee be formed.

**WP12-68: Revise customary and traditional use determination for Unit 12 caribou**

**Support** WP12-68. The Council understands that modern management unit boundaries did not and do not influence traditional use and that there is sufficient documentation of traditional ecological knowledge and modern studies to warrant a positive customary and traditional use determination. The Council considered testimony of the Cheesh'na Tribal Council, the written comments of the Ahtna Tene Nene' Customary and Traditional Use Committee, and ANCSA corporation consultation testimony from Ahtna, Inc.

**WP12-69: Create a customary and traditional use determination for caribou in Unit 25 – remainder for residents of Unit 25**

**Defer** WP12-69 to home region.

The Council requested that, should the Eastern Interior Alaska Subsistence unexpectedly oppose either WP12-66 or WP12-69, the Council be advised and provided the opportunity for a teleconference meeting to reconsider its positions.

**WP12-70/73: Align Federal moose hunting seasons, eliminate split season, extend season dates and change harvest limit for Unit 12 moose**

**Support** WP12-70/73 with the modifications suggested by the OSM, with the typographical error regarding an antlered bull corrected. The Council feels that these proposals will reduce confusion among hunters. The Council considered testimony of the Cheesh'na Tribal Council and the written comments of the Ahtna Tene Nene' Customary and Traditional Use Committee.

**WP12-71/72: Revise required permit and season dates for Unit 12 moose**

**Support** WP12-71/72 with the modifications suggested by the OSM. The Council finds no conservation concerns and notes that the proposals will provide additional subsistence harvest opportunity. The Council considered testimony of the Cheesh'na Tribal Council and the written comments of the Ahtna Tene Nene' Customary and Traditional Use Committee.

**WP12-75: Combine two existing portions of Unit 20E and extend season dates for moose**

**Support** WP12-75. The Council finds no conservation concerns and it will benefit those residents of the region with customary and traditional use determinations.

**Wildlife Special Action**

**WSA11-03: Revise Units 15B and 15C moose harvest**

**Oppose** Special Action WSA11-03. The Council lacks confidence in the overall management strategy and modeling accuracy, and has difficulty accepting the continuance of non-resident and trophy hunts if there truly is enough of an emergency to warrant restrictions to subsistence uses. The Council feels that the Special Action places a higher burden on subsistence users than sport hunters and conflicts with ANILCA's mandate that subsistence uses be a priority over all other uses. The Council notes that over two hundred fifty moose are killed by vehicle collisions on the Kenai Peninsula beyond the few that are taken by subsistence users, that the spike fork bulls subsistence users are more likely to target are less likely to breed than trophy bulls, and, that if no steps are taken for predator control, any moose "saved" are likely to become food for predators, rather than subsistence users. The Council recalls other instances in which managers were concerned that regulation changes or liberalizing seasons for subsistence users would result in corresponding population declines, but notes that the worst case scenarios do not develop with good in season management. The Council agrees that the Units are challenging to access, and subsistence take is likely to remain limited even without the Special Action. The Council considered testimony provided by the Ninilchik Traditional Council, as well as public testimony from Mr. Sky Starky, Mr. Bob Okenek, and Mr. John Dahman.

The Council expressed disappointment in the way WSA11-02 was handled in July, expects to be considered more fully in the future and requests a review of policy related to Council participation in Board consideration of Special Actions. The Ninilchik Traditional Council noted that tribal consultation should take place on Special Actions.

**Fisheries Resource Monitoring Program**

Karen Hyer (OSM) presented overviews of the Copper River RFID Readers and Upper Copper Fishers projects.

*Ms. Mills **moved** that the Council recommend that the Fisheries Resource Monitoring Program projects presented be funded. Mr. Encelewski **seconded**. Motion carried.*

**Agency and Organization Reports**

**Office of Subsistence Management**

Helen Armstrong (OSM) provided Secretarial Review updates related to nominations for the two new Board seats, deference to councils, status of the Memorandum of Understanding, review of the customary

and traditional use determination and rural/non-rural determination processes, use of executive sessions, and funding availability to hold meetings in rural areas, provide increased training and support to councils and tribal consultation, implement a wildlife monitoring studies program, and increase OSM research capacity and reinstatement of the annual regulatory cycle. Ms. Armstrong noted that changes to Subparts A and B of the Federal regulations have not yet been taken up.

Ms. Armstrong referred the Council to a printed briefing on Bycatch and confirmed that the Board did not support the State's Ninilchik Request for Reconsideration, limiting the State's recourse to pursuit of legal action.

### **Fish and Wildlife Service**

Doug Palmer (Kenai National Wildlife Refuge) provided the 2011 Cook Inlet Area Harvest Summary. Andy Loranger (Kenai National Wildlife Refuge) provided an update on the Kenai-Russian River Collaborative Public Process to Reduce Human-Bear Conflicts.

### **Tribal and Non-governmental Organizations**

The Native Village of Eyak reported that summer research projects went well this year.

Cheesh'na Tribal Council expressed disappointment in the National Park Service Final Nabesna Road Environmental Impact Statement. Multi-generational use of traditional trails should have been given the same significance as environmental impacts in terms of decision making.

### **Alaska Department of Fish and Game**

Jennifer Yuhas provided information on the number (17) of predator-related proposals coming before the Board of Game during this cycle.

### **Bureau of Land Management**

Daniel Sharp (Alaska State Office) reported that, in Unit 13, 50 federal cow caribou had been harvested to date, that Merben Cebrian had transferred from the Glennallen Field Office to the Bureau's Fairbanks office, and that Geoff Byersdorf is transferring to Montana.

### **National Park Service**

Amy Craver (Denali National Park and Preserve) provided handouts on Denali projects and the Park road environmental analysis and a briefing on Unit 13 Federal subsistence hunt permits issued by the Park for Unit 13A.

Barbara Cellarius (Wrangell-St. Elias National Park and Preserve) provided information on Wrangell-St. Elias subsistence, fish and wildlife, and the Nabesna ORV EIS, and announced Rick Obernesser's selection as the new superintendent. Ms. Cellarius prompted the Council to consider its expiring appointment to the Wrangell-St. Elias Subsistence Resource Commission.



**Southcentral Alaska Subsistence Regional Advisory Council**

U.S. Fish and Wildlife Service, Office of Subsistence Management  
1011 East Tudor Road, MS 121, Anchorage, Alaska 99503  
Ralph Lohse, Chair

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

Dear Mr. Towarak:

The Southcentral Alaska Subsistence Regional Advisory Council appreciates the opportunity to submit this annual report 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 2010 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 as to its contents to aid in future decision making.

**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 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.

#### **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 1-800-478-1456 or 907-786-3676.

Sincerely,

/s/ Ralph Lohse

Ralph Lohse, Chair

Enclosures

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

bcc: Pete J. Probasco, Assistant Regional Director, Office of Subsistence Management  
Carl Johnson, Division Chief, Office of Subsistence Management  
Interagency Staff Committee  
Administrative Record

# **Federal Subsistence Board DRAFT Tribal Consultation Policy**

Briefing Paper for Regional Advisory Council 2012 Winter Meetings

## ***Introduction***

The Federal Subsistence Board Workgroup for Tribal Consultation has been meeting, listening, consulting, and discussing the development of this policy since June, 2011. The group realizes the significance of this change – that is, the addition of Tribal Consultation - to the Federal Subsistence Management Program. All members of this workgroup have a strong sense of mission, and come to the table with a positive outlook for strengthening federal-tribal relations.

List of Workgroup members:

Della Trumble, Co-Chair, King Cove  
Crystal Leonetti, Co-Chair, US Fish & Wildlife Service  
John W. Andrew, Organized Village of Kwethluk  
Lillian Petershoare, US Forest Service  
Rosemary Ahtuanguaruak, Barrow/Nuiqsut  
Jean Gamache, National Park Service  
Nancy Swanton, National Park Service  
Shawna Larson, Native Village of Chickaloon  
Richard Peterson, Organized Village of Kasaan  
Pete Probasco/Andrea Medeiros, Office of Subsistence Management  
Brenda Takeshorse, Bureau of Land Management  
George Carlson Yaska, Jr., Huslia/Fairbanks  
Bobby Andrew, Native Village of Ekwok  
Glenn Chen/Pat Petrivelli, Bureau of Indian Affairs

## ***Steps Taken to Draft this Policy***

**May 2011 FSB Working Session** - Board assigned the task of writing a protocol to the workgroup. Workgroup was assembled with 7 Tribal and 7 Federal members.

**June 2011** – Workgroup met in Anchorage for 2 days, drafted an interim protocol to be used for the fall cycle of Regional Advisory Council meetings. A Tribal Co-chair was named.

**July 2011** – The Board, at its work session, adopted the two interim protocols – one for Tribes and one for ANCSA Corporations to be used during the fall cycle of Regional Advisory Council meetings for the wildlife proposals.

**July 26, 2011** – Separate letters were sent to Tribes and to ANCSA Corporations the Chair of the FSB regarding consultation on the 2012-2014 Wildlife Proposals and on the development of a long-term consultation protocol.

**August – October 2011** – 12 consultation teleconferences were held to consult on the 2012-2014 Wildlife Proposals. Although this was a first-time process, we are positive that there will be more attendance in the future and we will be doing more outreach to increase awareness of this type of

opportunity. There was a wonderful learning experience for both Tribes & ANCSA Corporations, *and* for federal staff. What we learned during these teleconferences helped us draft this policy.

**September 30, 2011** – A letter was sent to all Tribes inviting them to an in-person consultation in December, with a new draft version of the protocol.

**October 20, 2011** – A consultation with ANCSA Corporations and Tribes was held during the Alaska Federation of Natives annual convention here in Anchorage. It was well attended, and we gained more valuable insight at this meeting.

**December 1, 2011** – A consultation with Tribes was held during the BIA Tribal Service Providers Conference in Anchorage. It was attended by at least 300 people (my estimate) and we learned substantially more.

**December 6-8, 2011** – the workgroup met in Anchorage to consider all verbal and written direction we received from Tribes and ANCSA corporations.

