

# **SOUTHEAST ALASKA Subsistence Regional Advisory Council**



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*A fjord in Southeast Alaska near Ketchikan.*

**Meeting Materials**  
September 24–26, 2013  
Ketchikan

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**SOUTHEAST ALASKA SUBSISTENCE REGIONAL ADVISORY COUNCIL**

Ted Ferry Civic Center  
888 Venetia Avenue  
Ketchikan, Alaska  
Meeting Time 9:00 a.m., September 24<sup>th</sup>-26<sup>th</sup>, 2013

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

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

**AGENDA**

\*Asterisk identifies action item.

- 1. **Call to Order** (*Chair*)
- 2. **Roll Call and Establish Quorum** (*Secretary*)..... 4
- 3. **Welcome and Introductions** (*Chair*)
- 4. **Review and Adopt Agenda\*** (*Chair*)
- 5. **Review and Approve Previous Meeting Minutes\***(*Chair*)
- 6. **Reports**
  - A. Council member reports
  - B. Chair’s report
  - C. Annual Report..... 17
  - D. Annual Report Reply from Federal Subsistence Board (*Chair*).....21
- 7. **Public and Tribal Comment on Non-Agenda Items**
- 8. **Old Business**
  - A. Customary and Traditional Use Determinations\*(*Jack Lorrigan*) .....26
  - B. Status of the Kootznoowoo Inc. Petition for Extraterritorial Jurisdiction (*Steve Kessler*)
  - C. Review of Special Actions and wildlife harvest summary (*Jeff Reeves*)
  - D. Summary of the Stikine River Subsistence Fishery (*Robert Larson and John Yeager*)

**9. New Business**

**A. Wildlife Regulatory Proposals\***

Regional Proposals

- 1. WP14-03 (*Dennis Chester*)..... 40
- 2. WP14-04 (*Jeff Reeves*) ..... 49
- 3. WP14-05 (*Dennis Chester*)..... 62

Statewide Proposals\*

- 4. WP14-01 (*Trevor Fox*)..... 82

B. Draft 2014 Fisheries Resource Monitoring Plan\* (*Terry Suminski*)..... 91

C. Fisheries Resource Partners Program (*Jack Lorrigan*)

D. Rural Determination Process Review\* ..... 131

NOTE: A separate public hearing on the Federal Subsistence Board’s Rural Determination Process Review will be held at 7:00 p.m. Tuesday evening at the Ted Ferry Civic Center, in the same room as the Council meeting. The public will be briefed on the issue and provided an opportunity to submit written and oral testimony. The Council will address the issue separately on Wednesday or Thursday morning.

E. Presentation of 20-Year Service Award (*FSB Member*)

F. Presentation of 10-Year Service Award (*FSB Member*)

G. Identify Issues for FY2013 Annual Report..... 15

**10. Agency Reports**

A. OSM (*Jack Lorrigan*)..... 143

- 1. Budget Update
- 2. Staffing Update
- 3. Draft Tribal Consultation Implementation Guidelines (Update)
- 4. MOU Update

B. USFS (*Steve Kessler*)

C. BIA

- 1. Unit 2 Deer Uses and Needs Study (*Patricia Petrivelli*)

D. ADF&G

E. Native Organizations

**11. Future Meeting Dates (calendars)\* ..... 146**

A. Confirm date and location of winter 2014 meeting

- 1. Joint meeting with the Southcentral Council in Anchorage, March 11-13, 2014

B. Select date and location of fall 2014 meeting

**12. Closing Comments**

**13. Adjourn** (*Chair*)

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

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

If you have any questions regarding this agenda or need additional information, please contact Robert Larson, Council Coordinator at 907-772-5930, [robertlarson@fs.fed.us](mailto:robertlarson@fs.fed.us), or contact the Office of Subsistence Management at 1-800-478-1456 for general inquiries.

**REGION 1**  
**Southeast Alaska Regional Advisory Council**

<b>Seat</b>	<b>Yr Apptd Term Expires</b>	<b>Member Name &amp; Address</b>
<b>1</b>	2010 <b>2013</b>	<b>Timothy Charles Ackerman</b> Haines
<b>2</b>	2004 <b>2013</b>	<b>Frank Glade Wright Jr.</b> Hoonah
<b>3</b>	1993 <b>2013</b>	<b>Patricia Ann Phillips</b> Pelican
<b>4</b>	2000 <b>2013</b>	<b>Michael Allen Douville</b> Craig
<b>5</b>	2002 <b>2013</b>	<b>Harvey Kitka</b> Sitka
<b>6</b>	1999 <b>2014</b>	<b>Bertrand J. Adams Sr.</b> <span style="float: right;"><b>Chair</b></span> Yakutat
<b>7</b>	2002 <b>2014</b>	<b>Floyd M. Kookesh</b> Angoon
<b>8</b>	2002 <b>2014</b>	<b>Donald C. Hernandez</b> Point Baker
<b>9</b>	2013 <b>2015</b>	<b>Kenneth L. Jackson</b> Kake
<b>10</b>	2013 <b>2015</b>	<b>Aaron T. Isaacs, Jr.</b> Klawock
<b>11</b>	2010 <b>2014</b>	<b>John A. Yeager</b> Wrangell
<b>12</b>	2003 <b>2015</b>	<b>Michael D. Bangs</b> Petersburg
<b>13</b>	2009 <b>2015</b>	<b>Cathy A. Needham</b> Juneau

**SOUTHEAST ALASKA  
SUBSISTENCE REGIONAL ADVISORY COUNCIL MEETING**

Ted Ferry Civic Center  
Ketchikan, Alaska  
March 12 - 14, 2013  
9:00 a.m.

**Call to Order:**

The spring meeting of the Southeast Alaska Subsistence Regional Advisory Council was called to order Tuesday March 12, 2013 at 9:00 a.m.

Council members Frank Wright, Michael Douville, Harvey Kitka, Bert Adams Sr., Floyd Kookesh, Don Hernandez, Aaron Isaacs, John Yeager, Michael Bangs, Patricia Phillips, and Cathy Needham attended the meeting on March 12. Tim Ackerman and Ken Jackson were delayed by weather and were not present until March 13. All Council members were present March 14.

Ms. Irene Dundas provided a welcome to the Council from the Ketchikan Indian Community and Mr. Jeff DeFrest welcomed the Council to Ketchikan on behalf of the U.S. Forest Service, an invocation was provided by Mr. Lee Wallace.

Motion approved to accept the Agenda as a guide with the following changes: the report on the status of the extended jurisdiction petition by Kootsnoowoo Inc. was scheduled for 9:00 a.m. Wednesday, and a review of the Tongass National Forest Land and Resource Management Plan was added to the Agenda as a U.S. Forest Service presentation.

Motion approved to accept the September 26-28, 2012 Council meeting minutes with the understanding that several spelling and grammatical items would be corrected.

**Election of Officers:**

The Council elected Mr. Bert Adams to serve as Chairman, Mr. Mike Bangs to serve as vice-Chair and Mr. Harvey Kitka to serve as Secretary for 2013.

**Attendees:**

Tom Kron	Anchorage	OSM
Jack Lorrigan	Anchorage	OSM
Cal Casipit	Juneau	USFS
Jeff DeFrest	Sitka	USFS
Steve Kessler	Anchorage	USFS
Justin Koller	Sitka	USFS
Jeff Reeves	Craig	USFS

Ted Schenck	Ketchikan	USFS
Terry Suminski	Sitka	USFS
Will Young	Ketchikan	USFS
Glen Chen	Homer	BIA
Pat Petrivelli	Anchorage	BIA
Nance Swanton	Anchorage	NPS
Doug Larsen	Juneau	ADF&G
Lauren Sill	Juneau	ADF&G
Jennifer Yuhas	Anchorage	ADF&G
Irene Dundas	Ketchikan	Ketchikan Indian Community
Rob Sanderson Jr.	Ketchikan	Ketchikan Indian Community
Dan Monteith	Douglas	Saxman IRA
Lee Wallace	Saxman	Saxman IRA
George Suckinaw James Jr.	Ketchikan	ANB Camp 14
Anthony Christianson	Hydaburg	Hydaburg Cooperative Association
Norman A. Arriola	Ketchikan	Public
Bill Auger	Ketchikan	Public
Holly J. Burns Churchill	Ketchikan	Public
Merle Hawkins	Ketchikan	Public
Richard Jackson	Ketchikan	Public
Willard Jackson	Ketchikan	Public
Victoria McDonald	Ketchikan	Public
Ron Leighton	Ketchikan	Public

**Council Comments:**

Mr. Yeager reported that the residents of Wrangell were eagerly waiting for eulachon to appear in the Stikine River. It has been a mild winter and deer and moose seem to have experienced little winter mortality due to snow. Residents of Wrangell are concerned with the possible negative effects of large scale mining in Canada on fisheries in the Stikine River.

Ms. Phillips is anticipating the deer population on Chichagof Island will enter a rebuilding phase due to the mild weather this winter. Sea otters are continuing to impact shellfish resources near Pelican and although there have been many birds feeding on the abundant herring that have over-wintered in Lisianski Inlet; there have been fewer salmon than normal.

Mr. Douville is concerned that sea otters are continuing to reduce shellfish populations near Craig. Although the ADF&G reports good numbers of herring spawning near Craig, residents have fewer opportunities to harvest herring eggs. On Prince of Wales Island, the process of closing roads is reducing the amount of area available to hunt deer which is causing increased competition between subsistence and non-federally qualified hunters.

Mr. Kitka was very appreciative of those that participated in his father's memorial last year. Enforcement efforts are not promoting the use of sea otters by Alaska Natives. Hunters are generally

not artists and artists rely on hunter to provide hides. The regulations regarding what is considered to be significantly altered need to be changed. Qualified users are not using or harvesting sea otter because it is too expensive and users are subject to unnecessary enforcement scrutiny. The Sitka Tribe is still concerned with the health of the herring resource and does not agree with current management plans.

Mr. Bangs reported that deer hunting efforts on the east side of Admiralty Island were very successful last fall but deer abundance in local areas was very poor. The Forest Service continues to reduce winter deer habitat by cutting old-growth forests. The ADF&G has reduced the local deer season and will likely start a wolf control program. Commercial fishermen are concerned with conduct of the Stikine River subsistence salmon fishery and development of large mines in Canada may have a negative effect on fish living in or near the Stikine River.

Mr. Isaacs reported that residents of Klawock are very concerned with the effects on shellfish from the expanding sea otter population. The commercial fishery for sea cucumbers need to be better controlled. There is considerable harvest pressure from subsistence fishermen on the sockeye salmon returning to Klawock River.

Ms. Needham recently attended a sea otter symposium. There was discussion of the beneficial aspects of additional carbon storage because there is now more kelp (sea otters have eliminated sea urchin populations). She suggests the customary and traditional use workgroup be reauthorized.

Mr. Wright reported that deer on north Chichagof Island appear to have survived the winter in good shape. He expects the population to rebound. Sea otters are affecting local resident's ability to harvest clams. Eight persons were only able to gather ½ bucket of clams from a traditional harvest area at Homeshore. Sea lions are abundant and effecting the numbers of salmon. Glacier Bay should not be closed to commercial fishing.

Mr. Hernandez reports that north Prince of Wales Island has less deer than expected. There are few deer on Kupreanof, Kuiu or Mitkof Islands although wolves appear abundant in those areas. The recent version of the Sealaska Lands legislation will negatively affect the lifestyles of the residents of north Prince of Wales.

Mr. Kookesh reminded the other council members that each of them represent the entire Region, not only their community. The increasing population of sea otters will wreck the lifestyle of local residents but nothing is being done to fix the issue. In Angoon, there are no employment opportunities but there is hope that new mining operations will provide work. The residents of Angoon are concerned for salmon and the Federal subsistence program may be the only opportunity for Native involvement in formulating subsistence regulations. There was a successful deer hunting season on Admiralty Island.

Mr. Adams noted that compared to the extreme snow last winter, this winter in Yakutat has been very mild and moose and the remaining deer appear to be doing well. California sea lions are moving into Yakutat Bay and the Hubbard Glacier is active. Eulachon surveys will continue this year and eulachon have been observed in the Situk River already this spring.

**Public and Tribal Comments:**

Ms. Merle Hawkins was disappointed that she was not reappointed to the council this year but was happy to see a representative from Klawock. She encouraged council members to watch the Bizarre Foods television show that highlighted Kake and Sitka. She will remain active in keeping Saxman rural.

Mr. Lee Wallace, President of the Saxman Tribe, reported that Saxman will pursue retaining their rural status. He does not believe it necessary to undergo the rural determination process every 10 years since the only changes have been that the urban centers have grown and the rural communities have declined. Saxman certainly has the same characteristics as other rural communities. The emphasis of the subsistence program should be to protect subsistence not limit participation. He invited the Council to meet in Saxman.

Dr. Dan Monteith, Professor of Anthropology University of Alaska Southeast, believes it was inappropriate to make Saxman urban and will assist Saxman in maintaining rural status. Saxman is a Native Village community recognized by the State of Alaska, and is not culturally, economically or socially linked to Ketchikan.

Mr. Ron Leighton informed the council that every sockeye salmon system in this Region has similar issues to streams near Angoon. There is a problem with overharvest and providing for a subsistence priority.

Rob Sanderson, Ketchikan Indian Community, was concerned about the effects of proposed mines in Canada on fishery resources in Southeast Alaska. Because subsistence uses will be impacted, this is an issue for the Council and the Subsistence Board. He suggested the Council write a letter to the Board opposing these mines and opposing a new oil pipeline that would run to Kitimat BC.

Holly Burns-Churchill is concerned with the possible detrimental effects of mining on Transboundary Rivers. She believes that mine exploration on the Canadian portion of the Unuk River created acid runoff that caused the drastic reduction of the Unuk River eulachon. The harvest of wild animals for cultural and religious purposes must be protected.

Victoria McDonald testified that the large tailings ponds planned for the mines in Canada will fail and the mining companies will not be responsible if this occurs many years after the mining operation is finished. She asked why it is OK for mining in a foreign country to pollute our waters.

Norman Arriola reminded the council that all residents value sockeye salmon. International agreements make it very difficult for residents of one country to address actions by companies in another country. We must be vigilant and do what we can to minimize the potential for pollution from the proposed mines in Canada on waters important to fish in Southeast Alaska.

Willard Jackson reported that the fishery resources of the Unuk River are important to local native culture. Proposed mining activities in Canada will cause pollution that may negatively affect the health of our children and grandchildren.

Richard Jackson commented that there should be greater coordination between the subsistence Council and other Native groups. He is also very concerned about the long term effects of mining in Canada. The sea otter issue must be addressed and dealt with before it is too late.

George “Suckinaw” James Jr. provided testimony to the Council on issues of land management activities between the Tribes and Sealaska Corporation. He does not think the sockeye harvest limit at Hugh Smith Lake is large enough. Mining has the potential to negatively affect fishery and marine kelp resources. By-catch of salmon, halibut and crab in the Gulf of Alaska trawl fisheries is of great concern.

### **Customary and Traditional Use Determination Concerns:**

Mr. Jack Lorrigan, Office of Subsistence Management, provided a briefing to the council regarding the actions by the Office of Subsistence Management as a result of the council’s letter that describe his council’s concerns regarding the current method of making customary and traditional use determinations. Mr. Lorrigan presented the council the same information (the letter and a briefing document was included in the council book for all councils) as was presented to each of the other councils. The Office of Subsistence Management will provide additional analysis of the issue to the councils next fall and the councils will consider whether to make this issue an action item for the winter meeting. Generally, the other councils were concerned about what would be the effect of eliminating the customary and traditional use regulations and wondered if there are other reasonable solutions that need to be explored.

**Motion approved** to request Cathy Needham and Bert Adams attend the fall (October 2-3, 2013) Southcentral Council meeting. The reason for their travel would be to explain the basis for the SE Council’s concern with the current customary and traditional use determination process.

**Motion approved** to send a request to the Office of Subsistence Management for a joint meeting between the Southeast Council and the Southcentral Council the week of March 10, 2014 to discuss items of mutual interest.

### **Summary of Federal Special Actions:**

Mr. Jeff Reeves, U.S. Forest Service, provided a summary of all the fish and wildlife special actions issued in the Region since the previous meeting. A table of actions was distributed to the council.

### **805(c) Report:**

Mr. Robert Larson reported that at the January 2012 Subsistence Board meeting, the Board followed the recommended actions of the council regarding fisheries regulatory proposals. The one exception was action on Proposal FP13-19 that was deferred by the Board for up to one year. The Board was in favor of the council's recommendation (eliminating the subsistence sockeye guideline harvest level for the Stikine River) but deferred pending additional coordination with the Pacific Salmon Commission.

### **Old Business:**

Mr. Steve Kessler, U.S. Forest Service, and Ms. Jennifer Yuhas, ADF&G, provided an update on the Memorandum of Understanding between the Office of Subsistence Management (Board) and the ADF&G (State of Alaska). The State Fish and Game Advisory Committees have reviewed the draft document and comments are being reviewed. Generally the concerns have included how the agreement will be monitored and enforced. The Federal Subsistence Board will review the document in April with final approval possible this spring. The SE Council did not have any concerns with the document.

**Motion approved** to adopt the Council's Annual Report to the Board as amended.

Mr. Caelan McGee, U.S. Institute for Environmental Conflict Resolution, presented a progress report on actions to address Secretarial direction regarding Kootznoowoo Inc. Petition to Extend Federal Jurisdiction for marine waters near Angoon. His group has interviewed more than 30 people. Recommendations have included increased coordination between user groups, highlighting the role of the State in this process and maintaining a neutral position by the facilitator. They are still in the process identification phase and not yet ready to tackle the findings or recommendation phase. Mr. Kelly Hepler, ADF&G, reported that the State is committed to finding a local solution and there are plans to meet with residents of Angoon in April. Ms. Hazel Nelson, ADF&G Director of Subsistence, will travel with Mr. Hepler to Angoon to meet with the Tribe, the community and residents. ADF&G is conducting studies to identify the use of fish in the Region and refine the Amounts Necessary for Subsistence. The level of involvement by the Council in this process will be a decision of the Council.

**Motion approved** to send a letter to the Regional Forester asking for specific reporting of Council's previous recommendations. A summary of progress regarding the Petition for Extended Jurisdiction will be on the fall meeting agenda and the staff can report at that time.

Mr. Larson, U.S. Forest Service, and Mr. John Yeager, council member from Wrangell, reported on efforts to coordinate Federal action on Proposal FP13-19 (the proposal eliminating the subsistence guideline harvest limit for sockeye salmon) with the Transboundary Panel. Mr. Larson and Mr. Yeager traveled with Mr. Pete Probasco, Office of Subsistence Management, to Juneau in December to meet with the U.S. Section of the Transboundary Panel and to Vancouver

BC to attend the bi-lateral Transboundary Panel meeting. The Panel is sympathetic to the issue but would like to see better cooperation between the Federal Subsistence Program and the Transboundary Panel prior to making a recommendation on this issue. One of the major items of interest was the subsistence harvest of Chinook salmon in the Stikine River when there is no directed fishery.

**Motion approved** to send a letter to the Subsistence Board asking that the Board request the subsistence Chinook salmon fishery not be a directed fishery but be considered a base level harvest.

Mr. Terry Suminski, U.S. Forest Service, provided an analysis (WCR12-02) and review of the moose closure regulation for the Yakutat forelands. This regulation has been in place for many years and was the result of an extended public process. The current regulatory structure is supported by local residents and the ADF&G.

**Motion approved** to maintain the status quo and not alter the current management strategy for moose on the Yakutat forelands.

**State of Alaska Board of Game Regulatory Actions:**

Mr. Doug Larson, ADF&G Wildlife Division Regional Supervisor for the Southeast Alaska Region, provided an overview of the State Board of Game regulatory actions. Of possible interest to the subsistence program was a youth-only hunt for deer in Yakutat, and changes to brown bear regulations in Unit 1-C and 4. The one proposal that will require coordinated action with the Federal subsistence program prior to effective implementation is a new regulation providing for a reduced season and harvest limit for deer on Lindenberg Peninsula. The State will pursue an intensive management program for deer in this area and a plan for wolf control will be reviewed by the State Board of Game in April.

There have been seven wolves collared on Prince of Wales Island and 40 hair samples captured for a genetic analysis as part of the wolf population assessment study.

**Motion approved** to submit a proposal to the Subsistence Board for additional analysis with the same restrictions as adopted in regulation by the State Board of Game for deer on the Lindenberg Peninsula.

**New Business:**

Mr. Jack Lorrigan, Leadership Team member from the Office of Subsistence Management, provided an update on the Draft Tribal Consultation Implementation Guidelines and the Rural Determination Process. The Tribal Consultation Guidelines were provided to the Council and the Office of Subsistence Management is currently soliciting comments. All of the subsistence advisory councils received the same information in their council books and were provided the same briefing by the leadership team member. The plan is to provide additional information to the councils at their fall council meetings with an opportunity for action at the winter council meetings. The Board is starting

the rural determination process and will conduct hearings in the fall of 2013. These hearings may occur immediately prior to or after the council meetings.

**Motion approved** to send a letter to the Subsistence Board with Council concerns regarding the potential negative effects on fish resources in Southeast Alaska by the proposed mines in Canada. It was the intention of the Council that the Board provides the letter to the Secretaries of the Interior and Agriculture with a request to inform the Secretary of State of these concerns.

**Motion approved** to form a rural determination ad hoc working group, headed by Mike Bangs with Cathy Needham and Ken Jackson. Dr. Dan Monteith has agreed to provide technical assistance to the working group. The council is very interested in the rural determination process and has not changed its position on whether Saxman should be considered rural. The work group is tasked with reviewing the Office of Subsistence Management's information concerning rural determination and formulate a recommendation for action by the SE Council at the fall council meeting.

**Motion approved** to direct the customary and traditional determination ad hoc working group to continue to work with the Office of Subsistence Management on this issue and develop specific recommendation that make sense for this Region for consideration by the full Council during the September 2013 meeting.

#### **Agency and Tribal Comments:**

Mr. Tony Christianson, Hydaburg Cooperative Association, is the principle investigator for the Fisheries Resource Monitoring Project to assess sockeye salmon at Hetta Lake. Tony provided an excellent report to the Council on the success of that program in not only generating valuable sockeye salmon escapement information but the positive affect the program is having on managing the commercial and subsistence fisheries intercepting this stock and how the project contributes to the economic and social health of the residents of Hydaburg. Mr. Christianson is also a Subsistence Board member and has received the national Chief of the Forest Service's award for Tribal Partnership. Mr. Christianson will travel to Washington DC to receive the award.

Mr. Ted Schenck, U.S. Forest Service, provided a summary of the 5-year review of the Tongass National Forest Land and Resource Management Plan process. Federal regulations require a review of the plan every 5 years. The Council was concerned that the preferential use of wild renewable resources for subsistence be protected and highlighted in the plan and in any amended language. Specifically the Council is concerned with the impact on subsistence from: changes to the Forest Plan, recent timber sales, implementation of Forest Service subsistence standards and guides, the change analysis process, Sealaska land legislation and the new national planning rule.

**Motion adopted** to send a letter to the U.S. Forest Service detailing concerns with maintaining emphasis for subsistence uses in the Tongass National Forest Land and Resource Management Plan and requesting updates on major changes to the land status of the Tongass National Forest.

#### **Future Meetings:**

The fall 2013 Council meeting was confirmed for Petersburg September 24-26, 2013. Lodging and a meeting venue will need be arranged. The spring 2014 Council meeting was tentatively planned as a joint meeting with the Southcentral Council sometime during the week of March 10, 2014. The Council suggested meeting in Cordova but recognizes that coordination with the Office of Subsistence Management and the Southcentral Council will be necessary.

**Closing Comments:**

- It is good to have a full complement of members that are qualified and knowledgeable
- Members are looking forward to working for the good of subsistence users
- The SE Council should be providing leadership to other councils
- There is a need to involve younger members
- The Council must work together for the Region's best interest
- Waste from cruise ships is a big concern that affects us all
- Good collaboration at council meetings
- Outreach efforts are important to understand issues such as transboundary mining
- Council concerns with the customary and traditional use issue must be explained better
- Working groups meeting outside of council meetings result in better council recommendations
- Members are honored to serve on the SE Council
- Good staff work in support of the Council
- Resources are available in this Region; no one should go hungry
- Saxman should remain rural
- Native people need to persist in finding solutions
- Council members work well together and represent this Region well
- The Council should abide by Robert's Rules of Order

The Council meeting adjourned at 12:30 p.m. March 14, 2013.

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

|s| **Robert Larson**

**April 11, 2013**

**Robert Larson, DFO, USFS Subsistence Management Program**

|s| **Bertrand Adams**

**April 11, 2013**

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**Bertrand Adams, Chair, Southeast Alaska Subsistence Regional Advisory Council**

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

**DRAFT**

## GUIDANCE ON ANNUAL REPORTS

### Background

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

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

### Report Content

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

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

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

### Report Clarity

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

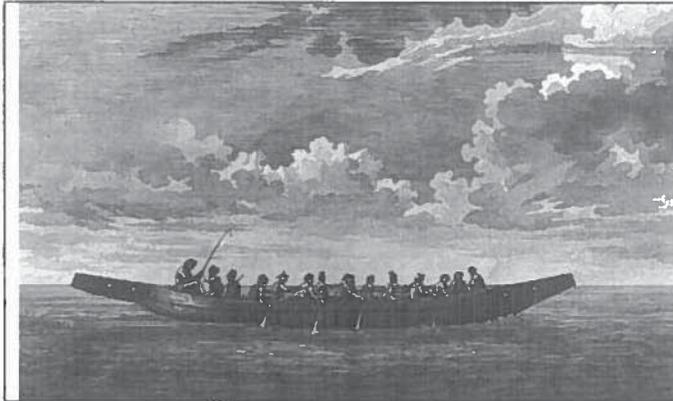
- If addressing an existing Board policy, Councils should please state whether there is something unclear about the policy, if there is uncertainty about the reason for the policy, or if the Council needs information on how the policy is applied.
- Council members should discuss in detail at Council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

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

### **Report Format**

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

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



***Southeast Alaska  
Subsistence Regional  
Advisory Council***

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

RAC SE13032.RL

**JUL 22 2013**

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

Greetings Chairman Towarak:

This is the 2012 Annual Report of the Southeast Alaska Subsistence Regional Advisory Council as authorized under Title VIII of the Alaska National Interest Lands Conservation Act. The Council wishes to share information and raise a number of concerns dealing with implementation of Title VIII of ANILCA and the continuation of subsistence uses in the Yakutat and Southeastern Alaska areas.

In 2012, the Council met in Juneau, March 20-22, and in Sitka, September 26-28. The Council was honored to meet in joint session with the Federal Subsistence Board (Board) during the March meeting. We believe that this level of trust will enable all parties involved in the Petition for Extraterritorial Jurisdiction to develop a solution that addresses everyone's concerns and protects the various sockeye salmon stocks in the Chatham Strait area. Thank you for forwarding our recommendations to the Secretaries of Agriculture and the Interior. During the September meeting, the Council provided the Board recommendations on: fisheries proposals, the Memorandum of Understanding with the State, the Council Charter and regulatory cycle modifications.

The Council remains concerned with how the customary and traditional use determination process is being implemented. A letter detailing these concerns was sent to the other Regional Advisory Councils for their consideration. The Council anticipates the Office of Subsistence Management will provide sufficient support to the other Councils prior to the fall meeting cycle that will allow the Councils to join with the SE Council to recommend new policies or regulations.

As stated in previous annual reports, the Council supports pre-decisional communication and collaboration with the State Board of Fisheries and State Board of Game. The needs of the subsistence user require cooperation at all levels of the various state and federal management agencies.

The Council receives testimony on a number of topics that are not directly linked to the jurisdiction and authority of the Council but are very important to the residents of the Region, and this testimony leads to considerable discussion. The following is a summary of many topics that have been discussed:

- There are a number of large-scale mining projects planned in Canada on the headwaters of Southeast Alaska's transboundary rivers. These activities have the potential for serious negative impacts on U.S. fisheries. The Council has already submitted a letter to the Board regarding this issue.
- The Federal Subsistence Board needs to do what it can to protect the subsistence halibut fishery.
- The impact of the expanding sea otter population in the region is becoming more pronounced and there does not appear to be any local solution. Substantive changes in management may require congressional action.
- The sea lion population in the region is at historic high levels. A population of this size is having a significant negative effect on the ability of local residents to harvest salmon and marine fish species.
- Information on salmon timing and abundance obtained through Fisheries Resource Monitoring Program projects is very valuable to State fishery managers. The Council encourages communication and collaboration regarding in-season management of specific fish stocks between Alaska Department of Fish and Game (ADF&G) and project principle investigators.
- The Council would like to recognize that genetic sampling and analysis is an important component in managing sockeye fisheries and that funding is needed to comprehensively address this information component.

## 2012 Annual Report Topics

### Issue 1: Customary and Traditional Use Determination Recommendation

The Council believes the current method of restricting access to fish and wildlife resources through a customary and traditional use determination process was not intended by ANILCA. Although SE Council recognizes that there are a number of possible solutions to address this

problem, it's preferred solution is to eliminate the customary and traditional use determination regulations (36 CFR 242.16 and 50 CFR 100.16) and allocate resources as directed in Section 804 of ANILCA. The Council wrote a letter to the other Councils requesting that they reconsider the issue of whether the current customary and traditional use determination process is appropriate and is truly meeting the needs of the residents of their regions. The Council requests the Board provide adequate staff resources to assist the other councils in making an informed decision regarding this complex issue.

**Issue 2: Reviewing the Wildlife Information Services program and the associated Wildlife Strategic Plan**

There is a need for population assessment and life history information for wildlife in this region. The Wildlife Information Services Program in this Region was initiated by the U.S. Forest Service to provide a mechanism to provide funds for studies. The program has not been funded each year and there are several information gaps that must be filled before the Council can make informed regulatory recommendations. The Council recommends that the Board work with the Departments of Agriculture and the Interior to provide funding to first update the strategic plan for wildlife in the Southeastern Alaska and Yakutat Area and, second, to fund the most important wildlife information need identified in this process. The Council suggests that this informational need is likely not restricted to this Region and it would be appropriate to investigate the formation of a statewide program similar to the Fisheries Research and Monitoring Program.

**Issue 3: Review the education and outreach to the public regarding the role of the Council and how members of the public can best participate in the Federal process**

The Board has expended considerable energy in developing a protocol for consultation with Tribes and ANCSA Corporations. There should be similar efforts to provide outreach services to other subsistence users, members of the public and interested organizations. This issue relates to an issue identified in the 2011 Annual Report concerning the need for increased emphasis on ways to understand the social, cultural and economic issues contained in evaluating regulatory proposals.

**Issue 4: Review methods of collaboration with ADF&G in attaining the amount necessary for Subsistence**

The Council wanted to remind the Board that most of the subsistence fish harvested in the region are taken under State authority. The reason is that the State regulations provide fishers with the greatest flexibility to fish because those regulations are valid in marine, intertidal and freshwater. State rules are contingent on providing opportunity to attain the amounts necessary for subsistence. Therefore, collaboration and cooperation with the State to identify an appropriate level of subsistence will have an immediate and positive and direct effect on the success of rural users in subsistence fishing. The Council suggests that the Federal program take a proactive role in assisting the State to identify appropriate amounts necessary for Subsistence.

**Issue 5: Public Comment Policy at Council meetings**

The Council is concerned that a lack of a policy describing conduct during the public comment portion of the Council meeting is resulting in situations affecting the ability of the Council to allocate adequate time for deliberations. For instance, testimony that is not directed at the issue under consideration, repeated testimony by an individual or excessive time (story telling) by an individual on a topic, can be disruptive to the deliberation process and does not promote efficient use of the Council's time. The Council recommends the Board provide a meeting protocol to assist the Chair in providing rules for conduct by the public, yet be flexible enough to not restrict the flow of information from the public to the Council.

Thank you for considering the management and program issues of concern to the Council. Please address any questions with this letter directly to Mr. Robert Larson, Council Coordinator, U. S. Forest Service, Box 1328, Petersburg, AK 99833, (907) 772-5930, robertlarson@fs.fed.us.

Sincerely,



Bertrand Adams Sr.  
Chair

- cc. Federal Subsistence Board Members  
Southeast Alaska Subsistence Regional Advisory Council  
Gene Peltola, Jr., Assistant Regional Director, OSM  
Kathleen M. O'Reilly-Doyle, Deputy Assistant Regional Director, OSM  
David Jenkins, Policy Coordinator, OSM  
Carl Johnson, Council Coordination Division Chief, OSM  
Interagency Staff Committee  
Administrative Record



U.S. FISH and WILDLIFE SERVICE  
BUREAU of LAND MANAGEMENT  
NATIONAL PARK SERVICE  
BUREAU of INDIAN AFFAIRS  
FWS/OSM 13050.CJ

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



**AUG 28 2013**

Bertrand Adams, Sr., Chair  
Southeast Alaska Subsistence  
Regional Advisory Council  
c/o U.S. Fish and Wildlife Service  
Office of Subsistence Management  
1011 E. Tudor Road, Mail Stop 121  
Anchorage, Alaska 99503

Dear Chairman Adams:

This letter responds to the Southeast Alaska Subsistence Regional Advisory Council's (Council) 2012 Annual Report as approved at its winter 2013 meeting. The Secretaries of the Interior and Agriculture have delegated the responsibility to respond to these reports to the Federal Subsistence Board (Board). The Board appreciates your effort in developing the Annual Report and values the opportunity to review the issues brought forward concerning your region. Annual Reports allow the Board to become more aware of the issues that fall outside of the regulatory process and affect subsistence users in your region.

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

**Issue 1: Customary and Traditional Use Determination Recommendation**

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

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**Response:**

The Board appreciates the Council's hard work on this important issue, including the subcommittee's time and the Council's time. As the Council is aware, the letter, attached materials, and a briefing were presented to the other nine Subsistence Regional Advisory Councils at their winter 2013 meetings and another briefing will be presented at the fall 2013 meetings. It is the intention of the Office of Subsistence Management (OSM) to provide the best possible staff support at the fall 2013 meetings and consistent briefings to all Councils. OSM will send a summary of the feedback from all the Councils from the fall meetings on this issue to this Council and the others. As requested by this Council, OSM has approved the travel of Bertrand Adams and Patricia Phillips to attend the Southcentral Alaska Subsistence Regional Advisory Council meeting this fall in Copper Center to brief that Council on this issue and discuss strategies for the joint winter meeting between the Councils.

**Issue 2: Reviewing the Wildlife Information Services program and the associated Wildlife Strategic Plan**

*There is a need for population assessment and life history information for wildlife in this region. The Wildlife Information Services Program in this Region was initiated by the U.S. Forest Service to provide a mechanism to provide funds for studies. The program has not been funded each year and there are several information gaps that must be filled before the Council can make informed regulatory recommendations. The Council recommends that the Board work with the Departments of Agriculture and the Interior to provide funding to first update the strategic plan for wildlife in the Southeastern Alaska and Yakutat Area and, second, to fund the most important wildlife information need identified in this process. The Council suggests that this informational need is likely not restricted to this Region and it would be appropriate to investigate the formation of a statewide program similar to the Fisheries Research and Monitoring Program.*

**Response:**

A wildlife resource monitoring program was one of the items mentioned in the 2010 Secretarial review as a possible addition to the Federal Subsistence Management Program. In an April 2012 letter to the Secretary of the Interior, the Board prioritized the implementation of wildlife monitoring studies; however, without additional funding, establishing such a program is not likely at this time. The OSM has experienced a declining budget since 2001 and the U.S. Forest Service (USFS) since 2006. Overall Federal budgets are declining and it is not likely that they will increase over the next 3–5 years.

The USFS developed a Wildlife Resources Monitoring Program in 2005 and 2006 which paralleled the state-wide Fisheries Resource Monitoring Program. A strategic plan was finalized in 2006, in coordination with the Southeast and Southcentral Regional Advisory Councils. Based on the priorities established in that plan, projects were funded on both the Tongass and Chugach National Forests. Today, the USFS Alaska Region receives about half of the total subsistence funding it received in 2005 and therefore has not been able to further implement the

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Program. The USFS, however, has been able to complete priority low-expense wildlife monitoring, such as joint population monitoring flights with ADF&G. Larger projects are on hold pending available funds. If the Council desires, the USFS could also work with the Council in determining whether there are any wildlife projects that are higher priority than currently funded fisheries projects using USFS funds.

**Issue 3: Review the education and outreach to the public regarding the role of the Council and how members of the public can best participate in the Federal process**

*The Board has expended considerable energy in developing a protocol for consultation with Tribes and Alaska Native Settlement Act (ANCSA) Corporations. There should be similar efforts to provide outreach services to other subsistence users, members of the public and interested organizations. This issue relates to an issue identified in the 2011 Annual Report concerning the need for increased emphasis on ways to understand the social, cultural and economic issues contained in evaluating regulatory proposals.*

**Response:**

There is no current protocol regarding public outreach, but here are some steps that are taken to inform and involve the public. The Federal Subsistence Management Program encourages public participation by disseminating invitations to comment on policies and regulatory changes through an extensive distribution network to both print and electronic media outlets. The Office of Subsistence Management is currently improving its website, which it maintains to provide news releases, Special Actions, proposed regulations, final rules and the appropriate forms for the public to provide comments. The Board cannot stress enough the importance of the Councils and individual Council members in dissemination information about Federal subsistence management. The Board and Councils have greatly improved the ability of the public to participate in meetings telephonically. The public comment process is often tailored to the issues under consideration. For example, the Board will conduct a series of public meetings to collect comments and recommendations on the rural determination process; these meetings will take place in conjunction with the fall 2013 Regional Advisory Council meetings. Appropriate evaluation of the issues is only possible if the Councils and Board understand the concerns of local residents. You are welcome to provide specific suggestions on ways to increase public participation to the OSM through your Council Coordinator. Any suggested efforts would, however, be subject to increasing budget constraints.

**Issue 4: Review methods of collaboration with Alaska Department of Fish and Game (ADF&G) in attaining the Amount Necessary for Subsistence Use**

*The Council wanted to remind the Board that most of the subsistence fish harvested in the region are taken under State authority. The reason is that the State regulations provide fishers with the greatest flexibility to fish because those regulations are valid in marine, intertidal and freshwater. State rules are contingent on providing opportunity to attain the amounts necessary for subsistence. Therefore, collaboration and cooperation with the State to identify an*

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*appropriate level of subsistence will have an immediate and positive and direct effect on the success of rural users in subsistence fishing. The Council suggests that the Federal program take a proactive role in assisting the State to identify appropriate amounts necessary for Subsistence.*

**Response:**

The Board appreciates the Council's concerns regarding the State's identification of the appropriate Amounts Necessary for Subsistence use (ANS). However, Alaska National Interest Land Conservation Act (ANILCA) does not make reference to the ANS process, nor does it indicate that ANS should be established. The emphasis is on providing the opportunity to continue subsistence uses. As a result, the Federal Subsistence Management Program does not view ANS as a process in which we should be involved, nor does the Program comment on any ANS proposals before the Board of Game or Fisheries. Federal agencies do, however, share information with the State to support data needs for fisheries and wildlife management.

**Issue 5: Public Comment Policy at Council meetings**

*The Council is concerned that a lack of a policy describing conduct during the public comment portion of the Council meeting is resulting in situations affecting the ability of the Council to allocate adequate time for deliberations. For instance, testimony that is not directed at the issue under consideration, repeated testimony by an individual or excessive time (story telling) by an individual on a topic, can be disruptive to the deliberation process and does not promote efficient use of the Council's time. The Council recommends the Board provide a meeting protocol to assist the Chair in providing rules for conduct by the public, yet be flexible enough to not restrict the flow of information from the public to the Council.*

**Response:**

One of the primary rules of the Federal Advisory Committee process is to give all persons that wish to be heard, an equal opportunity to be heard. Although the Council provides everyone an opportunity to testify, each Council has the authority to limit the time allocated for testimony, if required, to complete the work of the Council. The Board has no plans to develop a separate meeting protocol and would prefer each Council Chair to use his or her best judgment that fits the particular situation. Any limits must be reasonable to allow each person to communicate their concerns and be consistent between persons, as well as consistent with Robert's Rules of Order. If the Council feels it is necessary to impose time limits for public testimony, the decision should be made prior to the first public comment.

In closing, I want to thank you and your Council for their continued involvement and diligence in matters regarding the Federal Subsistence Management Program. I would like to specifically thank Patricia Phillips for her 20 years and Michael Bangs for his 10 years of service to the

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Federal Subsistence Management program as members of this Council. I speak for the entire Board in expressing our appreciation for your efforts and our confidence that the subsistence users of the Southeast Alaska Region are well represented through your work.

Sincerely,



Tim Towarak  
Chair

- cc. Southeast Alaska Subsistence Regional Advisory Council  
Federal Subsistence Board  
Interagency Staff Committee  
Gene Peltola, Jr., Assistant Regional Director, OSM  
Kathleen M. O'Reilly-Doyle, Deputy Assistant Regional Director, OSM  
David Jenkins, Policy Coordinator, OSM  
Carl Johnson, Council Coordination Division Chief, OSM  
Robert Larson, Subsistence Council Coordinator, USFS  
Administrative Record

## **CUSTOMARY AND TRADITIONAL USE DETERMINATION BRIEFING**

The Federal Subsistence Board, and the Southeast Alaska Subsistence Regional Advisory Council, would like your recommendations on the current customary and traditional use determination process. The Board last asked the Councils a similar question in 2011 as directed by the Secretary of the Interior and the Secretary of Agriculture. All Councils, with the exception of the Southeast Council, indicated that the existing customary and traditional use determination process was working. At the request of the Southeast Council, this additional review is being conducted for your input.

We will briefly describe the history of customary and traditional use determinations, and illustrate the differences between those determinations and an ANILCA Section 804 analysis. We will then ask for Council discussion and recommendations. Our focus is not on *how* customary and traditional use determinations are made, but on *why* they are made. The Southeast Council would like you to recommend, as a Council, to eliminate, amend, or make no changes to the current customary and traditional use determination process.

The Alaska National Interest Lands Conservation Act (ANILCA) does not require customary and traditional use determinations. Customary and traditional use regulations were adopted from the State when the Federal Subsistence Management Program was established in 1990. In the 1992 Record of Decision, the Federal Subsistence Board considered four customary and traditional use options and recommended to the Secretaries of the Interior and Agriculture that State customary and traditional use determinations continue to be used. The State's eight criteria for determining customary and traditional use were subsequently slightly modified for use in Federal regulations. Since the establishment of the Federal Subsistence Management Program, the Board has made some 300 customary and traditional use determinations.

The Board initially adopted the State's customary and traditional use criteria (renaming them "factors"), anticipating the resumption of State management of subsistence on Federal public lands, and intending to "minimize disruption to traditional State regulation and management of fish and wildlife" (55 FR 27188 June, 29, 1990). The State has not resumed subsistence management on Federal public lands, and it appears the Federal Subsistence Management Program will be permanent. (See **Appendix A** for a listing of the eight factors.)

Note that the Board does not use customary and traditional use determinations to restrict amounts of harvest. The Board makes customary and traditional use determinations, relative to particular fish stocks and wildlife populations, in order to recognize a community or area whose residents generally exhibit eight factors of customary and traditional use. The Southeast Council is concerned that the effect is to exclude those Federally qualified rural residents who do not generally exhibit these factors from participating in subsistence harvests in particular areas.

In 2009, Secretary of the Interior Ken Salazar announced a review of the Federal subsistence program. Part of that review focused on customary and traditional use determinations. Specifically, in 2010, the Secretary of the Interior, with the concurrence of the Secretary of Agriculture, asked the Board to "Review, with RAC input, the customary and traditional use determination process and present recommendations for regulatory changes."

All ten Regional Advisory Councils were asked for their perspectives on customary and traditional use determinations during the 2011 winter meeting cycle. Nine Councils did not suggest changes to the

process (see **Appendix B**). The Southeast Council, however, suggested one modification, which was included in its annual report. The modified regulation reads as follows:

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

In other words, once a customary and traditional use determination is made for an area, residents in that area would have customary and traditional use for *all* species. There would be no need for customary and traditional use determinations for specific fish stocks and wildlife populations, or on a species-by-species basis.

Subsequently, the Southeast Council formed a workgroup to analyze the customary and traditional use determination process. The Southeast Council workgroup, after conducting an extensive review of Regional Advisory Council transcripts, determined that Councils were not adequately briefed on the Secretaries' request for Council recommendations on the process. The Southeast Council drafted a letter and a briefing document, which were provided to the other Regional Advisory Councils during the 2013 winter meeting cycle; these are included in your meeting materials.

Pursuant to the workgroup findings, the Southeast Council emphasized the following:

The current customary and traditional use determination process is being used to allocate resources between rural residents, often in times of abundance. This is an inappropriate method of deciding which residents can harvest fish or wildlife in an area and may result in unnecessarily restricting subsistence users. The SE Council has a history of generally recommending a broad geographic scale when reviewing proposals for customary and traditional use determinations. Subsistence users primarily harvest resources near their community of residence and there is normally no management reason to restrict use by rural residents from distant communities. If there is a shortage of resources, Section 804 of ANILCA provides direction in the correct method of allocating resources.

The Southeast Council does not support retaining the current customary and traditional use determination process. Instead, the Southeast Council suggests that, when necessary, the Board restrict harvests by applying ANILCA Section 804 criteria:

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

The Federal Subsistence Board, and also the Southeast Council, would like your recommendations on the current customary and traditional use determination process. Specifically, the Southeast Council would like you to consider whether to

- (1) eliminate customary and traditional use determinations and instead use, when necessary, ANILCA Section 804 criteria,
- (2) change the way such determinations are made, by making area-wide customary and traditional use determinations for all species (not species-by-species or by particular fish stocks and wildlife

populations),

(3) make some other change, or

(4) make no change.

Council input will provide the basis for a briefing to the Federal Subsistence Board in response to the Secretaries' directive to review the customary and traditional use determination process and present recommendations for regulatory change, if needed. The Board could then recommend that the Secretaries eliminate, amend, or make no change to the current customary and traditional use determination process.

## APPENDIX A

For reference, here are the eight factors currently used in Federal regulations for making customary and traditional use determinations (36 CFR 242.16 and 50 CFR100.16):

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

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

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

## APPENDIX B

### **Summary of Winter 2011 Council Comments on the Customary and Traditional Use Determination Process**

*(Note that summaries were drafted by OSM LT members or the Council Coordinator that attended the meetings; see the Council transcripts for details.)*

The **Seward Peninsula Council** is satisfied with the current Federal subsistence customary and traditional use determination process. The Council noted that C&T determinations are important and that the Federal Subsistence Management Program provides ways to modify C&T determinations if needed.

The **Western Interior Council** is satisfied with the process used by the Federal Subsistence Board to make C&T determinations and thinks it works well. The Council felt that the Board is sensitive to local concerns, and there is room for the public to be involved. The Council felt that getting rid of the existing process would be problematic (i.e., what to do with the roughly 300 C&T determinations that have already been made), and inventing a new system could be counterproductive. The Council felt that maintaining the Councils' and AC's involvement in C&T determinations public process is key and the current process does just that.

The **Eastern Interior Council** is comfortable with the existing process and believes that it works well. In most cases there is no need to change the process. One member expressed the thought that the only time the process doesn't work well is when it is used to pit user against user.

The **North Slope Council** was fine with the current C&T process and had no suggestions for changes.

The **Yukon Kuskokwim Delta Council** was fine with the current C&T process, even though one member noted not always agreeing with the determinations.

The **Bristol Bay Council** observed that the C&T process works wonderfully in their region and noted that there is no burning need for change. There was discussion about the closure to hunting and subsistence uses in Katmai National Park.

The **Southcentral Council** is generally satisfied with the process used by the Federal Subsistence Board to make C&T determinations, stating that it is not perfect but it has worked. The Council liked the process because it puts the information on customary and traditional use in front of the Councils and the Board, and that is valuable. The process gives a good understanding of how the rural subsistence process works. The Council felt that it could be tweaked a bit, for example, if you have C&T for a variety of species, you shouldn't have to do a separate C&T finding for every other species – there should be a way to streamline the process. The Council also discussed the disparity of information needed in some parts of the state versus in other parts of the state (i.e., Ninilchik). The Council sees C&T as being inclusive, not exclusive. The Board needs to defer to Councils on their recommendations on C&T. The Council also reminded itself that it could do a better job by building a solid record in support of its decisions.

The **Northwest Arctic Council** discussed this topic at length. In the end, the Council stated that the current process is working and it did not have any recommended changes at this time.

The **Kodiak/Aleutians Subsistence Council** discussed this subject at length. It generally supported the overall process, though had a lot of comments. One Council member stated that he thinks that the process

is good. Sometimes the process is too liberal and other times it is too literal, but it has been improving and overall it is good. Another Council member noted that the method used for making customary and traditional use determinations isn't perfect, but he couldn't think of another way to do it. He added that it would be nice if more concrete words were used, for example, what do "long term use" and "seasonal use" really mean? Another Council member asked about the process with regard to how introduced species fit in, especially with regard to the factor including "long term use". Finally, a Council member noted that we need to ensure that the process works, and that the subsistence priority remains.

The **Southeast Council** is drafting a letter to the Board concerning this issue. The Council noted that the eight factor analysis is a carryover from State of Alaska regulations and recommends that the Federal Subsistence Management Program draft new more suitable Federal regulations which adhere to provisions contained within Section 804 of ANILCA. The Council recommends that:

- The Board give deference to the Council recommendation for customary and traditional use determinations.
- 50 CFR100.16(a) read: "The Board shall determine which fish stocks and wildlife populations have been customarily and traditionally used for subsistence. These determinations shall identify the specific community's or area's use of [specific fish stock and wildlife population] **all species of fish and wildlife that they have traditionally used, in their (past and present) geographical areas**".
- If an eight factor approach is continued, then the regulations should be modified to include specific language for a holistic approach.

## **Southeast Alaska Subsistence Regional Advisory Council**

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January 22, 2013

### **Customary and Traditional Use Determination Recommendation Briefing**

**Issue:**

The Southeast Alaska Subsistence Regional Advisory Council (SESRAC) does not agree that the current process of restricting access to fish and wildlife resources through a customary and traditional use (C&T) determination process was intended in ANILCA.

Although SESRAC recognizes that there are a number of possible solutions, its preferred solution is to eliminate the C&T determination regulations (36 CFR 242.16 and 50 CFR 100.16) and allocate resources as directed in section 804 of ANILCA.

**Background:**

The current Federal C&T determination regulations, including the eight factors, were adopted from pre-existing State regulations. The Federal program adopted this framework, with some differences, when it was thought that Federal subsistence management would be temporary.

The primary purpose of C&T determinations by the State is to limit the subsistence priority by adopting "negative" determinations for specific fish and wildlife species in specific areas. The C&T determination process is also used to establish non-subsistence use areas where NO species are eligible for subsistence use.

A "positive" C&T determination in State rules recognizes subsistence use and provides residents with a legal protection to engage in priority subsistence activities.

Unlike the State process, in which some lands are excluded from subsistence use (non-subsistence use areas); all Federal lands are available for subsistence use by rural residents.

The Federal program uses the C&T determination process to restrict which rural residents can participate in subsistence. The abundance of fish or wildlife is not the primary factor in deciding which rural residents can participate in subsistence and some residents may be restricted in times of abundance.

The Federal C&T determination process is actually a means of closing an area to some rural residents but there are no provisions for periodic review of this action similar to the review policy on other closures.

A draft policy on C&T determinations was subject to public comment during the fall 2007 Regional Advisory Council meeting window. The Federal Subsistence Board deferred finalization on the policy in March of 2008.

In October of 2009, Secretary of the Interior Ken Salazar announced that there would be “a review of the Federal subsistence program to ensure that the program is best serving rural Alaskans and that the letter and spirit of Title VIII are being met”.

In a detailed report from the U.S. Department of the Interior in September 2010, the Secretary of the Interior with concurrence of the Secretary of Agriculture, directed the subsistence Board to do several tasks.

The first relevant task was to “review, with RAC input, federal subsistence procedural and structural regulations adopted from the state in order to ensure federal authorities are fully reflected and comply with Title VIII (changes would require new regulations)”.

The second relevant task was to “review customary and traditional determination process to provide clear, fair, and effective determinations in accord with Title VIII goals and provisions (changes would require new regulations)”.

In a letter to Mr. Tim Towarak in December 2010, Secretary of the Interior Ken Salazar requested that the FSB; “review, with RAC input, the customary and traditional use determination process and present recommendations for regulatory changes”.

In their 2011 Annual Report, the SESRAC suggested that the Board consider modifying current regulations to be more representative of the way people use subsistence resources. The SESRAC suggested the following specific regulatory change:

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

In the Annual Report reply, the Board encouraged the SESRAC to develop recommendations in a proposal format for additional review. The Office of Subsistence Management pledged staff assistance if the Council wished to pursue the matter further.

During the March 2012 meeting in Juneau, an update on the Secretarial Review stated that 9 Councils felt the C&T determination process was adequate and only the SESRAC had comments for changes to the process.

The SESRAC formed a workgroup to review materials and provide a report on the issue during the March 2012 SESRAC meeting and develop a recommendation for consideration by the SESRAC at the September 2012 meeting.

**Southeast Council Findings:**

An eight factor framework for Federal C&T determination analysis was first adopted by the Alaska Board of Fisheries and is not found in ANILCA.

Although there are clearly some instances where it is appropriate to provide a preference to local residents (for instance, an early start to the moose season in Yakutat), the SESRAC has a history of recommending C&T determinations for a large geographic area.

When necessary, the Federal Subsistence Board can restrict who can harvest a resource by applying ANILCA Section 804 criteria:

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

The ANILCA Section 804 process is a management tool that allows seasons on Federal public lands and waters to remain open to all rural residents until there is a need to reduce the pool of eligible harvesters.

Replacing the Federal C&T determination eight factors with ANILCA Section 804 three criteria may be a preferred method of restricting who can harvest a resource.

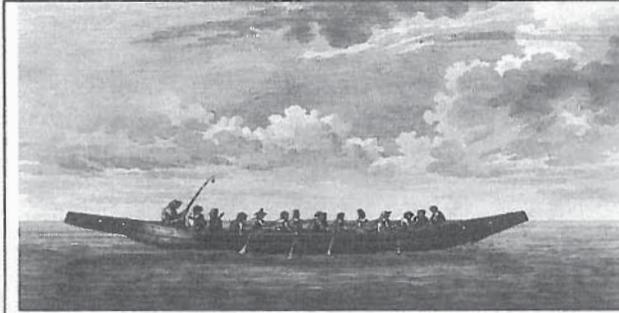
**Action:**

In January 2013, the SESRAC sent a letter to the other Federal regional advisory councils regarding the deficiencies in the current C&T determination process. This letter asks the other councils to review, during their fall 2013 meetings, whether the process is serving the needs of the residents of their region and report their findings to the SESRAC. If it is the desire of the other councils, a proposal for amending or eliminating current regulations could be developed for consideration by all the councils.

Key Contacts:

Bert Adams, Chair SESRAC – 907-784-3357

Robert Larson – SESRAC Coordinator – 907-772-5930



**Southeast Alaska Subsistence Regional  
Advisory Council**

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

*kaadashan@alaska.net*

RAC SE13001.RL

**JAN 11 2013**

Mr./Ms. <First Name, Last Name>, Chair  
<Region> Subsistence Regional Advisory Council  
P.O. Box XXXX  
<City>, AK <Zip Code>

Dear Mr./Ms. <Last name>:

During the spring of 2011, pursuant to the Secretarial Review of the Federal Subsistence Program, the Federal Subsistence Board (Board) sought input from the Federal Subsistence Regional Advisory Councils (Councils) on the current customary and traditional use determination process. The Board subsequently reported to the Secretaries that 9 of the 10 Councils thought the process was working. The Southeast Alaska Subsistence Regional Advisory Council (SE Council) does not agree that the process is being implemented as intended in the Alaska National Interest Lands Conservation Act (ANILCA). We are asking your Council to review your evaluation of the current customary and traditional use determination process (36 CFR 242.16 and 50 CFR 100.16) and join with us in crafting a petition to the Secretaries to address deficiencies in the current regulations. The SE Council's preferred solution is to eliminate the customary and traditional use determination regulations and allocate resources as directed in Section 804 of ANILCA.

The SE Council has formed a workgroup to assist us in evaluating the current customary and traditional use determination process. The workgroup reviewed the 2007 draft Customary and Traditional Use Determination Policy, the public comments to this policy, the 2011 transcripts from all 10 Council meetings, and the 2012 Board transcripts where each of the Councils' input was summarized. The 2007 draft Customary and Traditional Use Determination Policy and the public comments to this policy are enclosed with this letter.

The SE Council workgroup noted that there were inconsistent briefings in 2011 regarding the input sought from the Councils. Different staff presented different levels of information, and in some instances Councils were led to believe other Councils thought the process was working.

In addition, there was a lack of direction or background information provided to the Councils that would be necessary to formulate an informed opinion. There was no mention or discussions of the strengths and deficiencies of the current customary and traditional use determination process as detailed in the review of the 2007 draft Customary and Traditional Use Determination Policy.

During its March 2011 meeting, the SE Council included the topic in its 2011 Annual Report. The SE Council made the following recommendation to the Board:

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

The current Federal customary and traditional use determination regulations (and the eight factors) were based on pre-existing State regulations. Customary and traditional use determinations are a necessary step in State of Alaska management because only fish and wildlife with a “positive” determination are managed for the subsistence preference and those with a “negative” determination do not have the preference. The decision whether there is or is not a subsistence priority is not necessary under Federal rules because ANILCA already provides rural residents a preference for subsistence uses on Federal public land. The current customary and traditional use determination process is being used to allocate resources between rural residents, often in times of abundance. This is an inappropriate method of deciding which residents can harvest fish or wildlife in an area and may result in unnecessarily restricting subsistence users. The SE Council has a history of generally recommending a broad geographic scale when reviewing proposals for customary and traditional use determinations. Subsistence users primarily harvest resources near their community of residence and there is normally no management reason to restrict use by rural residents from distant communities. If there is a shortage of resources, Section 804 of ANILCA provides direction in the correct method of allocating resources.

The SE Council has determined that the Office of Subsistence Management did not give the directive from the Secretaries the due diligence it deserves and the program would benefit from additional evaluation and dialog. We request your Council reconsider its recommendation to the Board on how well the current customary and traditional use process is serving the needs of the residents in your region. The SE Council is interested in either eliminating or improving the process but, since this is a statewide issue, we do not want to propose a solution that is not supported by the other Councils. We encourage your Council to read the briefing paper provided to you by the SE Council at i winter 2013 Council meeting and review the enclosed background information. We would like your Council to consider what would be most beneficial to your region: eliminate customary and traditional use determinations, change the way customary and traditional use determinations are made, or make no change. After reviewing these materials, we

Chair, Subsistence RAC

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encourage your Council to include this subject as an agenda action item at its fall 2013 meeting. The Office of Subsistence Management has committed personnel to help in your further consideration of the customary and traditional use process at your fall 2013 meeting.

Please address any questions and report any actions taken regarding this request either directly to me or through Mr. Robert Larson, Council Coordinator, U. S. Forest Service, Box 1328, Petersburg, Alaska 99833, 1-907-772-5930, robertlarson@fs.fed.us.

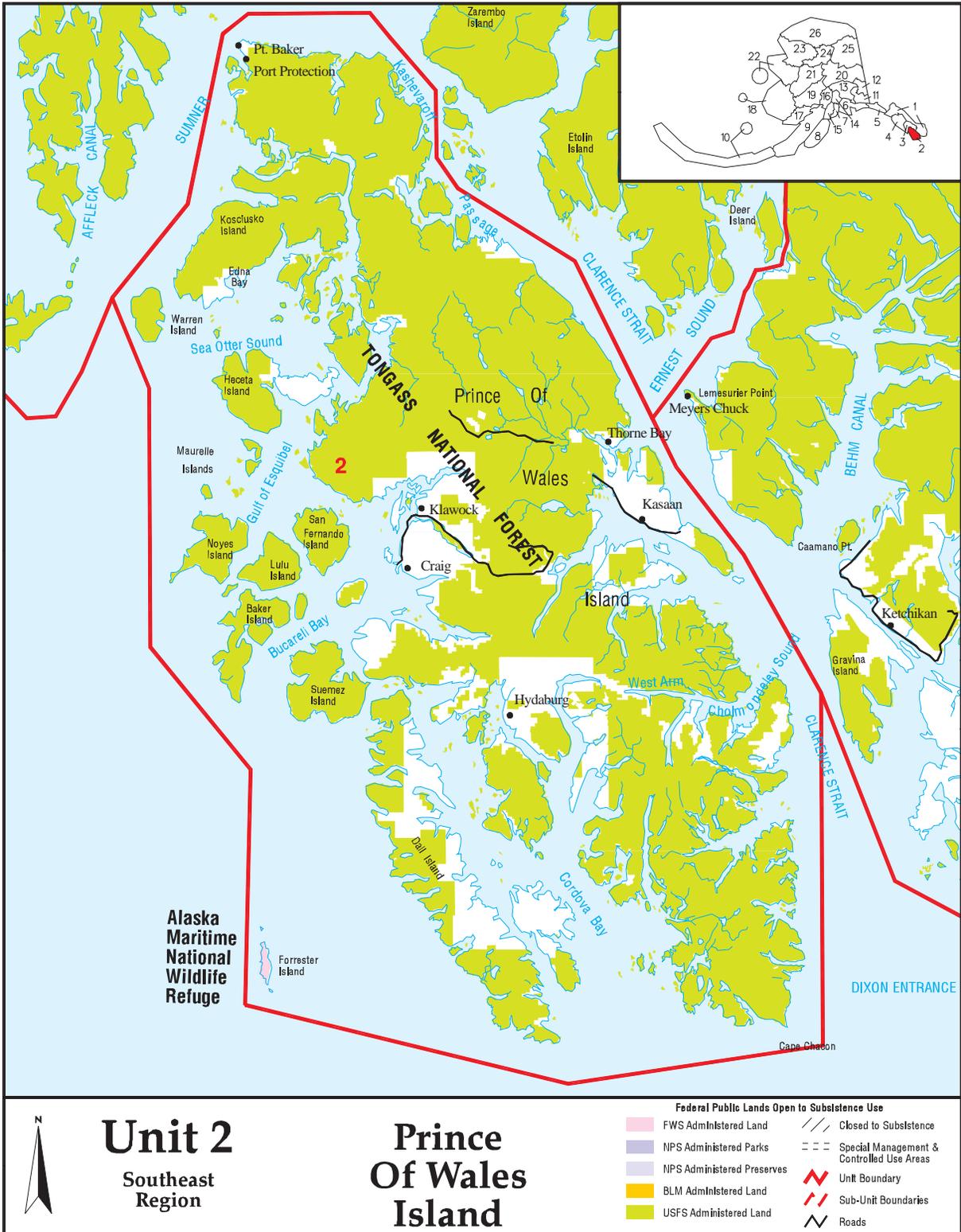
Gunalchéesh (thank you).

Sincerely,

Bertrand Adams Sr., Chair

Enclosures

cc: Peter J. Probasco, Assistant Director, OSM  
Kathy O'Reilly-Doyle, Deputy Assistant Director, OSM  
Federal Subsistence Board  
Interagency Staff Committee  
Administrative Record





<b>WP14-03 Executive Summary</b>	
<b>General Description</b>	Proposal WP14-03 requests that the female deer harvest season in Unit 2 be eliminated. <i>Submitted by Ron Leighton</i>
<b>Proposed Regulation</b>	<p><b>Unit 2—Deer</b></p> <p><i>5 male deer; however, no more than one may be a female deer. Female deer may be taken only during the period Oct. 15–Dec. 31. The harvest limit may be reduced to 4 male deer based on conservation concerns.</i></p> <p><i>The Federal public lands on Prince of Wales Island, excluding the southeastern portion (lands south of the West Arm of Cholmondeley Sound draining into Cholmondeley Sound or draining eastward in Clarence Strait), are closed to hunting of deer from Aug. 1 to Aug. 15, except by Federally qualified subsistence users hunting under these regulations.</i></p>
<b>OSM Preliminary Conclusion</b>	<b>Oppose</b>
<b>Southeast Regional Council Recommendation</b>	
<b>Interagency Staff Committee Comments</b>	
<b>ADF&amp;G Comments</b>	
<b>Written Public Comments</b>	<b>None</b>

## DRAFT STAFF ANALYSIS WP14-03

### ISSUES

Proposal WP14-03, submitted by Ron Leighton, requests that the female deer harvest season in Unit 2 be eliminated.

### DISCUSSION

The proponent is concerned that the harvest of female deer contributes to the decline of the deer population and thus, believes it is harder for subsistence users to achieve their customary and traditional harvest levels of deer.

The issues include whether there is a decline in the deer population in Unit 2, and if so, what role is played by the harvest of antlerless deer; whether adopting the proposal would maintain, increase or decrease subsistence opportunity; and whether adopting the proposal would negatively impact subsistence users in Unit 2.

### Existing Federal Regulation

#### Unit 2—Deer

*5 deer; however, no more than one may be a female deer. Female deer may be taken only during the period Oct. 15–Dec.31. The harvest limit may be reduced to 4 deer based on conservation concerns.* July 24 – Dec. 31

*The Federal public lands on Prince of Wales Island, excluding the southeastern portion (lands south of the West Arm of Cholmondeley Sound draining into Cholmondeley Sound or draining eastward in Clarence Strait), are closed to hunting of deer from Aug. 1 to Aug. 15, except by Federally qualified subsistence users hunting under these regulations.*

### Proposed Federal Regulation

#### Unit 2—Deer

*5 **male** deer; however, no more than one may be a female deer. Female deer may be taken only during the period ~~Oct. 15–Dec.31~~. The harvest limit may be reduced to 4 **male** deer based on conservation concerns.* July 24 – Dec. 31

*The Federal public lands on Prince of Wales Island, excluding the southeastern portion (lands south of the West Arm of Cholmondeley Sound draining into Cholmondeley Sound or draining eastward in Clarence Strait), are closed to hunting of deer from Aug. 1 to Aug. 15, except by Federally qualified subsistence users hunting under these regulations.*

## Existing State Regulation

### Unit 2 — Deer

4 bucks

Aug. 1 – Dec. 31

## Extent of Federal Public Lands

Federal public lands comprise approximately 74% of Unit 2. The U.S. Forest Service manages 73% of Unit 2 lands as part of the Tongass National Forest. The U.S. Fish and Wildlife Service manage less than 1% as part of Alaska Maritime National Wildlife Refuge (Forrester Island) (see **Unit 2 Map**).

## Customary and Traditional Use Determinations

Rural residents of Units 1A, 2 and 3 have a positive customary and traditional use determination for deer in Unit 2.

## Regulatory History

Alaska hunting regulations permitted the harvest of antlerless deer from 1955 through 1977 (**Table 1**). Since 1978, the State has not allowed for the harvest of antlerless deer in Unit 2, except during 1987. The Federal regulation allowing the harvest of one female deer in Unit 2 was established in 1995 and remains in effect. Current seasons and harvest limits are as liberal as they have ever been since 1925.

There have been seven proposals to the Federal Subsistence Board (Board) requesting closure of the female deer harvest season since 1997 (P97-07, P98-09, P98-10, P98-12, P00-005, WP01-03, and WP07-07). The most recent was in 2007. All seven proposals were rejected by the Board. Rationale for rejecting the proposals included that some subsistence hunters rely on harvesting female deer to meet their subsistence needs; female harvest is a small portion of the total harvest and does not appear to be causing a conservation concern, and the deer population appears to be stable with the current level of female deer harvest.

## Biological Background

Sitka black-tailed deer spend the winter and early spring at low elevation where there is less snow accumulation and forests provide increased foraging opportunities. Fawning occurs in late May and early June as vegetation greens-up, providing abundant forage to meet energetic needs of the lactating doe. Some deer migrate and follow the greening vegetation up to alpine for the summer while others remain at lower elevations. The breeding season, or rut, generally occurs October through November and peaks in late November (ADF&G 2009). Wolves and black bears are the primary predators present in Unit 2 and may reduce deer populations.

Deer populations in southeast Alaska fluctuate, primarily influenced by winter snow depths (Olson 1979). Deer have trouble meeting their energy needs in winter (Hanley and McKendrick 1985, Parker *et al.* 1999) and winters with long periods of deep snow that restrict the availability of forage, can result in deer depleting their energy reserves to the point of starvation (Olson 1979).

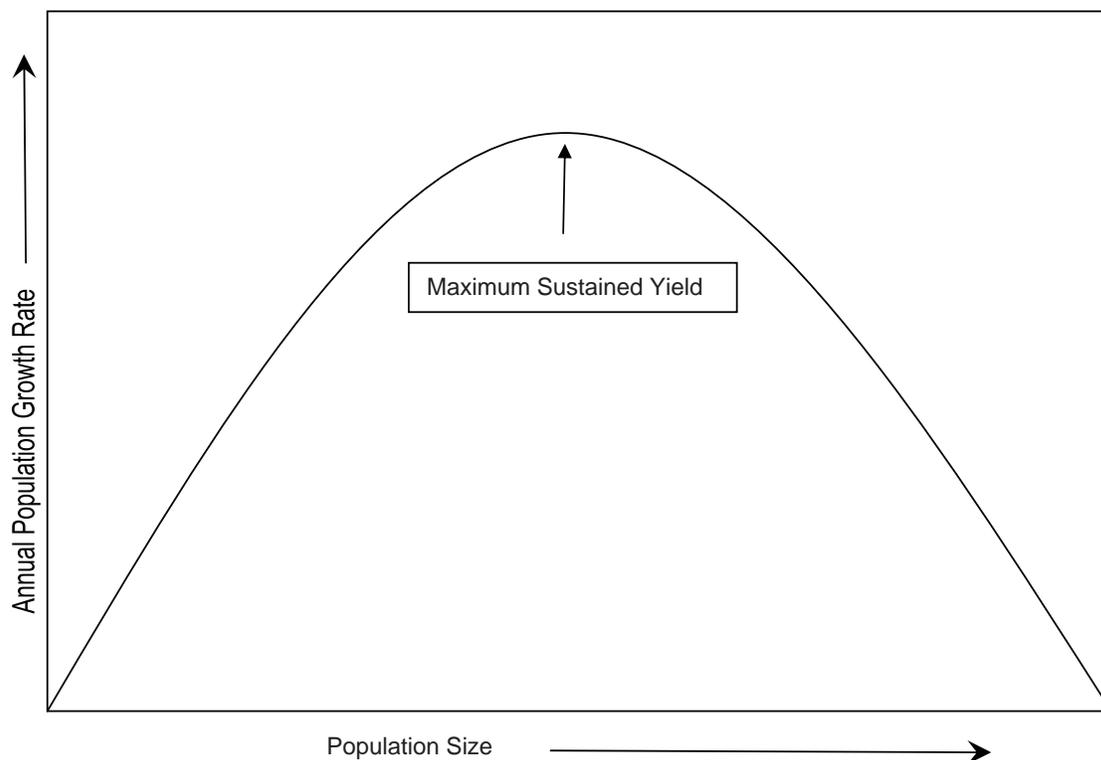
Summer nutrition is important for building body reserves for sustaining deer through the winter (Stewart *et al.* 2005). Few studies have been conducted on summer habitat conditions because winter habitat carrying capacity is generally considered to be the limiting factor for deer in southeast Alaska. However, deer populations at or above habitat carrying capacity are affected by intra-specific competition for food

Table 1. Regulatory history for Unit 2 deer.

Year	Type of Season	Season	Limit	Conditions and Limitations
1925	Open	15 Sep - 16 Dec	3	Bucks, 3" or greater antler growth
1925 - 1929	Open	01 Sep - 30 Nov	3	Bucks, 3" or greater antler growth
1930 - 1941	Open	20 Aug - 15 Nov	2	Bucks, 3" or greater antler growth
1942 - 1943	Resident	16 Sep - 15 Nov	2	Bucks, 3" or greater antler growth
1942 - 1943	Non-resident	16 Sep - 15 Nov	1	Bucks, 3" or greater antler growth
1944 - 1948	Resident	1 Sep - 07 Nov	2	Bucks, 3" or greater antler growth
1944 - 1948	Non-resident	01 Sep - 07 Nov	1	Bucks, 3" or greater antler growth
1949	Resident	01 Sep - 15 Nov	2	Bucks, 3" or greater antler growth
1949	Non-resident	01 Sep - 15 Nov	1	Bucks, 3" or greater antler growth
1950 - 1951	Resident	20 Aug-15 Nov	2	Bucks, 3" or greater antler growth
1950 - 1951	Non-resident	20 Aug-15 Nov	1	Bucks, 3" or greater antler growth
1952	Open	20 Aug - 22 Nov	2	Bucks, 3" or greater antler growth
1953-1954	Open	20 Aug - 22 Nov	3	Bucks, 3" or greater antler growth
1955	Open	20 Aug - 22 Nov	3	3 bucks or 2 bucks and one doe; bucks 3" or greater antler growth
1956	Open	20 Aug - 26 Nov	4	3 bucks or 2 bucks and one doe; does 11/13 –11/26, bucks 3" or greater antler growth
1957 - 1958	Open	20 Aug - 30 Nov	4	Does allowed 10/15-11/30
1959	Open	08 Aug - 30 Nov	4	4 bucks or 3 bucks and one doe or 2 bucks and 2 does; bucks only before 10/01
1960	Open	20 Aug - 15 Dec	4	4 bucks or 3 bucks and one doe; bucks only before 10/15 four bucks or 3 bucks and one doe or 2 bucks and 2 does; bucks only before 10/01
1961	Open	01 Aug - 30 Nov	4	Only 2 antlerless; antlerless only from 9/15-11/30
1962	Open	01 Aug - 15 Dec	4	Antlerless deer from 9/15-12/15 only
1963 - 1967	Open	01 Aug - 31 Dec	4	Antlerless deer from 9/15-12/15 only
1968	Open	01 Aug - 15 Dec	4	Antlerless deer from 9/15-12/15 only
1969 - 1971	Open	01 Aug - 31 Dec	4	Antlerless deer from 9/15-12/31 only
1972	Open	01 Aug - 31 Dec	3	Antlerless deer from 11/01-11/30
1973 - 1977	Open	01 Aug - 30 Nov	3	One antlerless deer from 11/01-11/30
1978 - 1984	Open	01 Aug - 30 Nov	3	Antlered deer
1985 - 1986	State Subsistence/General	01 Aug - 30 Nov	3	Antlered deer
1987	State Subsistence/General	01 Aug - 30 Nov	3	Antlered deer, 1 antlerless deer from 10/10-10/31
1988 - 2013	State Subsistence/General	01 Aug - 31 Dec	4	Antlered deer/bucks
1991 - 1994	Federal Subsistence	01 Aug - 31 Dec	4	Antlered deer
1995 - 1997	Federal Subsistence	01 Aug - 31 Dec	4	No more than one may be an antlerless deer. Antlerless deer may be taken only during 10/15-12/31.
1998 - 2002	Federal Subsistence	01 Aug - 31 Dec	4	No more than one may be an antlerless deer. Antlerless deer may be taken only during 10/15-12/31 by Federal registration permit only.
2003 - 2005	Federal Subsistence	24 Jul - 31 Dec	4	No more than one may be an antlerless deer. Antlerless deer may be taken only during 10/15-12/31 by Federal registration permit only.
2006 - 2009	Federal Subsistence	24 July – 31 Dec	5	No more than one may be an antlerless deer. Antlerless deer may be taken only during the period 10/15–12/31.
2010 - 2014	Federal Subsistence	24 July – 31 Dec	5	No more than one may be a female deer. Female deer may be taken only during the period 10/15–12/31.

and may enter winter in reduced condition compared to deer populations below carrying capacity (Kie *et al.* 2003, Stewart *et al.* 2005). This can result in higher susceptibility to severe winters and lower productivity (Kie *et al.* 2003, Stewart *et al.* 2005). In addition, nutritionally stressed does produce smaller and fewer fawns (Olson 1979).

Maximum sustained yield (MSY) is theoretically the highest level of deer harvest that can be sustained indefinitely (**Figure 1**). At low population levels, habitat does not constrain reproductive rates but because the population is small, population increases are slow. In populations below MSY, mortality is thought to be additive (i.e., deer not harvested would have survived) and harvesting females lowers recruitment (Ballard *et al.* 2001, Kie *et al.* 2003). At moderate population densities, approximately half of habitat carrying capacity, individuals and populations are at maximum productivity. As populations grow beyond MSY and approach carrying capacity, competition between individuals for resources lowers productivity and mortality becomes compensatory (i.e., harvested deer would not have survived) (Ballard *et al.* 2001, Kie *et al.* 2003). Person (2001) determined that MSY for mule deer is approximately 63% of habitat carrying capacity.



**Figure 1.** Hypothetical maximum sustained yield graph.

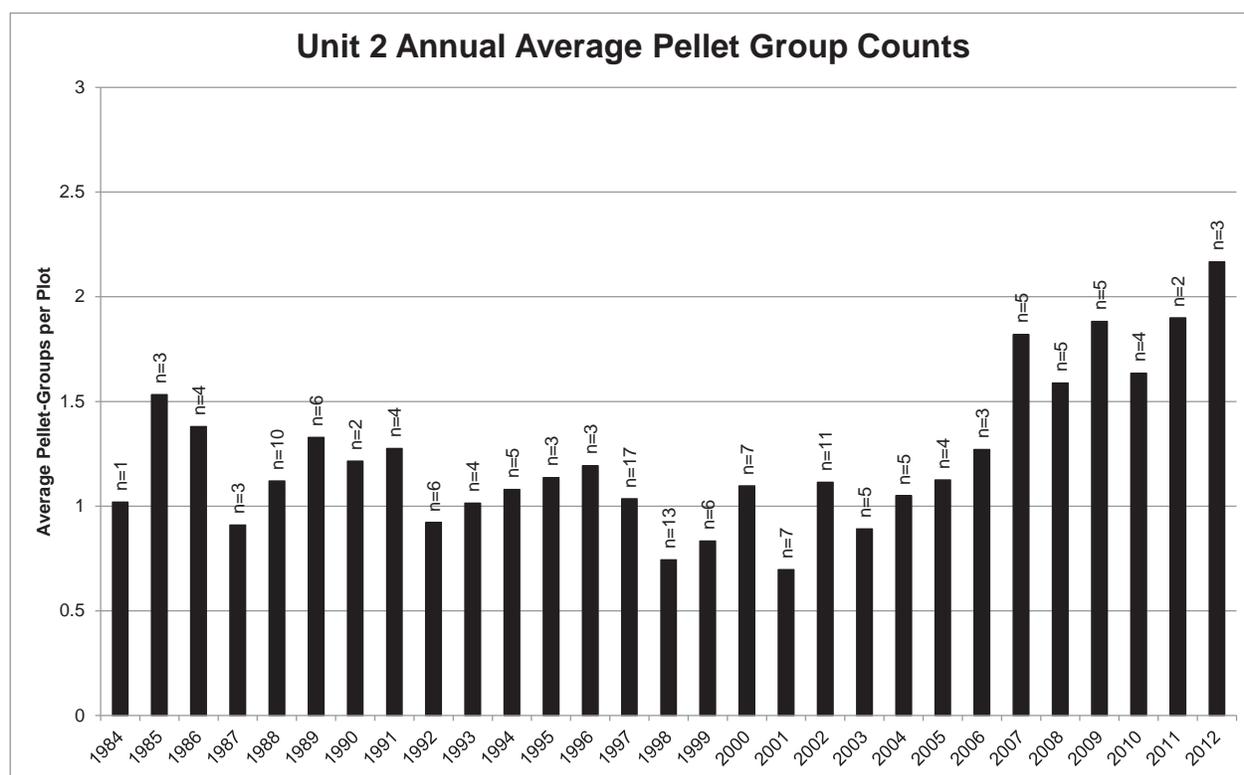
### Habitat

Old-growth forests are considered primary deer winter range, in part because the complex canopy cover allows sufficient sunlight through for forage plants to grow but intercepts snow, making it easier for deer to move and forage during winters when deep snow hinders access to other habitats. Some areas of Unit 2 have been impacted by large scale changes in habitat due to timber harvest, while the habitat is largely

intact in other areas. Areas with substantial timber harvest are expected to have lower long-term carrying capacity compared to pre-harvest conditions.

Recent population indices

There are no methods to directly count deer in southeast Alaska, ADF&G deer pellet surveys are the primary source of available population information. Relating pellet group data to population levels is difficult, however, because factors other than changes in deer population size can affect deer pellet-group density. Snowfall patterns influence the distribution and density of deer pellets from year to year, and snow persisting late into the spring at elevations below 1500 feet limits the ability to consistently survey the same elevation zones among years. In mild winters, deer can access forage in a greater variety of habitats, not all of which are surveyed. Conversely, in severe winters deep snow concentrates deer (McCoy 2011). Brinkman et al. (2013) questioned the value of pellet-group surveys for monitoring population trends due to the variability in the data compared to DNA based counts. Although pellet-group surveys remain the only widely available deer population data, the results should be interpreted with caution. **Figure 2** shows pellet-group survey results for Unit 2. The pellet-group data suggests a generally increasing population trend since a low during the late 1990s and early 2000s. This contrasts with Brinkman *et al.* (2011) who used a DNA based technique and estimated a 30% population decrease from 2006–08 which they attributed to three consecutive deep snow winters. Brinkman’s study was limited to three watersheds and the population changes during the study varied by watershed. It appears



**Figure 2.** Average pellet-group counts for all of Unit 2 since transects began in 1984 (McCoy 2011). Data labels represent the number of watersheds surveyed that year.

that populations increased after those severe winters and Bethune (2011) felt that by 2010 the Unit 2 deer population was healthy, stable to increasing, and at a 12 to 15 year high.

### **Harvest History**

Harvest data reported below are provided by ADF&G (McCoy 2013, pers. comm.) and are gathered by several reporting systems including the Region 1 deer survey, Unit 2 deer harvest report, and the Statewide deer report. The Region 1 deer survey is the most consistent report, covering the years 1997–2010 and is based on a sample of hunters. In general, 35% of hunters from each community are sampled each year and while response rates vary by community, the overall response rate across communities is approximately 60% each year. Harvest numbers are extrapolated using expansion factors that are calculated as the total number of harvest tickets issued to a community divided by the total number of survey responses for that community. If response is low from a community, an individual hunter may have a disproportionate effect on the data. As confidence intervals are not available for these data, exact numbers should be considered as estimates and used with caution. Trends, however, especially at larger scales, should be fairly accurate. The Unit 2 deer report was in place from 2005–2010 and was instituted specifically for reporting deer harvest in Unit 2. The Statewide deer report replaced the other deer harvest reporting systems in 2011 and requires reporting of harvest by all deer hunters. Different expansion factors are used for the various data sets so that total harvest estimates between years are comparable (McCoy 2013, pers. comm.).

**Figure 3** shows the estimated total deer harvest and female deer harvest in Unit 2 from 1997–2011. The estimated total harvest averaged 2691 deer and the estimated female deer harvest averaged 114 during this period. Harvests in recent years are the highest they have been since 1997 and are well above the ADF&G's Unit 2 harvest objective of 2,700 (Bethune 2011). Estimated female deer harvest has been consistently in the range of 4% of the total harvest. ADF&G has concerns about high levels of unreported deer harvest in Unit 2, particularly of female deer harvest (Bethune 2011). The average number of deer harvested per hunter has stayed stable in recent years and is higher than the average in the late 1990s (**Figure 4**). The average number of days it takes to harvest a deer also appears to have been stable over the last several years and is lower than the late 1990s (**Figure 4**). These harvest data support the pellet group data indicating that the deer population in Unit 2 is healthy and stable to increasing.