### ***General Concepts of this Draft Policy***

1. The policy should be simple, general, and broad. This reflects the DOI policy. Since it does not prescribe a process on how to consult, we changed the name of it from "protocol" to "policy".
2. There is no need to regurgitate the Department-level policies since we need to follow those anyway. What we attempted with this new policy format, is to utilize the DOI and USDA policies as the base, and focus this policy on Federal Subsistence Management and its unique nature.
3. Keeping this policy simple, general, and broad allows the Board (and Tribes) to remain flexible and adapt to what makes sense for meaningful consultation based on the scope and issues being consulted about.
4. The DOI is drafting a "supplemental consultation policy for ANCSA corporations". The workgroup is mirroring this format, knowing that the DOI has had Department-level Solicitors in agreement on this approach.

### ***Themes of this Draft Policy***

- Training – For the Board, Staff, and Tribes and ANCSA Corporations
- Adaptability/Living Document – this document can change based on regular reviews and it allows us to adapt to varying situations.
- “How to” is not included here, but intended to be written after a final policy is adopted

### ***Next Steps and Timeline***

1) Further Board direction given to workgroup at the January Board meeting, changes are incorporated into the document in the RAC books.

2) Regional Advisory Councils will review and discuss the Policy and provide feedback through staff to the Working Group.

3) A letter from the Board to Tribes and Corporations will go out mid-February asking for feedback on the new draft policy.

4) Workgroup and Interagency Staff Committee to meet in April (via tele- or video conference) to incorporate any changes from RAC discussions or written feedback from Tribes/Corporations

5) Meet with Board members, whichever are available, to discuss new draft prior to the May FSB meeting - including in-depth discussion about implementation guidelines

6) Adopt policy at May FSB meeting

7) Finalize Implementation Guidelines

### ***Questions for Regional Advisory Councils***

- Do you feel this policy is going in the right direction? If not, why not?
- Is there anything else that the workgroup needs to consider?
- Do you feel that Tribes concerns from the consultations *have been* or *will be* meaningful to the Regional Advisory Council consideration on each topic?

*Thank you, Regional Advisory Councils, for your consideration of the Tribal Consultation Policy and any feedback that you might provide.*

1     *“Tribes and Alaska Native peoples have been this lands’ first conservationists and first multiple*  
2             *use land managers.” - Lillian Petershoare, Workgroup Member, USFS*

3

4

## Federal Subsistence Board

5

## Tribal Consultation Policy

6

7

Draft: 1/19/2012

### 8 Preamble

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

16     The United States has a unique legal and political relationship with Indian tribal governments, which has  
17     been established through and confirmed by the Constitution of the United States, statutes, executive  
18     orders, judicial decisions and treaties. In recognition of that special relationship, and pursuant to  
19     direction given by the Secretaries of the Interior and Agriculture to implement Executive Order 13175 of  
20     November 2000, “Consultation and Coordination with Indian Tribal Governments”, and to meet the  
21     requirements of the Presidential Memorandum of November 5, 2009, “Subject: Tribal Consultation”, the  
22     Federal Subsistence Board (Board) is developing this Government-to-Government Tribal Consultation  
23     Protocol. This Policy affirms the Federal government’s responsibility to engage in regular and  
24     meaningful consultation and collaboration with Federally recognized Indian Tribes on matters that may  
25     have substantial effects on Alaska Tribes. This Policy also upholds the Congressional mandate to  
26     implement the provisions of the Alaska National Interest Lands Conservation Act (ANILCA) of 1990, P.L.  
27     66-487, which, with its implementing regulations, defines the roles and responsibilities of the  
28     Departments of the Interior and Agriculture in administering subsistence management of fish and  
29     wildlife on Federal public lands.

30     Government-to-government consultation undertaken through the Board’s process is a direct two-way  
31     communication conducted in good faith to secure meaningful participation in the decision-making  
32     process to the full extent allowed by law. The Board will take into consideration the Tribes’ concerns  
33     brought forth through the consultation process (as defined in this policy) before making its final  
34     decision(s).

1 Two Department level consultation policies provide the foundation for this policy. They are the  
2 Department of the Interior's *Policy on Consultation with Indian Tribes (2011)* and the Department of  
3 Agriculture's *2010 Action Plan for Consultation and Collaboration*. This policy is consistent with the  
4 Department-wide consultation policies, and it expands on them to apply consultation to the Federal  
5 subsistence management program.

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

## 8 Background

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

22 The Federal Subsistence Management Program regulations can be found in the Code of Federal  
23 Regulations (CFR) at 50 CFR 100 and 36 CFR 242. The regulations have four subparts. Subparts A and B  
24 are within the sole purview of the Secretaries of the Department of the Interior and Department of  
25 Agriculture. Responsibility and decisions relating to the provisions of Subparts C and D are delegated by  
26 the Secretaries to the Federal Subsistence Board. Subpart C contains Board Determinations, including  
27 rural and customary and traditional use determinations, while subpart D consists of the regulations for  
28 taking fish, wildlife and shellfish.

## 29 Goals

30 With respect to the Federal Subsistence Management Program:

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

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

4

## 5       Consultation

### 6       1. Communication

7       Information sharing between Tribes and the Board/Federal staff is encouraged to occur early  
8       and often. Communication between the Federal agencies and Tribes will occur in a timely  
9       manner to maximize opportunities to provide input to the Board’s decisions. For in-season  
10      management decisions, formal consultation is not always possible, but 2-way communication  
11      will take place prior to implementing those decisions. When issues are brought by Tribes which  
12      the Board does not have jurisdiction, the Board and Federal staff will provide Tribes with contact  
13      information for the correct state or Federal agency related to the issue, as well as provide the  
14      relevant state or Federal agency the Tribe’s contact information. Information sharing will  
15      include but is not limited to sharing of traditional knowledge, research and scientific data.

### 16     2. Roles and Responsibilities

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

### 22     3. Topics for consultation are listed under the definition for “Action with Tribal Implications”. 23      They may also include, but are not limited to:

- 24      • For regulations: (e.g., taking of fish, wildlife and shellfish - harvest amounts, methods  
25      and means, cultural and educational permits and funerary/mortuary ceremonies;  
26      emergency and temporary special actions; customary and traditional use  
27      determinations and customary trade)
- 28      • Policies and guidance documents [Note: this is consistent with page 3 “Definitions” of  
29      DOI Policy “Departmental Action with Tribal Implication” and cite USDA policy here.]
- 30      • Budget and priority planning development [Note: this is consistent with page 16 USDA  
31      Action Plan for Tribal Consultation and Collaboration (Nov 2009) and page 3  
32      “Definitions” of DOI policy – “Departmental Action with Tribal Implication” – specifically  
33      “operational activity”.]
- 34      • Agreements (e.g. Cooperative Agreement, Memorandum of Understanding, Funding  
35      Agreement)

36

### 37     4. Timing

1           Timing of consultation will need to be respectful to both the Federal subsistence management  
2           cycle and to Tribal timeframes for doing business. Implementing this policy includes providing  
3           early notification, methods of notice, availability of Federal analyses, time and place of Federal  
4           Subsistence Regional Advisory Council meetings and Board meetings. This is described further in  
5           Appendix “A: Federal Subsistence Consultation Implementation Guidelines”. A chart showing  
6           the Federal subsistence management cycle is in Appendix “B: Federal Subsistence Management  
7           Cycle.”

8           5. Methods

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

16

17        **Accountability and Reporting**

18        The Board will monitor consultation effectiveness and report information to the Secretaries, pursuant to  
19        the Department of the Interior and Department of Agriculture policies. On an annual basis, the Board  
20        shall evaluate whether the policy has been implemented and is effective, including progress towards  
21        achieving the seven goals outlined in this policy. The Board will actively seek feedback from Tribes on  
22        the effectiveness of consultation, and the evaluation will reflect this feedback. The Board shall modify  
23        the consultation process to address needed enhancements, as identified through the annual review. The  
24        Board will provide Tribes an oral and written summary through the Board meeting process, of the  
25        evaluation and changes, if any. This will assist the Board in meeting its obligations to report annually to  
26        the Secretaries of the Department of the Interior and Department of Agriculture.

27

28

29        **Training**

30        The program will adhere to the Department of the Interior and Department of Agriculture consultation  
31        policies for training of Federal staff. The Board recognizes the unique traditional values, culture and  
32        knowledge Tribes bring to the process and shall incorporate Tribes into the training for the Board and  
33        staff. The Federal Subsistence Board will strive to accompany subsistence users to gain direct experience  
34        in traditional Alaska Native hunting and fishing activities. In addition, the program will offer Federal  
35        Subsistence Management training to Tribes. A list of possible venues to provide training is included in  
36        Appendix “C: Venues for Training.”

1

2 **Alaska Native Corporation Consultation**

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

5

6

7

8

9 Adopted by the Board on \_\_\_\_\_,

\_\_\_\_\_

10

Tim Towarak, Chair

- 11 cc: Secretary of the Interior
- 12 Secretary of Agriculture
- 13 Federally Recognized Tribes in Alaska
- 14 Federal Subsistence Board
- 15 Office of Subsistence Management
- 16 Interagency Staff Committee
- 17 State of Alaska, ADF&G Federal Liaison

## Definitions

1

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

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

6 ANCSA Corporations – As defined in 43 U.S.C. § 1606, those regional and village corporations formed by  
7 Congress through the Act to provide for the settlement of certain land claims of Alaska Natives, approved  
8 December 18, 1971, as amended.

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

15 Consultation – When the Federal government’s actions and decisions may affect Tribal interests, the process of  
16 effective and meaningful government to government communication and coordination between appropriate  
17 Federal agency(ies) and Tribes conducted prior to action being taken or implementing decisions that may affect  
18 Tribes.

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

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

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

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

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

1 Regional Advisory Councils – Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) provides a  
2 foundational role for the ten Regional Advisory Councils in the development of regulations guiding the taking of  
3 fish and wildlife on Federal public lands in Alaska. Council members, a majority of whom are rural subsistence  
4 users, are appointed by the Secretary. In making its regulatory decisions, the Board must follow the  
5 recommendations of the Regional Advisory Councils unless they are not supported by substantial evidence,  
6 violate recognized principles of fish and wildlife conservation, or would be detrimental to the satisfaction of  
7 subsistence needs (805(c) of ANILCA). Deference to the Councils ensures that rural residents have a meaningful  
8 role in the management of fish and wildlife and subsistence uses, as envisioned by Congress.