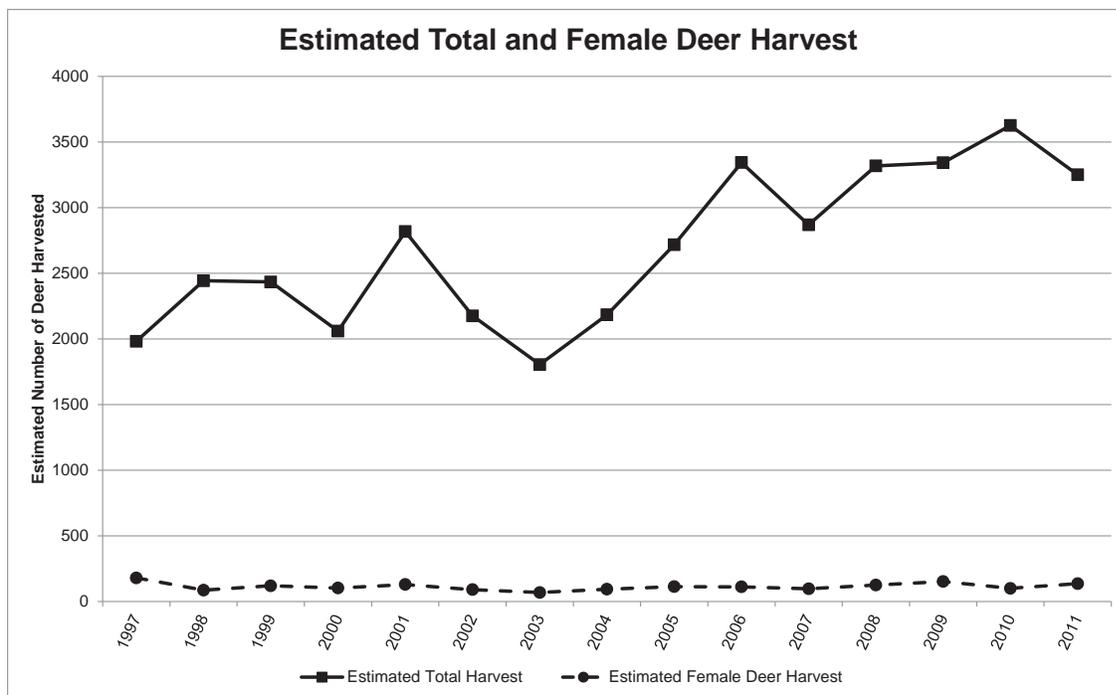
### **Effects of the Proposal**

If this proposal is adopted, it would likely reduce deer harvest. Although the harvest limit would not change, it would reduce the likelihood of encountering a harvestable deer. Eliminating the harvest of female deer does not appear necessary for conservation of the resource at this time. The relationship between the current population level and the habitats carrying capacity is unknown, but current female deer harvest does not appear to be limiting the population on a unit-wide scale.

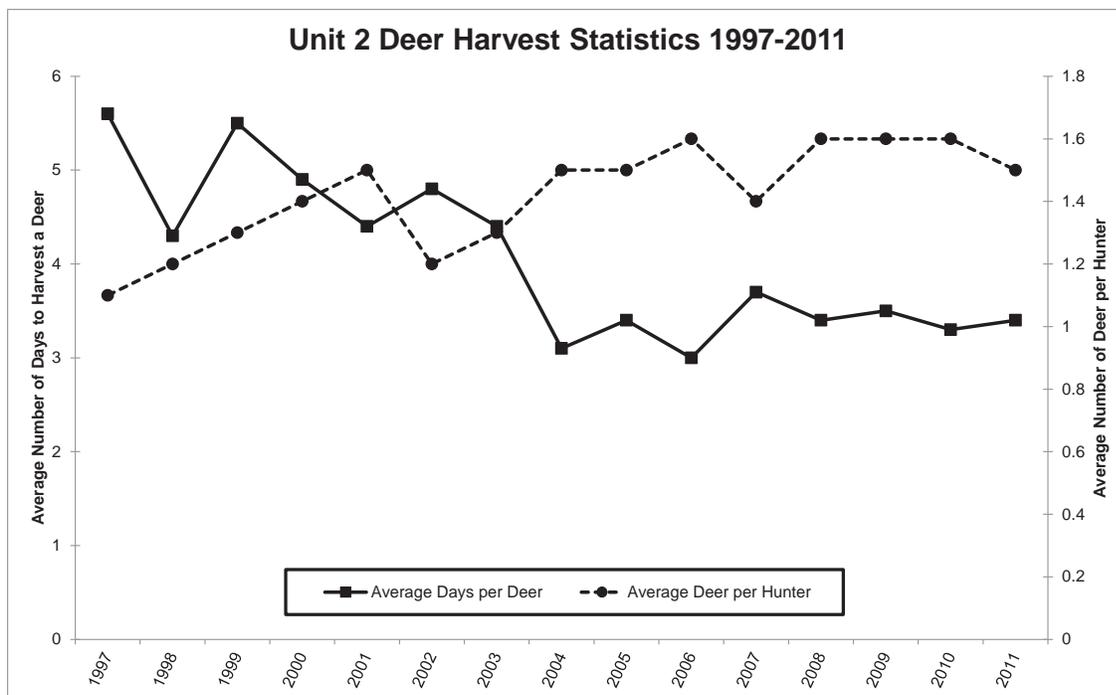
Adopting this proposal would reduce opportunity and decrease harvest efficiency for subsistence users. More trips would result in no harvest or more effort to harvest a male deer instead of the first deer encountered. Efficiency of effort is a characteristic of subsistence harvests.

### **OSM PRELIMINARY CONCLUSION**

**Oppose** Proposal WP14-03.



**Figure 3.** Estimated total and female deer harvest in Unit 2 from 1997-2011. Data provided by ADF&G (McCoy 2013, pers. comm.).



**Figure 4.** Average number of days for hunters to harvest a deer and the average number of deer harvested per hunter in Unit 2 from 1997-2011. Data provided by ADF&G (McCoy 2013, pers. comm.).

## Justification

This proposal would reduce opportunity for subsistence users. It is not necessary for conservation of the resource. A small but stable portion of the reported harvest is female deer. It would appear from this small portion, that most subsistence users do not harvest female deer. However, for those that do harvest them, it likely improves the efficiency of their harvest. Deer population and harvest statistics suggest the deer population is healthy in spite of historically high harvest levels and season lengths. Existing female deer harvest does not appear to be limiting the deer population.

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<b>WP 14-04 Executive Summary</b>	
<b>General Description</b>	Proposal WP14-04 requests that Federally-qualified subsistence users 60 years and older and those with disabilities be allowed an earlier start date for harvesting deer under Federal regulation. <i>Submitted by Ronald Leighton,</i>
<b>Proposed Regulation</b>	<p><b>Unit 2—Deer</b></p> <p><i>5 deer; however, no more than one may be a female deer. Female deer may be taken only during the period Oct. 15–Dec. 31. The harvest limit may be reduced to 4 deer based on conservation concerns. The Federal public lands on Prince of Wales Island, excluding the southeastern portion (lands south of the West Arm of Cholmondeley Sound draining into Cholmondeley Sound or draining eastward into Clarence Strait), are closed to hunting of deer from Aug. 1 to Aug. 15, except by Federally qualified subsistence users hunting under these regulations.</i></p> <p><i>Only Federally qualified users 60 years of age and older or 70% disabled are eligible to hunt from June 15 through July 23. Only male deer may be taken. Any deer taken during this season count against the 5 deer limit. A Federal Unit 2 disabled/elderly deer hunter permit is required during this season. The definition of “70-percent physically disabled” is: a person who presents to a US Forest Service permit issuing official either written proof that the person receives at least 70-percent disability compensation from a government agency for a physical disability or an affidavit signed by a physician licensed to practice medicine in the state, stating that the person is at least 70-percent physically disabled.</i></p> <p style="text-align: right;"><i>July 24–Dec. 31</i></p> <p style="text-align: right;"><b>June 15–July23</b></p>
<b>Southeast Regional Council Recommendation</b>	<b>Support</b> Proposal WP14-04 <b>with modification.</b> The modified language would remove the physically disabled category, reduce the early hunt start date by one week rather than five weeks, removes the requirement of a Federal permit and prohibits designated hunting during the early season.
<b>Interagency Staff Committee Comments</b>	
<b>ADF&amp;G Comments</b>	
<b>Written Public Comments</b>	<b>None</b>

## ISSUES

Proposal WP14-04, submitted by Ronald Leighton, requests that Federally qualified subsistence users 60 years and older and those with disabilities be allowed an earlier start date for harvesting deer under Federal regulation.

## DISCUSSION

Federal staff contacted Mr. Leighton to clarify the key points of what he was proposing. Mr. Leighton agreed that the language shown under “**Proposed Federal Regulation**” meets his intent. This analysis will analyze the clarified language.

The proponent is a disabled veteran that also meets the age requirement in his proposal. He indicated he has a harder time harvesting deer than he used to, and that during the 2012 hunting season he was unable to harvest any deer. Although he is familiar with the Federal Designated Hunting system, he indicated that because he lives in a remote cove, he has a harder time finding a Federally qualified subsistence user to harvest on his behalf. He believes this could also be a factor for other individuals 60 and over or that are physically disabled.

The proponent is concerned that these individuals have a harder time harvesting the deer needed for their households because of competition from younger, disability free hunters. By allowing both individuals 60 and older and the physically disabled an earlier season, these subsistence users will be able to harvest deer that are less spooky, which can be located road side, at lower elevations on the island and on beaches. As a result, the individuals will feel more personal worth in providing their own household sustenance. The proponent defined the minimum qualifying age for the hunt at 60, which is the same age requirement under State regulation for issuance of a permanent identification card.

Although the proponent has indicated a starting date of June 15, he would be satisfied with any start date that gives individuals 60 and older or physically disabled an opportunity to harvest on their own without competition. He feels the earlier harvest of male deer should not be a problem because they are easily identifiable by their developing antlers, and that hunters already have a season harvest limit in place.

### Existing Federal Regulations

#### **Southeastern Alaska Area—General provisions**

##### **Unit 2 — Deer**

*5 deer; however, no more than one may be a female deer. Female deer may be taken only during the period Oct. 15–Dec. 31. The harvest limit may be reduced to 4 deer based on conservation concerns.*

*July 24–Dec. 31*

*The Federal public lands on Prince of Wales Island, excluding the southeastern portion (lands south of the West Arm of Cholmondeley Sound draining into Cholmondeley Sound or draining eastward into Clarence Strait), are closed to hunting of deer from Aug. 1 to Aug. 15, except by Federally qualified subsistence users hunting under these regulations.*

## Other Disability Related Federal Regulation

### Unit 2—Unit Specific regulation

*You may not shoot ungulates, bear, wolves, or wolverine from a boat, unless you are certified as disabled.*

## Proposed Federal Regulation

### Unit 2 — Deer

*5 deer; however, no more than one may be a female deer. Female deer may be taken only during the period Oct. 15–Dec. 31. The harvest limit may be reduced to 4 deer based on conservation concerns. The Federal public lands on Prince of Wales Island, excluding the southeastern portion (lands south of the West Arm of Cholmondeley Sound draining into Cholmondeley Sound or draining eastward into Clarence Strait), are closed to hunting of deer from Aug. 1 to Aug. 15, except by Federally qualified subsistence users hunting under these regulations.*

*July 24–Dec. 31*

*Only Federally qualified users 60 years of age and older or 70% disabled are eligible to hunt from June 15 through July 23. Only male deer may be taken. Any deer taken during this season count against the 5 deer limit. A Federal Unit 2 disabled/elderly deer hunter permit is required during this season. The definition of “70-percent physically disabled” is: a person who presents to a US Forest Service permit issuing official either written proof that the person receives at least 70-percent disability compensation from a government agency for a physical disability or an affidavit signed by a physician licensed to practice medicine in the state, stating that the person is at least 70-percent physically disabled.*

*June 15–July 23*

## Existing State Regulations

### Southeastern Alaska Area—General provisions

#### Unit 2 — deer (hunting)

*Four bucks, August 1 – December 31*

*Harvest tickets must be validated in sequential order, and unused tickets must be carried when you hunt.*

There are no age specific or disabled-only hunts in any of the Southeast Alaska game management units. State regulations do have provisions for residents meeting specific age and/or disability criteria allowing

someone else hunt for them (proxy hunting) and also allowing for disabled persons in Units 1–5 to take big game from a boat if they obtain a disability permit from ADF&G. Proxy hunting and the ability to apply for a disability permit (**Appendix A**) are governed by the following provisions:

#### **Statewide—Proxy hunting provisions**

*An Alaska resident (the beneficiary) may obtain an authorization allowing another Alaska resident (the proxy) to hunt moose, caribou, or deer for them if they are blind, 70-percent disabled\*, or 65 years of age or older. A person may not be a proxy for more than one beneficiary at a time.*

*\*Definition of “70-percent disabled” – a person who presents to ADF&G either written proof that the person receives at least 70-percent disability compensation from a government agency for a physical disability or an affidavit signed by a physician licensed to practice medicine in the state, stating that the person is at least 70-percent disabled.*

#### **Statewide—Other age related/disability provisions**

*Resident hunters 60 years or older may obtain a free, permanent identification card. This replaces the annual sport fishing, hunting, and trapping licenses, and with this permanent ID, king salmon and state duck stamps are no longer required. However, any required harvest tickets, tags and permits are still needed.*

*Disabled veterans who are Alaska residents may qualify for a free hunting and fishing license (this does not include trapping). This replaces the annual sport fishing and hunting licenses and king salmon and state duck stamps are no longer required. To receive this license you must have been honorably discharged from military service, be eligible for a loan under AS18.56.101, and be certified by the US Veteran’s Administration as having incurred a 50 percent or greater disability during military service. Written proof from the VA is required at the time of application.*

*A person with physical disabilities may take big game from a boat in Units 1–5, and may take black bear from a boat in Unit 6D, if they obtain a disability permit. A disabled hunter permit holder may only shoot from a boat when the motor is turned completely off and when progress from the motor has ceased. Applications are available at the ADF&G office nearest the hunt area.*

#### **Extent of Federal Public Lands**

Federal public lands comprise approximately 74% of Unit 2. The U.S. Forest Service (USFS) manages 73% of all lands as part of the Tongass National Forest. The U.S. Fish and Wildlife Service manages less than 1% of all lands as part of Alaska Maritime National Wildlife Refuge (Forrester Island) (**see Unit 2 Map**).

#### **Customary and Traditional Use Determinations**

Rural residents of Units 1A, 2, and 3 have a positive customary and traditional use determination for deer in Unit 2.

## Federal Regulatory History

Following years of numerous Unit 2 related deer proposals (>30) to the Federal Subsistence Board (Board), the Unit 2 Deer Planning Subcommittee (Subcommittee) was formed to work together to address contentious deer management issues in Unit 2. At the request of the Board, the Southeast Subsistence Regional Advisory Council (Council) established the 12-member Subcommittee in 2004 to address concerns that subsistence deer hunters in Unit 2 were not able to harvest enough deer to meet their needs. The Subcommittee included residents of Craig, Hydaburg, Ketchikan, Petersburg, Point Baker and Wrangell, along with representatives from State and Federal wildlife management agencies to reflect the range of users of Unit 2 deer. The Subcommittee developed management recommendations at a series of five public meetings held in communities that depend upon Unit 2 deer. Both Federally qualified and non-federally qualified deer hunters participated at these meetings.

Based on their findings, the Subcommittee recommended to the Council that no major changes to Unit 2 deer harvest management (season, bag limits, etc.) occur during 2005–2007, with the exception of reopening deer hunting on federal public lands on the southeast portion of Prince of Wales Island to non-federally qualified hunters, in 2006. For future years, the Subcommittee recommended that deer harvest management tools could be applied in Unit 2 as deer population trends and hunting use patterns change. The degree to which these tools would be employed would be decided through the established public regulatory processes (SERAC 2006).

In Southeast Alaska, there are no hunts specifically for Federally qualified users 60 and older or that are physically disabled. There are, however, two sheep hunts in Federal regulation with specific seasons for Federally qualified users that are 60 years of age or older in Units 11 and 12.

In 1998, the Board supported WP98-28 creating a sheep season in Unit 11 for Federally qualified users 60 years of age or older. Although the State had concern that ANILCA did not allow the Board to create age specific hunts, legal counsel to the Board indicated that the proposal had “*rationale distinction based on an adequate administrative record.*” As a result, the season was extended one month beyond the regular sheep season, when sheep are at lower elevations to allow the opportunity for those “*elders who are still capable of hunting, but cannot climb high enough into the mountain to find sheep during the early season, to continue to hunt and pass on traditional knowledge about sheep hunting to younger family members* (FWS 1998).”

During 2004 two proposals were considered which addressed age related sheep hunts in Unit 11 and Unit 12. WP04-24 requested that designated hunting be allowed for the late season elder hunt in Unit 11. This proposal was opposed by the Southcentral and Eastern Interior Regional Advisory Councils and rejected by the Board because adoption of proposal would contradict the original purposes for establishing the hunt (FSB 2004).

In 2004, the Board also considered WP04-80 which asked for a sheep season in Unit 12 that paralleled the 60 and older sheep hunt in Unit 11. Although there were suggestions during the Southcentral and Eastern Interior Council meetings that youth provisions be included for Unit 12, the eventual recommendation from both Councils was to support the late season hunt in Unit 12 for 60 and older only, as originally proposed, and consider the youth provisions when more details were available (EIRAC 2004, SCRAC 2004). The Board adopted the proposal creating the late sheep season only for those users 60 and older in Unit 12, staying consistent with both Councils’ recommendations (FSB 2004).

During 2005, the Cheesh’na Tribal Council submitted WP05-06 with the goal of allowing Federally qualified users 60 and older “to resume their traditional practices of teaching their grandchildren how

to hunt sheep.” The proponent acknowledged that although WP04-80 established the late season to allow only subsistence users 60 and older to hunt when the sheep would be more easily accessible, this proposal would allow grandchildren and similar younger relatives to accompany these users for educational purposes. They stated that the age related regulation “neglected one aspect of the traditional instructional process, that the young people should have the opportunity to take the animal, rather than simply observing their elders doing so.” WP05-06 was adopted by the Board at its May 2006 meeting and established the combined 60 and older/youth hunt with the season of Sept. 21–Oct. 20.

During the 2012 cycle, WP12-32 was submitted to the Board. The proposal requested the season dates for the combination 60 and older/youth sheep hunts in Units 11&12 be changed to an earlier season of August 1st through August 9th. Both Councils supported the proposal with modification to retain the existing season ending date for the hunt in regulation. Although this modification had support from the Wrangell-St. Elias Subsistence Resource Commission, ADF&G felt that the earlier season would be acceptable only as long as it began on August 10. Because of the low reported harvest on Federal permits from these hunts, the Board supported the proposal as modified by the Councils (FSB 2012)

### **Biological Background**

Please see Proposal WP14-03 for a complete biological back ground for Sitka black-tail deer in Unit 2.

### **Harvest History**

The majority of the deer harvest in Unit 2 has been reported from five Wildlife Analysis Areas (WAA). These WAA’s are located in the central portion of the island, have high road densities, and are located in close proximity to most Prince of Wales Island communities (Turek et al. 2004, Paul and Straugh 1999). Prior to 2005, it was very difficult to accurately estimate deer harvests by those over the age of 60 in Unit 2. Since the implementation of the joint USFS and ADF&G Unit 2 deer harvest report in 2005, identifying Unit 2 deer harvest by user group greatly improved. Beginning in 2011, the hunt report form was attached to all deer harvest tickets issued in Alaska. A summary of deer harvest in Unit 2 since 2005 can be found in **Table 1**. For a more in depth history of Unit 2 deer harvest, please see the harvest history section within analysis for proposal WP14-03.

### Population Demographics

Although rural residents of Units 1A, 2, and 3 qualify for the Unit 2 subsistence deer hunt, the majority of the participating Federally qualified subsistence users reside in Unit 2. These users reside in one of the eleven communities located in the unit which are a part of the Prince of Wales Borough. The borough also includes the remote outlying communities of Metlakatla and Hyder. According to the 2010 census, it is estimated that 5,500 people reside in the borough. An estimated 16.8% of the Federally qualified subsistence users who could harvest deer on POW are age 60 or older. The breakdown by age segment can be found in **Table 2** (Department of Labor and Workforce Development 2012).

Determining the actual number of rural residents meeting the “disabled” category is problematic. Within Alaska, disability can be determined by State agencies such as the Department of Labor & Workforce Development or the Department of Health and Social Services. There are also Federal agencies such as the Social Security Administration or Department of Veteran’s Affairs. Each agency has its own process and standards for making determinations so accurate numbers of Federally qualified users meeting “disabled” requirements may be undeterminable (Fader 2013).

## Designated Hunting

Deer is a vital food staple and an important protein source for many rural Alaskans. The hunting of deer in Southeast Alaska can be a physically demanding task which not every household in a given community is able to undertake. It is common for able-bodied, younger individuals to take on the responsibility of harvesting meat for families and individuals outside of their household (i.e. the elderly and single mothers).

In 1997, the ADF&G Division of Subsistence conducted key respondent interviews in Prince of Wales (POW) Island communities and Ketchikan regarding subsistence deer hunting on POW Island. Hunting and sharing practices are similar throughout most POW Island communities, and it was noted that some hunters regularly supplied deer to other households as well as their own (Turek et. al 2004). Several individuals mentioned this pattern specifically in their responses. Communities such as Hydaburg, which is predominantly populated by Alaska Natives, had similar answers to the same questions as Pt. Baker and Port Protection whose populations are mostly Caucasian.

Federal designated hunting does occur in Unit 2 under the terms of a Federal Designated Hunting permit. The hunter may hunt for another Federally qualified user (recipient), so documenting age or disability of the recipient is not required. Determining numbers of deer harvested for a disabled recipient is impossible as Federal regulation does not require the recipient to prove disability. Although the permit requires the hunter to enter a permit/harvest ticket number for the recipient when reporting harvest, the hunting license or Permanent identification number of the recipient are not required. Federal designated harvests can be found in **Table 1**.

## Access

Historically, most gathering activities occurred near settlements accessible by foot or boat. Subsistence use in Southeast Alaska is concentrated near individual communities and along the beaches (USFS 1997). The introduction of motorboats and the development of road systems associated with timber harvest activities have led to a shift in subsistence use to areas where motorized access is easily achieved. Ellanna and Sherrod (1987) reported that most deer were “skiff harvested” prior to 1981.

A rapid change of hunting methods occurred between 1982 and 1984. In 1982, 67% of hunters interviewed reported the exclusive use of boats for deer hunting, by 1984 only five percent of the responding hunters, hunted only from boats. Hunters reported in a 2003 survey that road systems are extensively used for hunting deer (USFS 2003). ADF&G also noted that the percentage of hunters using passenger vehicles to hunt deer has greatly increased over the past years. Fifty percent of hunters drove vehicles to hunt in 1993 compared to 77% from 1996 to 1999 (ADF&G 2000). Comments gathered during public scoping for the Access and Travel Management Plan (ATM) conducted by the USFS substantiated these statistics (USFS 2009a).

Unit 2 Federal lands are a part of two USFS ranger districts. The northern half of the island is located in the Thorne Bay Ranger District, while the southern half is in the Craig Ranger District. Most USFS roads in Unit 2 were built to harvest timber between 1950 and 1980. Generally, these roads were constructed and reconstructed by timber sale purchasers to gain access for removing timber. Unit 2 contains approximately 1,687 miles of Forest Service roads (USFS 2009a). Both districts received direction to

**Table 1** – Estimated Sitka Black-tail deer harvest, State proxy harvest and Federal designated harvest in Unit 2 (2005-2011).  
(Yuhas 2013; USFWS 2013)

Year	Deer harvest estimate Unit 2	Federally qualified deer harvest estimate by age 60 and older	% of harvest by age 60 and older	State proxy harvest Unit 2	Federal Designated harvest in Unit 2
2005	2717	135	5%	34	40
2006	3344	202	6%	41	50
2007	2869	152	5%	6	53
2008	3318	213	6%	10	66
2009	3345	270	8%	25	71
2010	3625	271	7%	20	52
2011	3250	164	5%	n/a	61
Ave.	3210	201	6%	23	56

**Table 2** – 2010 population estimates and percentage of population by age group (age 60 and over) in the Prince of Wales Borough. (Department of Labor and Workforce Development 2012)

Age Group	60-64	65-69	70-74	75-79	80-84	85-89	Over 90
Number	363	263	137	92	42	19	6
% of borough population	6.6%	4.9%	2.5%	1.7%	0.7%	0.3%	0.1%

review the road base mileage on their districts to identify road systems which could be removed from the road inventory. In 2009, the ATM analyzed approximately 1363.5 miles of Forest Service roads area on POW to determine if they should be maintained.

As a part of the ATM review process, roads were scored for subsistence use as high, medium, low or no score. Within the central WAAs, 132 miles of roads that scored as high for subsistence use, will be either decommissioned or stored (USFS 2009b). Based on the alternative selected for implementation of the ATM, approximately 427 miles of existing roads on POW will remain open to and maintained for either highway vehicles, off highway vehicle (OHV), or for mixed use. Within the five WAAs where the highest deer harvests occur, the ATM reduces the available road mileage from 945 miles to 360 miles. With either full road closure, or closures to the end reaches of the road systems, subsistence users may be unable to access customary hunting locations. Additional road closures may also occur in the area because of proposed wolf related mitigations as proposed in the Record of Decision for the Big Thorne Draft

Environmental Impact Statement (Dillman 2013). These reductions in overall road mileage may increase competition between all user groups.

### **Other alternatives to consider**

Although the proponent seeks to expand the deer hunting season for subsistence users 60 and over and for the physically disabled, keeping the earlier hunt only for subsistence users 60 or older may be a better option. Determining disability has been shown to be complex and problematic, and would require a Federal permit to participate in the hunt. Keeping the earlier season only to within the month of July is preferred by managers, as the hunt will fit within the Federal wildlife regulatory year (July 1 – June 30). A hunt that spans two regulatory seasons creates complexity by requiring two sets of harvest tickets, two harvest limits and complicates harvest reporting.

### **Effects of the Proposal**

This proposal increases the opportunity to hunt deer with reduced competition within Unit 2 for Federally qualified subsistence users over the age of 60 or those that can demonstrate a 70% physical disability.

With a season starting date in June, Federally qualified users will need to have two sets of deer harvest tickets to participate. Prior year harvest tickets would be required for the June portion of the hunt and any deer harvested during this month would fall under the previous year's harvest limit. The hunter would then have to obtain new harvest tickets with the change of the regulatory year (July 1). Harvest reporting would be complicated since harvest before July 1 would be reported in one regulatory year and the harvest after July 1 would be reported in another regulatory year.

The earlier season would provide an advantage for Federally qualified users 60 and older or that are physically disabled to harvest for themselves without having to rely entirely on Federal Designated hunting provisions. The stated purpose of this proposal is for persons over 60 and those with disabilities to have the satisfaction of harvesting a deer themselves. Allowing designated hunting during this special season is not consistent with this purpose. The Board has previously rejected a proposal requesting allowance of designated hunting during the 60 and over sheep hunts in Units 11 and 12, as allowance of designated hunting during an extended season for elders defeated the purpose of the hunts.

A five week "head start" may provide too much of an advantage at the expense of other Federally qualified subsistence hunters. A one week "head start" should provide adequate opportunity to fulfill the stated purpose of harvesting less wary deer for themselves.

### **OSM PRELIMINARY CONCLUSION**

**Support** Proposal WP14-04 **with modification**. The modified language would remove the physically disabled category, reduce the early hunt start date by one week rather than five weeks, removes the requirement of a Federal permit and prohibits designated hunting during the early season. The modified regulation would read:

*5 deer; however, no more than one may be a female deer. Female deer may be taken only during the period Oct. 15–Dec. 31. The harvest limit may be reduced to 4 deer based on conservation concerns. The Federal public lands on Prince of Wales Island, excluding the southeastern portion (lands south of the West Arm of Cholmondeley Sound draining into Cholmondeley Sound or draining eastward into Clarence Strait), are closed to hunting of deer from Aug. 1 to Aug. 15, except by Federally qualified subsistence users hunting under these regulations.*

*July 24–Dec. 31*

***Only Federally qualified users 60 years of age and older are eligible to hunt from July 17 through July 23. Only male deer may be taken. Any deer taken during this season count against the deer harvest limit for Unit 2. Designated hunter provisions do not apply during this season.***

***July 17–July 23***

## **Justification**

Adoption of the proposal, as modified, provides additional opportunity for Federally qualified subsistence users over the age of 60. Currently, a very small percentage of the overall deer harvest is taken by those over 60. The Federal Subsistence Board has established 60 as the minimum age for two other Federal subsistence hunts in other management units. Age as a defining option, removes the need for a specific permit to participate in the early hunt. Age can be determined in the field by the hunter's state issued driver's license, permanent identification card or other photo identification and removes the need for a Federal permit.

Establishing a special season for disabled persons to hunt would be challenging to implement as there is no standard definition of disabled. Many agencies have different definitions. If the disability provisions are adopted, a Federal permit would be required to demonstrate to law enforcement in the field that a person is eligible to hunt during the early season.

A five week "head start" may provide too much of an advantage at the expense of Federally qualified subsistence hunters. A one week "head start" should provide adequate opportunity to fulfill the stated purpose of harvesting less wary deer for oneself. Also, a season start date in July would require only one set of deer harvest tickets and harvest would easily be attributed to the proper regulatory year.

The stated purpose of this proposal is for Federally qualified users 60 to have the satisfaction of harvesting a deer for themselves. Allowing designated hunting during this special season is not consistent with this purpose. The Board has previously rejected a proposal requesting allowance of designated hunting during the 60 and over sheep hunts in Units 11 and 12, as allowance of designated hunting during an extended season for elders defeated the purpose of the hunts.

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APPENDIX A



STATE OF ALASKA  
DEPARTMENT OF FISH AND GAME

APPLICATION  
for  
METHODS AND MEANS EXEMPTION

<b>Part 1. Applicant Information and Statements</b>			
First Name	M.I.	Last Name	Daytime Phone Number
Mailing Address			Email Address
City	State	Zip Code	Hunting License Type: <input type="checkbox"/> Resident <input type="checkbox"/> Non-Resident
1. Please identify the exemption you are requesting. Applicants requesting to use a motorized vehicle must include the specific hunt number, location, and dates they wish to hunt:			
2. Please explain how your physical condition limits your ability to participate in the hunt without receiving an exemption:			
3. I certify that all statements entered on this application are true and that I will abide by all conditions and restrictions of an exemption if issued.			
Signature		Date	

<b>Part 2. Physician's Statement</b>	
4. Please describe the nature and extent of the applicant's condition or disability:	
5. Is this a permanent disability? <input type="checkbox"/> Yes <input type="checkbox"/> No	
6. I certify that the applicant's condition or disability substantially limits his or her ability to comply with the methods and means restriction identified in Part 1 above.	
Physician's Name (Print)	Telephone Number
Signature	Date
	Physician's License Number/State

Completed applications should be mailed at least 30 days prior to the start of your hunt to the Alaska Department of Fish and Game, Division of Wildlife Conservation, Permits Section, P.O. Box 115526, Juneau, AK 99811-5526.

## Instructions for Completing the Methods and Means Exemption Application Form

**Important: This application should be submitted at least 30 days prior to the start of your hunt.**

### Part 1. To be completed by the Applicant

- Enter your name and contact information.
- Check one of the boxes to indicate whether you have a resident or non-resident hunting license.
- 1. Please identify the exemption you are requesting. The most common exemptions include:
  - To use a crossbow or draw-lock in an archery-only hunt
  - To use an ATV in a controlled use area (you **must** specify the hunt number, location, and hunt dates for your application to be considered).
  - To use a laser sight to take game.
- 2. Please explain how your disability limits your ability to comply with the methods and means restriction at issue, in other words, how your disability limits your ability to participate in the hunt without receiving an exemption.
- 3. Please sign and date the application certifying that the information contained within it is true.

### Part 2. To be completed by the Physician

- 4. Please describe the nature and extent of the applicant's condition or disability. **It is important to understand that you are not being asked to provide a medical diagnosis on this form.**
  - To qualify for a methods and means exemption, the hunter must have a disability that substantially limits his or her ability to comply with existing methods and means restrictions. **Please address this issue when describing the nature and extent of the applicant's condition or disability or the exemption may not be granted due to lack of information.**

Examples of qualifying disabilities include:

- Loss, loss of use, or substantial impairment of one or both upper or lower extremities.
- Inability to walk over natural terrain without the assistance of another person, prosthetic device, crutches, brace, or other mechanical, assistive device.
- Requiring a wheelchair for mobility.
- Blind or visually impaired.
- Inability to walk for long distances (comparable to that of an average person in the general population) without assistance or a rest due to cardiac or lung disease where:
  - Forced (respiratory) expiratory volume for one (1) second when measured by spirometry is less than one (1) liter or his arterial oxygen tension (po ) is less than 60 mm/Hg on room air at rest.
  - **Or** functional limitations due to cardiac disease are classified in severity as class III or class IV according to standards accepted by the American Heart Association.
- 5. Check "yes" if the condition or disability is not expected to improve, check "no" if improvement is possible or likely.
- 6. Your signature indicates that the applicant's condition or disability substantially limits his or her ability to comply with the methods and means restriction identified in Part 1 of the form.

<b>WP14-05 Executive Summary</b>	
<b>General Description</b>	Proposal WP14-05 requests that the deer harvest season within the Lindenberg Peninsula portion of Unit 3 (Kupreanof Island, east of the Portage Bay – Duncan Canal Portage) be reduced from the current 4-month season to a 2-week season and the harvest limit be reduced from two male deer to 1 male deer. <i>Submitted by the Southeast Alaska Subsistence Regional Advisory Council (Council).</i>
<b>Proposed Regulation</b>	<p><b>Unit 3 — Deer</b></p> <p><i>Mitkof, Woewodski, and Butterworth Islands      Oct. 15 – 31</i>  <i>— 1 antlered deer</i></p> <p><b><i>Kupreanof Island, that portion east of the Portage Bay-Duncan Canal Portage — 1 antlered deer</i></b>      <b><i>Oct. 15 – 31</i></b></p> <p><i>Remainder — 2 antlered deer.      Aug. 1 – Nov. 30</i></p> <p style="text-align: right;"><i>Dec. 1 – 31, season to be announced</i></p>
<b>Southeast Regional Council Recommendation</b>	<b>Support</b> Proposal WP14-05 <b>with modification</b> to maintain the current harvest season but change the harvest limit to one antlered deer on the Lindenberg Peninsula of Kupreanof Island in Unit 3.
<b>Interagency Staff Committee Comments</b>	
<b>ADF&amp;G Comments</b>	
<b>Written Public Comments</b>	<b>None</b>

## ISSUES

Proposal WP14-05, submitted by the Southeast Alaska Subsistence Regional Advisory Council (Council), requests that the deer harvest season within the Lindenberg Peninsula portion of Unit 3 (Kupreanof Island, east of the Portage Bay – Duncan Canal Portage) be reduced from the current 4-month season to a 2-week season and the harvest limit be reduced from two male deer to 1 male deer.

## DISCUSSION

The proponent states that the combined effects of habitat loss, three consecutive deep snow winters (2006/07 through 2008/09), and predation by black bears and wolves has reduced the deer population in the area to low levels. The change is intended to allow the deer population to recover to more desirable levels. This change would mirror a State regulation change in January 2013.

### Existing Federal Regulation

#### Unit 3 — Deer

<i>Mitkof, Woewodski, and Butterworth Islands — 1 antlered deer</i>	<i>Oct. 15 – 31</i>
<i>Remainder — 2 antlered deer.</i>	<i>Aug. 1 – Nov. 30</i>
	<i>Dec. 1 – 31, season to be announced</i>

### Proposed Federal Regulation

#### Unit 3 — Deer

<i>Mitkof, Woewodski, and Butterworth Islands — 1 antlered deer</i>	<i>Oct. 15 – 31</i>
<i>Kupreanof Island, that portion east of the Portage Bay-Duncan Canal Portage — 1 antlered deer</i>	<i>Oct. 15 – 31</i>
<i>Remainder — 2 antlered deer.</i>	<i>Aug. 1 – Nov. 30</i>
	<i>Dec. 1 – 31, season to be announced</i>

### Existing State Regulation

#### Unit 3 — Deer

<i>Mitkof Island, Petersburg Management Area—2 bucks, by bow and arrow only</i>	<i>Oct. 15 – Dec. 15</i>
<i>Remainder of Mitkof, Woewodski, Butterworth Islands —1 buck</i>	<i>Oct. 15 – Oct. 31</i>
<i>That portion of Kupreanof Island on the Lindenberg Peninsula east of the Portage Bay –Duncan Canal portage. — 1 buck</i>	<i>Residents: Oct. 15 – Oct. 31</i>
	<i>Non-residents: No open season</i>

### **Extent of Federal Public Lands**

Federal public lands comprise approximately 91% of Unit 3 and are managed by the U.S. Forest Service (USFS) as part of the Tongass National Forest. The Lindenberg Peninsula portion of Unit 3 is comprised of approximately 95% Federal public lands managed by the USFS (see **Map 1**).

### **Customary and Traditional Use Determinations**

Rural residents of Units 1B, 3, Meyers Chuck, Port Alexander, Port Protection, and Point Baker have a positive customary and traditional use determination for deer in Unit 3.

### **Regulatory History**

From the mid-1950s through the early 1970s Unit 3 had relatively liberal deer seasons up to 4.5 months long and harvest limits of up to 4 deer including an antlerless deer harvest (**Table 1**). During the late 1960s and early 1970s a series of severe winters led to high mortality in the deer population, and resulted in shortened seasons and reduced harvest limits in the early 1970s. Unit 3 was closed to deer hunting between 1975 and 1979. In 1980 the deer season was reopened in the southern portion of Unit 3 with an August 1 – December 31 season and one buck harvest limit. However, the deer season on the Lindenberg Peninsula did not reopen until 1993 when an October 15–31 season was established, with a one antlered deer harvest limit. Beginning with the 2003 season, the Lindenberg Peninsula was included with the majority of Unit 3, extending the season to August 1 – November 30, and increasing the harvest limit to 2 antlered deer. Beginning with the 2008 season, the Petersburg District Ranger of the USFS was authorized to extend the season in the remainder of Unit 3 (including the Lindenberg Peninsula) to December 31 in consultation with Alaska Department of Fish and Game (ADF&G) and the chair of the Council. The season has never been extended due to indications of a declining population and lower than average deer harvest.

### **Current Events**

At its January 2013 meeting, the Alaska Board of Game (BOG) adopted a regulation to reduce the harvest limit on the Lindenberg Peninsula to 1 buck shorten the season to October 15 – October 31, and close the area to harvest by nonresidents. Additionally, the BOG authorized a wolf predator control program in a portion of Unit 3, including the Lindenberg Peninsula.

In June 2013, the ADF&G submitted a special action request (WSA13-BD-05-13) that would implement the regulatory changes in this proposal (WP14-05), via special action, for the 2013 season. A public hearing was held in Petersburg on July 1, 2013. The meeting was also available to Wrangell residents through video teleconference. Seven members of the public participated in the meeting. Participants generally agreed that the deer population is low, but there was less consensus about whether the proposal is the best solution, and various alternatives were proposed. For further details see meeting summary notes in **Appendix A**.

### **Biological Background**

Sitka black-tailed deer spend the winter and early spring at low elevation where there is less snow accumulation and forests provide increased foraging opportunities. Fawning occurs in late May and early June as vegetation greens-up, providing abundant forage to meet the caloric needs of the lactating doe.