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

12

13

14

15 **List of Appendices and Supplements**

16 APPENDIX A: Federal Subsistence Consultation Implementation Guidelines

17 APPENDIX B: Federal Subsistence Management Cycle

18 APPENDIX C: Venues for FSMP Training

19 Supplemental Policy on Consultation with ANCSA Corporations

DRAFT FOR EDITING

**Federal Subsistence Board**  
**Alaska Native Claims Settlement Act (ANCSA) Corporation Consultation**  
**Policy**

*Supplement of the Federal Subsistence Board Tribal Consultation Policy*

*\*Note to reviewer: This supplemental policy for consultation with ANCSA corporations is adapted from the DOI DRAFT Policy on Consultation with Alaska Native Claims Settlement Act (ANCSA) Corporations. Where ANILCA or FSMP provisions required extra explanation for this policy, it was added and is indicated as additions in italics.*

**I. Preamble**

In compliance with Congressional direction, this Policy creates a framework for consulting with ANCSA Corporations. Pursuant to the Alaska Native Claims Settlement Act (ANCSA) of 1971, ANCSA Corporations were established to provide for the economic and social needs, including the health, education and welfare of their Native shareholders. Congress also required that “[t]he 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 Number 13175.” Pub. L. No. 108-199 as amended by Pub. L. No. 108-447.

The Federal Subsistence Board (Board) distinguishes the federal relationship to ANCSA Corporations from the Tribal government-to-government relationship enjoyed by any federally recognized Indian Tribe, and this Policy will not diminish in any way that relationship and the consultation obligations towards federally recognized Indian Tribes. Recognizing the

DRAFT FOR EDITING

DRAFT FOR EDITING

distinction, the Board is committed to fulfilling its ANCSA Corporation consultation obligations by adhering to the framework described in this Policy.

*The Department of Interior is in the development stages of the Department-wide Policy on Consultation with ANCSA Corporations [this is slated to be finished in spring or summer 2012 – finalize this sentence at that time] and the U.S. Department of Agriculture has a policy in place for Consultation with Tribes and ANCSA Corporations. The Board will follow the Department-level policies; and for the purpose of Federal Subsistence Management, this policy further clarifies the Federal Subsistence Board’s responsibilities for consultation with ANCSA Corporations.*

## **II. Guiding Principles**

*The Alaska National Interest Lands Conservation Act (ANILCA) is a law that has a foundation built on conservation. ANILCA Section 802(3) provides direction for interactions with Alaska Native corporations: “except as otherwise provided by this Act or other Federal laws, Federal land managing agencies, in managing subsistence activities on the public lands and in protecting the continued viability of all wild renewable resources in Alaska, shall cooperate with adjacent landowners and land managers, including Native Corporations, appropriate State and Federal agencies and other nations.”*

## **IV. Policy**

*The Board will consult with ANCSA Corporations that own land within or adjacent to boundaries of federal conservation units in which that land or its resources may be affected by regulations enacted by the Board.*

DRAFT FOR EDITING

DRAFT FOR EDITING

*ANCSA Corporations may also initiate consultation with the Board by contacting the Office of Subsistence Management Native Liaison.*

DRAFT FOR EDITING

### **Consultation Implementation Guidelines**

Guidelines for implementing the Board's policies for consultation with Tribes would provide details about how the policy would be carried out. It might best be developed by a work group comprised of a balanced number of Tribal leaders and Federal staff, similar to the approach taken in developing the consultation policy. It could be comprised of members different from or in addition to those who served on the consultation policy work group. For example, Federal staff on the work group might include representation from the Office of Subsistence Management, Interagency Staff Committee, agency Native Liaisons, local land managers and/or law enforcement. Tribal members of the consultation policy work group mentioned repeatedly that, currently, most consultation occurs with local land managers and local biologists, cultural resource professionals and/or subsistence specialists; thus, a voice from the field would be beneficial in drafting the guidelines. The work group would reflect the broad interests, knowledge and experiences of subsistence users and Federal land managers.

Ideas and suggestions raised during the development of the Tribal consultation policy, as well as experience and information gained through Tribal consultations and Federal staff input should be considered in drafting the implementation guidelines.

The format for the implementation guidelines could follow the format used for the consultation policy. Major headings would mirror those used for the policy:

Communication

Roles and Responsibilities

Timing

Methods

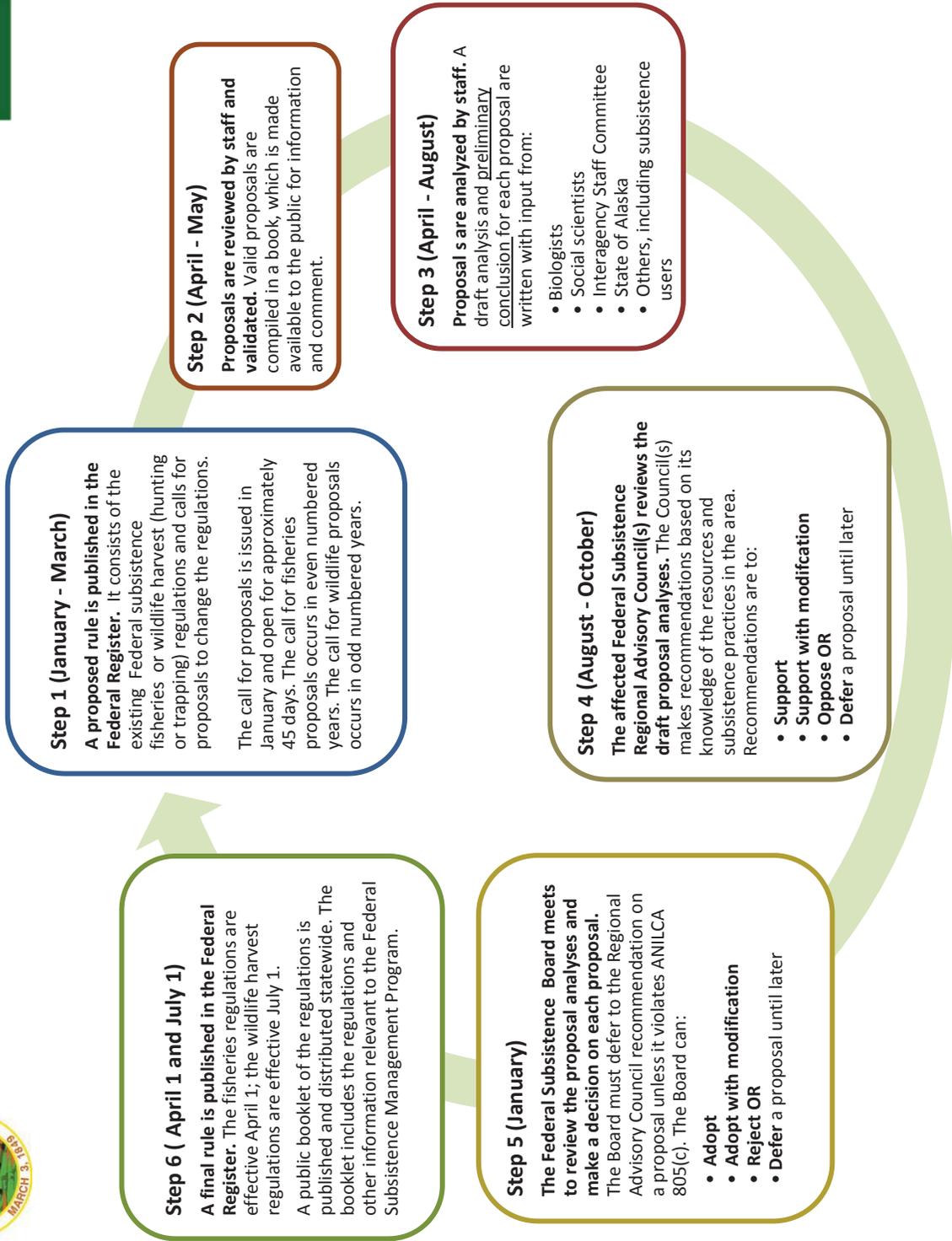
Accountability and Reporting

Training

Note: A list of ideas and recommendations raised during consultations, staff input, and workgroup meetings is being compiled and can be provided upon request.



**FEDERAL SUBSISTENCE MANAGEMENT PROGRAM  
REGULATORY PROCESS AT A GLANCE**



**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

**GATES OF THE ARCTIC NATIONAL PARK  
SUBSISTENCE RESOURCE COMMISSION  
c/o 4175 Geist Road  
Fairbanks, AK. 99709  
(907) 455-0631 or FAX (907) 455-0601**

June 15, 2011

Gates of the Arctic Subsistence Resource Commission  
**Hunting Plan Recommendation 11-01**

A recommendation that requests an increase in the per diem rate for State of Alaska Subsistence Resource Commissions and Federal Regional Advisory Councils.

---

The Gates of the Arctic Subsistence Resource Commission (SRC) proposes Hunting Plan Recommendation 11-01, which states that there should be an increase in the per diem rate for all Subsistence Resource Commissions, as well as Federal Regional Advisory Councils. ANILCA Title VIII sec. 808 mandates the establishment of an SRC for each of the national parks where subsistence uses are allowed. The formal involvement of SRCs includes sharing information about traditional subsistence activities and the resources found on federal lands, specifically National Park Service lands. It is integral to the SRC and the management of parklands that well-qualified people serve on the commission, people with a strong knowledge base of the subsistence way of life and the fish and wildlife populations upon which they rely. In order to maintain and fulfill the mandate set forth by ANILCA, it is important to attract and/or retain suitable people who are interested in serving as commission members.

It should also be considered that the cost of living in Alaska is substantially higher than the lower 48. The Gates of the Arctic SRC would like the amount of the Alaska per diem to be set at a rate that reflects the exorbitant costs residents experience in order to live in Alaska. The SRC is requesting at this time an increase in per diem rates so that they reflect the actual costs of living in both urban and rural Alaskan communities.

Recommendation 11-01 would reinforce the commitment the Federal government has taken in upholding the ANILCA mandate related to the formation of Subsistence Resource Commissions and Regional Advisory Councils.

Sincerely,

//Signed//

---

Pollock Simon Sr., Gates of the Arctic SRC Chair

//Signed//

Jack Reakoff, Gates of the Arctic SRC Vice-Chair

*SRC Proposal Regarding Per Diem*

Cc.

- Secretary of Interior & Pat Pourchot, Special Assistant for Alaska Affairs
- All Regional Advisory Councils in Alaska
- All NPS Subsistence Resource Commissions



Pollock Simon, Sr. (Chairperson), Jack Reakoff (Vice-Chairperson), Levi Cleveland, Taquik Hepa, Tim Fickus, Rachel Riley, Louie Commack, James Nageak, and Chris Zwoinski



**United States Department of the Interior**  
**NATIONAL PARK SERVICE**

Alaska Region  
240 West 5<sup>th</sup> Avenue, Room 114  
Anchorage, Alaska 99501

IN REPLY REFER TO:

L7617(AKRO-EPC)

JAN 25 2012

Dear Interested Citizen, Agency, Tribe, or Organization:

Enclosed for your review is an executive summary briefing of an environmental assessment (EA) in which the National Park Service (NPS) is considering promulgating new regulations to allow subsistence collections and uses of shed or discarded animals parts and plants to make handicrafts for personal or family uses, for barter, or to sell. Collection activities would only be allowed in NPS areas where subsistence is authorized in accordance with Titles II and VIII of the Alaska National Interest Lands Conservation Act (ANILCA) of 1980. The EA evaluates the effects of alternatives for managing the collections of plants and inedible animal parts from naturally shed (including natural mortality) or discarded (from hunters) for subsistence uses by qualified local rural residents. The NPS goal is to authorize these uses in a manner to prevent or minimize adverse impacts to other park resources, values, and uses.

The NPS is considering this action because Alaska rural residents asked the NPS to consider allowing these collection activities in ANILCA units with subsistence provisions because NPS national regulations at 36 CFR 2.1 presently prohibit the "Possessing, destroying, injuring, defacing, removing, digging, or disturbing from its natural state any living or dead wildlife or fish, or parts or products thereof, such as antlers or nests."

The EA was completed in accordance with the National Environmental Policy Act of 1969 and the regulations of the Council on Environmental Quality (40 CFR 1508.9).

The comment period for the EA will extend 60 days, beginning February 7, 2012, and ending April 7, 2012. Please send written comments to:

Attn: Bud Rice  
National Park Service  
240 West 5<sup>th</sup> Avenue  
Anchorage, Alaska 99501

Those of you with Internet access can review the EA online and post your comments using the Planning, Environment, and Public Comment (PEPC) program located on the NPS public comment website at: <http://parkplanning.nps.gov>

Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment – including your personal identifying information – may be made publicly available at any time. While you can ask us to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. We will always make submissions from organizations or businesses, and from individuals identifying themselves as representative of or officials of organizations or businesses, available for public inspection in their entirety.

If you have any questions about the EA or need hard copies, please call Bud Rice at (907) 644-3530 or Sandy Rabinowitch at (907) 644-3596. Thank you for your interest in this project.

Sincerely,

//Signed//

Debora Cooper for  
Sue E. Masica  
Regional Director, Alaska Region

cc:

Frank Hays, Superintendent, Western Arctic National Parklands  
Jeanette Pomrenke, Superintendent, Bering Land Bridge National Preserve  
Greg Dudgeon, Superintendent, Gates of the Arctic National Park & Preserve/  
Yukon-Charley Rivers National Preserve  
Rick Obernesser, Superintendent, Wrangell-St. Elias National Park & Preserve  
Paul R. Anderson, Superintendent, Denali National Park & Preserve  
Joel Hard, Superintendent, Lake Clark National Park & Preserve  
Ralph Moore, Superintendent, Aniakchak National Monument & Preserve/  
Katmai National Preserve  
Susan Boudreau, Superintendent, Glacier Bay National Preserve

## Overview Statement

---

<b>Bureau:</b>	<b>National Park Service (NPS)</b>
<b>Unit:</b>	<b>Alaska Region</b>
<b>Date:</b>	<b>January 2012</b>
<b>Title:</b>	<b>Subsistence Collections of Shed or Discarded Animal Parts &amp; Plants</b>

---

**Issue:** Federally qualified subsistence users have requested the NPS to authorize subsistence collections and uses of shed or discarded animal parts and plants in NPS Alaska Region units for personal and family uses and to make and sell handicrafts. The NPS has a regulation at 36 Code Federal Regulations 2.1 that prohibits the “Possessing, destroying, injuring, defacing, removing, digging, or disturbing from its natural state: Living or dead wildlife and fish, or their parts or products thereof, such as antlers or nests.” The Alaska National Interest Lands Conservation Act Title VIII authorizes subsistence uses “for making and selling handicraft articles out of nonedible byproducts of wildlife resources taken . . .” The NPS has drafted an environmental assessment (EA) to analyze the impacts of alternatives that would allow subsistence collections and uses of shed or discarded animal parts and plants to make into handicrafts and use for personal or family purposes or to sell. A regulation may be proposed following the public review of the EA and NPS’s decision on how to proceed on the requested action.

### Background:

- Two NPS units have regulations allowing subsistence users in Kobuk Valley National Park and Gates of the Arctic National Preserve (Western or Kobuk River Unit) to collect plant materials to make them into handicrafts and sell.
- The NPS Subsistence Management Team has briefed Subsistence Resource Commissions (SRC) repeatedly on progress on the project, and the SRC Chairs were briefed on 10/18/2011.
- Conservation groups were briefed on the potential environmental assessment and regulation in 2010.
- Contact with the State of Alaska has occurred with Jennifer Yuhus (ADFG) and Saunders McNeil (Alaska Department of Commerce, Community, and Economic Development)

### Current Status:

- An EA is out for a 60-day public review from February 7 to April 7, 2012.
- The NPS Regional Director identified Alternative D as the Preferred Alternative.
- Draft regulations have been prepared as an appendix to the EA to provide the reviewer with examples of how the regulations might be expressed for each action alternative.

### Key Stakeholders Positions of Interested Parties:

- Subsistence groups prefer the least restrictions on collections that could limit materials to make and sell handicrafts.
- Conservation groups are concerned about liberal collections for subsistence uses within NPS areas in Alaska.
- The State of Alaska recognizes that subsistence collections of materials to make and sell handicrafts is a large industry of over \$100 million dollars per year; however, the State has expressed caution over the use of some materials, such as bear claws.

**Action Needed:**

- Do you need a full copy of the EA for comment and review?
- Which alternative(s) are best for your areas and why?
- How important would it be for your communities to be able to collect nonedible shed or discarded animal parts and plants from NPS areas to make and sell handicrafts?

**Contacts:**

Sandy Rabinowitch, Project Manager 907-644-3596  
Bud Rice, Project NEPA Manager 907-644-3530

National Park Service  
U.S. Department of the Interior

Alaska Region



## Subsistence Collections & Uses of Shed or Discarded Animal Parts and Plants from NPS Areas in Alaska

*Public Review  
Environmental Assessment*



National Park Service  
U.S. Department of the Interior  
Alaska Region

---

## Subsistence Collections & Uses of Shed or Discarded Animal Parts and Plants from NPS Areas in Alaska

### *Public Review Environmental Assessment*

January 2012

#### Note to Reviewers

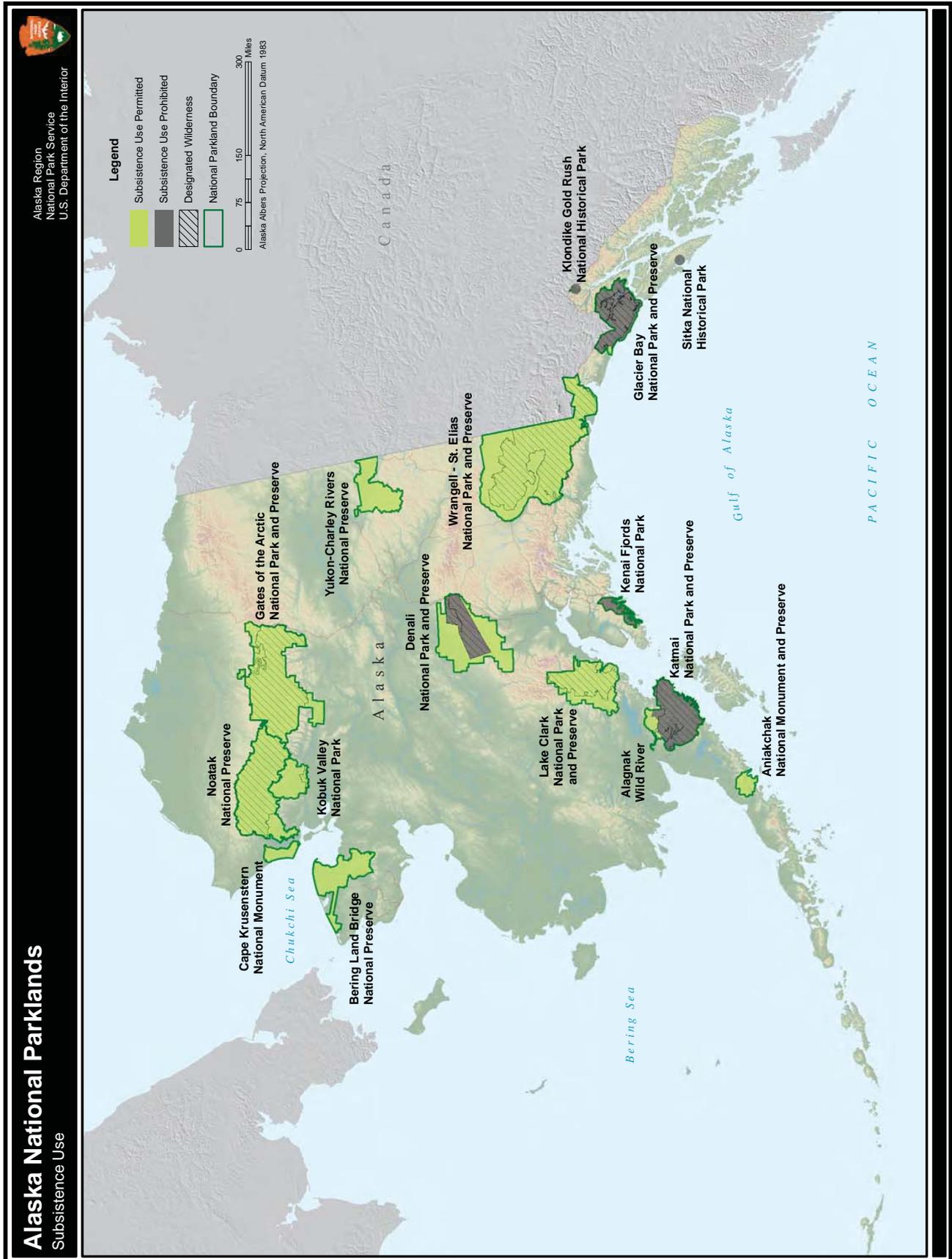
If you wish to comment on this document, you may mail comments to:

Bud Rice  
Environmental Protection Specialist  
National Park Service  
Alaska Regional Office  
240 West 5th Avenue  
Anchorage, AK 99501

You may also comment online. Go to <http://parkplanning.nps.gov/> and retrieve this document on the web site to provide comments electronically.

Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment, including personal identifying information, may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee we be able to do so.

Mention by the U.S. Department of the Interior National Park Service of trade names or commercial products do not constitute endorsement or recommendation for use.



**Eastern Interior Alaska Subsistence  
Regional Advisory Council  
c/o Office of Subsistence Management  
101 12th Avenue, Room 110  
Fairbanks, Alaska 99701  
Phone: 1-(907)-456-0277 or 1-800-267-3997  
Fax: 1-(907)-456-0208  
E-mail: Vince\_Mathews@fws.gov**

May 14, 2007

Marcia Blaszak, Regional Director  
National Park Service – Alaska  
240 West 5<sup>th</sup> Avenue  
Anchorage, Alaska 99501

**Subject: Gathering of Shed Antlers on National Park Service Lands**

Dear Regional Director Blaszak:

The Eastern Interior Alaska Subsistence Regional Advisory Council (Council) requests the prohibition of collecting antlers or horns, naturally shed or discarded by hunters, on National Park Service (NPS) lands be removed (36 CFR 2.1 (a) (1) (i)). We believe the NPS should allow this collection by Federally qualified subsistence users, as there is a long history of utilizing antlers and horns to make handicrafts, and other items, as an important part of the subsistence way of life in Alaska. We also believe that allowing this collection to occur would not result in any conservation concern (i.e. overharvest), because the making of handicrafts is labor intensive, time consuming and, thus, inherently limits the amount of resource that is sought and utilized at any given time.

Our Council became aware of this prohibition on NPS lands when we were developing our recommendation on Federal subsistence wildlife proposal, WP07-04, a combination of two proposals submitted by our Council and the Upper Tanana/40-Mile Fish and Game Advisory Committee. The proposal requested the Federal Subsistence Board to allow the sale of horns and antlers from goat, sheep, deer, elk, caribou, muskox, and moose that have been naturally shed or removed from the skull of an animal harvested on Federal public lands by Federally qualified subsistence users. It was noted in our Council meeting materials, as well as during the Federal Subsistence Board's deliberation, that shed antlers are not regulated under the Federal Subsistence Management Program. This factored into the Board's decision to adopt the proposal with the modification to address only animals "legally harvested", with clarifying language regarding removal of horns or antlers from the skull.

Thank you for your consideration of our request. The Council looks forward to your response outlining the steps that the National Park Service will be taking to correct this oversight of a

traditional subsistence activity on its lands. For your information, our next public meeting is scheduled for October 16-17, 2007 in Fort Yukon. If you have questions, please contact me directly (1-907-883-2833) or our Regional Coordinator, Vince Mathews. His contact information can be found in our letterhead.

Sincerely,

//Signed//

Sue Entsminger, Chair

cc: Eastern Interior Council members  
Jack Reakoff, Chair, Western Interior Alaska Subsistence Regional Advisory Council  
Don Rivard, Office of Subsistence Management



As far as item number three above, unfortunately we cannot allow the selling of horns and antlers that have not been made into handicrafts, under customary trade provisions.

NPS staff knowledgeable about this request will attend your next meeting in Ft. Yukon in order to explain this strategy and process in detail.

I look forward to working with you, the Regional Advisory Council, as well as the Subsistence Resource Commissions on this request.

Sincerely,

//Signed//

Marcia Blaszk  
Regional Director



**Gates of the Arctic National Park  
Subsistence Resource Commission  
210 First Avenue  
Fairbanks, AK 99701  
Tel. (907) 455-0621**

**Hunting Program Recommendation 99-01 (#20): Customary Trade**

The National Park Service should revise customary trade regulations for Gates of the Arctic National Park and Preserve to better reflect traditional practices of local residents. The Commission recommended regulatory revisions to accommodate the following local customary practices:

- 1) Gathering plant materials for making and selling of handicrafts. These wild renewable materials include, but are not limited to roots, tree bark, wood and lichens. Uses include, but are not limited to making of snowshoes, dogsleds, baskets and various arts and crafts, etc. The materials are harvested in very limited amounts and the practice is not detrimental to park resources.
- 2) Another practice overlooked in National Park Service regulations is the small scale manufacture of handicraft articles from horn, antler and bone which are shed or are from animals that have died naturally or such parts discarded or by other subsistence users. The large-scale sale of these resources should not be allowed. The making of handicrafts is labor intensive, time consuming and inherently limits the amount of resource that is sought and utilized.

Table 2.1 Summary Comparison of the Alternatives

Alternative Element ▼	Alt. A No-Action	Alt. B Broad Eligibility and No Permits	Alt. C Eligibility Restricted by Areas with Discretionary Permits	Alt. D Eligibility Restricted by Areas and Species with Required Permits
Requires promulgation of new regulations	No	Yes	Yes	Yes
Eligible persons for Parks & Monuments:	N/A	People who live in a resident zone or have a Section 13.440 permit	People who live in a resident zone or have a Section 13.440 permit <b>and</b> who have a Federal Subsistence Board Customary & Traditional Use Finding for <b>any</b> wildlife species <b>in each</b> GMU or subunit in the park or monument.	People who live in a resident zone or have a Section 13.440 permit <b>and</b> who have a Federal Subsistence Board Customary & Traditional Use Finding for <b>each</b> wildlife species <b>in each</b> GMU or subunit in the park or monument.
Eligible person for Preserves are:	N/A	People who have a Federal Subsistence Board Customary & Traditional Use Finding for <b>any</b> wildlife species in the Preserve	People who have a Federal Subsistence Board Customary & Tradition Use Finding for <b>any</b> wildlife species <b>in each</b> GMU or subunit of the preserve	People who have a Federal Subsistence Board Customary & Tradition Use Finding for <b>each</b> wildlife species <b>in each</b> GMU or subunit of the preserve
Addresses request to allow collections.	No	Yes	Yes	Yes
Conditions placed on the collection of plant materials to make into handicrafts and sell	Allowed only in 2 units <sup>1</sup>	No	Discretionary ( Pending consultation with appropriate SRC and a decision by Superintendent)	Mandatory
Conditions placed on the collection of horns, antlers, and bones for personal/family use or to make into handicrafts and sell	No collections allowed	No, except in emergency situations using closure authority and superintendents compendia; no individual permits to be required	Discretionary ( Pending consultation with appropriate SRC and a decision by Superintendent)	Mandatory ( Pending consultation with appropriate SRC and a decision by Superintendent)
Permit required	No	No	Discretionary ( Pending consultation with appropriate SRC and decision by the Superintendent)	Yes

<sup>1</sup> Existing regulations allow collections of plants to make and sell handicrafts in KOVA and GAAR Preserve Western Unit.



**United States Department of the Interior**  
**NATIONAL PARK SERVICE**

Alaska Region  
240 West 5<sup>th</sup> Avenue, Room 114  
Anchorage, Alaska 99501

IN REPLY REFER TO:  
N1427 (AKRO – SUBS)

OCT 17 2007

Mr. Pollack Simon, Sr., Chairman  
Gates of the Arctic National Park  
Subsistence Resource Commission  
4175 Geist Road  
Fairbanks, Alaska 99709-3420

Dear Mr. Simon:

I am responding to your letter regarding Gates of the Arctic National Park Subsistence Resource Commission (SRC) Hunting Plan Recommendation 99-01 (#20) - Customary Trade on behalf of the Secretary of Interior. Your letter requests the National Park Service develop subsistence regulations to allow limited gathering of plant, horn, antler and bone materials for making and selling handicrafts articles. These recommendations appear consistent with provisions of the Alaska National Interest Lands Conservation Act (ANILCA), including Section 803 which provides for the making and selling of handicraft articles made from these types of materials. Gathering of plant material for handicrafts is already allowed in the Gates of the Arctic National Preserve. Gathering of plant, horn, antler, and bone materials in the park, and the addition of these to the current allowance of plant material in the preserve, will require new regulations.

Your recommendations will be appropriately evaluated through the National Environmental Policy Act (NEPA) process. Depending on the outcome of this evaluation, regulations may then be developed under a formal rule making process. Since these steps may involve input from around the state, the NEPA and the rule making process could take 18-24 months each. Please understand that there are no guarantees as to the outcome of the process, as the process will drive the decisions to be made.

We appreciate your interest in this important subsistence management issue. Thank you for your continued commitment of service to the SRC program. Your questions and comments are welcome and should be directed to the park superintendent at (907) 457-5752.