# Proposal WP14-05 Map 1; Unit 3

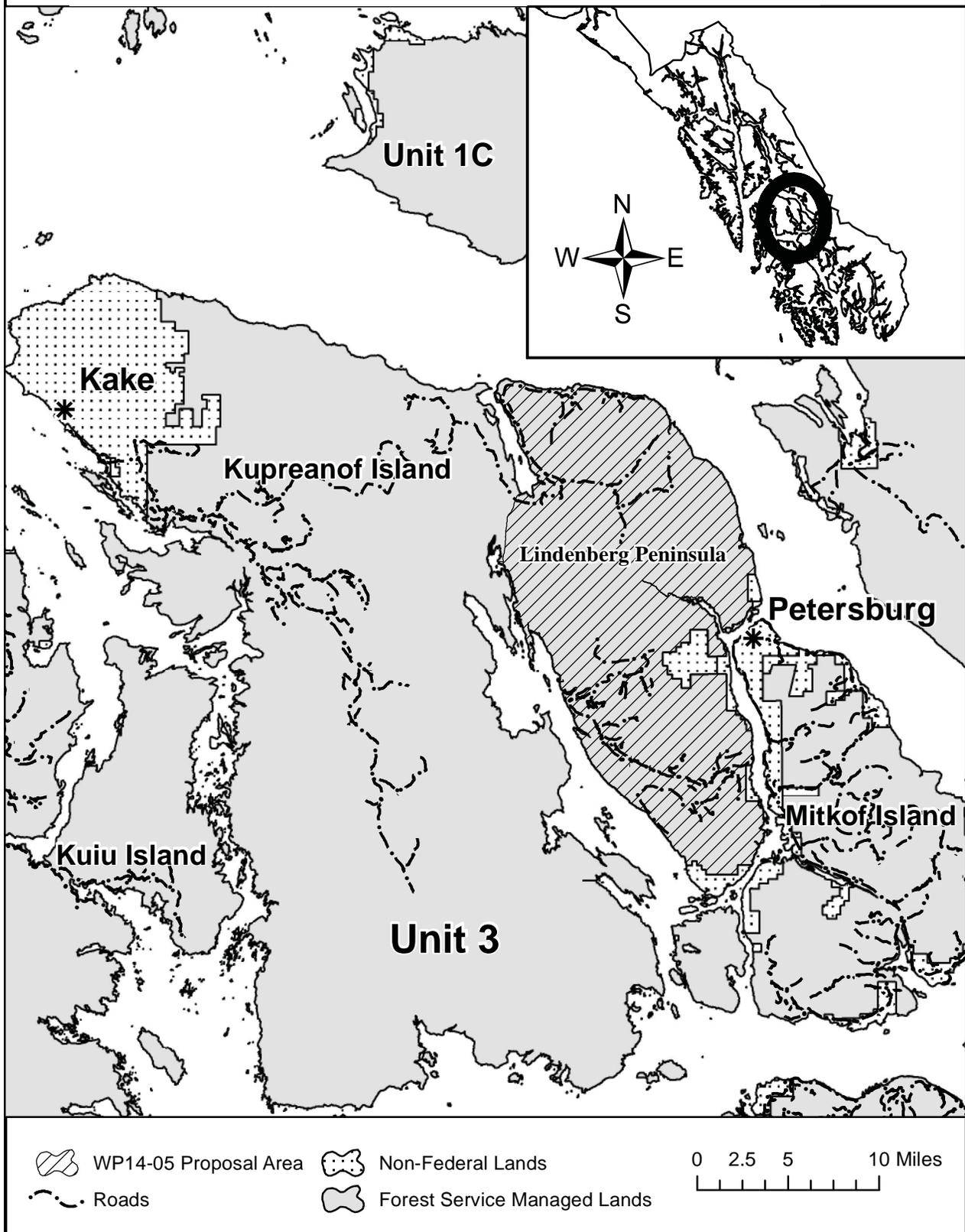


Table 1. Regulatory history for Unit 3 deer since 1925.

Year	Season Type	Season	Limit	Conditions and Limitations
1925	Open	Sept 16-Dec 15	3	Bucks with 3 inch or greater antler
1926-1929	Open	Sept 1-Nov 30	3	Bucks with 3 inch or greater antler
1930-1941	Open	Aug 20-Nov 15	3	Bucks with 3 inch or greater antler
1942-1943	Resident	Sept 16-Nov 15	2	Bucks with 3 inch or greater antler
1942-1943	Nonresident	Sept 16-Nov 15	1	Bucks with 3 inch or greater antler
1944-1948	Resident	Sept 1-Nov 15	2	Bucks with 3 inch or greater antler
1944-1948	Nonresident	Sept 1-Nov 15	1	Bucks with 3 inch or greater antler
1949	Resident	Sept 1-Nov 7	2	Bucks with 3 inch or greater antler
1949	Nonresident	Sept 1-Nov 7	1	Bucks with 3 inch or greater antler
1950-1951	Resident	Sept 1-Nov 15	2	Bucks with 3 inch or greater antler
1950-1951	Nonresident	Sept 1-Nov 15	1	Bucks with 3 inch or greater antler
1952	Open	Aug 20-Nov 15	2	Bucks with 3 inch or greater antler
1953-1954	Open	Aug 20-Nov 22	2	Bucks with 3 inch or greater antler
1955	Open	Aug 20-Nov 22	3	3 bucks or 2 bucks and 1 doe; bucks 3 inch or greater antler
1956	Open	Aug 20-Nov 26	3	3 bucks or 2 bucks and 1 doe; does 11/13-11/26, bucks 3 inch or greater antler
1957-1958	Open	Aug 20-Nov 30	4	Does allowed 10/15 to 11/30; bucks allowed 8/20-11/30
1959	Open	Aug 8-Nov 30	4	4 bucks or 3 bucks and one doe; bucks only before 10/15
1960	Open	Aug 20-Dec 15	4	4 bucks or 3 bucks/ 1 doe, or 2 bucks/ 2 does, bucks only before 10/1
1961	Open	Aug 1-Nov 30	4	Only 2 antlerless; antlerless allowed 9/15 to 11/30
1962	Open	Aug 1-Dec 15	4	Antlerless deer from 9/15 to 12/15 only
1963-1966	Open	Aug 1-Dec 31	4	Antlerless deer from 9/15 to 12/31 only
1967	Open	Aug 1-Dec 31	4	Antlerless deer from 10/1 to 12/31 only
1968	Open	Aug 1-Dec 15	4	Antlerless deer from 9/15 to 12/15 only
1969-1970	Open	Aug 1-Dec 31	4	Antlerless deer from 10/1 to 12/31 only
1969-1970	Open	Aug 1-Nov 30	2	Mitkof Island; 2 antlered deer
1969-1970	Open	Aug 1-Dec 15	4	Remainder of Unit 3; antlerless deer from 11/1 to 11/30
1971	Open	Aug 1-Nov 30	2	2 antlered deer, Mitkof, Wrangell, Etolin & Woronkofski Islands
1971	Open	Aug 1-Nov 30	3	Remainder of Unit 3; antlerless deer from Oct 1 to Oct 31
1972	Open	Aug 1-Nov 30	2	2 antlered deer
1973-1974	Open	Sept 1-Nov 30	1	1 antlered deer
1975-1979		No open season		
1980	Open	Aug 1-Dec 31	1	South of Sumner Strait and Eastern Passage, including Level, Vank, Sokolof, Rynda, and Kadin islands; 1 buck
1980	Open	No open season		Remainder of Unit 3
1981-1984	Open	Aug 1-Nov 30	1	South of Sumner Strait and Eastern Passage, including Level, Vank, Sokolof, Rynda, and Kadin islands; 1 antlered deer
1981-1984	Open	No open season		Remainder of Unit 3
1985-1987	State Subsistence/General	Aug 1-Nov 30	1	South of Sumner Strait and Eastern Passage, including Level, Vank, Sokolof, Rynda, Conclusion, and Kadin islands; 1 antlered deer
1985-1987	State Subsistence/General	No open season		Remainder of Unit 3
1988-1990	State Subsistence/General	Aug 1-Nov 30	2	South of Sumner Strait and Decision Point, including Level, Vank Island group but not Level, Conclusion, or Channel Islands; 2 antlered deer
1988-1990	State Subsistence/General	No open season		Remainder of Unit 3
1991-1992	State Subsistence/General, Federal Subsistence	Aug 1-Nov 30	2	South of Sumner Strait and Decision Point, including Level, Vank Is. group but not Level, Conclusion, or Channel Islands; 2 antlered deer.
1991-1992	State Subsistence/General, Federal Subsistence	Oct 15-31	1	Mitkof Island south of the Petersburg city limits, Kupreanof and Butterworth islands; 1 antlered deer by registration permit
1991-1992	State Subsistence/General, Federal Subsistence	No open season		Remainder of Unit 3
1993-1994	State Subsistence/General, Federal Subsistence	Oct 15-31	1	Mitkof Island south of the Petersburg city limits, Kupreanof Island on <b>Lindenberg Peninsula</b> east of Portage Bay/Duncan Canal Portage, Woedwodski and Butterworth islands; 1 antlered deer by registration permit
1993-1994	State Subsistence/General, Federal Subsistence	No open season		Mitkof Island within Petersburg city limits, Kupreanof Island within Kupreanof city limits
1993-1994	State Subsistence/General, Federal Subsistence	Aug 1-Nov 30	2	Remainder of Unit 3; 2 antlered deer
1995-2002	State Subsistence/General	Oct 15-Oct 31	1	Mitkof Island south of Petersburg city limits, Kupreanof Island on <b>Lindenberg Peninsula</b> east of Portage Bay-Duncan Canal portage outside the Kupreanof city limits, and Woedwodski and Butterworth Islands; 1 buck by harvest permit only
1995-2002	State Subsistence/General	No open season		Mitkof Island within the Petersburg city limits and that portion of Kupreanof Island within Kupreanof city limits
1995-2013	State Subsistence/General	Aug 1-Nov 30	2	Remainder of Unit 3; 2 bucks by harvest permit only
1995-1997	Federal Subsistence	Oct 15-Oct 31	1	Mitkof, Woewodski, Butterworth Islands, and that portion of Kupreanof Island which includes the <b>Lindenberg Peninsula</b> east of the Portage Bay/Duncan Canal Portage; 1 antlered deer by State registration permit only; Petersburg and Kupreanof are closed to hunting
1995-1997	Federal Subsistence	Aug 1-Nov 30	2	Remainder of Unit 3; 2 antlered deer
1997-2003	Federal Subsistence	Oct 15-Oct 31	1	Mitkof, Woewodski, Butterworth Islands, and that portion of Kupreanof Island which includes the <b>Lindenberg Peninsula</b> east of the Portage Bay/Duncan Canal Portage; 1 antlered deer by State registration permit only; Petersburg and Kupreanof are closed to hunting
1997-2003	Federal Subsistence	Aug 1-Nov 30	2	Remainder of Unit 3; 2 antlered deer
2001-2002	State Subsistence/General	Oct 15-Oct 31	1	Mitkof Island, Kupreanof Island on the <b>Lindenberg Peninsula</b> east of Portage Bay-Duncan canal portage, and Woewodski and Butterworth Islands; 1 buck by harvest permit only
2003-2006	State Subsistence/General	Oct 15-Nov 15	1	Mitkof Island, the Petersburg Management Area, 1 buck by bow and arrow only with harvest permit
2003-2013	State Subsistence/General	Oct 15-Oct 31	1	Remainder of Mitkof Island, Woewodski, and Butterworth Islands; 1 buck by harvest permit only
2003-2013	Federal Subsistence	Oct 15-Oct 31	1	Mitkof, Woewodski, and Butterworth Islands, 1 antlered deer
2003-2008	Federal Subsistence	Aug 1-Nov 30	2	Remainder of Unit 3; 2 antlered deer
2007-2013	State Subsistence/General	Oct 15-Dec 15	2	Mitkof Island, the Petersburg Management Area, 2 bucks by bow and arrow only with harvest permit
2008-2013	Federal Subsistence	Aug 1-Nov 30	2	Remainder of Unit 3; 2 antlered deer; Dec. 1-Dec 31 season to be announced.
2013	State Subsistence/General, residents	Oct 15-Oct 31	1	That portion of Kupreanof Island on the <b>Lindenberg Peninsula</b> east of the Portage Bay-Duncan Canal Portage, 1 buck by harvest ticket
2013	State General, nonresidents	No open season		That portion of Kupreanof Island on the <b>Lindenberg Peninsula</b> east of the Portage Bay-Duncan Canal Portage

Some deer are migratory and follow the greening vegetation up to alpine for the summer while others remain at lower elevations. The breeding season, or rut, generally occurs during October and November and peaks in late November (ADF&G 2009). Winter snow depths are the primary influence on deer population levels in southeast Alaska (Olson 1979). Wolves and black bears are the primary predators of deer in Unit 3. There is little information on predator populations in Unit 3 but ADF&G considers that wolf predation is the most likely cause of continued low deer populations in combination with severe winter weather events (Division of Wildlife Conservation 2012). See the biological background discussion for proposal WP14-03 for additional information on deer biology.

## Habitat

Old-growth forests are considered primary deer winter range, in part because the complex canopy cover allows sufficient sunlight through for forage plants to grow but intercepts snow, making it easier for deer to move and forage during winters when deep snow hinders access to other habitats. Timber harvest on the Lindenberg Peninsula has reduced the amount of productive old-growth (POG) forest by approximately 7% since large-scale commercial timber operations started in 1954 (**Table 2**). In addition, the roads built to access the timber improve access for hunters. There are approximately 117 miles of roads on Federally managed lands on the Lindenberg Peninsula. Another 9.3 miles are scheduled to be built for recently planned timber sales. In the environmental analysis for the recent Tonka timber sale on the southern portion of the Lindenberg Peninsula, the USFS determined that loss of habitat was not likely to restrict subsistence uses of deer in the short-term, but there was a small possibility of a restriction in the long-term as regenerating forests enter the stem exclusion stage (USFS 2012). The ADF&G believes that current winter habitat conditions are suitable to sustain the low deer population but that maintaining adequate reserves of old-growth forest is important for maintaining deer numbers at higher levels once the deer population has recovered (Division of Wildlife Conservation 2012).

## Recent population indices

There are no methods to directly count deer in southeast Alaska, so ADF&G deer pellet surveys are the primary source of available population information. Relating pellet group data to population levels

Table 2. Deer winter habitat and timber harvest on the Lindenberg Peninsula. Data from USFS geographic information system database and USFS (2012).

	POG in 1954 (Acres)	POG Harvested (Acres)	POG in 2013 (Acres)	POG Remaining 2013 (%)	Additional Harvest Planned (Acres)
Total POG <sup>1</sup>	93,111	5,938	87,173	93.6	989
POG Below 800'	51,684	3,692	47,992	92.9	712

<sup>1</sup> POG is Productive Old-Growth forest. POG below 800-foot elevation is considered high value winter range.

is difficult, however, because factors other than changes in deer population size can affect deer pellet-group density. Snowfall patterns influence the distribution and density of deer pellets from year to year, and snow persisting late into the spring at elevations below 1500 feet limits the ability to consistently survey the same elevation zones among years. In mild winters, deer can access forage in a greater variety of habitats, not all of which are surveyed. Conversely, in severe winters deep snow concentrates deer (McCoy 2011). Brinkman et al. (2013) questioned the value of pellet-group surveys for monitoring population trends due to the variability in the data compared to DNA based counts. Although pellet-group surveys remain the only widely available deer population data, the results should be interpreted

with caution. **Figure 1** shows pellet-group survey results for all of Unit 3. **Figures 2 and 3** show pellet-group survey results for two transects within the proposal area. These data suggest a declining population following the deep snow winters starting in 2006–07. Based on the pellet-group data for Unit 3, the deer population does not appear to have rebounded substantially in recent years as it has in other areas of southeast Alaska such as Units 2 and 4. ADF&G considers the deer population in Unit 3 to be well below carrying capacity (Lowell 2011, Division of Wildlife Conservation 2012).

### Harvest History

Harvest data reported below were provided by ADF&G (McCoy 2013, pers. comm.) and were gathered by the Region 1 deer survey and the State-wide deer report. The Region 1 deer survey covers the years 1997–2010, and is based on a sample of hunters. In general, 35% of hunters from each community are sampled each year and while response rates vary by community, the overall response rate across communities is approximately 60% each year. Harvest numbers are extrapolated using expansion factors that are calculated as the total number of harvest tickets issued to a community divided by the total number of survey responses for that community. If response is low from a community, an individual hunter may have a disproportionate effect on the data. As confidence intervals are not available for these data, exact numbers should be considered as estimates and used with caution. Trends, however, especially at larger scales, should be fairly accurate. Data for smaller areas, such as the Lindenberg Peninsula, are more variable and less accurate. The State-wide deer report was instituted in 2011 and requires reporting of harvest by all deer hunters. Since the State-wide harvest report response rate is less than 100 percent, an expansion factor is used so that total harvest estimates between years are comparable (McCoy 2013, pers. comm.).

Deer harvest on the Lindenberg Peninsula spiked for a three year period following the liberalization of the harvest season and limit in 2003 (**Figure 4**). This may reflect relatively high deer populations during a period of low snow winters. Harvest has declined from a high of 205 in 2004 to around 26 in 2009, but appears to have risen slightly since. This is consistent with a decline in the population following the deep snow winters starting in 2006. Overall, effort and harvest data in recent years appear similar, but slightly lower, compared to the years prior to liberalization of the season and harvest limits in 2003. **Figure 5** shows the same information for all of Unit 3. Unit 3 shows a general decline in harvest and effort during the 1997–2011 period.

The average number of deer harvested per hunter on the Lindenberg Peninsula has increased since a low in 2008 back to levels seen prior to 2003 (**Figure 6**). The effort per deer harvested has generally increased since the severe winters starting in 2006, but appears to have decreased in 2011. **Figure 7** shows the same information for all of Unit 3. The effort per deer harvested appears to have increased since 2006, but the deer harvested per hunter has remained steady. The vast majority of harvest and effort on the Lindenberg Peninsula is by residents of Petersburg, and hunters with a positive customary and traditional use determination account for an estimated 91% of the harvest and an estimated 87% of the days hunted since 1997 (**Table 3**).

### Other Alternatives Considered

Several alternatives were considered. Reducing season length but leaving the harvest limit the same could reduce harvest by limiting the time available for harvest. This alternative would also limit opportunity and

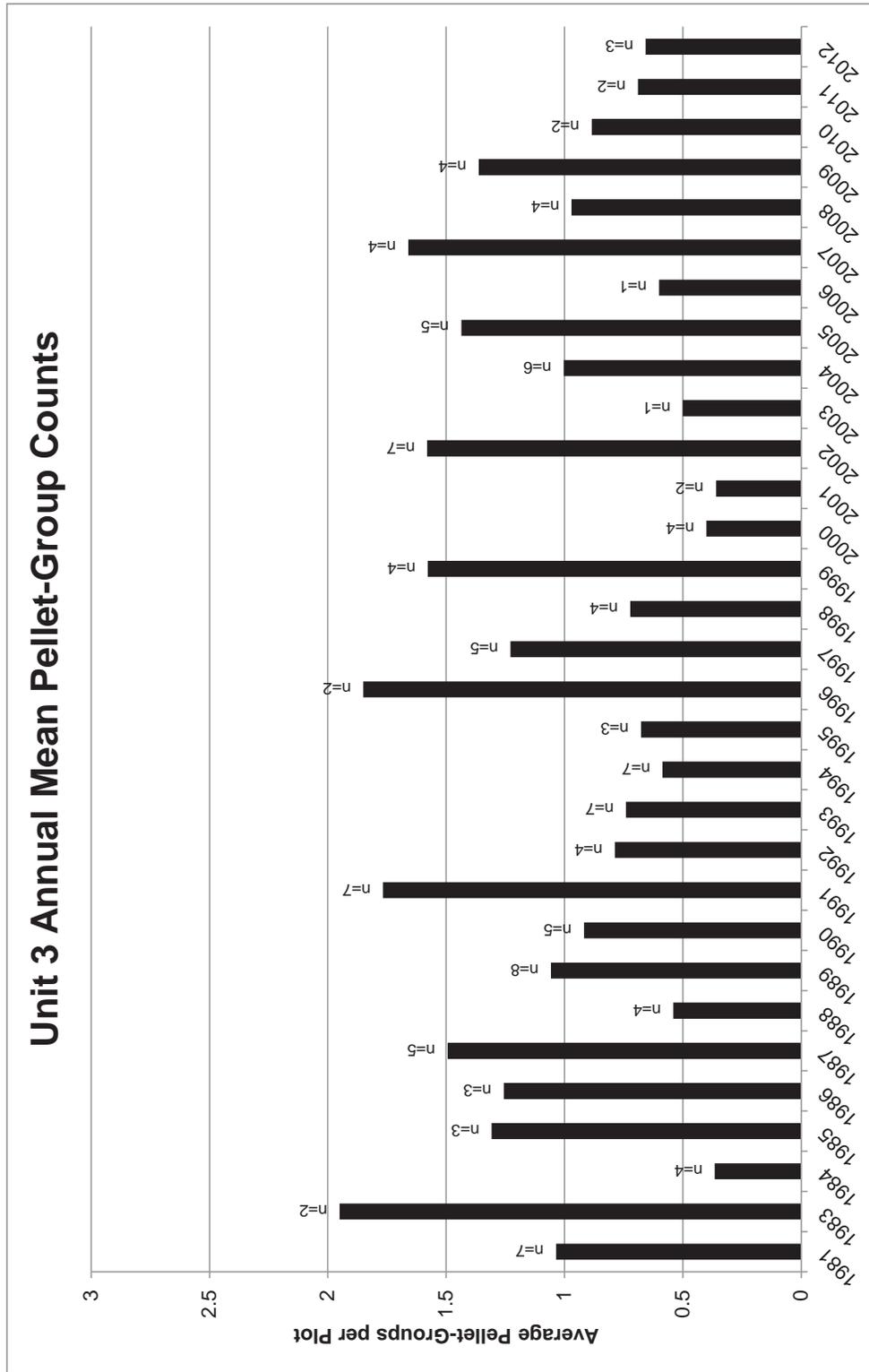


Figure 1. Average pellet-group counts for all of Unit 3 since transects began in 1981. Data labels represent the number of watersheds surveyed that year. Data provided by ADF&G (McCoy 2011, McCoy 2012).

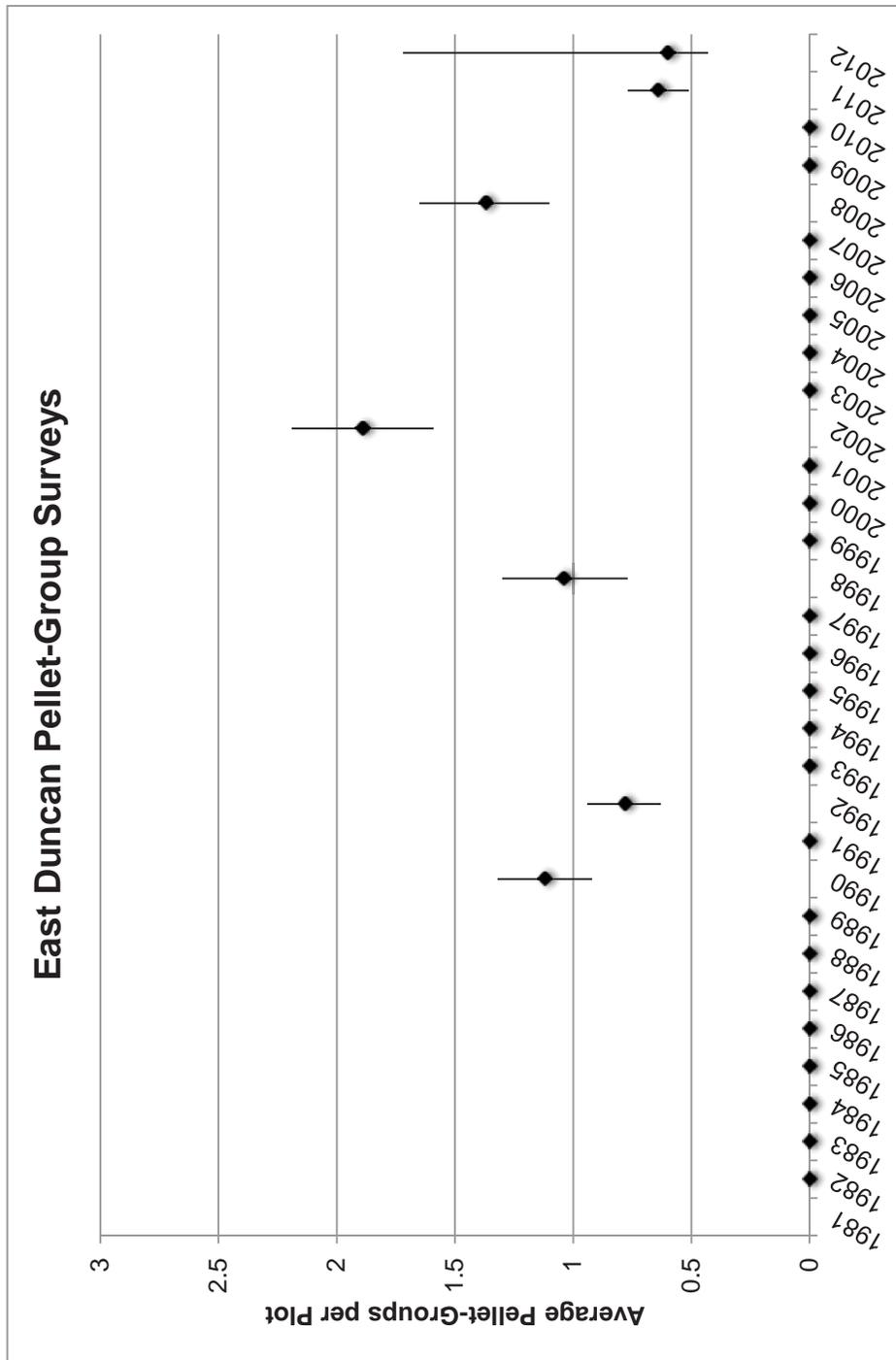


Figure 2. East Duncan pellet-group survey transects results showing mean pellet-groups per plot and 95% confidence intervals. Data provided by ADF&G (McCoy 2011, McCoy 2012). 2012 data are preliminary.

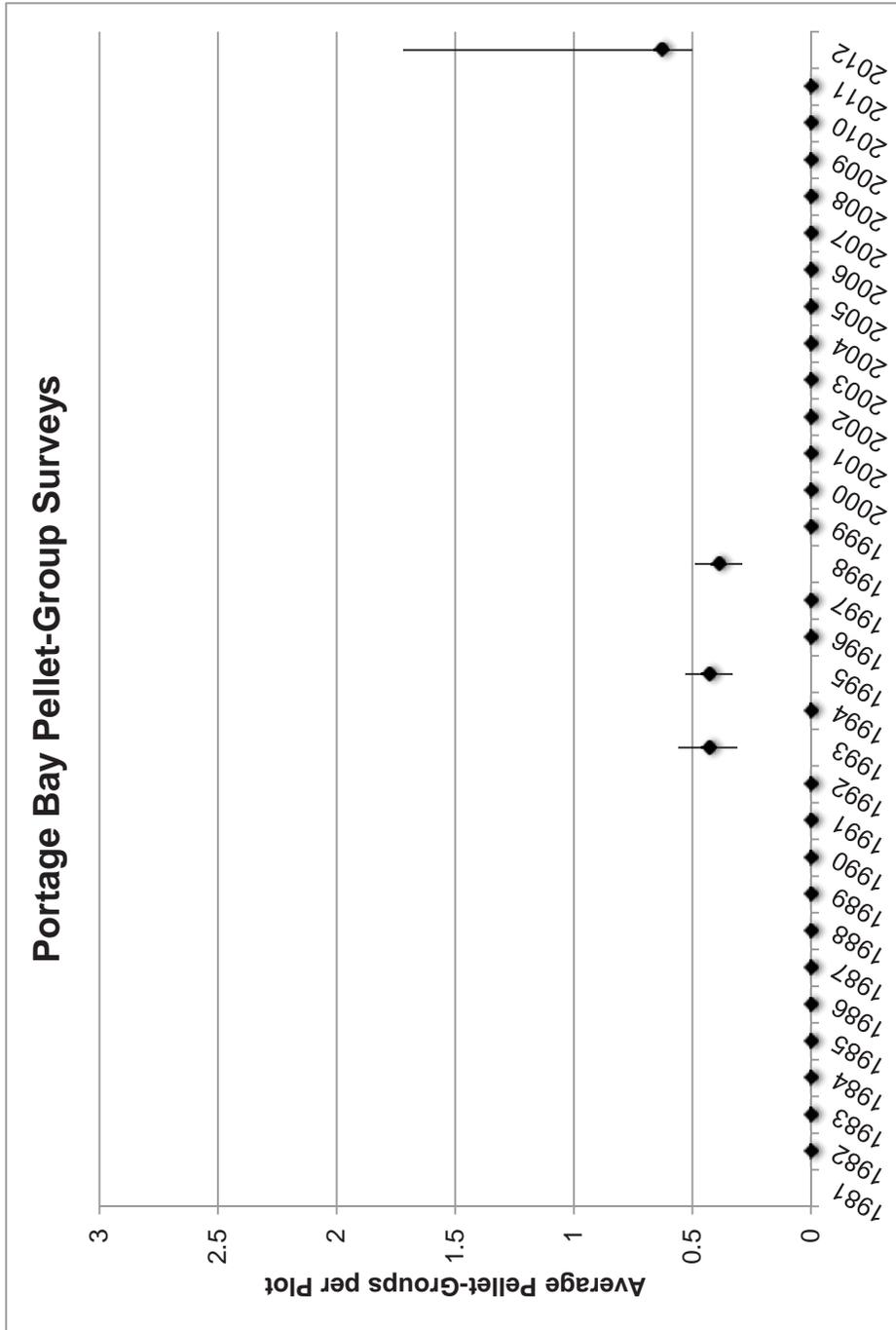


Figure 3. Portage Bay pellet-group survey transects results showing mean pellet-groups per plot and 95% confidence intervals. Data provided by ADF&G (McCoy 2011, 2012). 2012 data are preliminary.

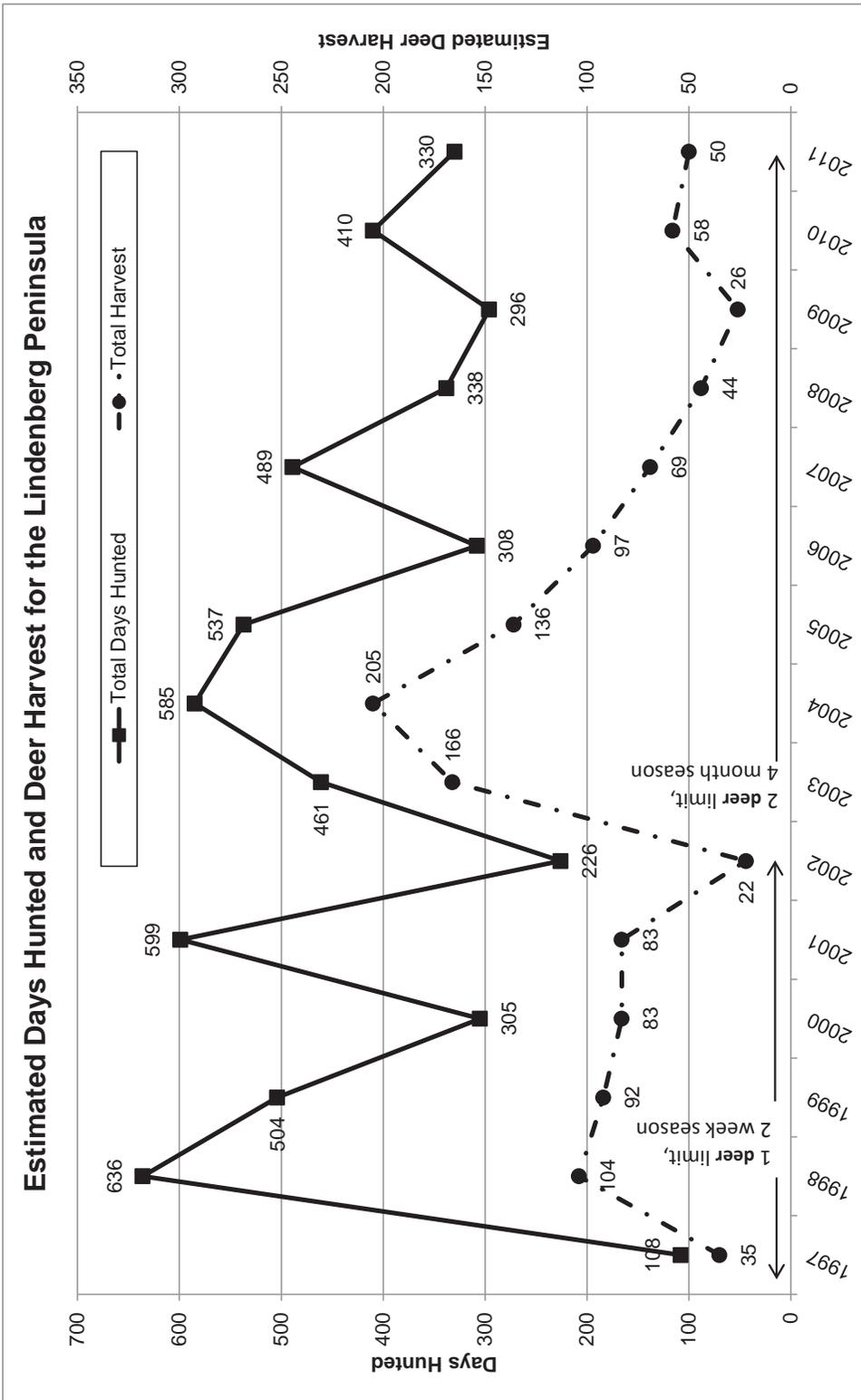


Figure 4. Average number of days hunted and the estimated average number of deer harvested on the Lindenberg Peninsula from 1997-2011. Data provided by ADF&G (McCoy 2013, pers. comm.).

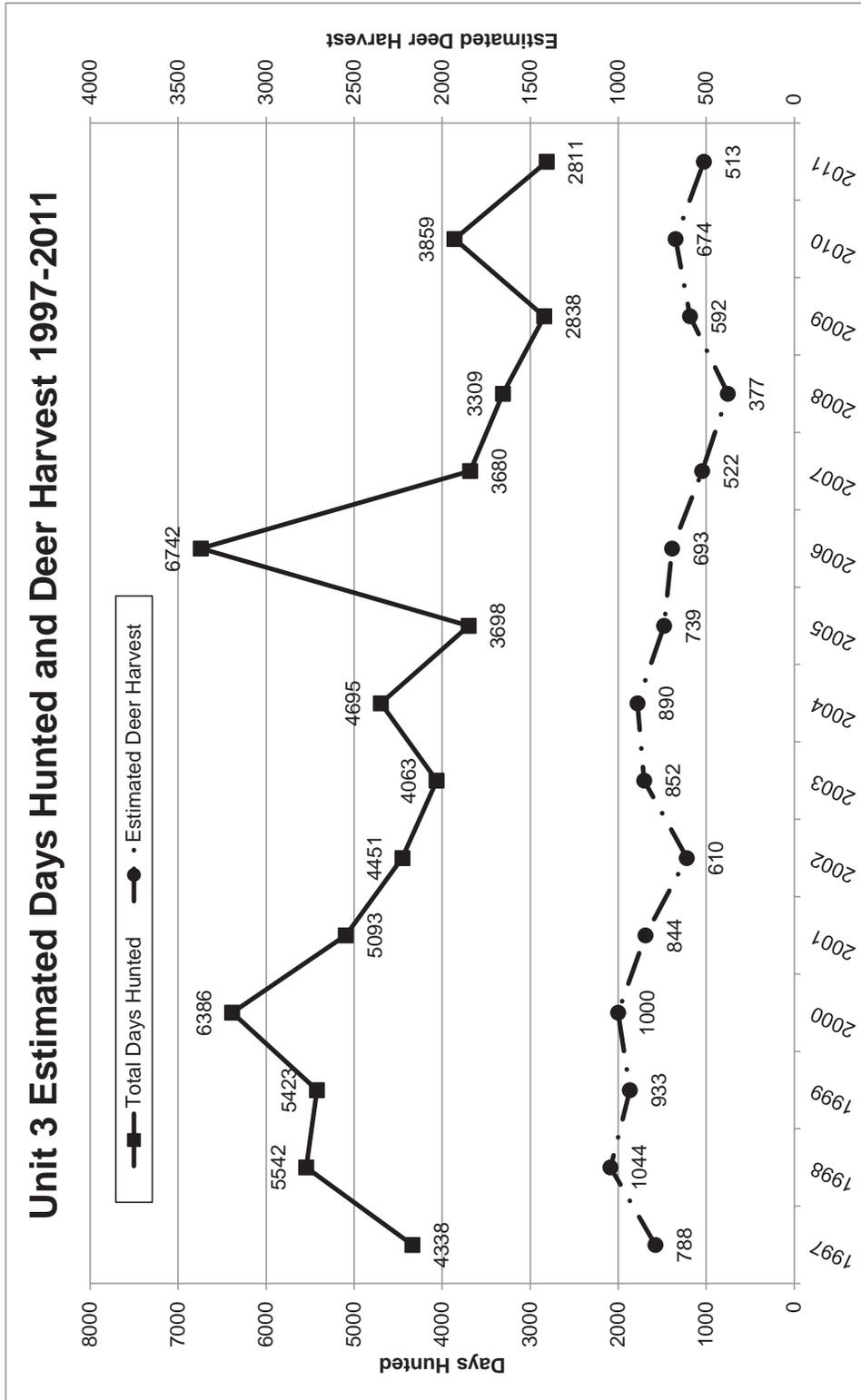


Figure 5. Average number of days hunted and the estimated average number of deer harvested in Unit 3 from 1997-2011. Data provided by ADF&G (McCoy 2013, pers. comm.).

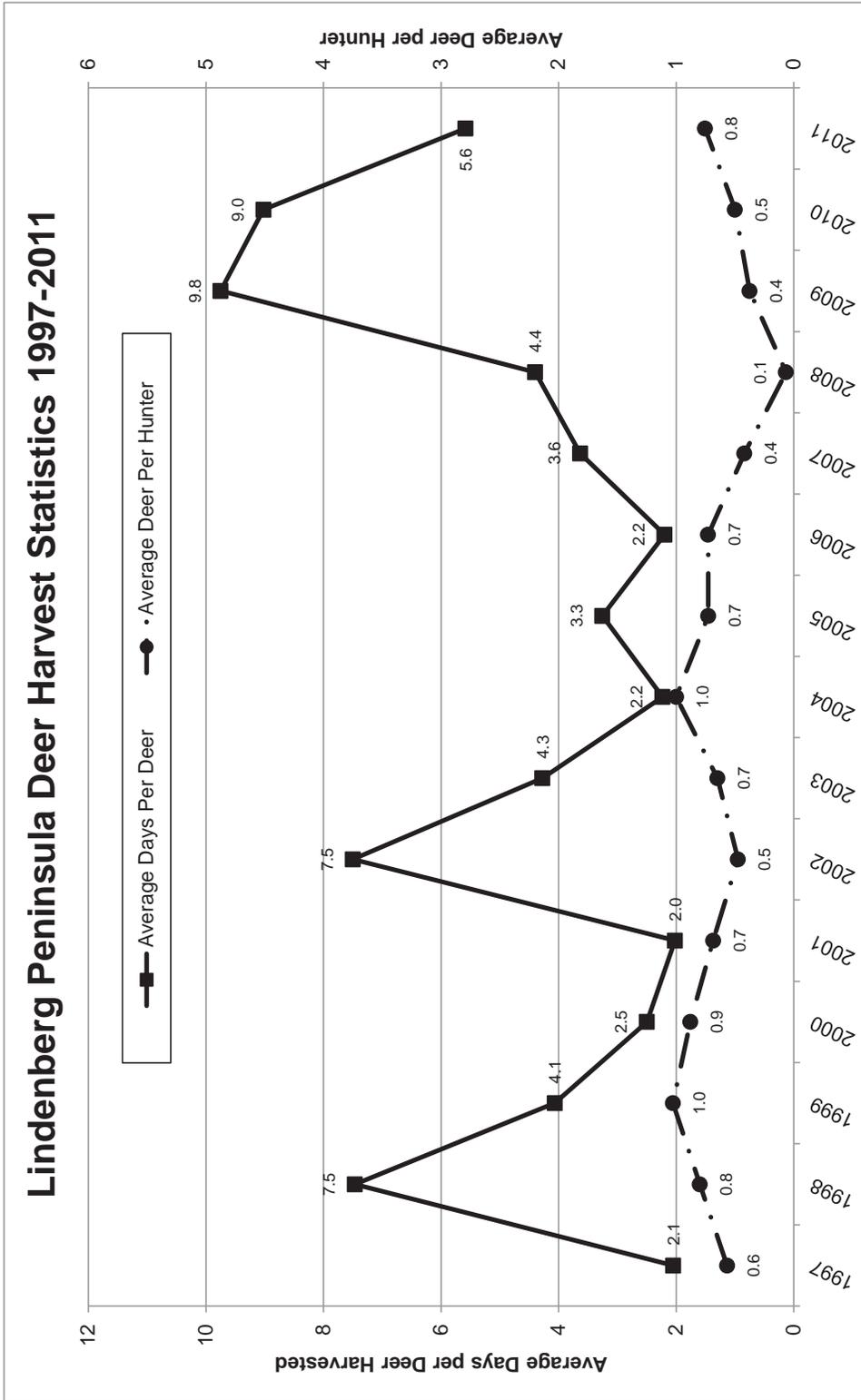


Figure 6. Average number of days for hunters to harvest a deer and the average number of deer harvested per hunter on the Lindenberg Peninsula from 1997-2011. Data provided by ADF&G (McCoy 2013, pers. comm.).

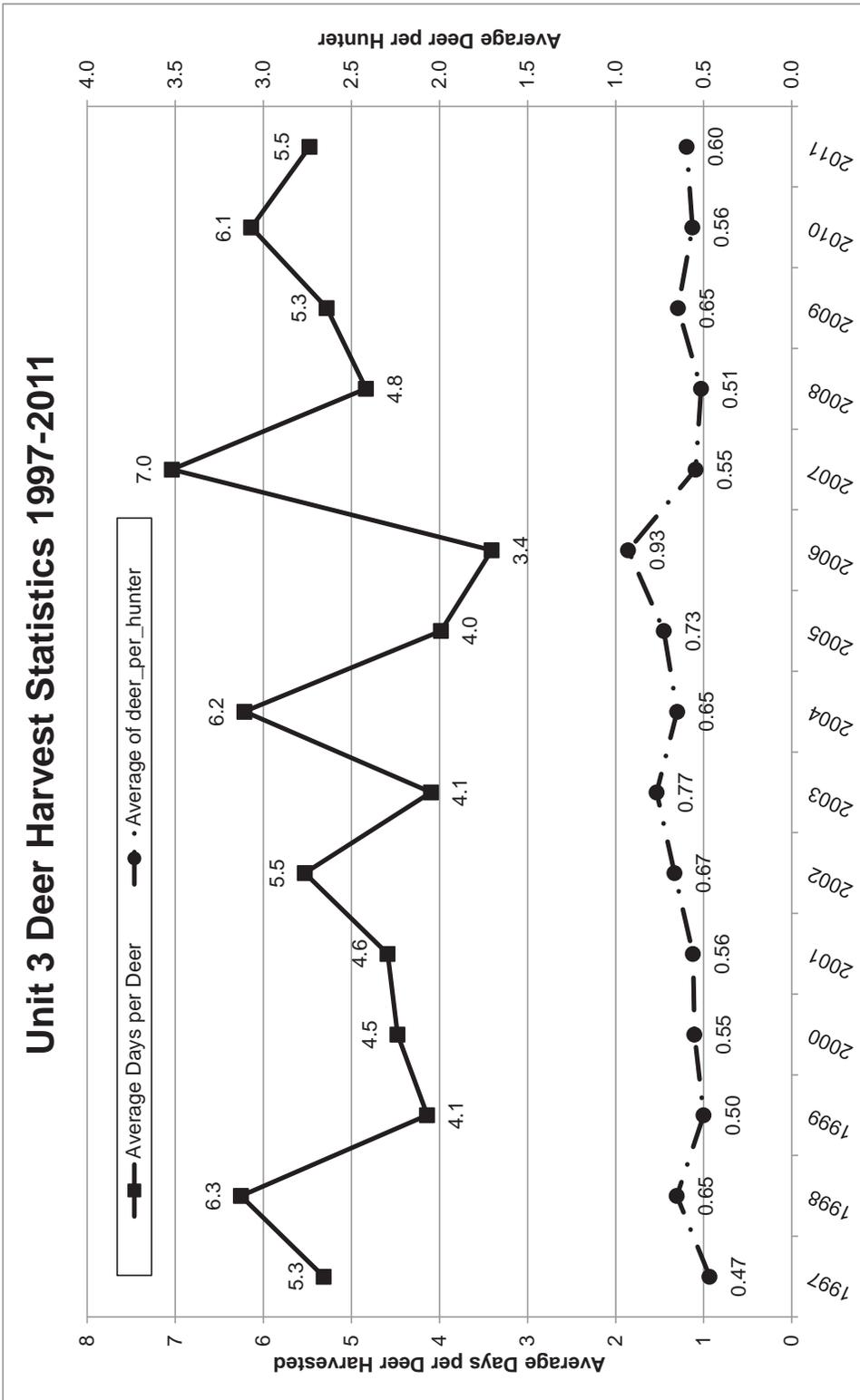


Figure 7. Average number of days for hunters to harvest a deer and the average number of deer harvested per hunter in Unit 3 from 1997-2011. Data provided by ADF&G (McCoy 2013, pers. comm.).

some subsistence users would likely be unable to participate in the season. The ADF&G does not expect that shortening seasons and reducing harvest limits is likely to result in increased deer numbers because Unit 3 harvest regulations are already restrictive and wolf predation and winter weather likely have greater impacts on the deer population (Division of Wildlife Conservation 2012).

Reducing the harvest limit to one, and leaving the season from August 1 through November 30 would likely reduce harvest but would maintain the existing opportunity for subsistence users to participate. The Lindenberg Peninsula deer harvest data from 1997–2011 (McCoy 2013 pers. comm.) indicates that annually, an estimated 35% of hunters take two deer. These second deer account for an estimated 26% of the total harvest.

Reducing the harvest limit to one, and shortening the season is a related alternative. For example, reducing the season length to August 1 through October 31 would close the season during the peak of the rut. This would maintain more opportunity than the original proposal, and would protect deer when they are most vulnerable.

Limiting the harvest to Federally qualified subsistence users only would not likely have much effect because few non-Federally qualified users participate (**Table 3**).

Table 3. Estimated harvest and effort by community of residence for the Lindenberg Peninsula (Wildlife Analysis Areas 5136, 5137, 5138), 1997-2011. Data provided by ADF&G (McCoy 2013, pers. comm.). Shaded communities have a positive customary and traditional use determination for Unit 3.

Row Labels	Estimated Harvest	Estimated Days Hunted
Coffman Cove	0	3
Craig	6	6
Haines	0	15
Hoonah	2	7
Juneau	30	294
Kake	43	501
Klawock	11	6
Other Alaska	44	243
Outside Alaska <sup>1</sup>	19	222
Petersburg	1103	4798
Residency Unknown	0	3
Sitka	0	12
Wasilla	3	8
Willow	2	7
Wrangell	7	7
<b>Total</b>	<b>1270</b>	<b>6132</b>

<sup>1</sup> The Alaska Board of Game adopted a regulation to close the Lindenberg Peninsula to deer harvest by non-Alaska residents starting with the 2013 season.

## Effects of the Proposal

If this proposal is adopted it would shorten the deer season from about 17 weeks to two weeks. The shorter season would make it more difficult for subsistence users to participate due to factors such as weather conditions and other obligations.

If adopted, this proposal could reduce deer harvest and improve recruitment, allowing the deer population to increase. The deer population is believed to be below carrying capacity so harvest mortality would likely be additive (i.e., deer that are harvested would likely have survived otherwise).

If this proposal is adopted it would align Federal and State deer hunting regulations for this portion of Unit 3. This would reduce confusion among user groups and make enforcement easier.

## OSM PRELIMINARY CONCLUSION

Support Proposal WP14-05 with modification to maintain the current harvest season but change the harvest limit to one antlered deer on the Lindenberg Peninsula of Kupreanof Island in Unit 3.

The modified regulation should read:

### Unit 3 — Deer

<i>Mitkof, Woewodski, and Butterworth Islands — 1 antlered deer</i>	<i>Oct. 15 – 31</i>
<i>Kupreanof Island, that portion east of the Portage Bay-Duncan Canal Portage — 1 antlered deer</i>	<i>Aug. 1 – Nov. 30</i>
<i>Remainder — 2 antlered deer.</i>	<i>Aug. 1 – Nov. 30</i>
	<i>Dec. 1 – 31, season to be announced</i>

## Justification

The deer population on the Lindenberg Peninsula has declined since 2006 and has not shown indications that it is rebounding as other areas in southeast Alaska have. Thus, it seems reasonable to restrict harvest in response. The proposed modification should maintain existing opportunity for subsistence users, while limiting harvest pressure by about 26%. In addition, the information in Figure 4 suggests that since about 2008, effort and harvest may be equal to or less than it was prior to liberalizing the season and harvest limit in 2003. This suggests that subsistence users have reduced their effort in response to low deer numbers. The low deer population may be a more important factor in determining effort and harvest at this time. The ADF&G suggests that currently, the most important factors controlling the deer population are winter weather and wolf predation.

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## APPENDIX A

**PUBLIC HEARING FOR SPECIAL ACTION REQUEST TO RESTRICT THE FEDERAL  
SUBSISTENCE DEER SEASON AND HARVEST LIMIT ON LINDENBERG PENINSULA  
IN UNIT 3**

**July 1, 2013 - Information Summary**

**LOCATION:** Forest Service District offices in Wrangell and Petersburg; 6:00-7:15 pm July 1, 2013.

**SPECIAL ACTION REQUEST:** The Alaska Department of Fish & Game has proposed the Federal subsistence program reduce the subsistence hunting season on Lindenberg Peninsula (a portion of Kupreanof Island) from the current four-month, August through November season to a two-week October 15 through October 31 season and to reduce the subsistence harvest limit from two bucks to one buck deer; effective for the 2013 season. This request is identical to changes the State Board of Game made to the State managed deer hunt for the Lindenberg Peninsula in January 2013, and is identical to a proposal before the Federal Subsistence Board. The Federal Subsistence Board will consider this proposal in January 2014.

**ATTENDEES:**

Joe Viechnicki	KFSK radio
Jeff Miller	USFS Petersburg District Ranger (acting)
Jason Anderson	USFS Deputy Forest Supervisory (acting)
Robert Larson	USFS Subsistence Regional Council Coordinator
Dennis Chester	USFS Wildlife Biologist
Robert Dahlrymple	USFS Wrangell District Ranger
Joe Delebrue	USFS Wildlife Biologist
Randy Griffith	USFS Natural Resources
Terry Suminski	USFS Tongass Forest Subsistence Program
Rich Lowell	ADF&G Area Biologist – Wildlife Conservation
Neil Barton	ADF&G Management Coordinator – Wildlife Conservation
Mike Bell	Public - Petersburg
Dave Randrup	Public- Petersburg
Dave Beebe	Public- Petersburg
Rebecca Knight	Public- Petersburg
Austin O'Brien	Public – Wrangell
Bob Lippert	Public – Wrangell
Nathan Stearns	Public – Wrangell
George Doyle	Public – Petersburg (provided comments after the meeting)

**SUMMARY OF COMMENTS:**

**Dave Beebe** is a 30 year resident of Petersburg and works as a commercial fishermen. The proposed action is a direct result of mismanagement of the forest and a consequence of removing (logging) deer winter range. The Petersburg Ranger District overharvests deer winter range In the Tonka management area without any regard to the effects on subsistence use of deer by local residents. Alaska Department of Fish and Game comments on timber sales are modified or changed by the State’s “One Voice Policy” which does not allow comments too critical to the timber industry. The USFS needs to change its policy and protect critical deer winter range. Mr. Beebe supports the proposed action.

**Rebecca Knight** is a long-term resident of Petersburg and submitted her comments and supporting documentation in written form as well as providing oral testimony. She feels the proposed action is a result of excessive prior timber harvest. She suggested that a focused restriction for only the Tonka Road system may be a more appropriate response but is generally in favor of the proposed action because it would provide for conservation and align the Federal and State regulations. Commenting on the ongoing timber sale program is difficult because the use of “Change Analysis” system does not allow public comment. She suggests it would be appropriate for the Federal Subsistence Board to request the Forest Service stop the Tonka Timber sale. The intent of ANILCA is to provide deer to local users and the negative effects of the timber sale program will continue for decades.

**Bob Lippert**, a resident of Wrangell, believes deer are being overharvested because the designated hunter program is being abused. If deer are at low numbers, closing the road system should be considered as an alternative. If the proposed action is approved, Petersburg residents will be displaced to Zarembo Island, to the detriment of Wrangell hunters. He is not if favor of the proposed action.

**Nathan Stearns**, a resident of Wrangell, is not in favor of adopting the proposed action. If the problem that has been identified is associated with the Tonka Road System; make the solution specific to the road system.

**Austin O’Brien**, a resident of Wrangell, does not support the proposed action. He does not believe that loss of deer winter range is the cause of the decline in deer abundance. There are many levels of habitat protection. If residents of Petersburg are forced to change their hunting areas, there will be negative impacts to residents of Wrangell.

**Mike Bell**, a resident of Petersburg, does not support the proposal. He has observed more deer on the Tonka Road System this year than in the previous several years. He has observed fewer wolves in the area. He enjoys hunting in August and suggests the opportunity to hunt could be maintained if the season was closed during the rut in November and eliminating the designated hunter system.

**Dave Randrup**, a resident of Petersburg, is in favor of the proposed action if it is necessary to preserve the health of the deer population on Lindenberg Peninsula. The hillside above his cabin on Lindenberg has been designated and identified as critical deer winter range and it is scheduled to be clear-cut this

year. South Mitkof used to be a prime hunting location for both Wrangell and Petersburg residents prior to harvest of the deer winter range. Additional effort needs to be made to determine how wolves, winter and timber harvest effect deer abundance.

**George Doyle**, a resident of Petersburg, believes that we have a poor understanding of the factors that influence deer abundance on Kupreanof Island and additional studies are required. He is in favor of reducing the harvest limit but believes reducing the season to 2-weeks is unnecessary. The in-season manager should be ready to close the season in November if there is snow. A bow hunting season will provide opportunity but with no chance of over-harvesting deer.

**Rich Lowell**, the ADF&G Wildlife Area Biologist, reported that there is a declining deer population on the Lindenberg Peninsula as evidenced by the declining harvest trend and a declining trend in deer pellet-group surveys. Five of the last seven winters have had above average snow levels. The area also has a high wolf population. Loss of deer winter habitat due to logging and excessive harvest by the Federal designated hunters has contributed to the decline. The deep snow winters started the deer population on a downward slide and predation by wolves and bears have not allowed the population to recover. The Fish and Gave Advisory Committee voted in favor of this proposal last fall.

<b>WP14-01 Executive Summary</b>	
<b>General Description</b>	<p>Proposal WP14-01 requests the establishment of new statewide provisions for Federal trapping regulations that require trapper identification tags on all traps and snares, establish a maximum allowable time limit for checking traps, and establish a harvest/trapping report form to collect data on non-target species captured in traps and snares. <i>Submitted by Kevin Bopp.</i></p>
<b>Proposed Regulation</b>	<p>§ ____.26 <i>Subsistence taking of wildlife</i></p> <p><i>(d) The following methods and means of trapping furbearers for subsistence uses pursuant to the requirements of a trapping license are prohibited <b>or required</b>, in addition to the prohibitions listed at paragraph (b) of this section.</i></p> <p style="text-align: center;">* * * *</p> <p><i>(7) Traps and snares must be individually marked with a permanent metal tag upon which is stamped or permanently etched the trapper's name and address, or the trapper's Alaska driver's license number or State identification card number, or is set within 50 yards of a sign that lists the trapper's name and address, or the trapper's Alaska driver's license number or State identification card number. If a trapper chooses to place a sign at a trap/snaring site rather than tagging individual trap/snares, the sign must be at least 3 inches by 5 inches in size, be clearly visible, and have numbers and letters that are at least one-half inch high and one-eighth inch wide in a color that contrasts with the color of the sign.</i></p> <p><i>(8) All traps and snares must be checked within 6 days of setting them and within each 6 days thereafter.</i></p> <p><i>(9) Trappers must record and report all non-targeted species taken and their condition when found. Non-targeted species harvest reports must be turned in within 30 days of the end of the trapping season.</i></p>

*continued on next page*

### WP14-01 Executive Summary (continued)

	<p><b>Units 1–5—Special Provisions</b></p> <p><i>Trappers are prohibited from using a trap or snare unless the trap or snare has been individually marked with a permanent metal tag upon which is stamped or permanently etched the trapper's name and address, or the trapper's permanent identification number, or is set within 50 yards of a sign that lists the trapper's name and address, or the trapper's permanent identification number. The trapper must use the trapper's Alaska driver's license number or State identification card number as the required permanent identification number. If a trapper chooses to place a sign at a snaring site rather than tagging individual snares, the sign must be at least 3 inches by 5 inches in size, be clearly visible, and have numbers and letters that are at least one-half inch high and one-eighth inch wide in a color that contrasts with the color of the sign.</i></p>
<b>OSM Preliminary Conclusion</b>	<b>Oppose</b>
<b>Southeast Regional Council Recommendation</b>	
<b>Southcentral Regional Council Recommendation</b>	
<b>Kodiak/Aleutians Regional Council Recommendation</b>	
<b>Bristol Bay Regional Council Recommendation</b>	
<b>Yukon/Kuskokwim Delta Regional Council Recommendation</b>	
<b>Western Interior Regional Council Recommendation</b>	
<b>Seward Peninsula Regional Council Recommendation</b>	
<b>Northwest Arctic Regional Council Recommendation</b>	
<b>Eastern Interior Regional Council Recommendation</b>	
<b>North Slope Regional Council Recommendation</b>	
<b>Interagency Staff Committee Comments</b>	
<b>ADF&amp;G Comments</b>	
<b>Written Public Comments</b>	<b>2 Oppose</b>

## DRAFT STAFF ANALYSIS WP14-01

### ISSUES

Proposal WP14-01, submitted by Kevin Bopp, requests the establishment of new statewide provisions for Federal trapping regulations that require trapper identification tags on all traps and snares, establish a maximum allowable time limit for checking traps, and establish a harvest/trapping report form to collect data on non-target species captured in traps and snares.

### DISCUSSION

The proponent states the regulatory changes would result in more responsible trappers and trapping. Requiring identification tags with the trapper's name and license number may increase accountability of trappers. Some trappers may be less likely to set traps and snares close to people's homes and high public-use areas, which could ease tension between user groups. The trap checking interval requirement will ensure that animals do not remain in traps or snares too long, which could help ensure furs are found in good condition and increase the likelihood of releasing any captured non-target species. The proponent also recommends that all non-target species caught in traps and snares be recorded on a new harvest report form. Information included on the form would include the species captured, whether the animal was found dead or alive, and whether it was released in good or bad condition. If animals are found dead, the report would also include information on whether the animal was consumed by other animals.

#### Existing Federal Regulation

No Statewide regulations currently exist that require the marking of traps and snares with identification tags, trap-check intervals, and reporting of non-target species captured in traps and snares.

#### Units 1–5—Special Provisions

*Trappers are prohibited from using a trap or snare unless the trap or snare has been individually marked with a permanent metal tag upon which is stamped or permanently etched the trapper's name and address, or the trapper's permanent identification number, or is set within 50 yards of a sign that lists the trapper's name and address, or the trapper's permanent identification number. The trapper must use the trapper's Alaska driver's license number or State identification card number as the required permanent identification number. If a trapper chooses to place a sign at a snaring site rather than tagging individual snares, the sign must be at least 3 inches by 5 inches in size, be clearly visible, and have numbers and letters that are at least one-half inch high and one-eighth inch wide in a color that contrasts with the color of the sign.*

#### Proposed Federal Regulation

§\_\_\_\_.26 *Subsistence taking of wildlife*

*(d) The following methods and means of trapping furbearers for subsistence uses pursuant to the requirements of a trapping license are prohibited **or required**, in addition to the prohibitions listed at paragraph (b) of this section:*

\* \* \* \*

*(7) Traps and snares must be individually marked with a permanent metal tag upon which is stamped or permanently etched the trapper's name and address, or the trapper's Alaska driver's license number or State identification card number, or is set within 50 yards of a sign that lists the trapper's name and address, or the trapper's Alaska driver's license number or State identification card number. If a trapper chooses to place a sign at a trap/snaring site rather than tagging individual trap/snares, the sign must be at least 3 inches by 5 inches in size, be clearly visible, and have numbers and letters that are at least one-half inch high and one-eighth inch wide in a color that contrasts with the color of the sign.*

*(8) All traps and snares must be checked within 6 days of setting them and within each 6 days thereafter.*

*(9) Trappers must record and report all non-targeted species taken and their condition when found. Non-targeted species harvest reports must be turned in within 30 days of the end of the trapping season.*

### **Units 1–5—Special Provisions**

*Trappers are prohibited from using a trap or snare unless the trap or snare has been individually marked with a permanent metal tag upon which is stamped or permanently etched the trapper's name and address, or the trapper's permanent identification number, or is set within 50 yards of a sign that lists the trapper's name and address, or the trapper's permanent identification number. The trapper must use the trapper's Alaska driver's license number or State identification card number as the required permanent identification number. If a trapper chooses to place a sign at a snaring site rather than tagging individual snares, the sign must be at least 3 inches by 5 inches in size, be clearly visible, and have numbers and letters that are at least one-half inch high and one-eighth inch wide in a color that contrasts with the color of the sign.*

### **Existing State Regulation**

*Units 1–5—Trappers are prohibited from using a trap or snare unless the trap or snare has been individually marked with a permanent metal tag upon which is stamped or permanently etched the trapper's name and address, or the trapper's permanent identification number, or is set within 50 yards of a sign that lists the trapper's name and address, or the trapper's permanent identification number; the trapper must use the trapper's Alaska driver's license number or state identification card number as the required permanent identification number; if a trapper chooses to place a sign at a snaring site rather than tagging individual snares, the sign must be at least 3 inches by 5 inches in size, be clearly visible, and have numbers and letters that are at least one-half inch high and one-eighth inch wide in a color that contrasts with the color of the sign.*

*Unit 1C, Gustavus, that portion west of Excursion Inlet, north of Icy Passage—All traps/snares must be checked within 3 days of setting them and within each 3 days thereafter.*

*Units 12 and 20E—You may not trap within one-quarter mile of any publicly maintained road, by using a snare with a cable diameter of 3/32 inch or larger that is set out of water, unless the snare has been individually marked with a permanent metal tag upon which is stamped or permanently etched the trapper's name and address, or the trapper's permanent identification number, or is set within 50 yards of a sign that lists the trapper's name and address, or the trapper's permanent identification number; the trapper must use the trapper's Alaska driver's license number or state*

*identification card number as the required permanent identification number; if a trapper chooses to place a sign at a snaring site rather than tagging individual snares, the sign must be at least 3 inches by 5 inches in size, be clearly visible, and have numbers and letters that are at least one-half inch high and one-eighth inch wide in a color that contrasts with the color of the sign.*

***Incidental Catch***—Continuing to take, or attempting to take, furbearers at a site where a moose, caribou, or deer has been taken incidentally is a violation. Any moose, caribou, or deer that dies as a result of being caught in a trap or snare, whether found dead or euthanized, is the property of the state. The trapper who set the trap or snare must salvage the edible meat and surrender it to the state. No trapper may use any part of a moose, caribou or deer caught incidentally in a trap or snare. If such an incidental take occurs, the trapper must move all active traps and snare at least 300 feet from the site for the remainder of the regulatory year.

### **Extent of Federal Public Lands**

The proposal would apply to all Federal public lands in Alaska. Federal public lands comprise approximately 65% of Alaska and consist of 23% BLM, 21% FWS, 15% NPS, and 6% USFS managed lands.

### **Customary and Traditional Use Determinations**

Customary and traditional use determinations for specific areas and species are found in subpart C of 50 CFR part 100, § \_\_.24(a)(1) and 36 CFR 242 § \_\_.24(a)(1).

### **Regulatory History**

The Alaska Board of Game adopted a marking requirement for traps and snares in Units 1–5 in 2006. Federal regulations were aligned with the State requirements in Units 1–5 when the Federal Subsistence Board adopted Proposal WP12-14 in 2012. The Southeast Alaska Subsistence Regional Advisory Council (Council) supported the proposal due to the benefit of aligning State and Federal regulations and reducing the uncertainty of whether current regulations required traps to be marked. However, the Council expressed concern that there was a lack of evidence as to why traps should be marked under either State or Federal regulations (FWS 2012)

### **Trapping Background**

In an overview of trapping controversies, Andelt et al. (1999; *references therein*) listed recommended trap-check intervals of daily or almost daily for live-capture traps set on land in response to animal welfare concerns; however, daily trap checks would not be practicable in much of Alaska due to the remoteness of areas, length of trap lines, and harsh weather conditions. Some considerations for how often traps should be checked include the intent of the trap (live capture or kill trap), ambient temperatures, and placement of traps, which could allow rodents or scavengers to destroy the pelt (Stanek 1987). Other considerations for trap check schedules includes work schedules, distance to traplines, river ice conditions, price of fuel (Scotton 2013, pers. comm.). The average trapline was 23.1 miles long in 2006/2007, and the longest reported trapline was 250 miles (ADF&G 2010). Trap-checking intervals of two to three days were generally used by trappers near Kaiyuh Flats, Alaska to prevent pelt damage from scavengers, and beaver sets were also checked frequently to prevent any captured beavers from being frozen in the ice (Robert 1984). Trappers from Skwentna, Stevens Village, and Fort Yukon reportedly checked trap lines “once a week or every few days”, but some trappers “waited ten days to two weeks”

(Wolfe 1991:27). During 2010/2011, 79% of trappers from across the state reportedly conducted trapping activities 1–3 days per week (ADF&G 2012a).

### **Effects of the Proposal**

If the proposal is adopted, Federally qualified subsistence users trapping under Federal regulations throughout the State will be required to mark traps and snares with identification tags, check snares and traps every 6 days or less, and record any non-target species caught in traps or snares on a newly established trapping report form. The proposed requirements have the potential to benefit all users by promoting responsible and ethical trapping techniques and practices. However, dramatic differences in land ownership, population concentrations, terrain, and habitats would limit the effectiveness of the proposed statewide regulations. Individual traplines can span across Federal and State managed lands and, therefore, could have different regulatory requirements. Alternatively, Federally qualified subsistence users could simply choose to trap under State regulations and avoid the proposed requirements, as both Federal and State trapping regulations are applicable on Federal public lands, as long as the State regulations are not inconsistent with or superseded by Federal regulations.

In most situations, the requirement to individually mark traps and snares with identification tags would result in inconsistent State and Federal regulations on Federal public lands that would necessitate an outreach effort to avoid confusion among users. Under Federal regulations, traps and snares are required to be marked with identification tags only in Units 1–5, but these marking requirements were adopted to align with State regulations to reduce regulatory complexity (see Regulatory History). Within portions of Unit 15, over 60 percent which lies within Kenai National Wildlife Refuge, and those portions of Unit 7 that are contained within Kenai NWR, a trapping permit is required and a stipulation of Kenai NWR’s permit includes the marking of traps and snares. Also, under State regulations, all snares within a ¼ mile of a public road in Units 12 and 20E are required to be marked. Federally qualified subsistence users trapping on Federal public lands outside of these specific areas would be required to mark traps and snares with identification tags that include the trapper’s name and license number. However, Federally qualified subsistence users or non-Federally qualified users trapping on Federal public lands would not be required to mark traps and snares under State regulations.

The requirement to mark traps and snares would also result in additional burden and cost for Federally qualified subsistence users trapping under Federal regulations. Copper tags stamped with a trapper’s identification information, including fasteners, cost approximately \$26 per 100 tags (including shipping) or less (approximately \$15–\$20) for “write-your own” tags (FWS 2012). In addition, trappers often trade or borrow equipment from family members or friends, and changes of identification tags on large numbers of traps or snares would require significant effort (Scotton 2013, pers. comm.).

Frequent trap checks are beneficial for animal welfare and can decrease the likelihood of pelt damage of trapped furbearers. The trap check time requirement would also result in inconsistent State and Federal regulations, and would require significant law enforcement and public educational efforts. The requirement could result in human health and safety issues by requiring trappers to check traps during periods of inclement weather, especially in remote units where traplines are long. The back cover of the State trapping regulations includes a Code of Ethics, reprinted from the Alaska Trappers Manual, which includes checking traps regularly and trapping in the most humane way possible. While the items listed in the Code of Ethics are not regulatory in nature, they provide general guidelines for responsible trapping.

Few requirements for trap check intervals are currently in State or Federal regulations, and those regulations have been put in place in response to specific incidents or in areas with high potential for user conflict. Under State regulation in Alaska, the only trap check time requirement in regulation is a 72-hour

trap check in a small area near Gustavus in Unit 1C under State regulations, which was adopted due to multiple moose being incidentally caught in snares (ADF&G 2012b). A 4-day trap check requirement is required on the more accessible and heavily trapped portions of the Kenai National Wildlife Refuge (Kenai NWR) as a stipulation of the Refuge Special Use Permit in order to increase the potential for safe release of incidentally caught, non-target animals, including bald eagles, moose and domestic dogs.

If the proposal is adopted, a new trapping report form would be established to report any non-target species caught under Federal trapping regulations. Trapping reports may provide useful information regarding which non-target species are captured and how often they can be released in good condition. However, some of the information requested for the report form may be difficult to interpret, especially subjective observations such as the condition of trapped animals. In addition, it is unknown what the data from the proposed form would be used for, as there is no indication of any management agency that is requesting information on the incidental capture of non-target species across the state. To limit the capture of non-target species, trappers can review informational sources such as the Best Management Practices for Trapping in the United States, which evaluate traps and trapping systems based on animal welfare, efficiency, selectivity, practicality, and safety (AFWA 2006). Overall, it is in the best interest of trappers to minimize the capture of non-target animals, as those traps or snares become unavailable for capturing target animals.

The new trapping report form for non-target species would require additional time commitments for Federally qualified subsistence users and staff of Federal land management agencies. The time commitment for Federally qualified subsistence users would be minimal, but may be an incentive to simply trap under State regulations where a report is not required. The time commitment for Federal staff could be substantial, as trapping reports from Federal lands across the state may have to be collected and analyzed.

The establishment of a new trapping report form would have to meet the information collection requirements subject to approval by the Office of Management and Budget, 50 CFR § 100.9 [2009], and in accordance with the Paperwork Reduction Act, OMB Control Number 1018-0075.

## **OSM PRELIMINARY CONCLUSION**

**Oppose** Proposal WP14-01.

### **Justification**

The proposed requirements for individually marking traps and snares, setting maximum trap check intervals, and reporting the incidental harvest of non-target species could lead to more humane trapping methods under Federal regulations; however, these regulatory provisions would not likely be manageable on a statewide basis due to vast differences in land ownership, population concentrations and habitats. Regulations of this nature would be better suited in response to issues on an area-specific basis (e.g., Kenai NWR Refuge Special Use Permit requirements), like similar restrictions currently in State and Federal trapping regulations. Alignment issues would require a substantial increase in law enforcement and public educational efforts, and requiring trappers to check traps during inclement weather could lead to health and safety issues. In many instances, Federally qualified subsistence users may simply trap under State regulations to avoid the additional proposed Federal restrictions.

While the information gathered from a harvest report form of non-target species caught in traps and snares could provide useful information, it would be an unnecessary requirement for Federally qualified subsistence users. In addition, the report would require additional time commitments for Federally

qualified subsistence users and Federal staff that are currently unwarranted. Similar reports would be more useful in areas with specific issues with the capture of non-target species, such as areas with threatened or endangered species or significant user-conflict issues.

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## WRITTEN PUBLIC COMMENTS

**Oppose Proposal WP14-01.** We oppose Statewide Proposal WP14-01 to create new regulations for requiring that identification tags be put on traps and snares and that traps and snares be checked every 6 days.

It will be cumbersome, unnecessary and burdensome for federally qualified trappers to have constraints placed upon them to have to put identification tags on snares and traps and to check traps and snares every 6 days. Incidental catch of non-target species and reporting it is good, and should be done voluntarily by trappers. Traps and snares should only be checked if weather conditions are safe to check snares and traps. In rural areas, temperature conditions can be minus forty to fifty for 3 consecutive weeks. It would be unsafe to have regulations in place stating that snares and traps must be checked every six days.

*Ahtna Inc. Customary and Traditional Use Committee*

**Oppose Proposal WP14-01.** With kind personal regards to Kevin Bopp, who gave us one of the best lead dogs we ever had, I strongly disagree with this. Trap tags might work for short traplines, but when you run 80 miles of traps, tags for every trap would be very onerous and also subject to loss when an animal is caught. The time limit proposal is utterly unworkable for many people. It usually takes us 10-12 days by dog team to make the round trip of up to 130 miles to check our traps. If we had to check every trap every 6 days, we would have to cut the length of our line in half, which would eliminate the most profitable distant areas, cutting profit more than in half; AND we'd be forced to travel even when it was not safe, eg -60° or blowing in excess of 50 mph. Additionally there are times travel is physically impossible due to flooding, bad ice or other hazards. That's why previously proposed time limits have never been established. This becomes even more unworkable for fly-in pilots for whom travel in weather extremes can quickly prove fatal. Neither of these even actually directly address the mentioned problem of trapping near settlements/highways.

*Miki and Julie Collins, Lake Minchumina*

## DRAFT 2014 FISHERIES RESOURCE MONITORING PLAN

### INTRODUCTION

#### BACKGROUND

Since 1999, under the authority of Title VIII of ANILCA, the Federal government has managed subsistence fisheries on Federal public lands in Alaska. Subsistence fisheries management requires substantial informational needs. Section 812 of ANILCA directs the Departments of the Interior and Agriculture, cooperating with the State of Alaska and other Federal agencies, to undertake research on fish and wildlife and subsistence uses on Federal public lands. To increase the quantity and quality of information available for management of subsistence fisheries, the Fisheries Resource Monitoring Program (Monitoring Program) was established within the Office of Subsistence Management. The Monitoring Program was envisioned as a collaborative, interagency, and interdisciplinary approach to support fisheries research for subsistence fisheries management on Federal public lands.

Biennially, the Office of Subsistence Management announces a funding opportunity for projects addressing subsistence fisheries on Federal public lands. The 2014 Funding Opportunity was focused on priority information needs developed either by strategic planning efforts or by expert opinion, followed by review and comment by the Subsistence Regional Advisory Councils. The Monitoring Program is administered by region, and strategic plans sponsored by this program were developed by workgroups of fisheries managers, researchers, Federal Subsistence Regional Advisory Councils' members, and other stakeholders for three of the six regions: Southeast, Southcentral (excluding Cook Inlet Area), and Southwest Alaska. These plans identify prioritized information needs for each major subsistence fishery and can be viewed on, or downloaded from, the Office of Subsistence Management's website: <http://alaska.fws.gov/asm/index.cfm>. Independent strategic plans were completed for the Yukon and Kuskokwim regions for salmon in 2005. For the Northern Region and the Cook Inlet Area, assessments of priority information needs were developed from the expert opinions of the Regional Advisory Councils, the Technical Review Committee, Federal and State managers, and staff from the Office of Subsistence Management. A strategic plan for research on whitefish species in the Yukon and Kuskokwim River drainages was completed in spring 2011 as a result of Monitoring Program project 08-206.

Cumulative effects of climate change will likely affect subsistence fishery resources, their uses, and how these resources are managed. Therefore, all investigators were asked to consider examining or discussing climate change effects as part of their project. Investigators conducting long-term projects were encouraged to participate in a standardized air and water temperature monitoring program for which the Office of Subsistence Management will provide calibrated temperature loggers and associated equipment, analysis and reporting services, and access to a temperature database. The Office of Subsistence Management has also specifically requested projects that would focus on effects of climate change on subsistence fishery resources and uses, and that would describe management implications.

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

To implement the Monitoring Program, a collaborative approach is utilized in which five Federal agencies (Fish and Wildlife Service, Bureau of Land Management, National Park Service, Bureau of Indian Affairs, and U.S. Forest Service) work with the Alaska Department of Fish and Game, Regional Advisory Councils, Alaska Native organizations, and other organizations. An interagency Technical Review Committee provides scientific evaluation of investigation plans. The Regional Advisory Councils provide

review and recommendations, and public comment is invited. The Interagency Staff Committee also provides recommendations. The Federal Subsistence Board takes into consideration recommendations and comments from the process, and approves the final monitoring plan.

## **PROJECT EVALUATION PROCESS**

The Technical Review Committee evaluates investigation plans and makes recommendations for funding. The committee is co-chaired by the Fisheries and Anthropology Division Chiefs, Office of Subsistence Management, and is composed of representatives from each of the five Federal agencies and three representatives from the Alaska Department of Fish and Game. Fisheries and Anthropology staff from the Office of Subsistence Management provide support for the committee.

Four factors are used to evaluate studies:

### **1. Strategic Priority**

Proposed projects should address the following and must meet the first criteria to be eligible for Federal subsistence funding.

*Federal Jurisdiction*—Issue or information needs addressed in projects must have a direct association to a subsistence fishery within a Federal conservation unit as defined in legislation, regulation, and plans.

*Conservation Mandate*—Risk to the conservation of species and populations that support subsistence fisheries, and risk to conservation unit purposes as defined in legislation, regulation, and plans.

*Allocation Priority*—Risk of failure to provide a priority to subsistence uses.

*Data Gaps*—Amount of information available to support subsistence management (i.e., higher priority given where a lack of information exists).

*Role of Resource*—Contribution of a species to a subsistence harvest (e.g., number of villages affected, pounds of fish harvested, miles of river) and qualitative significance (e.g., cultural value, unique seasonal role).

*Local Concern*—Level of user concerns over subsistence harvests (e.g., upstream vs. downstream allocation, effects of recreational use, changes in fish abundance, and population characteristics).

### **2. Technical-Scientific Merit**

The proposed projects must meet accepted standards for design, information collection, compilation, analysis, and reporting. Projects should have clear study objectives, an appropriate sampling design, correct statistical analysis, a realistic schedule and budget, and appropriate products, including written reports. Projects must not duplicate work already being done.

### **3. Investigator Ability and Resources**

Investigators must have the ability and resources to successfully complete the proposed work. Ability will be evaluated in terms of education and training, related work experience, publications, reports, presentations, and past or ongoing work on Monitoring Program studies. Resources

will be considered in terms of office and laboratory facilities (if relevant), technical and logistic support, and personnel and budget administration.

#### **4. Partnership-Capacity Building**

Partnerships and capacity building are priorities of the Monitoring Program. ANILCA mandates that the Federal government provide rural residents a meaningful role in the management of subsistence fisheries, and the Monitoring Program offers tremendous opportunities for partnerships and participation of local residents in monitoring and research. Investigators are requested to include a strategy for integrating local capacity development in their investigation plans. Investigators must complete appropriate consultations with local villages and communities in the area where the project is to be conducted. Letters of support from local organizations add to the strength of a proposal. Investigators and their organizations should demonstrate their ability to maintain effective local relationships and commitment to capacity building.

### **POLICY AND FUNDING GUIDELINES**

Several policies have been developed to aid in implementing funding.

- Projects of up to four years duration may be considered in any year's monitoring plan.
- Studies must be non-duplicative with existing projects.
- Most Monitoring Program funding is dedicated to non-Federal agencies.
- Activities not eligible for funding under the Monitoring Program include: a) habitat protection, restoration, and enhancement; b) hatchery propagation, restoration, enhancement, and supplementation; c) contaminant assessment, evaluation, and monitoring; and d) projects where the primary objective is capacity building (e.g., science camps, technician training, intern programs). These activities would most appropriately be addressed by the land management agencies.
- When long-term projects can no longer be funded by agencies, and the project provides direct information for Federal subsistence fisheries management, the Monitoring Program may fund up to 50% of the project cost.

#### **Finances and Guideline Model for Funding**

The Monitoring Program was first implemented in 2000, with an initial allocation of \$5 million. Since 2001, a total of \$6.25 million has been annually allocated for the Monitoring Program. In 2010, the total funding was reduced to \$6.05 million. The Department of the Interior, through the U.S. Fish and Wildlife Service, has provided \$4.25 million. The Department of Agriculture, through the U.S. Forest Service, has historically provided \$1.80 million annually, but amount of 2014 funds available through the U.S. Forest Service for projects is uncertain. If the Department of Agriculture funding is not provided, none of the project investigation plans submitted for the Southeast Region would be funded.

The Monitoring Program budget funds continuations of existing projects (year-2, 3 or 4 of multi-year projects), and new projects in the biennial year. The Office of Subsistence Management issued funding opportunities on an annual basis until 2008, and then shifted to a biennial basis. Therefore, the next funding opportunity after 2014 will be in 2016. Budget guidelines are established by geographic region and data type, and for 2014, \$3.7 million is projected to be available for new project starts. Investigation Plans are solicited according to the following two data types:

**5. Stock Status and Trends Studies (SST).**

These projects address abundance, composition, timing, behavior, or status of fish populations that sustain subsistence fisheries with linkage to Federal public lands. The budget guideline for this category is two-thirds of available funding.

**6. Harvest Monitoring and Traditional Ecological Knowledge (HM-TEK).**

These projects address assessment of subsistence fisheries including quantification of harvest and effort, and description and assessment of fishing and use patterns. The budget guideline for this category is one-third of available funding.

**2014 FISHERIES RESOURCE MONITORING PLAN**

For 2014, a total of 56 investigation plans were received for consideration for funding (**Table 1**). Of these, 43 are SST projects and 13 are HM-TEK projects. The Technical Review Committee recommends funding 40 of these investigation plans.

**Table 1.** Number of Investigation Plans received for funding consideration in 2014, and number of recommended for funding by the Technical Review Committee. Data types are stock status and trends (SST), and harvest monitoring and traditional ecological knowledge (HM-TEK).

Geographic Region	Investigation Plans			Technical Review Committee		
	SST	HMTEK	Total	SST	HMTEK	Total
Northern Alaska	4	1	5	3	0	3
Yukon	9	3	12	7	2	9
Kuskokwim	8	6	14	6	5	11
Southwest Alaska	2	1	3	2	0	2
Southcentral Alaska	7	2	9	3	0	3
Southeast Alaska	12	0	12	11	0	11
Multiregional	1	0	1	1	0	1
<b>Total</b>	<b>43</b>	<b>13</b>	<b>56</b>	<b>33</b>	<b>7</b>	<b>40</b>

Total funding available from the Department of the Interior, through the U.S. Fish and Wildlife Service, for new projects in 2014 is \$3.7 million. Currently, the amount of funding available from the Department of Agriculture, through the U.S. Forest Service, is unknown. The proposed cost of funding all 56 projects submitted would be \$6.6 million. The 40 investigation plans recommended for funding by the Technical Review Committee have a total cost of \$4.8 million. In making its recommendations, the committee weighed the importance of funding new projects in 2014 with the knowledge that the next request for proposals will be issued in 2016. As has been done in past years, any unallocated Monitoring Program

funds from the current year will be used to fund subsequent years of new and ongoing projects so that more of the funds available in 2016 can be used to fund new projects.

The 2014 draft Monitoring Plan recommended by the Technical Review Committee would provide 21% of the funding to Alaska Native organizations, 29% to State agencies, 43% to Federal agencies, and 7% to other non-government organizations.

## **SOUTHEAST ALASKA OVERVIEW**

### **Issues and Information Needs**

The 2014 Notice of Funding Opportunity for the Southeast Alaska Region identified three priorities:

#### Eulachon

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

#### Sockeye Salmon

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

### **Projects Funded Under the Fisheries Resource Monitoring Program**

Since the inception of the Monitoring Program in 2000, 59 projects have been funded in the Southeast Alaska Region (**Tables 1**). In 2014 there will be no continuation projects, all ongoing projects will end in 2013. The 2014 funding will be applied to new research projects.

### **2014 Investigation Plans**

Twelve investigation plans for research in the Southeast Alaska Region were submitted to the Office of Subsistence Management in response to the 2014 Notice Funding Opportunity. In June 2013, the Technical Review Committee reviewed the investigation plans and recommended eleven investigation plans for funding. Detailed budgets submitted with each investigation plan allowed identification of funds requested by Alaska Native, State, Federal, and other organizations; funds that would be used to hire local residents; and matching funds from investigating agencies and organizations (**Tables 2 and 3**).