Sincerely,

//Signed//

Marcia Blaszak  
Regional Director

cc:

Carolyn J. Howard, DOI, Office of Executive Secretariat

Judy Gottlieb, Associate Regional Director, Subsistence and Partnerships

Dave Mills, Subsistence Team Manager, Alaska Region

Jack Reakoff, Vice Chair, Gates of the Arctic National Park SRC

Superintendent, Gates of the Arctic National Park and Preserve

**Table 2.2 Summary Impacts of the Alternatives**

<b>Alternative ► Impact Topic ▼</b>	<b>Alt. A No-Action</b>	<b>Alt. B Broad Eligibility &amp; No Permits</b>	<b>Alt. C Eligibility Limited to Areas &amp; Discretionary Permits</b>	<b>Alt. D Eligibility Limited to Areas and Species with Permits</b>
Subsistence	Minor <i>adverse</i> impact on subsistence gathering and uses	Minor <i>beneficial</i> impact on subsistence gathering and uses	Minor <i>beneficial</i> impact on subsistence gathering and uses, but more restrictive than alternative B with reduced collections areas and discretionary permits	Minor <i>beneficial</i> impact on subsistence gathering and uses, but more restrictive than alternatives B & C with limited collections areas and mandatory permits
Local Rural Economic Conditions	Minor adverse effects on subset of 75,000 local rural residents	Minor beneficial effects on a subset of 75,000 local rural residents	Minor beneficial effects on a slightly smaller subset of 75,000 local rural residents than for alternative B	Minor beneficial effects on a smaller and more local subset of 75,000 rural residents than alt's B & C
Cultural Resources	Minor adverse impact to ethnographic resources	Minor adverse impacts with minor positive effects on ethnographic resources	Minor adverse impacts with minor positive effects on ethnographic resources	Minor adverse impacts with minor positive effects on ethnographic resources
Vegetation	No effects	Minor adverse effects	Minor adverse effects, but less effect than in alternative B due to more restrictive collection areas and discretionary permitting.	Minor adverse effects, but fewer effects than in alternatives B & C due to more restrictions on collections.
Wildlife and Habitat	No effects	Minor adverse effects	Minor adverse effects, but slightly less than with alternative B	Minor adverse effects, but slightly less than alternatives B and C
Recreation and Scenic Values	No effects	Minor adverse effects	Minor adverse effects	Minor adverse effects
Wilderness	No effects	Minor adverse effects	Minor adverse effects	Minor adverse effects

Table 3.3 Rural Residents in GMUs with C&T for antlered or horned species and wolves by Preserve

Species/ Preserve	<b>Caribou</b>	<b>Moose</b>	<b>Deer</b>	<b>Sheep</b>	<b>Mt. Goat</b>	<b>Muskox</b>	<b>Wolf</b>
<b>ANIA</b>	Residents of 9B, 9C, 9E, 17, Nelson Lagoon & Sand Point	Residents of 9A, B, C, & E					Residents of 6, 9, 10 (Unimak Is. Only), 11-13, 16-26, & Chickaloon
<b>BELA</b>	In <u>GMU 22</u> , residents of 21D, 22, 23, and 24; In <u>GMU 23</u> , residents of 21D, 22, 23, 24 (Wiseman), 26A, and Galena	In <u>GMU 22</u> , residents of GMU 22; in <u>GMU 23</u> , residents of GMU 23.				In <u>GMU 22B</u> west of Darby Mtns, residents of 22B & 22C; in <u>GMU 22D</u> , residents of 22 B –E, but not St. Lawrence Is.; in <u>GMU 22E</u> , residents of 22 E, but not Little Diomedes Is.	In <u>GMU 22</u> residents of 21D (N & W of Yukon River), 22, 23, and Kotlik; in <u>GMU 23</u> residents of 6, 9, 10 (Unimak Is. Only), 11-13, 16-26, & Chickaloon
<b>DENA</b>	In <u>GMU 16B</u> , all rural residents; in <u>GMU 19C</u> , Village, McGrath, Nicholai, and Telida; in <u>GMU 19D</u> , residents of 19D, Lime Village, Sleetmute, and Stony River; in <u>GMU 20C</u> , residents of 20C east of Teklanika River, in Cantwell, Lake Minchumina, Manley Hot Springs, Minto, Nenana, Nikolai, Tanana, Telida and between MP 216-239 and 300-309 of Parks Hwy; no	In <u>GMU 16B</u> , residents of 16B; in <u>GMU 19C</u> , residents of 19; in <u>GMU 19D</u> , residents of 19 and Lake Minchumina; in <u>GMU 20C</u> , residents of 20C (not in DENA) and Cantwell, Manley, Minto, Nenana, Nikolai, Tanana, Telida, McKinley Village, and between MP 216-		In <u>GMU 16B</u> , no subsistence priority; in <u>GMU 19</u> , all rural residents.			In <u>GMUs 16</u> , 19, & 20, residents of 6, 9, 10 (Unimak Is. Only), 11-13, 16-26, & Chickaloon

Species/ Preserve	Caribou	Moose	Deer	Sheep	Mt. Goat	Muskox	Wolf
<b>GAAR</b>	substance for NPS residents at DENA HQ. In <u>GMU 23</u> , residents of 21D (west of Koyukuk & Yukon rivers), 22, 23, Wiseman, 26A, & Galena; in <u>GMU 24</u> , residents of 24, Anaktuvuk Pass, Galena, & Anaktuvuk Pass, Galena, Kobuk, Koyukuk, Stevens Village, & Tanana; in <u>GMU 26A</u> , residents of 26, Anaktuvuk Pass, & Point Hope; in <u>GMU 26B</u> , residents of 26, Anaktuvuk Pass, Point Hope, & along Dalton Hwy in 24.	239 and 300-309 of Parks Hwy. In <u>GMU 23</u> , residents of 23; in <u>GMU 24</u> , residents of 24, Anaktuvuk Pass, Galena, & Koyukuk; in <u>GMU 26</u> , residents of 26, Anaktuvuk Pass, and Point Hope (not Prudhoe Bay workers)		In <u>GMU 23</u> , residents of 23; in <u>GMU 24</u> , residents of 24 residing north of the Arctic Circle, Anaktuvuk Pass, Allakaket, Alatna, Hughes, & Huslia; in <u>GMU 26A</u> , residents of 26, Anaktuvuk Pass & Point Hope; in <u>GMU 26B</u> , residents of 26, Anaktuvuk Pass, Point Hope, & Wiseman.			In <u>GMUs 23, 24, &amp; 26</u> , residents of 6, 9, 10 (Unimak Is. Only), 11-13, 16-26, & Chickaloon
<b>GLBA</b>		Residents of 5A	Rural residents of Yakutat		Residents of 5A		Residents of 5A
<b>KATM</b>	Residents of 9B, 9C, 17, and Egegik	Residents of 9A, 9B, 9C, & 9E					Residents of 6, 9, 10 (Unimak Is. Only), 11-13, 16-26, & Chickaloon
<b>LACL</b>	In <u>GMU 9B</u> , residents of 9B, 9C, & 17; in <u>GMU 17B</u> , residents of 9B, Lime Village, and Stony River; in <u>GMU 19B</u> , residents of 19A, 19B, 18 upstream of and including Johnson River, St. Marys, Marshall, Pilot Station, & Russian Mission	In <u>GMU 9B</u> , residents of 9A, 9B, 9C, & 9E; in <u>GMU 17B</u> , residents of 17, Nondalton, Levelock, Goodnews Bay, and Platinum; in <u>GMU 19B</u> , residents of 19A, 19B, 18 upstream of and including		In <u>GMU 9B</u> , residents of Iliamna, Newhalen, Nondalton, Pedro Bay, & Port Alsworth; in <u>GMU 17B</u> , all rural residents.			In <u>GMUs 9, 17, &amp; 19</u> , residents of 6, 9, 10 (Unimak Is. Only), 11-13, 16-26, & Chickaloon

Species/ Preserve	Caribou	Moose	Deer	Sheep	Mt. Goat	Muskox	Wolf
<b>NOAT</b>	Residents of 21D, 22, 23, 23 (Wiseman), 26A & Galena	Johnson River, St. Marys, Marshall, Pilot Station, & Russian Mission Residents of 23		Residents of 23 north of Arctic Circle & Point Lay		Residents of 23	Residents of 6, 9, 10 (Unimak Is. Only), 11-13, 16-26, & Chickaloon
<b>WRST</b>	In <u>GMU 11</u> north of Sanford River, residents of 11, 12, 13A-D, Healy Lake, Chickaloon, & Dot Lake; in remainder <u>GMU 11</u> , residents of 11, 13A-D & Chickaloon; in <u>GMU 12</u> , residents of 12, Dot Lake, Chistochina, Gakona, Mentasta Lake, & Slana.	In <u>GMU 5</u> , residents of 5; in <u>GMU 6</u> , residents of 5A, 6A-C; in <u>GMU 11</u> north of Sanford River, residents of 11, 12, 13A-D, Healy Lake, Chickaloon, & Dot Lake; in remainder <u>GMU 11</u> , residents of 11, 13A-D & Chickaloon; in <u>GMU 12</u> , residents of 12, 13A-D, Chickaloon; in <u>GMU 12</u> , residents of 12, 13A-D, Chickaloon, Dot Lake, and Healy Lake (see manual for details)	In <u>GMU 5B</u> , residents of Yakutat; in <u>GMU 6</u> , all rural residents.	In <u>GMU 11</u> north of Sanford R., residents in <u>GMU 12</u> , Chistochina, Chitina, Copper Center, Dot Lake, Gakona, Glennallen, Gulkana, Healy Lake, Kenny Lake, Mentasta Lake, Slana, McCarthy/ South Wrangell/ South Park, Tazlina, Tonsina, Nabesna Road MP 0-46 and McCarthy Road MP 0-62. In remainder <u>GMU 11</u> , residents of Chistochina, Chitina, Copper Center, Dot Lake, Gakona, Glennallen, Gulkana, Helay Lake, Kenny Lake, Mentasta Lake, Slana, McCarthy/ South Wrangell/ South Park, Tazlina, Tonsina, Tok Cutoff Road MP 79-110, Nabesna Road MP 0-46 and McCarthy Road MP 0-62. In <u>GMU 12</u> , residents in <u>GMU 12</u> , Chistochina, Mentasta, Dot Lake, and Healy Lake.	In <u>GMU 5B</u> , residents of 5B; in <u>GMU 6A</u> , residents of 5A, 6C, Chenega Bay, and Tatitlek; in <u>GMU 11</u> , residents of 11, Chitina, Chistochina, Copper Center, Gakona, Glennallen, Gulkana, Mentasta Lake, Slana, Tazlina, Tonsina, & Dot Lake.		In <u>GMU 5B</u> , all residents of 5A; in <u>GMU 6A</u> , residents of 5A, 6, 9, 10 (Unimak Is. Only), 11-13, 16-26, & Chickaloon; in <u>GMU 11 &amp; 12</u> , residents of 6, 9, 10 (Unimak Is. Only), 11-13, 16-26, & Chickaloon

<b>YUCH</b>	In GMU 20E, rural residents of 12, 20D & E	In GMU 20E, rural residents of 20E, 12 (north of WRST Preserve), Circle, Central, Dot Lake, Healy Lake, and Mentasta Lake.					In GMUs 20E & 25 B&C, residents of 6, 9, 10 (Unimak Is. Only), 11-13, 16-26, & Chickaloon
-------------	--	--	--	--	--	--	---

Table 3.29 Distribution of wildlife with horns and antlers by NPS units in Alaska

SPECIES PARK	Moose	Caribou	Deer	Dall's Sheep	Mt. Goat	Muskox	Bison
Alagnak	X	X					
Aniakchak	X	X					
Bering Land Bridge	X	X				X	
Cape Krusenstern	X	X		X		X	
Denali	X	X		X	X		
Gates of the Arctic	X	X		X		X	
Glacier Bay	X		X		X		
Katmai	X	X					
Kobuk Valley	X	X		X		X	
Lake Clark	X	X		X			
Noatak	X	X		X		X	
Wrangell-St. Elias	X		X	X	X		X
Yukon-Charley	X	X		X		X	

## APPENDIX A ALTERNATIVE REVISED REGULATIONS

**[Note: The subsistence regulations for Alaska in 36 CFR Part 13, Subpart F amend in part the NPS general system-wide regulations and the Alaska general region-wide regulations (see 36 CFR 13.2(c)). For that reason, the likely location of the suggested revisions below is in Subpart F between 13.400 and 13.495.]**

### No Action Alternative

#### **Alternative A:**

No Change – The current restrictions on the collection and use of plants and shed or discarded wildlife parts for subsistence use by local rural residents would remain unchanged.