### **Available Funds**

Federal Subsistence Board guidelines direct initial distribution of funds among regions and data types. While regional budget guidelines provide an initial target for planning, they are not rigid allocations. Upon review and evaluation, the Technical Review Committee, Regional Advisory Councils, Interagency Staff Committee and Federal Subsistence Board have the opportunity to address the highest priority projects across regions. For 2014, approximately \$1,456,000 is available for funding new projects in the Southeast Alaska Region.

### **Recommendations for Funding**

The mission of the Monitoring Program is to identify and provide information needed to sustain subsistence fisheries on Federal public lands for rural Alaskans through a multidisciplinary, collaborative program. It is the responsibility of the Technical Review Committee to develop the strongest possible monitoring plan for each region and across the entire state. After reviewing the twelve investigation plans, the Technical Review Committee recommended funding eleven of the proposed projects (**Table 4**) and prioritized them in the following descending order.

14-607	Unuk River District 1 Eulachon Monitoring	\$ 60,215
14-608	Kanalku Lake Subsistence Sockeye Salmon Stock Assessment	\$ 160,066
14-602	Falls Lake Sockeye Salmon Stock and Harvest Assessment	\$ 121,650
14-605	Hatchery Creek Sockeye Salmon Stock Assessment	\$ 144,264
14-610	Kook Lake Sockeye Salmon Stock Assessment	\$ 169,794
14-611	Sitkoh Lake Sockeye Salmon Stock Assessment	\$ 97,025
14-603	Hetta Lake Sockeye Salmon Stock Assessment	\$ 173,405
14-609	Klag Lake Sockeye Salmon Stock Assessment	\$ 120,473
14-612	Neva Lake Sockeye Salmon Stock Assessment	\$ 145,942
14-606	Klawock Lake Sockeye Salmon Stock Assessment	\$ 27,594
14-601	Redoubt Lake Sockeye Salmon Stock Assessment	\$ 26,575
	TOTAL	\$1,247,003

The eleven projects recommended for funding by the Technical Review Committee comprise a strong Monitoring Plan for the region by addressing strategically important information needs based on sound science and by promoting cooperative partnerships.

### Summaries of Projects submitted for Funding

Each project submitted for funding in the Southeast Alaska Region in 2014 is summarized below (see Executive Summaries for more details on all projects).

**14-601 Redoubt Lake Sockeye Salmon Stock Assessment. Fund.** This project would validate the ongoing annual escapement estimates of sockeye salmon into Redoubt Lake. Obtaining reliable estimates of sockeye salmon escapement into Redoubt Lake is listed as a priority information need in the 2014 notice of funding. Managers implementing the Redoubt Lake Sockeye Salmon Management Plan are dependent upon reliable estimates of escapement to maximize subsistence opportunity and to conserve the run in years of poor escapement. Sockeye returns will be estimated using proven weir and mark/recapture methods. The project will build on the escapement information previously collected at Redoubt Lake. Technical merit is high with clear, measurable and achievable objectives. The requested amount of approximately \$27,000 in annual funding would provide for the additional cost of mark recapture techniques to validate the existing weir. This budget is very reasonable due to efficiencies of combining this project with the ongoing fertilization and weir efforts. The Forest Service has successfully operated this project for many years.

**14-602 Falls Lake Sockeye Salmon Stock and Harvest Assessment. Fund.** This project will support continued operation of the Falls Lake sockeye stock assessment project to estimate the subsistence harvest of sockeye salmon near Falls Lake and the escapement and age, sex, and length composition of sockeye salmon into Falls Lake. This project has been supported with FRMP funds since it began in 2001. Due to the close proximity to significant commercial fisheries, the potential for competing harvest is high. In addition, subsistence exploitation is potentially high. This project represents good collaboration between the Forest Service and the Organized Village of Kake and a reasonable allocation of responsibilities and funding, as desired by the Village of Kake, between these two entities. This project is of high strategic importance. This project has received significant co-funding through the Southeast Sustainable Salmon Fund in the past. The annual project budget is similar to the funded amounts for previous years.

**14-603 Hetta Lake Sockeye Salmon Stock Assessment. Fund.** Hetta Lake supports one of the larger subsistence sockeye harvests in the region and the most important to residents of Hydaburg. The potential for significant competing harvest of this resource is high, subsistence exploitation is high, and there is evidence of recent low escapements that could limit future returns. To date, this project has allowed for

estimation of the Hetta Lake sockeye escapement using weir and mark-recapture and has estimated the subsistence sockeye harvest by Hydaburg residents using completed-trip interviews. Continuing this project will allow Hydaburg Cooperative Association to take a longer term data set and begin making predictive models to determine future sockeye salmon returns to Hetta Lake.

**14-604 Eek Lake Subsistence Sockeye Salmon Stock Assessment. Do Not Fund.** This proposal would provide funding to assess age, sex and length composition and total escapement of sockeye into Eek Lake and has a strong capacity building component for the Hydaburg Cooperative Association who has been continually building their fisheries program since 2001 and now serves as principal investigator for the Hetta Lake Subsistence Sockeye Salmon Project. Hetta Lake and Eek Lake, respectively, are reported to be the first and second most important subsistence fisheries for the community of Hydaburg. As the secondary fishery behind Hetta Lake, this project is of lower strategic importance than Hetta Lake. The recommendation of “do not fund” comes as a result of this lower strategic importance and lower level of available funds than past years. If higher levels of funds become available in the future, this project may be reconsidered for funding.

**14-605 Hatchery Creek Sockeye Salmon Stock Assessment. Fund.** This project will support continued operation of the Hatchery Creek weir to estimate the escapement and age, sex, and length composition of sockeye salmon. This is a high priority project in the Southeast Alaska region given the uncertain escapement levels and high potential harvest by the rural residents of Prince of Wales Island. Management actions have been taken the past six years to restrict or close sport, personal use, or federal subsistence fishing for sockeye salmon in Hatchery Creek. This project promotes good collaboration among the Organized Village of Kasaan and the U.S. Forest Service. The principal investigator would be a Forest Service biologist and the weir personnel will be hired by the Organized Village of Kasaan.

**14-606 Klawock Lake Sockeye Salmon Stock Assessment. Fund.** This project would be a partial continuation of the monitoring program funded Klawock Lake sockeye stock assessments that began in 2000. Past projects at this location have successfully estimated the Klawock Lake sockeye escapement using weir and mark-recapture and estimated the subsistence sockeye harvest from on-site interviews. Klawock Lake supports one of the largest subsistence sockeye harvests in the region and the most important to residents of Klawock. This system is in close proximity to other competing resource uses and subsistence exploitation is high. Although not currently identified as a priority study location, this low cost proposal is designed to provide managers more reflective information of the returns during the subsistence fishery and after. This project promotes good cooperation among, Klawock Cooperative Association, Prince of Wales Hatchery Association, and the US Forest Service in the stock assessment and management of the Klawock sockeye resource. US Forest Service will employ the principal investigators and the Klawock Cooperative Association will be directly funded to employ the field personnel.

**14-607 Unuk River District 1 Eulachon Monitoring. Fund.** This project addresses a 2014 information need and a conservation issue. The project has high strategic value since eulachon returns to the Unuk River have been dismal in recent years. The Unuk River eulachon stock is important to the local area harvesters. Subsistence harvest of eulachon in the Unuk River takes place in waters under Federal jurisdiction. From 2005-2010, virtually no eulachon returned, resulting in a closure to all harvest beginning in 2006. In 2011 and 2012 low numbers of Eulachon returned to the Unuk River, but Federal subsistence managers currently believe that it will be some time before there is a harvestable surplus. The investigators will use satellite internet video equipment and trail cameras to provide managers with daily conditions on the Unuk River. The presences of eulachon returning to the rivers can be detected by predator activity via satellite. When returns are noted monitoring will occur through boat or foot surveys. The information will be used for continued evaluate the stock characteristics and status.

**14-608 Kanalku Lake Subsistence Sockeye Salmon Stock Assessment. Fund.** Federally qualified subsistence users are the primary harvesters of sockeye salmon from Kanalku Lake. Kanalku Lake was listed as a strategic priority in 2014 for the Southeast region. Recently, low returns prompted regulatory measures and subsistence closures forcing Angoon residents to obtain their sockeye salmon from Kook and Sitkoh Lakes across Chatham Strait. The investigators have the education, training, and administrative processes to ensure successful completion of this project. The investigator stated that additional funding was obtained in 2012 from the Alaska Sustainable Salmon Fund for the placement of two weirs below Kanalku Falls, one video weir and one picket weir. This project coupled with the spawning escapement estimates provided by this investigation plan would be used to provide an estimate of the natural mortality rate of sockeye salmon at Kanalku Falls.

**14-609 Klag Lake Sockeye Salmon Stock Assessment. Fund.** The Klag Lake weir is an established project operated by the Sitka Tribe of Alaska. This project will address a priority information need in the 2014 Request for Proposals by Klag sockeye escapement and in-season harvest information was listed as a priority information need in the 2014 Request for Proposals. The Klag Lake system is within the boundaries of the Tongass National Forest and federally qualified federal subsistence users harvest this stock. The subsistence effort and harvest of sockeye salmon at Klag Lake increases when Redoubt Lake sockeye salmon escapements are depressed and when subsistence fishing closures occur. Reliable estimates of escapement into Klag Lake will increase our knowledge on the stock which will assist in better management decisions.

**14-610 Kook Lake Sockeye Salmon Assessment. Fund.** Technical merit is high and the project addresses a priority information need in the 2014 request for proposals. Sockeye returns will be estimated using proven weir and mark/recapture methods for this system. Kook Lake sockeye salmon are an important subsistence resource for Angoon residence and with sockeye salmon returns decreasing throughout the Chatham Strait area it is important to get a good solid baseline of information to assist with management decisions during times of low salmon runs. Due to the close proximity of Kook and Sitkoh Lake, another Monitoring Program project under review, both projects can be monitored simultaneously and operated at relatively low costs by personnel stationed at Kook Lake. Escapement projects at Kook Lake have been sporadic and currently lack a long enough time series to assess any possible trends in production. This project will build on the escapement information previously collected at Kook Lake in 2010, 2011, 2012, and 2013. By funding this project there will be eight years of consistent data collection and escapement estimates which would give managers a better idea of how this system is functioning and make more informed management decisions.

**14-611 Sitkoh Lake Sockeye Salmon Assessment. Fund.** Sockeye salmon returns to Sitkoh Lake have long been an important subsistence resource for residents of the Angoon area, especially in recent years when runs to neighboring sockeye streams have decreased. Technical merit is high on this project is high and the project addresses a priority information need in the 2014 request for proposals. The project methodology has been proven to work at this location and the project will build on the escapement information previously collected at Sitkoh Lake. Due to the close proximity of Sitkoh Lake and Kook Lake, another Monitoring Program project under review, this project can be monitored simultaneously and operated at relatively low costs. Both investigators have successfully completed projects funded by the Fisheries Resource Monitoring Program. This project would increase the information on both spawning escapements of sockeye salmon stocks in the Northern Chatham Strait area. The simple Peterson estimate, variance, and coefficient of variation listed under the *Escapement Indexing Section* of the IP should use the standard statistical notation and not the converted notation of Ricker.

**14-612 Neva Lake Sockeye Salmon Assessment. Fund.** Technical merit is high and the project addresses a priority information need in the 2014 request for proposals. Sockeye returns will be estimated using proven weir and mark-recapture methods for this system. The project will build on the escapement information previously collected at Neva Lake since 2002. Sockeye salmon returns to Neva Lake have long been an important subsistence resource for residents of the Hoonah area because of its close proximity and it's "a good run of sockeye". The investigators have successfully completed projects funded by the Fisheries Resource Monitoring Program in the past and this project is has a reasonable budget compared to similar projects throughout the region and state.

**EXECUTIVE SUMMARY**

**Project Number:** 14-601

**Title:** Redoubt Lake sockeye salmon stock assessment

**Geographic Region:** Southeast Alaska

**Information Type:** Stock status and trends (SST)

**Principal Investigator:** Chris Leeseberg, USDA Forest Service Tongass National Forest

**Co-Investigator:** Joseph Serio, USDA Forest Service Tongass National Forest  
 Ben VanAlen, USDA Forest Service Tongass National Forest  
 Justin Koller, USDA Forest Service Tongass National Forest  
 Dave Gordon, Alaska Department of Fish and Game  
 Eric Coonradt, Alaska Department of Fish and Game

**Project Cost:**

2014	2015	2016	2017	TOTAL
\$26,575	\$27,093	\$27,820	\$28,571	\$110,059

**Recommendation: Fund**

**Issue:** This project will use weir counts and mark-recapture methods to estimate the annual escapements of sockeye salmon (*Oncorhynchus nerka*) into Redoubt Lake, located 12 miles south of Sitka, in the Tongass National Forest. Redoubt Lake is the most important source of subsistence salmon for residents in the Sitka area, with up to 14,000 sockeye per year being harvested from Redoubt Lake. Redoubt Lake escapements are highly variable, ranging from 400 to over 100,000 sockeye. Managers implementing the Redoubt Lake Sockeye Salmon Management Plan (ADF&G 2003) are dependent upon reliable estimates of daily escapement to either conserve the run in years of scarcity or maximize subsistence opportunity in years of abundance. Since 1992, sockeye weir counts have been low enough to close the subsistence fishery six years, and high enough to increase the subsistence take seven years.

**Objectives:**

1. Estimate the total escapement of sockeye salmon into Redoubt Lake with a coefficient of variation less than 15%.
2. Estimate the age, length, weight, and sex composition of the Redoubt Lake sockeye escapement so that the estimated coefficient of variation is less than 5% for each age class.

**Methods:** The annual escapement of sockeye into Redoubt Lake will be estimated using simple mark-recapture techniques. Sockeye will be marked at a rate of ten percent at the trap and released below a net weir equipped with motion activated underwater video cameras. The video will be reviewed to sample sockeye for marks and an estimate will be generated using the simple Peterson two-sample model. In the event of equipment failure or suspected bias sockeye will be sampled for marks on the spawning grounds.

Sockeye will be sampled at the trap for sex, length, weight and scales to describe the biological structure of the escapement. A minimum of 680 sockeye will be sampled to meet the precision goal and fish will

be sampled in proportion to the run to minimize potential bias. Morphology of the head and jaw will be examined to determine sex. Length will be measured from mid-eye to tail fork to the nearest millimeter and weight will be measured to the nearest tenth kilogram. Three scales will be taken from the preferred area and sent to the Alaska Department of Fish and Game for age analysis.

**Partnerships/Capacity Building:** Minimal

**EXECUTIVE SUMMARY**

**Project Number:** 14-602

**Title:** Falls Lake Subsistence Sockeye Salmon Stock and Harvest Assessment

**Geographic Region:** Southeast Alaska

**Information Type:** Stock status and trends (SST) and harvest monitoring (HM)

**Principal Investigator:** Justin Koller, USDA Forest Service Tongass National Forest

**Co-Investigator:** Dawn Jackson, Organized Village of Kake (OVK)

**Project Cost:**

2014	2015	2016	2017	TOTAL
\$121,650	\$123,897	\$127,785	\$130,695	\$504,027

**Recommendation: Fund**

**Issue:** Sockeye salmon returning to the marine terminal area at Falls Lake are heavily utilized by residents of Kake, Alaska in a subsistence fishery occurring as early as mid-June through August. In the years 2001-2012 an estimated 1,745-10,307 sockeye salmon returned to the marine terminal area and approximately 15-70% of these fish were harvested in the subsistence fishery. In the same period, an estimated 750-8,800 sockeye salmon migrated into Falls Lake to spawn. Annual stock assessments are essential due to the high variability of annual terminal abundance coupled with the potential for high exploitation. Data generated by the monitoring project supports management decisions and the in-season assessments allow managers to optimize subsistence uses of sockeye salmon. Without an in-season assessment of sockeye salmon abundance and subsistence harvest, managers would be forced to manage the fishery more conservatively (i.e., lower harvest limits and a shorter season), which could result in lost harvest opportunity for users.

**Objectives:**

1. Estimate the escapement of sockeye salmon into Falls Lake so the coefficient of variation is less than 15%.
2. Estimate the age, sex and length distribution of sockeye in the Falls Lake escapement with a coefficient of variation less than 10% for each age class estimate.
3. Estimate the subsistence harvest of sockeye salmon in the marine area around Falls Lake Creek with a coefficient of variation less than 15%.

**Methods:** The annual escapement of sockeye into Falls Lake will be estimated using simple mark-recapture techniques. Sockeye will be marked at the top of the fishpass and released below two net weirs equipped with motion activated underwater video cameras. The video will be reviewed to sample sockeye for marks and an estimate will be generated using the simple Peterson two-sample model. In the event of equipment failure or suspected bias sockeye will be sampled for marks on the spawning grounds.

Sockeye will be sampled at the trap for sex, length and scales to describe the biological structure of the escapement. A minimum of 171 sockeye will be sampled to meet the precision goal and fish will be sampled in proportion to the run to minimize potential bias. Morphology of the head and jaw will be examined to determine sex and length will be measured from mid-eye to tail fork to the nearest millimeter. Three scales will be taken from the preferred area and sent to the Alaska Department of Fish and Game for age analysis.

The marine terminal area of Falls Lake creek will be monitored to assess the sockeye harvest. The area will be monitored daily throughout the season in an attempt to interview all harvesters resulting in a census of the harvest. In the event that interviews were missed the total harvest will be estimated using direct expansion techniques.

**Partnerships/Capacity Building:** Dialog between OVK leaders, USFS and ADF&G fisheries management biologists has contributed to proactive management of the Falls Lake fishery. The principal investigator will provide general project oversight, sample design and analysis, reporting, budgets, and proposal development. OVK will to provide input on community issues, natural resource issues, and future direction of the project, employ field technicians, provide the camp and manage a budget for personnel, supplies, and services such as transport.

**EXECUTIVE SUMMARY**

**Project Number:** 14-603

**Title:** Hetta Lake Subsistence Sockeye Salmon Stock Assessment Project

**Geographic Region:** Southeast Alaska

**Information Type:** Stock Status Trends (SST)

**Principle Investigator:** Anthony Christianson, Hydaburg Cooperative Association

**Co-Investigator:** Cathy Needham, Kai Environmental Consulting Services

**Project Cost:**

2014	2015	2016	2017	TOTAL
\$173,405	\$185,606	\$172,440	\$173,762	\$705,213

**Recommendation:Fund**

**Issue:** HCA is proposing to continue work on assessing the subsistence harvest and escapement of sockeye salmon into Hydaburg’s most important subsistence system, Hetta Lakes. This information will continue to allow HCA and resource management agencies to monitor actual harvest in Hetta, and compare the percentage of harvest back to escapement estimates in order to manage the system more accurately. This proposal address priorities set forth in the 2014 Request for Proposals and the Strategic Plan for the Subsistence Fisheries Resource Monitoring Program (2006) by addressing the highest priority species (sockeye salmon) and information need (estimate of current escarpment).

**Objectives:**

1. Census the sockeye salmon harvest by subsistence fishers in the terminal areas of Hetta, Eek, Kasook, and Hunter Bay using completed-trip interviews of all fishers on the fishing grounds or immediately upon returning to Hydaburg from the fishing grounds.
2. Count the number of sockeye salmon and other salmon species returning to Hetta Lake through a bipod weir.
3. Estimate the age composition of the sockeye escapement so that the coefficient of variation is 10% or less for the two major age classes and describe the size distribution of each age class by sex.
4. Document the sockeye salmon spawning grounds each season through adult foot counts and aerial surveys.

**Methods:** Each year, crew members will monitor the subsistence grounds, and interview all fishers once their harvest for the day is complete. Information collected during each interview will include date, area fished, interview location, time of interview, gear used, number of hours fished, number of net sets, catch by species, and comments. A channel spanning bipod weir will be constructed on the outlet stream of Hetta Lake, with a trap constructed to capture fish migrating upstream to spawn. The weir will operate from June through September of each year, and all fish crossing the weir will be identified and counted. Approximately 600 fish will be sampled for age, sex and length data. Fish will be measured and sexed

on site. Scales will be removed and sent to ADFG to be read to determine age. Data will be analyzed to estimate the spawning population of sockeye. Adult foot counts in stream spawning areas will document spawning areas and numbers of sockeye using stream systems. An aerial survey will be conducted to document where along the lakeshore sockeye salmon are spawning and crews will estimate the numbers of fish using these areas. Weekly in-season reports of harvest and weir counts will be shared with state and federal agencies. Annual reports will be produced after each field season, and a final report including all four seasons will be produced at the end of the project.

**Partnership/Capacity Building:** From 2001-2009, HCA worked with Alaska Department of Fish and Game to build capacity on Fisheries Resource Monitoring Program projects with a goal of taking over operations in their entirety by the 2010 field season. HCA has been effectively operating the program on their own since 2010. The success of the program has led to other fisheries based projects and partnering with organizations such as the The Nature Conservancy. ADFG will still offer scale reading services to the project and remain involved through permitting of the project, as well as using in-season data for managing a commercial fishery in Hetta Inlet. The USFS continues to offer technical assistance to HCA's fisheries program.

## EXECUTIVE SUMMARY

**Project Number:** 14-604

**Title:** Eek Lake Subsistence Sockeye Salmon Stock Assessment Project

**Geographic Region:** Southeast Alaska

**Data Type:** Stock Status Trends (SST)

**Principle Investigator:** Anthony Christianson, Hydaburg Cooperative Association

**Co-Investigator:** Cathy Needham, Kai Environmental Consulting Services

**Project Cost:**

2014	2015	2016	2017	TOTAL
\$80,657.00	\$63,028.00	\$63,501	\$63,979	\$208,200

**Recommend: Do Not Fund**

**Issue:** Hydaburg Cooperative Association (HCA) is proposing to conduct a stock assessment on sockeye salmon returning to Eek Lake, an important subsistence system to the community of Hydaburg. The information will allow HCA and state and federal resource management agencies to more accurately manage sockeye salmon returning to Hetta and Eek Lakes through Hetta Inlet. This project address' the Strategic Plan for the Subsistence Fisheries Resource Monitoring Program (2006) by addressing the highest priority species (sockeye salmon) and information need (estimate of current escapement). Over the past few years, HCA has been managing Hydaburg's subsistence harvest in-season, and in many cases they divert harvest to Eek Lake when sockeye salmon returns at Hetta Lake are low or delayed. Given there have not been recently stock assessments projects at Eek Lake, this proposed project fills an important data gap for Hydaburg's management of their subsistence sockeye fishery.

**Objectives:**

1. Estimate escapement of sockeye salmon adults into Eek Lake using a two net weir, four camera system.
2. Estimate the age, sex and length composition of the sockeye salmon spawning in Eek Lake with a coefficient of variation less than 20% for the principle age class.

\* Note that a concurrent objective of estimating the annual harvest of sockeye salmon from Eek Lake is covered in a project proposal for the continuation of the Hetta Lake Subsistence Sockeye Salmon Assessment Project

**Methods:** Sockeye salmon escapement into Eek Lake will be estimated through use of a double redundant video lake net weir system. Two lake net weirs will be installed at the outlet creek at Eek Lake each season and an underwater video camera system will record returning sockeye salmon from mid-June through mid-August. The field crew will review video footage to count all species of fish that pass through the system. Approximately 600 fish will be captured in a floating trap attached the lower net weir, and will be sampled for age, sex and length data. Fish will be measured and sexed on site. Scales will be removed and sent to Alaska Department of Fish and Game to be read to determine age. Weekly

in-season reports for weir counts will be shared with federal and state agencies. Annual reports will be produced after each field season, and a final report including all four seasons will be produced at the end of the project.

**Partnership/Capacity Building:** HCA has been building their capacity to manage and operate a fisheries program under the Fisheries Resource Management Program since 2001. They have successfully become the principle investigator on the Hetta Lake Subsistence Sockeye Assessment project, starting in 2010. The success of the program has led to other fisheries projects important to understanding and managing subsistence resources on behalf of the Hydaburg community. This proposed project will produce significant cost savings by using field equipment already owned by HCA, but using the Hetta Lake project's contracted biologist, and by having the Hetta Lake crew available and close to lend logistical support. HCA's ability to operate this proposed project relies on the partnering support of the U.S. Forest Service, who will assist in modifying a double redundant video lake net weir system design for Eek Lake, who will assist in training a new fish crew on these new methods, and who will give technical assistance in season as needed. In addition, ADFG will continue to support the project by providing scale reading services and working with HCA on habitat and fish handling permits.

**EXECUTIVE SUMMARY**

**Project Number:** 14-605

**Project Title:** Hatchery Creek Sockeye Salmon Population Assessment

**Geographic Area:** Southeast Alaska

**Principal Investigator:** Jeff Reeves, Craig Ranger District, US Forest Service (USFS)

**Co-Investigators:** Ben VanAlen, Juneau Ranger District, (USFS)  
 Jeff Bell and Paula Peterson, Organized Village of Kasaan (OVK)

**Project Cost:**

2014	2015	2016	2017	TOTAL
\$144,264	\$146,134	\$148,093	\$150,184	\$588,675

**Recommendation: Fund**

**Issue:** Sockeye salmon (*Oncorhynchus nerka*) comprise the most important subsistence fishery resource for rural residents in the Southeast Alaska region. The Hatchery Creek drainage on Prince of Wales Island (PWI) has supported extensive subsistence and sport harvests by both Alaska resident and non-resident anglers. This proposed project addresses a critical Southeast Alaska subsistence fishery concern that has been repeatedly identified as a monitoring need by the Southeast Federal Subsistence Regional Advisory Council (SERAC) and the Southeast Alaska Fisheries Information Service Strategic Plan. Both the USFS and the Alaska Department of Fish and Game also consider the management of the Hatchery Creek sockeye salmon population to be a key subsistence issue for Prince of Wales Island due to the early run timing and uniqueness of this sockeye population.

**Objectives:**

1. Estimate the total escapement of adult and jack sockeye salmon that pass above the upper falls on Hatchery Creek with a weir/mark-recapture project such that the estimated coefficient of variation is less than 15%.
2. Estimate the age, length, and sex composition of the Hatchery Creek system sockeye escapement so that the estimated coefficient of variation for the dominant age class is less than 10%.

**Methods:** (1) A channel-spanning aluminum and steel bipod weir will be employed to census the early run sockeye populations in Hatchery Creek. The weir will be installed at a location above the falls, and will be operated continuously from the 1<sup>st</sup> of June until August 30<sup>th</sup> during each of the study years. Sockeye will be adipose-clipped at the picket weir and examined for adipose clips as they swim upstream through a “net weir” past video cameras and, if needed, in the main inlet streams and beach spawning areas using dip net and seine gear. A running average of 50% of the sockeye salmon counted through the picket weir each day will be marked with an adipose fin clip

(2) The age, sex, and length (ASL) composition of the early run Hatchery Creek sockeye salmon sub-population will be assessed from *in-situ* sampling of returning adult fish captured at the weir. ASL information will be collected during each year of the proposed study. Individuals will be sampled at systematic intervals, corresponding to frequencies that are designed to obtain a minimum total annual *N* of 400.

**Products:** Results of the study will be available as annual progress and final reports submitted to FIS-OSM; via papers submitted for publication through scientific fisheries journals and ADF&G Technical Reports; and as formal presentations provided at SERAC, Federal/State agency, and professional society meetings.

**Investigators Ability and Resources:** Jeff Reeves, Subsistence Fisheries Biologist will be responsible for overall project administration, coordination with OSM/FIS staff, development of the study design and operation plan, on-site technical assistance to tribal and state/federal agency staff, data analysis/interpretation, and editing/delivery of progress and final reports. Ben VanAlen will provide technical expertise for weir operations, deployment of the “net weir” in lakes and streams, and use of a low cost/reliable mini-DVR fish video counting system. Jeff Bell, Fisheries Coordinator for OVK, responsibilities will include hiring and supervision of the project’s field technicians, acquisition and management of all field research equipment, coordination with OSM/FIS staff, development of the study design and operation plan, on-site technical assistance to tribal and state/federal agency staff, data analysis/interpretation, and editing/delivery of progress and final reports. Paula Peterson is the Tribal Administrator of OVK having extensive expertise and experience in administering grants and contracts with Native organizations, private entities, and the federal government.

**Partnership and Capacity Building:** This proposed project has substantial capacity development aspects associated with it. Both the USFS and OVK will be provided funds to compensate the lead field fisheries biologist and hire the field technicians needed for this study; local hiring priority will be given to qualified personnel from the PWI Native organizations and Island’s rural communities to fill these positions. This proposal represents the results of extensive interagency cooperation between fisheries and subsistence program personnel from the OVK and the USFS. Sharing of data among all of the agencies involved in this subsistence fishery will provide better information to improve management of Hatchery Creek sockeye salmon for all users.

**EXECUTIVE SUMMARY**

**Project Number:** 14-606

**Project Title:** Klawock Lake Sockeye Salmon Population Assessment

**Geographic Area:** Southeast Alaska

**Principal Investigator:** Jeff Reeves, Craig Ranger District, US Forest Service (USFS); Ben VanAlen, Juneau Ranger District, USFS

**Co-Investigators:** (1) Klawock Cooperative Association (KCA), (2) Dan Goodness, Prince of Wales Hatchery Association (POWHA)

**Project Cost:**

2014	2015	2016	2017	TOTAL
\$27,594	\$28,338	\$29,061	\$29,838	\$114,831

**Recommendation: Fund**

**Issue:** Sockeye salmon (*Oncorhynchus nerka*) comprise the most important subsistence fishery resource for rural residents in the Southeast Alaska region. The Klawock Lake drainage on Prince of Wales Island (PWI) has supported extensive subsistence and sport harvests by both Alaska resident and non-resident anglers. This proposed project addresses a critical Southeast Alaska subsistence fishery concern that has been repeatedly identified as a monitoring need by the Southeast Federal Subsistence Regional Advisory Council (SERAC) and the Southeast Alaska Fisheries Information Service Strategic Plan. Both the USFS and the Alaska Department of Fish and Game consider the management of the Klawock Lake sockeye salmon population to be a key subsistence issue for Prince of Wales Island due to the popularity and importance of this subsistence fishery.

**Objectives:**

1. Estimate the minimum escapement of adult and jack sockeye salmon that pass into Klawock Lake with a weir from July 1 to September 30.
2. Estimate the age, length, and sex composition of the Hatchery Creek system sockeye escapement so that the estimated coefficient of variation for the dominant age class is less than 10%.

**Methods:** (1) A channel-spanning aluminum and steel bipod weir will be employed to census the sockeye population returning to Klawock Lake. The POWHA weir will be operated continuously from the 1st of July until September 30th during each of the study years. This time frame covers typically over 90 percent of the Klawock Lake sockeye returns. Sockeye will be counted and released.

(2) The age, sex, and length (ASL) composition of the Klawock Lake sockeye salmon sub-population will be assessed from *in-situ* sampling of returning adult fish captured at the weir. ASL information will be collected during each year of the proposed study. Individuals will be sampled at systematic intervals, corresponding to frequencies that are designed to obtain a minimum total annual *N* of 400.

**Products:** Results of the study will be available as annual progress and final reports submitted to FIS-OSM; via papers submitted for publication through scientific fisheries journals and ADF&G Technical Reports; and as formal presentations provided at SERAC, Federal/State agency, and professional society

meetings.

**Investigators Ability and Resources:** Jeff Reeves and Ben VanAlen, Subsistence Fisheries Biologists, will be responsible for overall project administration, coordination with OSM/FIS staff, development of the study design and operation plan, on-site technical assistance to tribal and state/federal agency staff, data analysis/interpretation, and editing/delivery of progress and final reports. KCA's responsibilities will include hiring and supervision of the project's field technician. Dan Goodness is the Hatchery Manager for POWHA. Mr. Goodness' responsibilities will include oversight of proper weir and raceway operation at the site and will supervise additional POWHA personnel that may be involved in the project.

**Partnership and Capacity Building:** This proposed project has substantial capacity development aspects associated with it. Both the USFS and KCA will be provided funds to compensate the lead field fisheries biologist and hire the field technicians needed for this study; local hiring priority will be given to qualified personnel from the PWI Native organizations and Island's rural communities to fill these positions. This proposal represents the results of extensive interagency cooperation between fisheries and subsistence program personnel from the KCA, POWHA and the USFS. Sharing of data among all of the agencies involved in this subsistence fishery will provide better information to improve management of Klawock Lake sockeye salmon for all users.

## EXECUTIVE SUMMARY

**Project Number:** 14-607

**Project Title:** District 1 Eulachon Population Assessment

**Geographic Area:** Southeast Alaska

**Data Type:** Stock Status and Trends (SST)

**Principal Investigator:** Jeff Reeves, Craig Ranger District, US Forest Service (USFS); Jessica Davila, Peter Roginski and Will Young, Ketchikan/Misty Fjords Ranger District, USFS

**Project Cost:**

2014	2015	2016	2017	TOTAL
\$60,215	\$64,215	\$63,289	\$64,940	\$252,659

**Recommendation: Fund**

**Issue:** Eulachon systems are typically large glacial rivers located on the mainland in Southeast Alaska in Tongass National Forest. The Unuk River has been the primary commercial/subsistence fishing location for eulachon. The Unuk River, which drains into Burroughs Bay in Behm Canal, is located approximately 55 nautical miles northeast of Ketchikan. Other drainages in the Ketchikan area where eulachon have been noted and harvested include: Klahini River, Chickamin River, Wilson & Blossom Rivers, and Carroll Inlet/Creek.

The Unuk has been fished for subsistence, personal use and commercial harvest for many years. Besides providing food for marine mammals, fish and birds, eulachon provide the first subsistence opportunity of the year for people living near these systems. The first documented commercial harvest occurred in 1940 on the Unuk River and continued sporadically on this system until 2001 when the State managed commercial fishery was shut down. The fishery resumed until 2005 under Federal subsistence management. Since 2005, the fishery has been shut down yearly by both State and Federal managers due to poor eulachon returns.

The majority of the harvest in Behm Canal has occurred in the lower stretches of the Unuk River with very little documentation of harvest from the other listed locations. Although prior to 2001, historical eulachon harvest had taken place under commercial regulations, the subsistence fishery under Federal management is just as important in the eyes of the subsistence user as provisions allow for customary trade of the resource. The primary purpose of this harvest has been to distribute eulachon to the communities of Saxman, Metlakatla, Ketchikan and other outlying areas. Due to the great distance of the Unuk River from these communities, local users depended on the commercial harvesters for their yearly eulachon. The ADFG division of subsistence documented in 1987 that 27% of residents in the rural community of Metlakatla utilize eulachon.

**Objectives:**

1. Document daily predator activity through satellite internet video or still photos to reveal for presence/absence of eulachon.

2. Document biomass and spawning locations of eulachon in the Unuk River, Chickamin, Klahini, Wilson, Blossom Rivers and in Carroll Inlet/Carroll Creek.
3. Conduct age-weight-length (AWL) measurements along with sex and genetic analysis of collected samples.
4. Document harvest methods, harvest levels, and run timing by on-site observations.
5. Summarize yearly stock characteristics and harvests at the various locations in District 1. Review eulachon stocks in Alaska and the Pacific Northwest and continue to expand collaboration with Canada on eulachon related research. Investigators will travel to eulachon research council meetings to share and obtain new information.

**Methods:** (1) Satellite internet video equipment will be used to provide managers a “desk top” update of the daily conditions at identified locations of eulachon returns. If video is not possible due to the remoteness of the Unuk, a daily series of still photographs would be utilized. (2) Estimates of biomass will be obtained through on the ground and aerial surveys. (3) Length, sex and genetic samples will be taken from eulachon returns for analysis. (4) Harvest estimates will be gathered if fishery is not closed. (5) Yearly activity summarized and compared with Canadian eulachon activity.

**Products:** Results of the study will be available as annual progress and final reports submitted to FIS-OSM; via papers submitted for publication through scientific fisheries journals and ADF&G Technical Reports; and as formal presentations provided at SERAC, Federal/State agency, and professional society meetings.

**Investigators Ability and Resources:** Jeff Reeves, Subsistence Fisheries Biologist, Jessica Davila and Peter Roginski, Fisheries Technicians, and Will Young, Fish & Wildlife Staff, will be responsible for overall project administration, coordination with OSM/FIS staff, development of the study design and operation plan, on-site technical assistance to tribal and state/federal agency staff, data analysis/interpretation, and editing/delivery of progress and final reports.

**Partnership and Capacity Building:** This proposed project has substantial capacity development aspects associated with it. The USFS will be provided funds to compensate the field fisheries biologists and fisheries technicians needed for this study. Members of the Metlakatla Indian Community, Organized Village of Saxman, and the Ketchikan Indian Community will be consulted to provide valuable traditional ecological knowledge regarding eulachon in the area. Sharing of data among all of the agencies involved in this subsistence fishery will provide better information to improve management of eulachon for all users.

**EXECUTIVE SUMMARY**

**Project Number:** 14-608

**Title:** Kanalku Lake Subsistence Sockeye Salmon Stock Assessment Project

**Geographic Area:** Southeast Alaska

**Information Type:** Stock status and trends (SST)

**Principal Investigator:** Julie Bednarski, Alaska Department of Fish and Game (ADF&G), Division of Commercial Fisheries, P.O. Box 110024, Juneau, AK 99811-0024, phone 907-465-4207

**Co-Investigators:** Wally Frank, Angoon Community Association (ACA); Ben Van Alen, USDA Forest Service (USFS), Juneau Ranger District

**Project Cost:**

2014	2015	2016	2017	TOTAL
\$160,066	\$167,043	\$174,702	\$196,853	\$698,664

**Recommendation: Fund**

**Issue:** Kanalku Lake, located on the west side of Admiralty Island, provides the primary sockeye salmon (*Oncorhynchus nerka*) subsistence resource for the federally qualified subsistence users of Angoon. Kanalku Lake is recognized as a federal subsistence area under “customary and traditional uses” for residents of Angoon and is located in the Admiralty Island National Monument, a federal conservation system unit. The need of precise estimates of the Kanalku Lake sockeye salmon escapement has been repeatedly identified as a regional priority by the Southeast Federal Subsistence Regional Advisory Council and the Southeast Alaska Fisheries Information Service Strategic Plan (FRMP).

Subsistence users travel by skiff, approximately 20 km from Angoon, through the protected waters of Kootznahoo Inlet and Mitchell Bay to access the fishing area. The majority of the subsistence harvest occurs in saltwater at the head of Kanalku Bay, where the fishery is under state management by the Juneau area office of the Alaska Department of Fish and Game (ADF&G), Division of Commercial Fisheries. Subsistence harvest also occurs in freshwater, under federal jurisdiction, where people use dip nets to harvest fish mostly from pools below a 10-m high partial barrier falls (located 0.9 km upstream from saltwater). The area around Kootznahoo Inlet, and Kanalku and Mitchell bays, is also a popular destination for recreational users, including many participating in sport or guided charter fishing. Thus, the salmon fisheries in the Kanalku system involve management by a complex combination of federal and state, and subsistence, sport, and recreational guide programs.

Since 2001, ADF&G and the Angoon Community Association (ACA) have worked together on a sockeye salmon stock assessment program at Kanalku Lake to address concerns regarding increased harvest, declining run size, and lack of information about escapement (Conitz and Cartwright 2003). Sockeye salmon spawning escapements (2001–2011) at Kanalku Lake ranged from 300 (2001, 2003) to 3,000 (2010) fish, and averaged only 1,270 fish (Vinzant et al. 2011). These low sockeye salmon runs severely reduced harvest opportunities, and lead to a voluntary subsistence harvest closure instituted by the community of Angoon and ADF&G from 2002 to 2005 (Conitz and Burrell 2008).

pose of this project is to provide four additional years of precise estimates of sockeye salmon *spawning* escapement at Kanalku Lake and the mortality rate at the Kanalku Falls. This information is pivotal to comprehensive work that is being conducted by ADF&G to improve stock assessment information on Kanalku and other small sockeye salmon stocks in the Chatham Strait corridor. These other projects include estimating the *total* escapement of sockeye salmon into the Kanalku system and estimating the mortality rate at the Kanalku Falls (in conjunction with this FRMP proposal), estimating potential commercial harvest of Kanalku sockeye salmon in Chatham Strait commercial purse seine fisheries, and conducting a study to update subsistence harvest information for the Chatham and Icy strait areas. These ancillary projects, in combination with the current FRMP proposal to estimate spawning escapement, will provide for improved management of this important resource. In order to be effective, however, management plans for the Kanalku subsistence fishery must be supported with accurate information about the size and timing of the sockeye salmon spawning escapement. The small run size and its importance to the people of Angoon indicate that the escapement should continue to be closely monitored.

**Objectives:**

1. Count all salmon species passed through the weir to Kanalku Lake for the duration of the sockeye salmon run.
2. Validate the picket weir escapement estimate with an upstream camera net-weir or mark-recapture study so the estimated coefficient of variation is less than 15% of the point estimate.
3. Estimate the age, length, and sex composition of the Kanalku Lake sockeye salmon escapement to within 5% of the true proportion 95% of the time.
4. Estimate the sockeye salmon mortality rate at the Kanalku Falls.

We will continue to use a standard picket weir to estimate the spawning escapement of sockeye salmon into Kanalku Lake. In 2013, prior to the period covered in this proposal, we will test the application of a camera net-weir in the outlet of the lake. The camera-net weir will be used to count fish into the lake, validate the picket weir count, and serve as the recapture location for a back-up mark-recapture study. Combination camera net-weirs have been used successfully to estimate escapements of several other important sockeye salmon runs in Southeast Alaska. Successful application of a camera net-weir system at Kanalku Lake will result in a reduction in both the handling of live fish and the overall cost of the project from previous years by eliminating a month of mark-recapture work that was conducted on the spawning grounds in September. We include a mark-recapture study in our project design using the camera net-weir as the recovery location; however, we expect that improvements to the project will result in elimination of the mark-recapture portion of the study completely—further reducing the need to handle fish during the season. Additionally, the number of sockeye salmon that successfully ascends the falls (the *spawning* population) will be estimated through this FRMP project (Objectives 1 and 2). The *total* sockeye salmon escapement into the Kanalku system below Kanalku Falls will be estimated through an ongoing project funded by the Alaska Sustainable Salmon Fund. Sockeye salmon estimates from the two projects will be directly compared to provide an estimate of the mortality rate at Kanalku Falls.