### Action Alternatives

#### **Alternative B - Collections Unlimited and No Permits:**

13.4xx

(a) Local rural residents may collect shed or discarded wildlife parts and plant materials not otherwise regulated in this Part for:

- (1) personal or family use and barter, or
- (2) the making and selling of handicraft articles

(b) For purposes of this section *handicraft* is a finished product in which the shape and appearance of the natural material has been substantially changed by the skillful use of hands, such as sewing, carving, etching, scrimshawing, painting, or other means, and which has substantially greater monetary and aesthetic value than the unaltered natural material alone.

(d) For purposes of this section the definition of *local rural resident* in 13.420(1), (2) includes for preserves federally qualified subsistence users eligible to take any wildlife species within the preserve in accordance with regulations adopted by the Federal Subsistence Board.

(e) Optional (prohibition is also in 2.1): Collection of horns, antlers, bones, and plants is prohibited except as authorized by this section or 2.1 of this chapter.

#### **Alternative C –Collections Limited by Areas and Discretionary Permits:**

13.4xx

(a) In accordance with conditions established by the superintendent, local rural residents may collect shed or discarded wildlife parts and plant material not otherwise regulated in this Part for:

- (1) personal or family use and barter, or
- (2) the making and selling of handicraft articles.

(b) Violating conditions established by the superintendent is prohibited.

*Public Review EA - Subsistence Collections of Shed or Discarded Animal Parts and Plants –  
NPS Alaska Region January 2012*

(c) For purposes of this section *handicraft* is a finished product in which the shape and appears of the natural material has been substantially changed by the skillful use of hands, such as sewing, carving, etching, scrimshawing, painting, or other means, and which has substantially greater monetary and aesthetic value than the unaltered natural material alone.

(d) For purposes of this section the definition of *local rural resident* in 13.420(1), (2) includes for preserves federally qualified subsistence users eligible to take any wildlife species within the applicable GMU in the preserve in accordance with regulations adopted by the Federal Subsistence Board.

(e) Optional (prohibition is also in 2.1): Collection of horns, antlers, bones, and plants is prohibited except as authorized by this section or 2.1 of this chapter.

**Alternative D – Collections Limited by Area and Species with Permits (NPS Preferred):**

13.4xx

(a) The superintendent may issue local rural residents a permit for the collection of shed or discarded wildlife parts and plant material not otherwise regulated in this Part for:

- (1) personal or family use, or
- (2) the making and selling of handicraft articles.

(b) Violating permit conditions established by the superintendent is prohibited.

(c) For purposes of this section *handicraft* is a finished product in which the shape and appears of the natural material has been substantially changed by the skillful use of hands, such as sewing, carving, etching, scrimshawing, painting, or other means, and which has substantially greater monetary and aesthetic value than the unaltered natural material alone.

(d) For purposes of this section the definition of *local rural resident* in 13.420(1), (2) includes for preserves federally qualified subsistence users eligible to take any wildlife species within the applicable GMU in the preserve in accordance with regulations adopted by the Federal Subsistence Board.

(e) For all local rural residents of parks, monuments, and preserves, collection of shed or discarded wildlife parts is limited to such wildlife parts for which the collecting local rural resident has a Customary and Traditional (C&T) use determination by the Federal Subsistence Board for that species of wildlife in that location.

(f) Optional (prohibition is also in 2.1): Collection of horns, antlers, bones, and plants is prohibited except as authorized by this section or 2.1 of this chapter.

## Appendix C

### Possible Management Conditions for Collections

- 1.) A report of materials collected will be submitted by the collector at the end of the collection period.
- 2.) A collector may designate another qualified person to collect for them under specific conditions.
- 3.) The use of collected horns, antlers, bones and other animal parts or plants may be made into handicrafts (as defined by (36 CFR 13.xxx) (the intention is to use the same definition as the Federal Subsistence Board and State of Alaska definition) and sold, bartered or traded as part of customary trade.
- 4.) Horns or antlers may not be attached to any part of the skull or made to represent a big game trophy.
- 5.) Collections are limited to (\_\_Number annually) (\_\_Number per day) (\_\_Number in possession) (\_\_Number of pounds daily, annually or in possession).
- 6.) The following areas: \_\_\_\_\_, in (park, monument or preserve) are closed to collecting during the specified time period.
- 7.) Sales, by the collector may not constitute a significant commercial enterprise.
- 8.) The sale of raw/un-worked material is prohibited.

## **Status Report on Selected Secretarial Recommendations to the Federal Subsistence Management Program**

1. Develop a proposed regulation to increase the membership on the Federal Subsistence Board to include two additional public members representing subsistence users.
  - **Status:** A final rule was published in the Federal Register on September 12, 2011.
  - Applications/nominations for the two seats were accepted by the Secretary's Office.
  - Final selections were announced January 27, 2012. See the following news release from the Office of the Secretary.
2. Review, with RAC input, the December 2008 Memorandum of Understanding (MOU) with the State to determine either the need for the MOU or the need for potential changes to clarify Federal authorities in regard to the subsistence program.
  - **Status:** The MOU was provided to all ten Regional Advisory Councils for comment during the winter 2011 meeting cycle. Council comments were summarized and reviewed by the Board in summer 2011. The Board proposed to the State that a joint workgroup be re-established to address the changes recommended by the councils.
  - The State accepted the Board's proposal to form a joint MOU workgroup. The work group has had several meetings, and will report back to the Board with proposed changes by May 2012.
3. Review, with RAC input, the rural determination process and present recommendations for regulatory changes.
  - **Status:** The Board held a several executive and work sessions in 2011 to learn about the rural process, and is continuing to develop and review potential courses of
  - At its January 2012 public meeting the Board discussed the rural determination process and the decennial rural determination review. The board directed staff to publish a proposed rule to solicit comments from the public on the rural determination process and the current rural/nonrural determinations. In addition, based on its decision and the Secretarial program review, the Board directed staff to publish a direct final rule to extend the compliance date of the May 2007 final rule on rural determinations until the current review is complete or for five years, whichever comes first.



## United States Department of the Interior

### OFFICE OF THE SECRETARY

1689 C Street, Suite 100  
Anchorage, Alaska 99501-5151

January 27, 2012

#### PRESS RELEASE

Contact: Pat Pourchot, Special Assistant to the Secretary  
907-271-5485

### **Secretary Appoints Two Public Members to the Federal Subsistence Board**

Secretary of the Interior Ken Salazar today announced the appointment of two public members to the Federal Subsistence Board (FSB). Secretary of Agriculture Tom Vilsack concurred in the appointments of Anthony Christianson of Hydaburg and Charles Brower of Barrow. Following a review of the federal subsistence program in 2010 the Secretaries had recommended that the FSB be expanded to include additional public members representing rural subsistence users. The Board currently consists of a public Chair and five directors of Alaska federal agencies.

Mr. Christianson and Mr. Brower are life-long Alaskans with deep personal knowledge and experience with subsistence. In the review Secretary Salazar asked the Board and the Department to take a number of actions, including the appointment of two additional public Board members, “to provide a more responsive, more effective subsistence program.” The Secretary believes that these appointments will go far in bringing increased knowledge of subsistence users and uses to the decision-making process of the Board.

Secretary Vilsack strongly supports the selection of Mr. Christianson and Mr. Brower for service on the Federal Subsistence Board. “Their records of leadership and experience will bring important insight to the work of the Board and represents a new chapter in the working relationship between the federal government and the people of rural Alaska.”

Mr. Anthony Christianson is a life-long resident of Southeast Alaska and currently serves as Natural Resource Director for the Hydaburg Cooperative Association, a federally recognized tribal entity. He also serves as Mayor of the City of Hydaburg. Mr. Christianson has participated in a number of programs and studies related to fish and wildlife in Southeast Alaska.

Mr. Charles Brower is a life-long resident of Barrow, Alaska, and currently serves as Special Assistant to the Vice President of the Ukpeavik Inupiat Corporation, the Barrow village corporation. Former positions include Wildlife Department Director for the Native Village of Barrow and Wildlife Department Director for the North Slope Borough. Mr. Brower has served on a number of wildlife commissions including the Alaska Migratory Bird Co-Management Council, the Alaska Nanuuq (polar bear) Commission, and the Eskimo Walrus Commission.

## OFFICE OF SUBSISTENCE MANAGEMENT STAFF CHANGES

In 2011, the Office of Subsistence management had a high number of staff retirements, staff leaving to take positions in other areas of the US Fish and Wildlife Service or positions with other government organizations.

- **Council Coordinator** – Barbara Atoruk (Council Coordinator for North Slope, and Northwest Arctic RAC's) retired. Currently recruiting to fill this position.
- **Council Coordinator** – KJ Mushovic (Council coordinator for Eastern Interior and Southcentral RAC's) left taking another position with Bureau of Land Management in Alaska. Currently Melinda Hernandez from the US Forest Service has been detailed to act as one of our Council Coordinators (Council Coordinator for Western and Eastern Interior RAC's). We are currently recruiting to fill this position on a permanent basis.
- **Native Liaison** – Carl Jack retired. Recruitment is currently underway for this position.
- **Fisheries Division Chief** – Larry Buklis left taking another position with the US Fish and Wildlife Service in Washington State. Stephen Fried was selected as the new Division Chief.
- **Fisheries Biologist** – This position is vacant as the result of Stephen Fried's promotion to Fisheries Division Chief. The recruitment process has been initiated.
- **Fisheries Biologist** – Richard Cannon retired. Currently working with personnel to finalize recruitment paperwork for this position.
- **Fisheries SCEP Student** – Kay Larson-Blair returned to OSM as a SCEP Student.
- **Fisheries SCEP Student** – Stephanie Meggars started as a new SCEP Student.
- **State Liaison for Fisheries** – Rod Campbell retired. Applications for this position have been received. The final selection for this position has not been made.
- **Wildlife Biologist** – Coleen Brown left taking another position with the Department of Transportation in Colorado. The recruitment process has been initiated.
- **Administrative Support Assistant** – Ron Babb resigned from his position. Recruitment has taken place for this position. A selection has been made and will be finalized by the end of January 2012.
- **Policy Coordinator** – Gary Goldberg took another position with the US Fish and Wildlife Service in Alaska. David Jenkins, anthropologist, is currently acting in this position.
- **Council Coordination Division Chief** – Ann Wilkinson retired. Carl Johnson has been selected as the new Council Coordination Division Chief.
- **Deputy Assistant Regional Director** – Polly Wheeler accepted a position as Deputy Chief of Refuges – Alaska Region for the US Fish and Wildlife Service. Chuck Ardizzone, the Wildlife Division Chief, is currently acting in this position. Kathleen M. O'Reilly-Doyle has been

selected as the new Deputy Assistant Regional Director as should start in her new position sometime in April 2012.

- **Purchasing Agent** – Darcy Herring took another position with Department of Defense. Other staff will assume the duties of this position.
- **Budget Analyst** – Amber Wagner left OSM. Durand Tyler was selected as the new Budget Analyst.
- **Administrative Assistant** – Durand Tyler vacated the Administrative Assistant position. Glenn Westdahl was selected to replace him.
- **Subsistence Outreach Coordinator** – The Publications Specialist position was combined with the Public Affairs position. Former Publications Specialist Andrea Medeiros was selected to fill this new position.
- **Supervisory Secretary** – Verna Miller left OSM. Anita Roberts was selected as the new Supervisory Secretary.



## United States Department of the Interior NATIONAL PARK SERVICE

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

January 18, 2012

Dear Interested Party:

Alaska Regional Director Sue Masica has signed a Record of Decision (ROD) that approves a management plan for Off-Road Vehicles (ORVs) and trails in the Nabesna District of Wrangell-St. Elias National Park and Preserve. National Park Service (NPS) agreed to endeavor to complete the Environmental Impact Statement/management plan and decision by December 31, 2011, pursuant to a settlement agreement from a 2006 lawsuit by National Parks Conservation Association, Alaska Center for the Environment and the Wilderness Society.

The ROD provides for the following:

- Improvement of nine trails in order to maintain one alignment and prevent resource impacts associated with degraded trails. Improvements will consist of constructed re-routes and hardening of existing trails utilizing gravel or porous pavement panels such as Geoblock.
- Recreational ORV use will be permitted on trails in the National Preserve that are in a maintainable condition. At this time, that includes the Trail Creek and Lost Creek trails. After improvements, recreational ORV use will also be permitted on the Reeve Field trail, Soda Lake trail, Caribou Creek trail, and Suslota trail.
- ORV use by federally qualified subsistence users will continue to be allowed on trails in the national park and national preserve. The use will be subject to monitoring and management actions to ensure that resource impacts associated with unimproved trails in the area do not expand.
- The use of ORVs for accessing private inholdings within the Nabesna District will be managed consistent with ANILCA Section 1110(b), implementing regulations at Title 43 CFR 36.10(e)(1), and the NPS Alaska Region's **Interim User's Guide to Accessing Inholdings in National Park System Units in Alaska**.
- Construction of 20 miles of new non-motorized trails.

The Record of Decision was signed by NPS Regional Director Sue Masica only after careful consideration of management alternatives and environmental effects displayed in the Draft and Final Environmental Impact Statements (EIS). The decisions identified in the ROD represent a combination of alternatives 4 and 5 analyzed in the Draft EIS and best meet the objectives identified in the EIS. The ROD is responsive to public comment received on the EIS and presents a balanced approach. According to analysis presented in the EIS, trail improvement that eliminates trail braiding and associated impacts will result in the following resource benefits:

- Recovery of 374 acres of impacted soils, 375 acres of impacted wetlands, and 656 acres of impacted vegetation.
- Proposed trail improvements would bridge, harden, or eliminate 22 out of 22 ORV stream crossings identified in the EIS as non-functional.

The EIS estimates the cost of all trail improvements at \$4.3 million. In order to stretch trail improvement dollars, NPS will be looking for trail improvement partners and will be considering the use of volunteers for trail repair and maintenance. Tentative funding for 2012 is positive and should enable NPS to make needed repairs on the Soda Lake and Caribou Creek trails and get started on the Copper Lake trail.

The Record of Decision can be viewed or downloaded from the Wrangell-St. Elias National Park and Preserve website at <http://www.nps.gov/wrst> or at the NPS Planning, Environment and Public Comment website at <http://parkplanning.nps.gov>. Questions regarding the Record of Decision may be directed to Bruce Rogers at 907-822-7276.

Sincerely,

*R. Obernesser*  
//Signed//

Rick Obernesser, Superintendent  
Wrangell-St. Elias National Park & Preserve

## Fall 2012 Regional Advisory Council Meeting Calendar

*August 20–October 12, 2012 current as of 10/26/11*

Meeting dates and locations are subject to change.

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Aug. 12	Aug. 13	Aug. 14	Aug. 15	Aug. 16	Aug. 17	Aug. 18
		NS—TBA				
Aug. 19	Aug. 20 WINDOW OPENS	Aug. 21	Aug. 22	Aug. 23	Aug. 24	Aug. 25
		NWA—TBA				
Aug. 26	Aug. 27	Aug. 28	Aug. 29	Aug. 30	Aug. 31	Sept. 1
Sept. 2	Sept. 3 HOLIDAY	Sept. 4	Sept. 5	Sept. 6	Sept. 7	Sept. 8
			KA—Sand Point			
Sept. 9	Sept. 10	Sept. 11	Sept. 12	Sept. 13	Sept. 14	Sept. 15
Sept. 16	Sept. 17	Sept. 18	Sept. 19	Sept. 20	Sept. 21	Sept. 22
Sept. 23	Sept. 24	Sept. 25	Sept. 26	Sept. 27	Sept. 28	Sept. 29
			SE—Sitka			
Sept. 30 END OF FY2012	Oct. 1	Oct. 2	Oct. 3	Oct. 4	Oct. 5	Oct. 6
		SC—TBA		SP—Nome		
Oct. 7	Oct. 8 HOLIDAY	Oct. 9	Oct. 10	Oct. 11	Oct. 12	Oct. 13
			YKD—Quinhagak		WINDOW CLOSES	
			WI—Aniak			
Oct. 14	Oct. 15	Oct. 16	Oct. 17	Oct. 18	Oct. 19	Oct. 20
		EI—Central				

BB—Has not yet identified meeting dates and location.

## Winter 2013 Regional Advisory Council Meeting Calendar

*February–March 2013 current as of 02/25/12*

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>	<i>Feb. 13</i>	<i>Feb. 14</i>	<i>Feb. 15</i>	<i>Feb. 16</i>
		<b>SP—Nome</b>				
<i>Feb. 17</i>	<i>Feb. 18</i> <b>HOLIDAY</b>	<i>Feb. 19</i>	<i>Feb. 20</i>	<i>Feb. 21</i>	<i>Feb. 22</i>	<i>Feb. 23</i>
<i>Feb. 24</i>	<i>Feb. 25</i>	<i>Feb. 26</i>	<i>Feb. 27</i>	<i>Feb. 28</i>	<i>Mar. 1</i>	<i>Mar. 2</i>
		<b>NS—Barrow</b>				
			<b>YKD—Bethel</b>			
<i>Mar. 3</i>	<i>Mar. 4</i>	<i>Mar. 5</i>	<i>Mar. 6</i>	<i>Mar. 7</i>	<i>Mar. 8</i>	<i>Mar. 9</i>
<i>Mar. 10</i>	<i>Mar. 11</i>	<i>Mar. 12</i>	<i>Mar. 13</i>	<i>Mar. 14</i>	<i>Mar. 15</i>	<i>Mar. 16</i>
<i>Mar. 17</i>	<i>Mar. 18</i>	<i>Mar. 19</i>	<i>Mar. 20</i>	<i>Mar. 21</i>	<i>Mar. 22</i> <i>Window Closes</i>	<i>Mar. 23</i>

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

**Southcentral Alaska Subsistence Regional Advisory Council**

**Charter**

1. **Committee's Official Designation.** The Council's official designation is the Southcentral Alaska Subsistence Regional Advisory (Council).
2. **Authority.** The Council is reestablished by virtue of the authority set out in the Alaska National Interest Lands Conservation Act (16 U.S.C. 3115 (1988)) Title VIII, and under the authority of the Secretary of the Interior, in furtherance of 16 U.S.C. 410hh-2. The Council is established in accordance with the provisions of the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C., Appendix 2.
3. **Objectives and Scope of Activities.** The objective of the Council is to provide a forum for the residents of the region with personal knowledge of local conditions and resource requirements to have a meaningful role in the subsistence management of fish and wildlife on Federal lands and waters in the region.
4. **Description of Duties.** The Council possesses the authority to perform the following duties:
  - a. Recommend the initiation of, review, and evaluate proposals for regulations, policies, management plans, and other matters relating to subsistence uses of fish and wildlife on public lands within the region.
  - b. Provide a forum for the expression of opinions and recommendations by persons interested in any matter related to the subsistence uses of fish and wildlife on public lands within the region.
  - c. Encourage local and regional participation in the 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