Length, sex, and scale samples will be collected from 425 adult sockeye salmon sampled at the weir on the outlet of Kanalku Lake to estimate the size and age structure of the population, by sex. Fish will be sampled for scales, sex, and length at the weir.

**Partnerships/Capacity Building:** ACA has successfully managed hiring, personnel issues, payroll, budgeting, and procurement of supplies and services over the past five years as a cooperator in fisheries

research projects. ACA fisheries technicians will refresh or learn scale, age, and length sampling techniques, methods and rationale for ageing sockeye salmon, mark-recapture sampling techniques and theory, salmon life history, lake ecology, and limnology sampling techniques. Crew members will also have an opportunity to learn or enhance computer skills and work with digital video technology. In addition, all ACA, ADF&G, and USFS field staff will receive safety training including wilderness first aid and CPR, wilderness survival, safety around bears, water and boating safety, safe travel in aircraft, and remote radio and phone communications. All pre-season and on-the-job training serves to promote safety in the field, enhance the job skills of seasonal workers, and contribute to interest in and capacity for fisheries research in rural subsistence communities.

## EXECUTIVE SUMMARY

**Project Number:** 14-609

**Title:** Klag Lake Sockeye Salmon Stock Assessment

**Geographic Region:** Southeast Alaska

**Data Type:** Stock Status and Trends, Harvest Monitoring

**Principal Investigator:** Jessica Gill, Stika Tribe of Alaska

**Project Cost:**

2014	2015	2016	2017	TOTAL
\$120,473	\$122,397	\$125,998	\$129,709	\$498,577

**Recommendation: Fund**

**Issue:** Sockeye salmon (*Oncorhynchus nerka*) are an important subsistence resource for the community of Sitka, Alaska, and Klag Bay has customary and traditional use designation for sockeye and other resources for Sitka residents. Klag Bay is the third most important producer of sockeye salmon for subsistence users, behind Redoubt and Necker Bays. During low escapement and/or high exploitation years at Redoubt and Necker, Klag Bay subsistence harvest becomes a higher priority and is subject to higher exploitation. Escapement levels in Klag Bay were at an eight-year low in 2008, and in 2012 the second lowest escapement was recorded. Currently, escapement numbers seem to be declining, while harvest numbers are increasing. If this trend continues, then the population could be overharvested and become unsustainable. Daily weir counts and in-season harvest monitoring will provide the data needed for effective in-season management and is critical for sustaining the Klag system sockeye population.

**Objectives:**

1. Enumerate the escapement of sockeye salmon at Klag Bay.
2. Describe the run timing, or proportional daily passage, of sockeye salmon through the weir.
3. Estimate the sex and age composition of sockeye salmon such that the coefficient of variation is 7.5% or less.
4. Estimate harvest by subsistence and sport fishermen at Klag Bay so that the coefficient of variation is 15% or less.

**Methods:** A rigid weir will be installed in the outlet stream of Klag Lake, and all salmonids entering the lake will be passed through a trap and counted by the field crew. Counts will be recorded by species, and a sample goal of 462 sockeye will be collected based on the average weekly run size. The sockeye collected will be sampled for sex (male or female), length to the nearest five millimeters, and weight (grams) to describe the run-timing and age structure of the population. Approximately 20% of the sockeye salmon will be fin-clipped for a mark-recapture survey as they pass through the weir. Recovery events for the mark-recapture study will occur on the spawning grounds once the fish have reached the area to spawn. To avoid stressing the spawning fish, only the dead and spawned out fish will be sampled. A minimum of two recovery events will be conducted. Recaptured fish will receive

an additional mark to ensure sampling is conducted without replacement. The total number of fish sampled and the number marked fish will be recorded. If the ratio of marked-to-unmarked fish in the recapture sample is significantly different than the ratio of marked-to-unmarked fish sampled at the weir, the mark-recapture survey will be used to estimate overall sockeye escapement into Klag Lake. If the ratios are consistent the weir count will be used as the escapement estimate. Creel surveys will be conducted on-site throughout the season (June 1-August 15) to estimate the harvest of the sockeye in Klag Bay. Escapement, harvest data, and water levels will be reported to Justin Koller (USFS Sitka Ranger District Subsistence Biologist) daily via the Forest Service Radio Network for in-season management of the sport and subsistence fishery. In addition to the above, weekly reports will be submitted to Dave Gordon (ADF&G Sitka Area Management Biologist) and Troy Tydingco (ADF&G Sitka Area Sportfish Management Biologist).

**Partnerships/Capacity Building:** The Sitka Tribe of Alaska will take the lead role in project design, field operations, daily data collection, analysis, and report writing. The Tribe will also collaborate with, and report data to the U.S. Forest Service, Alaska Department of Fish and Game, and the Office of Subsistence Management. Justin Koller (USFS) will work closely with the Principal Investigator to ensure accurate and reliable data collection, that operations are completed successfully, and that this project is in line with other sockeye stock assessment projects throughout Southeast Alaska. Local residents and non-locals will be hired to operate the weir and collect escapement data, conduct the mark-recapture survey, and collect harvest and biological data. An effort is being made to hire local residents with a desire to work in an environmental field and provide them with experience and skills that will enhance their ability to be successful in the future. Technicians will work under a crew leader that will be chosen from a list of applicants with an educational background in natural resources. This will provide technicians with access to knowledge and training on a day-to-day basis throughout the field season while assuring accurate and reliable data is collected.

## EXECUTIVE SUMMARY

**Project Number:** 14-610

**Title:** Kook Lake Sockeye Salmon Stock Assessment

**Geographic Region:** Southeastern Alaska

**Data type:** Stock Status and Trends

**Principal Investigator:** Ben Van Alen, U.S. Forest Service

**Co-Investigators:** Raynelle Jack, Angoon Community Association  
Alaska Department of Fish and Game (ADF&G)

**Project Cost:**

2014	2015	2016	2017	TOTAL
\$169,794	\$171,591	\$174,122	\$176,659	\$692,166

**Recommendation: Fund**

**Issue:** Sockeye salmon returns to Kook Lake have long been an important subsistence resource for Tlingit families living in the Angoon area. The Alaska Department of Fish and Game and the US Forest Service have funded weir projects to estimate the Kook Lake sockeye salmon escapement in 1994, 1995, 2005 to 2007, and 2010 to 2012. The annual escapements and age compositions of early-run inlet stream spawners and later-run lake spawners have been highly variable (2,000 to 10,000 fish) and apparently associated with parent year escapement levels and the annual commercial seine effort. This project is important to assure that escapements are adequate to provide sustainable subsistence opportunity given the relative intensity of commercial and subsistence fishing on this stock and the history of road building and timber harvesting in the watershed. Managing for the conservation and subsistence priority of Kook Lake sockeye salmon, and other salmon stocks in the Angoon-area, is a controversial subject currently before Federal and State managers and the Secretaries' of Agriculture and Interior.

**Objectives:**

1. Count (census) the annual escapement of adult and jack sockeye salmon into Kook Lake using double-redundant video weirs.
2. Estimate the age, sex, and length composition of the sockeye escapement into Kook Lake with a precision of  $\pm 10\%$ , 95% of the time.

**Methods:** Project personnel will count and validate the daily and annual escapement of sockeye salmon into the lake using double-redundant lake net weirs and underwater video cameras. Both lake net weirs will be fished between the shore and the north side of the small island at the outlet of the lake, and two barrier net weirs will also be used to keep fish from migrating into the lake on the south side of the island. Project personnel will review the video files each day and record the fish counts by hour for each camera in a bound data notebook and computer database. These weirs and video/mini-DVRs (digital video recorders) will be operated continuously from late-June through mid-September in 2014, 2015, 2016, and 2017.

Upstream migrating fish will not be stopped at the video weirs and will be able to migrate freely into the lake at any time. The only fish that need to be handled are the ones sampled for age, sex, length, and genetic data, and those fish will be caught with beach seines off the mouth of the main inlet stream in August and on the beach spawning areas in September.

The four person Angoon Community Association crew will be divided into two, two person teams. Each team will work 10-days-on and 10-days-off, and they will live on-site in a floating wall tent fitted with propane appliances.

**Partnerships/Capacity Building:** The Angoon Community Association (ACA), ADF&G, and USDA Forest Service have been cooperating on the stock assessment of Kook Lake sockeye salmon for many years. This project will provide June through September employment for ACA employees who could also work into October on the Sitkoh sockeye stock assessment project. The Angoon Community Association has successfully filled past crew positions with local hires and will likely hire locally for this project as well. The USFS will seek to fill the project biologist position with a local hire. Field personnel participate in USFS safety training

## EXECUTIVE SUMMARY

**Project Number:** 14-611

**Title:** Sitkoh Lake Sockeye Salmon Stock Assessment

**Geographic Region:** Southeastern Alaska

**Data type:** Stock Status and Trends

**Principal Investigator:** Ben Van Alen, U.S. Forest Service

**Co-Investigators:** Raynelle Jack, Angoon Community Association  
Alaska Department of Fish and Game (ADF&G), (907) 465-4250

**Project Cost:**

2014	2015	2016	2017	TOTAL
\$97,025	\$95,793	\$97,206	\$98,623	\$388,647

**Recommendation: Fund**

**Issue:** Sockeye salmon returns to Sitkoh Lake have long been an important subsistence resource for Tlingit families living in the Angoon area. The Alaska Department of Fish and Game, USDA Forest Service, and Office of Subsistence Management have funded weir projects to estimate the Sitkoh sockeye escapement in 1982 and 1996 and index the annual escapement into the lake from 1996 through 2006 and 2010 to 2012. These spawning area mark-recapture estimates have allowed managers and interested parties to monitor the annual escapements, and findings have shown the escapements to be variable and affected by the commercial purse seine effort in Icy and Chatham Strait. This project is important to assure that escapements are adequate to provide sustainable subsistence opportunity given the relative intensity of commercial and subsistence fishing on this stock and the history of road building and timber harvesting in the watershed. Managing for the conservation and subsistence priority of Sitkoh Lake sockeye salmon, and other salmon stocks in the Angoon-area, is a controversial subject currently before Federal and State managers and the Secretaries’ of Agriculture and Interior.

**Objectives:**

1. In 2014 and 2015, index the annual escapement of sockeye salmon to the Sitkoh Lake “study area” using mark-recapture methods so that the estimated coefficient of variation is less than 10%.
2. Count (census) the annual escapement of adult and jack sockeye salmon into Sitkoh Lake using double-redundant video weirs.
3. Estimate the age, sex, and length composition of the sockeye salmon escapement into Sitkoh Lake with a precision of  $\pm 10\%$ , 95% of the time.

**Methods:** Project personnel will estimate the annual escapement of sockeye salmon into Sitkoh Lake by counting fish as they pass through a pair of video net weirs, with video chutes designed to allow the upstream and downstream passage of fish, set at the outlet of the lake. The Angoon Community Association employees who also work on the Kook Lake double-redundant video weir project will service the video net weirs and exchange the SD memory cards from each mini-DVR on their crew exchange

flights out of Angoon. Kook and Sitkoh Lakes are relatively close and personnel will have the time to review the Sitkoh video while they are on the job at Kook Lake. When the video net weirs are left unattended, we will remotely monitor the project site using IP cameras linked to the cellular network to make sure that the weirs are as we left them and not blocking fish passage in any way. These weirs and video/mini-DVRs (digital video recorders) will be remotely operated from July through mid-September in 2014, 2015, 2016, and 2017.

In 2014 and 2015, project personnel will continue using mark-recapture methods to index the abundance of sockeye spawning in the “study area” adjacent to the U.S. Forest Service’s West Cabin. In these years, four two-day, mark-recapture sampling trips will be made into Sitkoh Lake when approximately 20%, 40%, 60%, and 80% of the sockeye salmon have been observed in the study area in past years, which typically occurs around September 4-5, September 18-19, October 2-3, and October 16-17. The three years, 2013 to 2015, of data will be enough to calibrate historical indices with actual escapements.

Each September, 180 sockeye salmon will be sampled from the index area for scale (age), sex, and length data using standard ADF&G methods. Scales will be aged at the ADF&G, Commercial Fisheries Division, Aging Lab in Juneau.

**Partnerships/Capacity Building:** The Angoon Community Association (ACA), ADF&G, and USDA Forest Service have been cooperating on the stock assessment of Sitkoh Lake sockeye salmon for many years. This project will provide additional employment time for ACA employees who also work on the Kook Lake sockeye stock assessment project. The Angoon Community Association has successfully filled past crew positions with local hires and will likely hire locally for this project as well. The USFS will seek to fill the project biologist position with a local hire. Field personnel will participate in USFS safety training

## EXECUTIVE SUMMARY

**Project Number:** 14-612

**Title:** Neva Lake Sockeye Salmon Stock Assessment

**Geographic Region:** Southeastern Alaska

**Information type:** Stock Status and Trends

**Principal Investigator:** Ben Van Alen, U.S. Forest

**Co-Investigators:** Robert Starbard, Hoonah Indian Association  
Alaska Department of Fish and Game (ADF&G)

### Project Cost:

2014	2015	2016	2017	TOTAL
\$145,942	\$145,942	\$150,340	\$152,567	\$596,980

### Recommendation: Fund

**Issue:** Sockeye salmon returns to Neva Lake have long been an important subsistence resource for Tlingit families living in Excursion Inlet, Hoonah, and other areas of northern Southeast Alaska. The USDA Forest Service, through the USFWS Office of Subsistence Management, has funded weir projects to estimate the Neva Lake sockeye salmon escapement from 2002 to 2012, and the annual escapements have ranged from 2,800 to 11,000 fish. Project results have helped in raising the subsistence harvest limits from 10 sockeye per household per year to 25 fish in 2003 and 40 fish in 2004. Beginning in 2004, the subsistence season was also extended from the end of July to mid-August once it was learned that the run extended through September. The escapement estimates obtained by this project will be critically important to State and Federal biologists in setting sustained escapement thresholds and sustainable escapement goal ranges for sockeye salmon into Neva Lake.

### Objectives:

1. Count (census) the annual escapement of adult and jack sockeye salmon into Neva Lake using double-redundant video weirs.
2. Count (census) the annual escapement of adult and jack sockeye salmon into Neva Lake's main inlet stream using a redundant video weir.
3. Estimate the age, length, and sex composition of the sockeye escapement into Neva Lake with a precision of  $\pm 10\%$ , 95% of the time.

**Methods:** Project personnel will count and validate the daily and annual escapement of sockeye salmon into the lake using double-redundant (two weirs, two cameras at each weir) "V"-shaped video weirs placed at the outlet of the lake. There will also be a single-redundant (one weir, two cameras) upstream/downstream video weir in the lower part of the main inlet stream to count the stream spawners and directly estimate that proportion of the run. Project personnel will review the video files each day and record the fish counts by hour for each camera in a bound data notebook and computer database. These weirs and video/mini-DVRs (digital video recorders) will be operated continuously from late-June through mid-September in 2014, 2015, 2016, and 2017.

Upstream migrating fish will not be stopped at the video weirs and will be able to migrate freely into the lake at any time. The only fish that need to be handled are the 180 that will be sampled for age, sex, length, and genetic data, and those fish will be caught with beach seines off the mouth of the main inlet stream in August and on the beach spawning areas in September.

To help monitor for annual changes in zooplankton composition, a pair of vertical plankton tows will be taken each year in the last week of August. Specimens will be preserved and analyzed by a laboratory that reports the density and mean wet length of the Cyclops, Bosmina, and Daphnia.

The four person Hoonah Indian Association crew will be divided into two, two person teams. Each team will work 14-days-on and 14-days-off, and they will live on-site in a floating wall tent fitted with propane appliances.

**Partnerships/Capacity Building:** The Hoonah Indian Association (HIA) and USDA Forest Service have been cooperating on the stock assessment of Neva Lake sockeye salmon for many years. This project will provide June through September employment for HIA employees who. The Hoonah Indian Association has successfully filled past crew positions with local hires and will likely hire locally for this project as well. The USFS will seek to fill the project biologist position with a local hire. Field personnel participate in USFS safety training.

**Table 1.** Summary of Fisheries Resource Monitoring Program projects completed in Southeast Alaska since 2000. Abbreviations used by investigators are: ACA=Angoon Community Association, ADFG=Alaska Department of Fish and Game, CCTHITA=Central Council of Tlingit & Haida Indian Tribes of Alaska, HCA=Hydaburg Cooperative Association, HIA=Hoonah Indian Association, KCA=Klawock Cooperative Association, OVK=Organized Village of Kake, STA=Sitka Tribe of Alaska, TST=Third Sector Technologies, USFS=USDA Forest Service, WCA=Wrangell Cooperative Association, and YTT=Yakutat Tlingit Tribe.

Project Number	Project Title	Investigators
<u><i>Estimation of Sockeye Salmon Escapement</i></u>		
00-043	Klawock Lake Sockeye Salmon Assessment	ADFG, KCA
00-044	Falls Lake Sockeye Salmon Stock Assessment	ADFG, OVK
01-125	Gut Bay, Kook, and Hoktaheen L Sockeye Salmon Escapement Index	ADFG, OVK
01-126	Kanalku, Hasselborg and Sitkoh Lakes Sockeye Stock Assessment	ADFG
01-127	Thoms, Salmon Bay, Luck Lakes Sockeye Salmon Esc Index	ADFG, WCA
01-128	Klag Bay Sockeye Salmon Stock Assessment	ADFG, STA, USFS
01-130	Hetta Lake Sockeye Salmon Stock Assessment	ADFG, HCA
01-175	Salmon Lake Sockeye and Coho Salmon Stock Assessment	ADFG, STA, NSRAA, USFS
01-179	Virginia Lake Sockeye Salmon Assessment	USFS
02-012	Neva and Pavlof Sockeye Salmon Stock Assessment	USFS, HIA
02-017	Redfish Bay Sockeye Salmon Stock Assessment	STA, ADFG, USFS
03-007	Eek Lake Sockeye Salmon Stock Assessment	HCA, ADFG
04-604	Klawock Lake Sockeye Salmon Assessment	ADFG, KCA
04-605	Kanalku, Sitkoh Lakes Sockeye Salmon Stock Assessment	ADFG, ACA
04-606	Hetta Lake Sockeye Salmon Stock Assessment	ADFG, HCA
04-607	Falls, Gut, Kutlaku Subsistence Sockeye Stock Assessment	ADFG, OVK
04-608	Salmon Lake Sockeye Salmon Stock Assessment	STA
04-609	Klag Bay Sockeye Salmon Stock Assessment	STA, ADFG, USFS
05-601	Kook Lake Sockeye Salmon Assessment	ADFG, ACA, USFS
05-603	Klawock Lake Sockeye Salmon Assessment	ADFG, USFS
06-601	Neva Lake Sockeye Salmon Assessment	USFS
06-602	Kutlaku Lake Sockeye Salmon Assessment	ADFG, OVK
07-601	<sup>a</sup> Hatchery Creek Sockeye Salmon Assessment	OVK, USFS
07-604	Klag Bay Sockeye Salmon Assessment	STA
07-606	Hetta Lake Sockeye Salmon Assessment	ADFG
07-607	Kanalku Lake Sockeye Salmon Assessment	ADFG, ACA
07-608	Klawock Lake Sockeye Salmon Assessment	ADFG, KCA
07-609	Falls Lake Sockeye Salmon Assessment	ADFG, OVK
08-600	<sup>a</sup> Karta River Sockeye Salmon Assessment	OVKa
10-600	<sup>a</sup> Karta River Sockeye Salmon Assessment	OVK
10-601	<sup>a</sup> Hatchery Creek Sockeye Salmon Assessment	USFS
10-603	<sup>a</sup> Yakutat Eulachon Surveys	USFS
10-604	<sup>a</sup> Klag Lake Sockeye Salmon Assessment	STA
10-605	<sup>a</sup> Sitkoh Lake Sockeye Salmon Assessment	USFS
10-606	<sup>a</sup> Hetta Lake Sockeye Salmon Assessment	HCA
10-607	<sup>a</sup> Kanalku Lake Sockeye Salmon Assessment	ADFG
10-609	<sup>a</sup> Falls Lake Sockeye Salmon Assessment	ADFG
10-610	<sup>a</sup> Kook Lake Sockeye Salmon Assessment	USFS
10-611	<sup>a</sup> Redoubt Lake Sockeye Salmon Assessment	USFS
10-612	<sup>a</sup> Neva Lake Sockeye Salmon Assessment	USFS
<u><i>Documentation of Subsistence Use Patterns for Salmon</i></u>		
00-015	SE Alaska Subsistence Fisheries Database Development	ADFG
00-045	SE Tribes Traditional Subsistence Territory Mapping	USFS, OVK, ACA, HIA
01-091	East Alsek River Salmon Historical Use and TEK	YTT
01-103	SE Subsistence Fisheries GIS Database	ADFG
01-104	Kake Sockeye Salmon Subsistence Harvest Use Pattern	ADFG, OVK
01-105	Klawock River and Sarkar L Sockeye Salmon Harvest Use Patterns	ADFG, KCA

Table 1 continued.

Project Number	Project Title	Investigators
02-038	SE Subsistence Fisheries GIS Database Development	ADFG, CCTHITA, TST
02-049	Wrangell Salmon Subsistence Harvest Use Pattern	ADFG, WCA, USFS
02-104	Hoonah and Klawock Salmon Survey	ADFG, CCTHITA, TST
04-651 <sup>a</sup>	SE Alaska Salmon TEK and Subsistence Monitoring	STA, ADFG
04-652	Subsistence TEK Database	ADFG, STA
06-651 <sup>a</sup>	Southeast Alaska Survey of Customary Trade in Seafood	CCTHITA
07-651	Hydaburg Sockeye Salmon Customary and Traditional System	HCA, PVT
08-651	Maknahti Island Subsistence Herring Fishery Assessment	STA
<i>Prince of Wales Island Steelhead</i>		
01-105	POW Island Steelhead/Rainbow Trout Harvest Use Pattern	ADFG
05-604	Prince of Wales Steelhead Assessment	ADFG, OVKa
08-650	POW Island Steelhead Trout Subsistence Harvest Survey	OVKa, HCA
<i>Estimation of Non-salmon Species</i>		
07-610	Behm Canal Eulachon Genetics	USFWS
08-607	Unuk River Eulachon Assessment	USFS

<sup>a</sup> Final Report in preparation.

**Table 2.** Southeast Alaska funding recommendations by the Technical Review Committee (TRC) for the 2014 Fisheries Resource Monitoring Program.

Project Number	Title	Requested Budget (\$000)			
		Alaska Native	State	Federal	Other
<u>Stock Status and Trends Projects</u>					
14-601	Redoubt Lake Sockeye Salmon Stock Assessment			\$26.6	
14-602	Falls Lake Subsistence Sockeye Salmon Stock and Harvest Assessment	\$51.8		\$69.9	
14-603	Hetta Lake Subsistence Sockeye Salmon Stock Assessment	\$173.4			
14-605	Hatchery Creek Sockeye Salmon Assessment	\$99.6		\$44.7	
14-606	Klawock Lake Sockeye Salmon Assessment	\$11.8		\$15.8	
14-607	Unik R District 1 Hooligan Monitoring		\$105.2	\$60.2	
14-608	Kanaku L Subsistence Sockeye Salmon Assessment	\$54.6			
14-609	Klag Lake Sockeye Salmon Assessment	\$120.5			
14-610	Kook Lake Sockeye Salmon Stock Assessment	\$88.7	\$2.5	\$78.6	
14-611	Sitkoh Lake Sockeye Salmon Stock Assessment	\$21.2	\$2.5	\$73.4	
14-612	Neva Lake Sockeye Salmon Stock Assessment	\$79.4	\$2.5	\$64.1	

**Table 3.** Southeast Alaska local hire and matching funds for investigation plans submitted to the Fisheries Resource Monitoring Program for funding consideration in 2014. Abbreviations used are: ADFG=Alaska Department of Fish and Game, HCA=Hydaburg Cooperative Association, STA=Sita Tribe of Alaska, and USFS=U.S. Forest Service.

Project Number	Lead Organization	Title	Funding (\$000s)	
			Local Hire	Matching
<i>Stock Status and Trends Projects</i>				
14-601	USFS	Redoubt Lake Sockeye Salmon Stock Assessment		\$73.9
14-602	USFS	Falls Lake Subsistence Sockeye Salmon Stock and Harvest Assessment		
14-603	HCA	Hetta Lake Subsistence Sockeye Salmon Stock Assessment	\$78.8	
14-605	USFS	Hatchery Creek Sockeye Salmon Assessment		\$16.3
14-606	USFS	Klawock Lake Sockeye Salmon Assessment		\$10.5
14-607	USFS	Unik R District 1 Hooligan Monitoring		
14-608	ADFG	Kanalku L Subsistence Sockeye Salmon Assessment	\$35.8	\$25.6
14-609	STA	Klag Lake Sockeye Salmon Assessment	\$10.3	
14-610	USFS	Kook Lake Sockeye Salmon Stock Assessment	\$72.6	
14-611	USFS	Sitkoh Lake Sockeye Salmon Stock Assessment	\$28.1	
14-612	USFS	Neva Lake Sockeye Salmon Stock Assessment	\$63.0	

**Table 4.** Southeast Alaska funding recommendations by the Technical Review Committee (TRC) for the 2014 Fisheries Resource Monitoring Program.

Project Number	Title	TRC	Requested Budget (\$000)			
			2014	2015	2016	2017
<i>Stock Status and Trends</i>						
14-601	Redoubt Lake Sockeye Salmon Stock Assessment	Yes	\$26.6	\$27.1	\$27.8	\$28.6
14-602	Falls Lake Subsistence Sockeye Salmon Stock and Harvest Assess	Yes	\$121.7	\$123.9	\$127.8	\$130.7
14-603	Hetta Lake Subsistence Sockeye Salmon Stock Assessment	Yes	\$173.4	\$185.6	\$172.4	\$173.8
14-604	Eek Lake Subsistence Sockeye Salmon Stock Assessment	No	\$80.7	\$63.0	\$63.5	\$64.0
14-605	Hatchery Creek Sockeye Salmon Assessment	Yes	\$144.3	\$146.1	\$148.1	\$150.2
14-606	Klawock Lake Sockeye Salmon Assessment	Yes	\$27.6	\$28.3	\$29.1	\$29.8
14-607	Unik R District 1 Hooligan Monitoring	Yes	\$60.2	\$64.2	\$63.3	\$64.9
14-608	Kanaaku L Subsistence Sockeye Salmon Assessment	Yes	\$160.1	\$167.0	\$174.7	\$196.9
14-609	Klag Lake Sockeye Salmon Assessment	Yes	\$120.5	\$122.4	\$126.0	\$129.7
14-610	Kook Lake Sockeye Salmon Stock Assessment	Yes	\$169.8	\$171.6	\$174.1	\$176.7
14-611	Sitkoh Lake Sockeye Salmon Stock Assessment	Yes	\$97.0	\$95.8	\$97.2	\$98.6
14-612	Neva Lake Sockeye Salmon Stock Assessment	Yes	\$145.9	\$148.1	\$150.3	\$152.6
Total			\$1,327.8	\$1,343.1	\$1,354.3	\$1,396.5
Guideline			\$875.0			
TRC Recommendation			\$1,247.1	\$1,280.1	\$1,290.8	\$1,332.5

## **BRIEFING ON THE REVIEW OF THE RURAL DETERMINATION PROCESS**

Title VIII of the 1980 Alaska National Interest Lands Conservation Act (ANILCA) provides a subsistence priority for rural Alaska residents for harvesting fish and wildlife resources on Federal public lands. Only residents of communities or areas determined to be rural are eligible under Federal subsistence regulations for the subsistence priority. The Secretaries of the Interior and Agriculture are responsible for the process by which the rural determinations are made. The Federal Subsistence Board uses the Secretaries' process to make the rural determinations.

On December 17, 2010, the Secretaries of the Interior and Agriculture directed the Federal Subsistence Board to conduct a review of the rural determination process and develop recommendations to the Secretaries on how to improve the process (Attachment 1).

The Federal Subsistence Board initiated a review of the rural determination process on December 31, 2012 with the publication of a Federal Register Notice (Attachments 2 and 3) requesting comments on the following components of the process: population thresholds, rural characteristics, aggregation of communities, timelines and information sources. All ideas on how to improve the rural determination process that are consistent with ANILCA Title VIII and 9th Circuit Court of Appeals case law associated with the definition of rural will be considered. The deadline to submit comments is November 1, 2013.

In addition to soliciting written public comments, the Federal Subsistence Board is holding hearings in key locations throughout the State to provide opportunities for the public to learn more about the rural determination process and provide testimony. The Federal Subsistence Board has provided Federally recognized Tribes and Alaska Native Claims Settlement Act (ANCSA) corporations with the opportunity to consult prior to the start of the Federal Subsistence Regional Advisory Council meeting window. During the fall 2013 meetings, the ten Federal Subsistence Regional Advisory Councils are to review the rural determination process and formulate recommendations for the Board. See the Current Schedule of Forums for Public Comments for a list of all meetings and hearings to be held (Attachment 4).

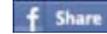
The Federal Subsistence Board will meet April 15–17, 2014 in Anchorage to review all the comments it received during the comment period. The Board will then make recommendations to the Secretaries of the Interior and Agriculture on possible changes to improve the process. These recommendations will be based in large part on the Federal Subsistence Regional Advisory Councils' recommendations, results of Tribal and ANCSA corporation consultations, and public comments. See the Steps in the Rural Determination Process for the review schedule (Attachment 5)

If the Secretaries decide to make changes to the rural determination process, a proposed rule and another comment period will be published in the Federal Register as required by the Administrative Procedure Act.

Following the completion of the review of the rural determination process, the Federal Subsistence Board will conduct a public review of the current rural determinations.

## DOI News

### Secretary Letter on Federal Subsistence Board Implementation



01/07/2011

December 17, 2010

Mr. Tim Towarak  
Chair, Federal Subsistence Board  
P. O. Box 89  
Unalakleet, Alaska 99684

Dear Mr. Towarak:

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

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

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

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

the State in order to ensure Federal authorities are fully reflected and in accord with subsistence priorities provided for in Title VIII;

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

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

An identical letter is being sent to Ms. Beth Pendelton, Alaska Regional Forester.

Sincerely,

/s/ Ken Salazar

Ken Salazar

Enclosure

**<< Previous**

Secretary's Memorandum to Fish  
and Wildlife Service Director  
Implementing Subsistence Review

**Next >>**

Proposed rule to revise the  
regulations concerning the  
composition of the Federal  
Subsistence Board

location and hours of the reading room). You may also request paper copies of the data standards by calling or writing to the person listed under **FOR FURTHER INFORMATION CONTACT**.

Done in Washington, DC, this 20th day of December, 2012. .

**Kevin Shea,**

*Acting Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 2012-31401 Filed 12-28-12; 8:45 am]

**BILLING CODE 3410-34-P**

## DEPARTMENT OF AGRICULTURE

### Forest Service

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

[FWS-R7-SM-2012-N248;FXFR133  
50700640-134-FF07J00000]

#### **Subsistence Management Program for Public Lands in Alaska; Rural Determination Process**

**AGENCIES:** Forest Service, Agriculture; Fish and Wildlife Service, Interior.

**ACTION:** Notice; request for comments.

**SUMMARY:** Federal subsistence regulations require that the rural or nonrural status of communities or areas be reviewed every 10 years. In 2009, the Secretary of the Interior initiated a review of the Federal Subsistence Management Program. An ensuing directive was for the Federal Subsistence Board (Board) to review its process for determining the rural and nonrural status of communities. As a result, the Board has initiated a review of the rural determination process and is requesting comments from the public. These comments will be used by the Board, coordinating with the Secretaries of the Interior and Agriculture, to assist in making decisions regarding the scope and nature of possible changes to improve the rural determination process.

**DATES:** *Comments:* Comments on this notice must be received or postmarked by November 1, 2013.

*Public meetings:* The Federal Subsistence Regional Advisory Councils will hold public meetings to receive comments and make recommendations to the Federal Subsistence Board on this notice on several dates between August 19 and October 30, 2013. See Public Meetings under **SUPPLEMENTARY INFORMATION** for specific information on dates and locations of the public meetings.

**ADDRESSES:** *Comments:* Comments on this notice must be received or postmarked by November 1, 2013. You may submit comments by one of the following methods:

- *Electronically:* Comments addressing this notice may be sent to [subsistence@fws.gov](mailto:subsistence@fws.gov).
- *By hard copy:* U.S. mail or hand-delivery to: USFWS, Office of Subsistence Management, 1011 East Tudor Road, MS 121, Attn: Theo Matuskowitz, Anchorage, AK 99503-6199, or hand delivery to the Designated Federal Official attending any of the Federal Subsistence Regional Advisory Council public meetings.

Comments received will be available for public review during public meetings held by the Board on this issue. This generally means that any personal information you provide us will be available during public review.

*Public meetings:* See **SUPPLEMENTARY INFORMATION** for specific information on dates and locations of the public meetings. If the Board decides additional meetings are required, public announcements will be made that provide meeting dates and locations.

**FOR FURTHER INFORMATION CONTACT:** Chair, Federal Subsistence Board, c/o U.S. Fish and Wildlife Service, Attention: Peter J. Probasco, Office of Subsistence Management; (907) 786-3888; or [subsistence@fws.gov](mailto:subsistence@fws.gov). For questions specific to National Forest System lands, contact Steve Kessler, Regional Subsistence Program Leader, USDA, Forest Service, Alaska Region; (907) 743-9461; or [skessler@fs.fed.us](mailto:skessler@fs.fed.us).

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

Under Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) (16 U.S.C. 3111-3126), the Secretary of the Interior and the Secretary of Agriculture (Secretaries) jointly implement the Federal Subsistence Management Program. This Program provides a priority for taking of fish and wildlife resources for subsistence uses on Federal public lands and waters in Alaska. The Secretaries published temporary regulations to implement this Program in the **Federal Register** on June 29, 1990 (55 FR 27114), and final regulations in the **Federal Register** on May 29, 1992 (57 FR 22940). The Secretaries have amended these regulations a number of times. Because this Program is a joint effort between Interior and Agriculture, these regulations are located in two titles of the Code of Federal Regulations (CFR): Title 36, "Parks, Forests, and

Public Property," and Title 50, "Wildlife and Fisheries," at 36 CFR 242.1-28 and 50 CFR 100.1-28, respectively. The regulations contain the following subparts: Subpart A, General Provisions; Subpart B, Program Structure; Subpart C, Board Determinations; and Subpart D, Subsistence Taking of Fish and Wildlife.

##### *Federal Subsistence Board*

Consistent with subpart B of these regulations, the Secretaries established a Federal Subsistence Board to administer the Federal Subsistence Management Program. The Board comprises:

- A Chair, appointed by the Secretary of the Interior with concurrence of the Secretary of Agriculture;
- The Alaska Regional Director, U.S. Fish and Wildlife Service;
- The Alaska Regional Director, U.S. National Park Service;
- The Alaska State Director, U.S. Bureau of Land Management;
- The Alaska Regional Director, U.S. Bureau of Indian Affairs;
- The Alaska Regional Forester, U.S. Forest Service; and
- Two public members appointed by the Secretary of the Interior with concurrence of the Secretary of Agriculture.

Through the Board, these agencies and public members participate in the development of regulations for subparts C and D, which, among other things, set forth program eligibility and specific harvest seasons and limits.

In administering the program, the Secretaries divided Alaska into 10 subsistence resource regions, each of which is represented by a Federal Subsistence Regional Advisory Council. The Councils provide a forum for rural residents with personal knowledge of local conditions and resource requirements to have a meaningful role in the subsistence management of fish and wildlife on Federal public lands in Alaska. The Council members represent varied geographical, cultural, and user interests within each region.

##### **Public Meetings**

The Federal Subsistence Regional Advisory Councils have a substantial role in reviewing subsistence issues and making recommendations to the Board. The Federal Subsistence Board, through the Councils, will hold public meetings to accept comments on this notice during the fall meeting cycle. You may present comments on this notice during those meetings at the following locations in Alaska, on the following dates:

Attachment 2

77006 Federal Register / Vol. 77, No. 250 / Monday, December 31, 2012 / Notices

Region 1—Southeast Regional Council .....	Petersburg .....	September 24, 2013.
Region 2—Southcentral Regional Council .....	Copper Center .....	October 2, 2013.
Region 3—Kodiak/Aleutians Regional Council .....	Cold Bay .....	September 24, 2013.
Region 4—Bristol Bay Regional Council .....	Dillingham .....	October 29, 2013.
Region 5—Yukon-Kuskokwim Delta Regional Council .....	St. Marys .....	September 25, 2013.
Region 6—Western Interior Regional Council .....	Fairbanks .....	October 8, 2013.
Region 7—Seward Peninsula Regional Council .....	Nome .....	October 8, 2013.
Region 8—Northwest Arctic Regional Council .....	Kiana .....	August 21, 2013.
Region 9—Eastern Interior Regional Council .....	Fairbanks .....	October 16, 2013.
Region 10—North Slope Regional Council .....	Barrow .....	August 19, 2013.

A notice will be published of specific dates, times, and meeting locations in local and statewide newspapers, and on the Web at <http://alaska.fws.gov/asm/index.cfm>, prior to these meetings. Locations and dates may change based on weather or local circumstances.

*Tribal Consultation and Comment*

As expressed in Executive Order 13175, "Consultation and Coordination with Indian Tribal Governments," the Federal officials that have been delegated authority by the Secretaries are committed to honoring the unique government-to-government relationship that exists between the Federal Government and Federally Recognized Indian Tribes (Tribes) as listed in 75 FR 60810 (October 1, 2010). Consultation with Alaska Native corporations is based on Public Law 108-199, div. H, Sec. 161, Jan. 23, 2004, 118 Stat. 452, as amended by Public Law 108-447, div. H, title V, Sec. 518, Dec. 8, 2004, 118 Stat. 3267, which provides that: "The Director of the Office of Management and Budget and all Federal agencies shall hereafter consult with Alaska Native corporations on the same basis as Indian tribes under Executive Order No. 13175."

The Alaska National Interest Lands Conservation Act, Title VIII (16 U.S.C. 3111-3126), does not provide specific rights to Tribes for the subsistence taking of wildlife, fish, and shellfish. However, because tribal members and Alaska Native corporations are affected by subsistence regulations, the Secretaries, through the Board, will provide Federally recognized Tribes and Alaska Native corporations an opportunity to consult. The Board provides a variety of opportunities for consultation: engaging in dialogue at the Council meetings; engaging in dialogue at the Board's meetings; and providing input in person, or by mail, email, or phone at any time during the comment period.

The Board will engage in outreach efforts for this notice, including a notification letter, to ensure that Tribes and Alaska Native corporations are advised of the mechanisms by which they can participate. The Board will

commit to efficiently and adequately providing an opportunity to Tribes and Alaska Native corporations to prior to the adoption of any changes in policy or regulation concerning the rural determination process.

The Board will consider Tribes' and Alaska Native corporations' information, input, and recommendations, and endeavor to address their concerns.

**Purpose of This Notice**

In accordance with § .10(d)(4)(ii), one of the responsibilities given to the Federal Subsistence Board is to determine which communities or areas of the State are rural or nonrural. Only residents of areas identified as rural are eligible to participate in the Federal Subsistence Management Program on Federal public lands in Alaska.

The Board determines if a community or area is rural in accordance with established guidelines set forth in § .15(a). The Board reviews rural determinations on a 10-year cycle and may review determinations out-of-cycle in special circumstances. The Board conducts rulemaking to determine if the list at § .23(a), which defines the rural/nonrural status of communities and/or areas, needs revision. Residents would have five years to comply with a rural to nonrural change. A change from nonrural to rural would be effective 30 days after publication of the rule.

On May 7, 2007, the Board published a final rule, "Subsistence Management Regulations for Public Lands in Alaska, Subpart C; Nonrural Determinations" (72 FR 25688). This rule revised the list of nonrural areas identified by the Board. The Board changed Adak's status to rural, added Prudhoe Bay to the list of nonrural areas, and adjusted the boundaries of the following nonrural areas: the Kenai Area; the Wasilla/Palmer Area, including Point McKenzie; the Homer Area, including Fritz Creek East (except Voznesenka) and the North Fork Road area; and the Ketchikan Area, including Saxman and portions of Gravina Island. The effective date was June 6, 2007, with a 5-year compliance date of May 7, 2012.

On October 23, 2009, Secretary of the Interior Salazar announced the initiation of a Departmental review of the Federal Subsistence Management Program in Alaska; Secretary of Agriculture Vilsack later concurred with this course of action. The review focused on how the Program is meeting the purposes and subsistence provisions of Title VIII of ANILCA, and how the Program is serving rural subsistence users as envisioned when it began in the early 1990s.

On August 31, 2010, the Secretaries announced the findings of the review, which included several proposed administrative and regulatory reviews and/or revisions to strengthen the Program and make it more responsive to those who rely on it for their subsistence uses. One proposal called for a review, with Council input, of the rural and nonrural determination process and, if needed, recommendations for regulatory changes.

On January 20, 2012, the Board met to consider the Secretarial directive, consider the Council's recommendations, and review all public, Tribal, and Native Corporation comments on the initial review of the rural determinations process. After discussion and careful review, the Board voted unanimously to initiate a review of the rural determination process and the 2010 decennial review. Consequently, based on that action, the Board found that it was in the public's best interest to extend the compliance date of its 2007 final rule (72 FR 25688; May 7, 2007) on rural and nonrural determinations until after the review of the rural determination process and decennial review are complete or in 5 years, whichever comes first. The Board has already published a final rule (77 FR 12477; March 1, 2012) extending the compliance date.

**Request for Input**

To comply with the Secretarial directives and the Federal subsistence regulations, the Federal Subsistence Board is proceeding with a review of the rural determination process. As part of the Secretaries' commitment to open

government and in accordance with Executive Order 13563, the Board requests input from the public on the rural determination process and regulations, and ways to improve them for the benefit of rural Alaskans.

The Board has identified the following components in the process for review: Population thresholds, rural characteristics, aggregation of communities, timelines, and information sources. We describe these components below and include questions for public consideration and comment.

**Population thresholds.** The Federal Subsistence Board currently uses several guidelines to determine whether a specific area of Alaska is rural. One guideline sets population thresholds. A community or area with a population below 2,500 will be considered rural. A community or area with a population between 2,500 and 7,000 will be considered rural or nonrural, based on community characteristics and criteria used to group communities together. Communities with populations more than 7,000 will be considered nonrural, unless such communities possess significant characteristics of a rural nature. In 2008, the Board recommended to the Secretaries that the upper population threshold be changed to 11,000. The Secretaries have taken no action on this recommendation.

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

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

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

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

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

**Aggregation of communities.** The Board recognizes that communities and areas of Alaska are connected in diverse ways. Communities that are economically, socially, and communally integrated are considered in the aggregate in determining rural and

nonrural status. The aggregation criteria are as follows: Do 30 percent or more of the working people commute from one community to another; do they share a common high school attendance area; and are the communities in proximity and road-accessible to one another?

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

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

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

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

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

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

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

This notice announces to the public, including rural Alaska residents, Federally recognized Tribes of Alaska, and Alaska Native corporations, the request for comments on the Federal Subsistence Program's rural determination process. These comments will be used by the Board to assist in making decisions regarding the scope and nature of possible changes to improve the rural determination process, which may include, where the Board has authority, proposed regulatory action(s) or in areas where the Secretaries maintain purview, recommended courses of action.

Dated: December 5, 2012.

**Peter J. Probasco,**  
*Assistant Regional Director, U.S. Fish and Wildlife Service, Acting Chair, Federal Subsistence Board.*

Dated: December 6, 2012.

**Steve Kessler,**  
*Subsistence Program Leader, USDA-Forest Service.*

[FR Doc. 2012-31359 Filed 12-28-12; 8:45 am]

BILLING CODE 3410-11-P ; 4310-55-P

## DEPARTMENT OF AGRICULTURE

### Forest Service

#### Transfer of Land to the Department of Interior

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice of Land Transfer.

**SUMMARY:** Approximately 353.63 acres of National Forest System lands are transferred to the jurisdiction of the Secretary of Interior pursuant to the Hoopa-Yurok Settlement Act (Pub. L. 100-580; 102 Stat. 2924 (1988)). Transfer of Jurisdiction of Certain National Forest System Lands in California to the Department of the Interior for the benefit of the Yurok Tribe.

**DATES:** This notice becomes effective December 31, 2012.

**FOR FURTHER INFORMATION CONTACT:** Louisa Herrera, National Title Program Manager, (202) 205-1255, Lands and Realty Management.

**SUPPLEMENTARY INFORMATION:** The Hoopa-Yurok Settlement Act (Pub. L. 100-580; 102 Stat. 2924 (1988)), hereafter "Act", provides at section 2(c) that, subject to valid existing rights, certain enumerated National Forest System lands shall be "held in trust by the United States for the benefit of the Yurok Tribe and shall be part of the Yurok Reservation" (102 Stat. 2926). A condition precedent to such lands being held in trust is adoption of a resolution of the Interim Council of the Yurok Tribe as provided in section 2(c)(4) of the Act (102 Stat. 2926).

On March 21, 2007, the Yurok Tribal Council enacted Resolution No. 07-037, waiving certain claims and consenting to uses of tribal funds pursuant to the Act. The Department of the Interior has determined that the resolution meets the requirements of section 2(c)(4) of the Act, and that determination has been accepted by the Department of Agriculture.

Therefore, the conditions of transfer having been met, subject to valid existing rights, administrative jurisdiction over the following Federally



U.S. Fish and Wildlife Service  
Bureau of Land Management  
National Park Service  
Bureau of Indian Affairs



Forest Service

## Federal Subsistence Board News Release

**For Immediate Release:**  
January 14, 2013

**Contact:**  
Andrea Medeiros  
(907) 786-3674 or (800) 478-1456  
andrea\_medeiros@fws.gov

### Federal Subsistence Board Seeks Comments on Rural Determinations Process

The Federal Subsistence Board (Board) is seeking comments on the process used to determine which Alaska communities are rural for purposes of the Federal Subsistence Program. A notice requesting comment by November 1, 2013 was published in the Federal Register (FWS-R7-SM-2012-N248) on December 31, 2012.

The Alaska National Interest Lands Conservation Act (ANILCA) mandates that rural Alaskans be given a priority for subsistence uses of fish and wildlife on Federal public lands. The Board conducts a periodic review of rural determinations. Only communities or areas that are found to be rural are eligible for the subsistence priority under ANILCA.

Following a Secretarial review of the Federal Subsistence Management Program, the Secretaries of the Departments of the Interior and Agriculture tasked the Board to review the rural determination process and recommend changes. The Board has identified the following components of the rural determinations process to be a part of this review: population thresholds, rural characteristics, aggregation of communities, timelines, and information sources. Descriptions of these components and associated questions for public consideration and comment are provided below. Comments will be used by the Board to assist in making decisions regarding the scope and nature of possible changes to improve the rural determination process.

**Population thresholds.** A community or area with a population below 2,500 will be considered rural. A community or area with a population between 2,500 and 7,000 will be considered rural or nonrural, based on community characteristics and criteria used to group communities together. Communities with populations more than 7,000 will be considered nonrural, unless such communities possess significant characteristics of a rural nature.

1. Are these population threshold guidelines useful for determining whether a specific area of Alaska is rural?
2. If they are not, please provide population size(s) to distinguish between rural and nonrural areas, and the reasons for the population size you believe more accurately reflects rural and nonrural areas in Alaska.

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

3. Are these characteristics useful for determining whether a specific area of Alaska is rural?
4. If they are not, please provide a list of characteristics that better define or enhance rural and nonrural status.

**Aggregation of communities.** The Board recognizes that communities and areas of Alaska are connected in diverse ways. Communities that are economically, socially, and communally integrated are considered in the aggregate in determining rural and nonrural status. The aggregation criteria are: 1) Do 30 percent or more of the working people commute from one community to another? 2) Do they share a common high school attendance area? and 3) Are the communities in proximity and road-accessible to one another?

5. Are these aggregation criteria useful in determining rural and nonrural status?
6. If they are not, please provide a list of criteria that better specify how communities may be integrated economically, socially, and communally for the purposes of determining rural and nonrural status.

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

7. Should the Board review rural determinations on a 10-year cycle? If so, why? If not, why not?

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

8. Do you have any additional sources you think would be beneficial to use?
9. In addition to the preceding questions, do you have any additional comments on how to make the rural determination process more effective?

**Submit written comments by one of the following methods:**

**Mail:** Federal Subsistence Board  
Office of Subsistence Management – Attn: Theo Matuskowitz  
1011 East Tudor Road, MS-121  
Anchorage, AK 99503

**E-mail:** [subsistence@fws.gov](mailto:subsistence@fws.gov)

**Hand delivery to Designated Federal Official** at any Federal Subsistence Regional Advisory Council meeting. See the Meetings and Deadlines page of the Federal

Subsistence Management Program's website, <http://alaska.fws.gov/asm/deadline.cfml>,  
for dates and locations of Council meetings.

You also may call the Office of Subsistence Management at 800-478-1456 or email  
[subsistence@fws.gov](mailto:subsistence@fws.gov) with your questions.

Information on the Federal Subsistence Management Program can be found at  
<http://alaska.fws.gov/asm/index.cfml>.

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### Scheduled Forums for Public Comments

*\*telephonic access will be provided to these events*

Forum	Meeting Date	Location
<b>*Regional Advisory Council Meetings</b>		
North Slope	Aug. 20-21, 2013	Barrow
Northwest Arctic	Aug. 21-22, 2013	Kotzebue
Southeast	Sept. 24-26, 2013	Ketchikan
Kodiak/Aleutians	Sept. 24-25, 2013	Kodiak
Yukon-Kuskokwim Delta	Oct. 2-3, 2013	Bethel
Southcentral	Oct. 2-3, 2013	Copper Center
Western Interior	Oct. 8-9, 2013	Fairbanks
Seward Peninsula	Oct. 8-9, 2013	Nome
Eastern Interior	Oct. 16-17, 2013	Fairbanks
Bristol Bay	Oct. 29-30, 2013	Dillingham
<b>*Hearings (evening)</b>		
North Slope	Aug. 20, 2013	Barrow
Northwest Arctic	Aug. 21, 2013	Kotzebue
Southeast	Sept. 24, 2013	Ketchikan
Kodiak/Aleutians	Sept. 24, 2013	Kodiak
Yukon-Kuskokwim Delta	Oct. 2, 2013	Bethel
Southcentral	Oct. 2, 2013	Copper Center
Western Interior	Oct. 8, 2013	Fairbanks
Seward Peninsula	Oct. 8, 2013	Nome
Eastern Interior	Oct. 16, 2013	Fairbanks
Bristol Bay	Oct. 29, 2013	Dillingham
<b>*Tribal Consultations</b>		
First	Aug. 14, 2013	USFWS Regional Headquarters, Anchorage
Second	Sept. 11, 2013	USFWS Regional Headquarters, Anchorage

<b>Forum</b>	<b>Meeting Date</b>	<b>Location</b>
<b>*ANCSA Corporation Consultations</b>		
First	Aug. 14, 2013	USFWS Regional Headquarters, Anchorage
Second	Sept. 11, 2013	USFWS Regional Headquarters, Anchorage
<b>AFN Youth and Elders</b>	Oct. 2013	Fairbanks
<b>AFN Convention Booth</b>	Oct. 2013	Fairbanks

## Steps in the Review of the Rural Determination Process

Step		Start Date	End Date
1	<b>Publish notice requesting comments</b>	Dec. 31, 2012	Nov. 1, 2013
2	<b>Subsistence Regional Advisory Councils formulate recommendations. Tribal and ANCSA corporations are consulted and public hearings are held.</b>	Aug. 20, 2013	Oct. 17, 2013
3	Analysis of comments	Nov. 1, 2013	Mar. 2014
4	<b>Federal Subsistence Board review of comments and staff analysis. Draft recommendations to the Secretaries on possible changes to improve the process.</b>	Apr. 2014	Apr. 2014
5	Proposed rule drafted (based on Secretarial direction)	Apr. 2014	Jun. 2014
6	<b>Publish proposed rule and accept comments</b>	Jul. 2014	Oct. 2014
7	Analysis of comments	Sept. 2014	Nov. 2014
8	<b>Federal Subsistence Board review of comments and staff analysis. Draft recommendations to the Secretaries.</b>	Jan. 2015	Jan. 2015
9	Draft and publish final rule (based on Secretarial direction)	Feb. 2015	Apr. 2015

Following the completion of the review of the rural determination process, the Federal Subsistence Board will conduct a public review of the current rural determinations. The Federal Subsistence Board will follow steps that are similar to those used in the review of the rural determination process (See table above). The Federal Subsistence Board's goal is to have a final rule of rural determinations by February 2017.

## Rural Determination Process Review Q&As

### OVERVIEW

#### 1. Why is the rural determination process review important to Alaskans?

Only residents of communities or areas determined to be rural by the Federal Subsistence Board are eligible to harvest fish and wildlife resources on Federal public lands under Federal subsistence regulations.

#### 2. Why is the Federal Subsistence Board reviewing the rural determination Process?

On October 23, 2009, Secretary of the Interior Ken Salazar announced the initiation of a Departmental review of the Federal Subsistence Management Program in Alaska, and on August 31, 2010, Secretary Salazar, along with Secretary of Agriculture Tom Vilsack, made several recommendations to the Federal Subsistence Board to improve the program. One recommendation called for a review of the rural determination process and, if needed, regulatory change. The Federal Subsistence Board voted unanimously to initiate a review of the rural determination process (process review). In the meantime, the Board found that it was in the public interest to suspend the results of its May 7, 2007 rural determinations until after this current review of the rural determination process is complete and new rural determinations are made, or for 5 years, whichever comes first.

#### 3. Who is participating in the process review and what roles are each playing?

The public is encouraged to participate in the rural determination process review by learning about the current process, commenting on it, and suggesting new ideas for a better, future process. The public is invited to testify in person at public hearings or provide written comments. The Regional Advisory Councils, Tribes, and Alaska Native Claims Settlement Act corporations may also provide comments or make recommendations to the Federal Subsistence Board. The Federal Subsistence Board will evaluate all the comments and present recommendations to the Secretaries of the Interior and Agriculture, who will decide the outcome of the process review.

#### 4. What is the overall timeline?

The rural determination process review will occur between December 31, 2012 and the spring of 2015. The Federal Subsistence Board's goal is to conduct the new rural determinations review by February, 2017.

### EXISTING RURAL DETERMINATION PROCESS

#### 5. What is the existing process for determining rural communities (or non-rural areas)?

The Federal Subsistence Board uses the rural determination process described in the Final Rule published in the Federal Register on May 7, 2007. The Federal Subsistence Board considered all of the following in making rural determinations:

- **Population thresholds.** A community or area with a population below 2,500 will be

considered rural. A community or area with a population between 2,500 and 7,000 will be considered rural or nonrural, based on community characteristics and criteria used to group communities together. Communities with populations more than 7,000 will be considered nonrural, unless such communities possess significant characteristics of a rural nature.

- **Rural characteristics.** The Board recognizes that population alone is not the only indicator of rural or nonrural status. Other characteristics the Board considers include, but are not limited to, the following: use of fish and wildlife; development and diversity of the economy; community infrastructure; transportation; and educational institutions.
- **Aggregation of communities.** The Board recognizes that communities and areas of Alaska are connected in diverse ways. Communities that are economically, socially, and communally integrated are considered in the aggregate in determining rural and nonrural status. The aggregation criteria are: 1) Do 30 percent or more of the working people commute from one community to another? 2) Do they share a common high school attendance area? and 3) Are the communities in proximity and road-accessible to one another?
- **Timelines.** The Board reviews rural determinations on a 10-year cycle, and out of cycle in special circumstances.
- **Information sources.** Current regulations state that population data from the most recent census conducted by the U.S. Census Bureau, as updated by the Alaska Department of Labor, shall be utilized in the rural determination process. The information collected and the reports generated during the decennial census vary between each census; as such, data used during the Board's rural determination may vary. These information sources as stated in regulations will continue to be the foundation of data used for rural determinations.

## 6. When were the most recent rural determinations made and what were they?

The Final Rule on the current rural determinations was published in the Federal Register on May 7, 2007. The Federal Subsistence Board determined all communities and areas to be rural except:

- (1) Anchorage, Municipality of;
- (2) Fairbanks North Star Borough;
- (3) Homer area—including Homer, Anchor Point, North Fork Road area, Kachemak City, and the Fritz Creek East area (not including Voznesenka);
- (4) Juneau area—including Juneau, West Juneau, and Douglas;
- (5) Kenai area—including Kenai, Soldotna, Sterling, Nikiski, Salamatof, Kalifonsky, Kasilof, and Clam Gulch;
- (6) Ketchikan area—including all parts of the road system connected to the City of Ketchikan including Saxman, Pennock Island and parts of Gravina Island;
- (7) Prudhoe Bay;
- (8) Seward area—including Seward and Moose Pass;
- (9) Valdez; and
- (10) Wasilla/Palmer area—including Wasilla, Palmer, Sutton, Big Lake, Houston, Point MacKenzie, and Bodenbug Butte.

\*\*Note that all changes made by the Board in 2007, except for changing Adak's determi-

nation from non-rural to rural, have been put on hold by the Board pending the outcome of the process review and new rural determinations. (See Question #1 for more detail).

## **“PROCESS” REVIEW (CURRENTLY UNDERWAY)**

### **7. Are there any legal considerations I should be aware of when making my comments?**

Yes. All ideas on how to improve the rural determination process that are consistent with ANILCA Title VIII and 9th Circuit Court of Appeals case law associated with the definition of rural will be considered. In *Kenaitze v. State of Alaska*, 860 F.2d 312 (1988), the 9th Court provided useful guidance regarding the meaning of the term “rural” as it is used in Title VIII of ANILCA:

Regarding the definition of “rural,” the Court said, “The term rural is not difficult to understand; it is not a term of art. It is a standard word in the English language commonly understood to refer to areas of the country that are sparsely populated, where the economy centers on agriculture and ranching.”

Based on this definition, the Court struck down the State of Alaska’s approach to defining rural areas. The State’s definition of “rural” included only those areas dominated by subsistence fishing and hunting, while excluding areas dominated primarily by a cash economy even if a substantial portion of that area’s residents engaged in subsistence activities. In making this decision, the Court said that «Congress did not limit the benefits of [Title VIII] to areas dominated by a subsistence economy. Instead, it wrote broadly, giving the statutory priority to all subsistence users residing in rural areas.»

### **8. What is the timeline for the process review?**

- The rural determination process review began on December 31, 2012, with the publication of a Federal Register Notice requesting comments.
- Between August 20 and October 17, 2013 the Subsistence Regional Advisory Councils will meet and formulate comments for the Federal Subsistence Board. Public hearings, conducted by the Federal Subsistence Board, will be held in conjunction with each of these meetings to gather public comments.
- The deadline to submit all comments is November 1, 2013.
- By April, 2014 the Federal Subsistence Board will draft recommendations for the Secretaries of the Interior and Agriculture on possible changes to the process.
- The Secretaries will then publish a proposed rule in the Federal Register, opening a comment period, and by the spring of 2015 will publish a final rule.

### **9. Where can I find the Federal Register Notice that asks for input into the process?**

It is available online at <http://alaska.fws.gov/asm/rural.cfm> In addition, the public can call 1 (800) 478-1456 to request a hard copy.

## **10. When and where can I provide official input into the process review?**

By November 1, 2013 comments must be received in any of the following ways:

- *Electronically*: sent to [subsistence@fws.gov](mailto:subsistence@fws.gov).
- *By hard copy*: U.S. mail or hand-delivery to: USFWS, Office of Subsistence Management, 1011 East Tudor Road, MS 121, Attn: Theo Matuskowitz, Anchorage, AK 99503– 6199,
- *Hand delivery* to the Designated Federal Official attending any of the Regional Advisory Council public meetings or Federal Subsistence Board public hearings, or
- *By testifying* at public hearings held in conjunction with the Fall 2013 Regional Advisory Council meetings and in a few additional communities. The hearing schedule can be found at <http://alaska.fws.gov/asm/deadline.cfm>

## **11. How can I make my comments most useful to the Board?**

Comments, and rationale for those comments, should address the following components of the current rural determination process: population thresholds, rural characteristics, aggregation of communities, timelines and information sources. All ideas on how to improve the rural determination process consistent with ANILCA Title VIII and the 9th Circuit Court of Appeals case law associated with the definition of rural will be considered.

## **12. Will the fall of 2013 be the only time I can comment on the process review?**

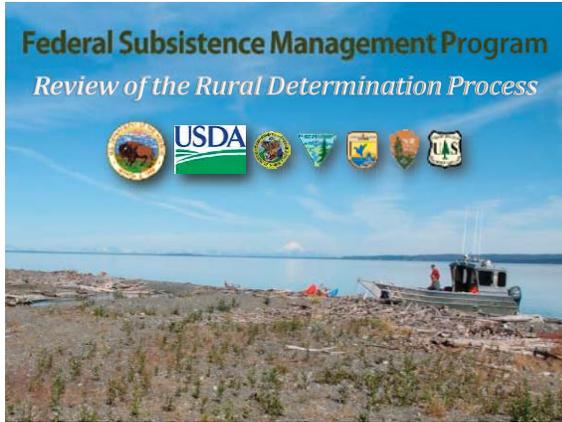
No. If the Secretaries decide to make changes to the rural determination process, a proposed rule will be published in the Federal Register followed by another open comment period.

## **13. What will the Board do with my comments?**

After the November 1, 2013 comment deadline, the Federal Subsistence Board will review and analyze all the comments it received during the comment period. The Board will make recommendations to the Secretaries of the Interior and Agriculture on possible changes to improve the rural determination process.

## **14. Who can I contact if I have questions?**

Individuals can call David Jenkins, Office of Subsistence Management, at 907-786-3688 or email [david\\_jenkins@fws.gov](mailto:david_jenkins@fws.gov)



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**Framework**

**Title VIII - ANILCA**

- Rural Subsistence Priority
- Residents of Rural Communities /Areas



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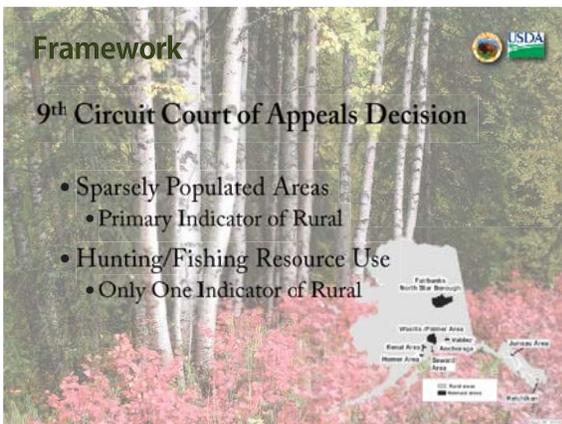
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**Framework**

**9<sup>th</sup> Circuit Court of Appeals Decision**

- Sparsely Populated Areas
  - Primary Indicator of Rural
- Hunting/Fishing Resource Use
  - Only One Indicator of Rural



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**Current Process**

**Overview of Criteria**

1. Aggregation of Communities
2. Population Threshold
3. Rural Characteristics
4. Timelines
5. Information Sources



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**Current Process** 

*1. Aggregation of Communities*

- **Economic, Social, Communal Integration**
  - Do 30% or more working people commute from one community to another?
  - Do they share a common high school attendance area?
  - Are the communities in proximity and road accessible to one another?

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**Questions** 

Are these aggregation criteria useful for determining rural and nonrural status?

- If not, please provide ideas on how to better indicate how communities are integrated for the purposes of determining rural and nonrural status.

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**Current Process** 

*2. Population Threshold*

- Below 2,500
  - Presumed Rural
- Between 2,500 and 7,000
  - No Presumption-Rural Characteristics Applied
- Above 7,000
  - Presumed Non-rural

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**Questions** 

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

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

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**Current Process** 

**3. Rural Characteristics**

- Use of Fish and Wildlife
- Economic Development and Diversity
- Infrastructure
- Transportation
- Educational Institutions

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**Questions** 

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

- If they are not, please provide a list of characteristics that better define rural and nonrural status.

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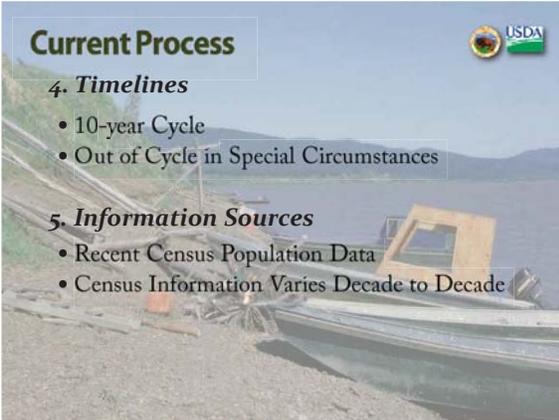
**Current Process** 

**4. Timelines**

- 10-year Cycle
- Out of Cycle in Special Circumstances

**5. Information Sources**

- Recent Census Population Data
- Census Information Varies Decade to Decade



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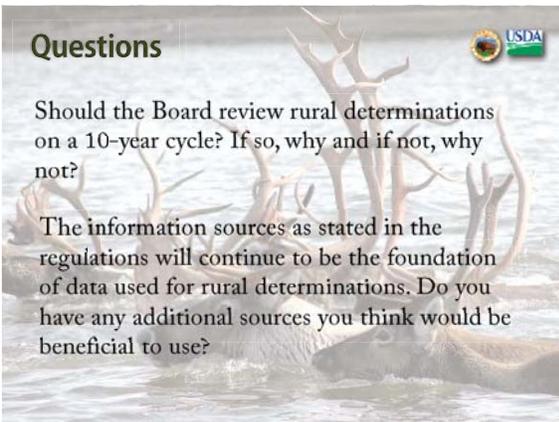
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**Questions** 

Should the Board review rural determinations on a 10-year cycle? If so, why and if not, why not?

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



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**Questions** 

Do you have any additional comments on how to make the rural determination process more effective?



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**Resources**  
*Available to You*  
**Web Site**-<http://alaska.fws.gov/asm/rural.cfml>

- Federal Register Notice (Vol. 77 Number 250)
- News Release

**Email**

- [subsistence@fws.gov](mailto:subsistence@fws.gov)

**Phone**

- 800-478-1456

All resources are located on our web site and on the handouts available here in the room.  
Please pick up copies.



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**How you can Provide Comments** 

**Testimony** –

- Regional Advisory Council meetings, for RAC consideration
- Public Hearings, to inform Federal Subsistence Board

**Electronically** – by email at [subsistence@fws.gov](mailto:subsistence@fws.gov)  
**U.S. mail / hand deliver** – to U.S. Fish and Wildlife Service, Office of Subsistence Management, 1011 Tudor Road-MS121, Anchorage, Alaska 99503  
**Hand Deliver** – to Designated Federal Official, or Council Coordinator, attending any of Regional Advisory Council or Federal Subsistence Board public meetings

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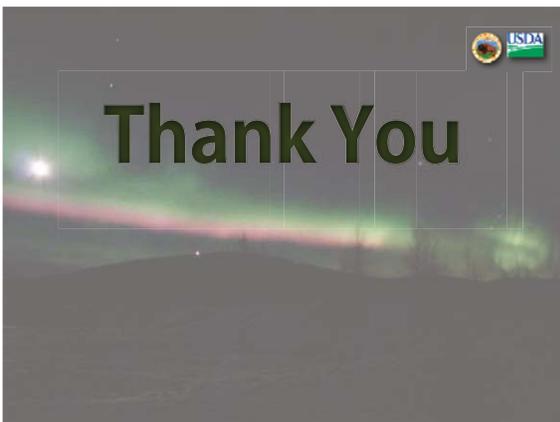
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**Thank You** 

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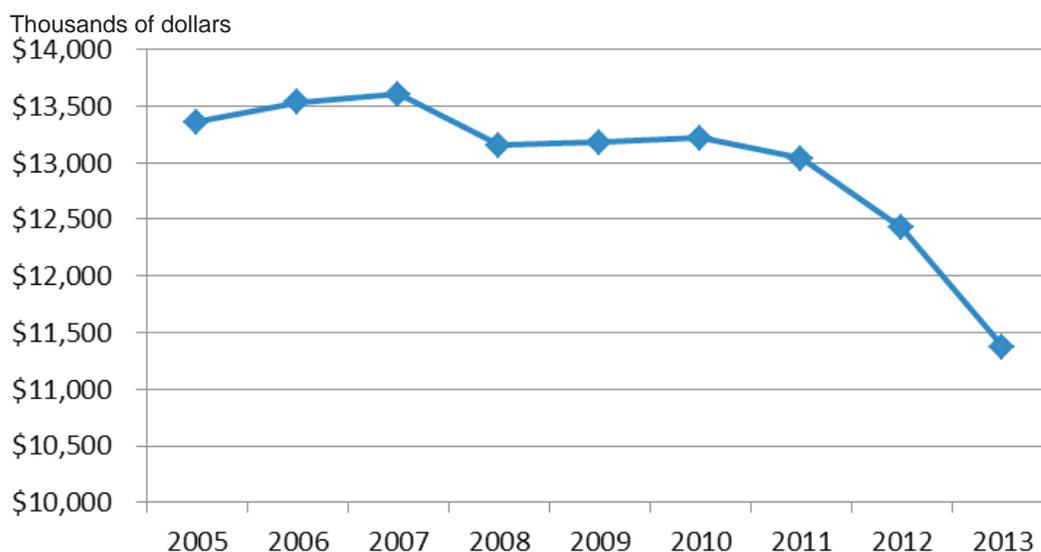
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## OFFICE OF SUBSISTENCE MANAGEMENT BRIEFINGS

### Budget Update

The Office of Subsistence Management (OSM) has experienced a declining budget and level of staffing (see below). The overall OSM budget is subject to the same 6.7% cut that all Federal agencies are experiencing as a result of sequestration — the automatic spending cuts put in place by Congress and effective January this year. The budget picture for FY2014 is not entirely clear, but we anticipate further reductions. OSM will continue to provide the Regional Advisory Councils with budget briefings to help them develop a better understanding of proposed cuts and how they may affect the Federal Subsistence Management Program. Travel outside of the normal Council meetings will continue to be limited. Also, due to budget cuts and the Federal sequestration, the funding to support the State Liaison Position has been cut.

### TOTAL OSM BUDGET BY FISCAL YEAR



### Staffing Update

#### *Arrivals*

**Gene Peltola** has been selected to serve as the Assistant Regional Director for OSM. Gene most recently served as the Refuge Manager for the Yukon Delta National Wildlife Refuge in Bethel for 5 years and was the In-Season Manager on the Kuskokwim River. Prior to that, he was the Northern Zone Officer for Refuge Law Enforcement. He has a total of 29 years of service in the U.S. Fish & Wildlife Service.

**Jeff Brooks** has been selected to work as a Social Scientist in the Anthropology Division. He previously worked for the National Wildlife Refuge System in Alaska in the Division of Conservation Planning and Policy as a social scientist. Jeff served as the lead planner for the recently published Comprehensive Conservation Plan for the Selawik National Wildlife Refuge.

**Derek Hildreth** has been selected as the new Permit Specialist, replacing Michelle Chivers in that position. He previously worked in the Anchorage Field Office for the U.S. Fish & Wildlife Service in Fisheries.

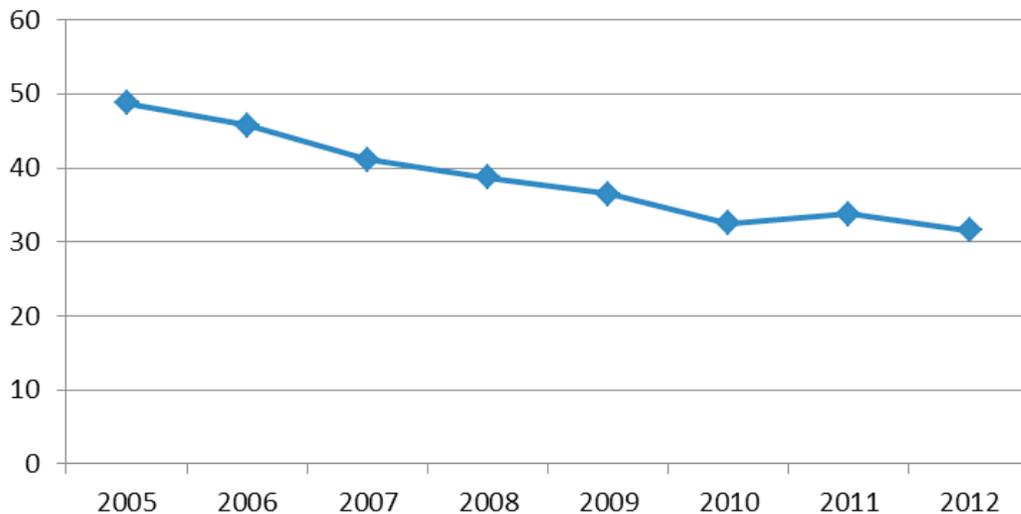
*Departures*

**Helen Armstrong** has retired from employment with the U.S. Fish & Wildlife Service. Under current budget restrictions, any new hires must be approved before any recruitment can begin. At this time, OSM has not been authorized to recruit for hiring a replacement Anthropology Division Chief. The position is currently vacant and OSM is exploring options for fulfilling these responsibilities.

**Stephen Fried** retired from employment with the U.S. Fish & Wildlife Service. OSM has been authorized to seek a replacement Fisheries Division Chief.

**Andrea Medeiros**, who has been at OSM for over twelve years and is currently the Subsistence Outreach Coordinator, will be leaving OSM to take a position with External Affairs for Region 7 U.S. Fish & Wildlife Service. Her position will become vacant and OSM is exploring options for fulfilling these responsibilities.

## OSM STAFFING BY FISCAL YEAR



### Tribal Consultation Update

The Tribal Consultation Implementation Guidelines are in their final draft form and the Federal Subsistence Board will review them at its work session in August. The Tribal Consultation workgroup consists of a varied group of Federal staff, Tribal members and members from Alaska Native Claims Settlement Act (ANCSA) Corporations. Once the implementation guidelines have been accepted by the Board, the workgroup will focus its attention on crafting the ANCSA Consultation Policy and Implementation Guidelines.

## **Regulatory Cycle Update**

At the fall 2012 Regional Advisory Council meetings, the Board asked all 10 Councils for input on regulatory cycle schedules. Eight of ten Councils recommended that the Board meeting to make determinations on wildlife proposals occur in the spring rather than in January. In response, the Board scheduled their next meeting to make determinations on wildlife proposals for April 15-17, 2014. With future wildlife Board meetings occurring in the spring, the fall Council meeting window for wildlife proposal years will be extended into early November. The Board has not yet made a decision concerning dates for their meeting in 2015 to address the next round of fisheries proposals.

## Winter 2014 Regional Advisory Council Meeting Calendar

*February–March 2014 current as of 07/11/13*

Meeting dates and locations are subject to change.

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

# Fall 2014 Regional Advisory Council Meeting Calendar

*August–October 2014 current as of 08/22/13*

Meeting dates and locations are subject to change.

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Aug. 17	Aug. 18 WINDOW OPENS	Aug. 19	Aug. 20	Aug. 21	Aug. 22	Aug. 23
Aug. 24	Aug. 25	Aug. 26	Aug. 27	Aug. 28	Aug. 29	Aug. 30
Aug. 31	Sept. 1 HOLIDAY	Sept. 2	Sept. 3	Sept. 4	Sept. 5	Sept. 6
Sept. 7	Sept. 8	Sept. 9	Sept. 10	Sept. 11	Sept. 12	Sept. 13
Sept. 14	Sept. 15	Sept. 16	Sept. 17	Sept. 18	Sept. 19	Sept. 20
Sept. 21	Sept. 22	Sept. 23	Sept. 24	Sept. 25	Sept. 26	Sept. 27
Sept. 28	Sept. 29	Sept. 30 END OF FY2014	Oct. 1	Oct. 2	Oct. 3	Oct. 4
Oct. 5	Oct. 6	Oct. 7	Oct. 8	Oct. 9	Oct. 10	Oct. 11
			NWA—TBD			
Oct. 12	Oct. 13	Oct. 14	Oct. 15	Oct. 16	Oct. 17 WINDOW CLOSES	Oct. 18



THE STATE  
of **ALASKA**  
GOVERNOR SEAN PARNELL

**Department of Fish and Game**

DIVISION OF WILDLIFE CONSERVATION  
Headquarters Office

PO Box 115526  
1255 West 8th Street  
Juneau, Alaska 99811-5526  
Main: 907.465.4190  
Fax: 907.465.6142

**RECEIVED**

MAY 23 2013

May 20, 2013

Tim Towarak, Chair  
Federal Subsistence Board  
1011 East Tudor Road  
Anchorage, AK 99503-6119

Dear Tim, 

Few places in the world retain a stronger connection to hunting, gathering, and eating well from the land than Alaska. Indeed, the need for meaningful wildlife harvest opportunities here cannot be overstated, which is why I'm sharing my concerns over a National Park Service (NPS) management approach that has great potential to reduce these opportunities on park and preserve units statewide.

In 2010, NPS began preempting Alaska state hunting regulations on national preserve lands during its annual compendium review process. It has continued these preemptions in its 2013 compendia. While all users are affected, these closures are especially likely to affect Alaskans who depend on hunting for sustenance. Each year, the Alaska Department of Fish and Game has provided written comments opposing the proposed closures as biologically unnecessary. In essence, our concerns are based upon inadequate justification provided by NPS, including the lack of clear, identifiable criteria used to demonstrate a cause-and-effect relationship between preempted state regulations and an actual impact to park resources or values. Additionally, conservation concerns have not been shown to exist in instances where state regulations have been preempted.

This year, the department developed a series of questions aimed at clarification and increased understanding of how closures proposed and extended by NPS fit into the wildlife management framework created by Congress, including in the Alaska National Interest Lands Conservation Act (ANILCA). The NPS response was disappointing as the majority of our most pressing inquiries were referred to as previously "asked and answered," without explanation. For example:

*The State commented that the relationship between the Organic Act, Redwoods Amendments, ANILCA, and NPS Management Policies are not clear. The Service believes this has been adequately explained on multiple occasions, including the determinations of need, written correspondence, in-person meetings, and other publicly available documents (including NPS Management Policies).*

The NPS has yet to directly respond to the department regarding these questions. Additionally, NPS policy statements regarding wildlife harvest included:

*Whether labeled predator control, intensive management, abundance-based management or another term, the practical effects of manipulating one population to affect another are contrary to the NPS legal and policy framework as discussed in the determinations of need. (Emphasis added.)*

*Increasingly, State authorizations seek to manipulate [wildlife] populations in the interest of reallocating prey from predators to humans, a practice which is outside the legal and policy framework applicable to NPS areas. (Emphasis added.)*

*It is outside of NPS legal and policy framework to reallocate prey species from predators to humans, nor is the NPS charged with managing to "support a high level of human harvest." (Emphasis added.)*

The department is continuing to try to resolve these issues with the NPS national office, and I am optimistic we can reach a mutually satisfactory understanding in the near future. In the meantime, the department will continue to do our best to provide meaningful wildlife harvest opportunities across Alaska and it is our hope that the NPS will assist us to ensure Alaskans can fish, hunt, trap, and subsist as they have since long before passage of ANILCA.

Tim, please share these concerns with the Federal Subsistence Board (Board). Additionally, I encourage you to review the department's comments and the full response provided by NPS to better understand this issue and our concerns. These are available on the department's webpage at <http://www.adfg.alaska.gov/index.cfm?adfg=ongoingissues.npscompendium>. Alternatively, please contact Andrew Levi at (907) 267-2242 to receive a paper copy by mail.

In closing, thank you, and all members of the Board for your continued service. Your steadfast commitment to Alaska's wildlife resources and those who depend on them does not go unnoticed.

Sincerely,  
/S/

Douglas Vincent-Lang  
Director

Distribution: Alaska Board of Game  
Federal Subsistence Board  
Federal Subsistence Regional Advisory Councils  
Fish and Game Advisory Committees  
Subsistence Resource Commissions

## Federal Subsistence Board

### Work Session

June 18, 2013

### **Briefing Paper Regarding Alaska Board of Game Letter (Chairman Spraker) to Federal Subsistence Board (Chairman Towarak): Dated: April 26, 2013**

Chairman Spraker's letter encourages the Board to begin the process of modifying the application of the Federal Subsistence Board's predator management policy. He also suggests that each federal agency apply the policy consistently.

The Federal subsistence program was established in a final rule effective on July 1, 1992 with regulations 36 CFR 242 and 50 CFR 100 published in the Federal Register 57 FR 22940; May 29, 1992. The Secretaries of the Interior and Agriculture established the Board and these regulations assigned it specific responsibilities. These authorities are fully listed in Subpart B \_\_.10, which read in part:

*The Secretary of the Interior and Secretary of Agriculture hereby establish a Federal Subsistence Board and assign it responsibility for administering the subsistence taking and uses of fish and wildlife on public lands, and the related promulgation and signature authority for regulations in subparts C and D of this part.*

Preceding publication of these regulations the Departments of the Interior and Agriculture completed an Environmental Impact Statement (EIS) which considered numerous topics. Some topics were not analyzed and thus not included within the program. The Final EIS, Volume I, Chapter I, Section G *Issues Not Addressed In This EIS* says:

*Issue: Should predators be controlled and vegetation manipulated to increase wildlife populations? Concerns were expressed about the role and habitat manipulations projects and predator control program in the FSMP and the impacts of those actions on subsistence species. Habitat manipulation projects and predator control programs are the responsibility of each land management agency and are beyond the scope of this document. Each such project or program is subject to both NEPA documentation and ANILCA Section 810 Compliance.*

After much public discussion in the early 2000s the Board adopted a concise policy statement in accordance with the aforementioned regulations and programmatic EIS. See *Predator Management Policy Federal Subsistence Board*. Among other things the policy reiterates that,

*Predator control and habitat management are the responsibly of and remain within the authority of the individual management agencies.*

In summary, The Secretaries' programmatic EIS and the Board's regulations did not include this aspect of wildlife management in the program. The EIS specifically left this task to the individual agencies and stated that they remained subject to both National Environmental Policy Act (NEPA) documentation and ANILCA §810 evaluation. Any agency undertaking either of these activities need to complete both NEPA compliance (either and EA or EIS) and an ANILCA §810 evaluation. The powers and duties of the Board, listed in §\_\_ .10 (d) do not include predator management nor habitat manipulation and the Board is not delegated the authority to modify this section (Subpart B) of these regulations. The Secretaries have retained authority to approve changes to Subpart A and B regulations.

As to each agency's application of law, regulation and policy agencies are required to act in a manner consistent with their agency's mandates and other federal law. Agency mandates often differ as described in a letter from the Secretary of the Interior to the Eastern Interior Subsistence Regional Advisory Council in December 2006.

Attachments:

- Letter; Chairman Spraker to Chairman Towarak; April 26, 2013
- *Predator Management Policy Federal Subsistence Board*, Adopted May 20, 2004
- Letter: Acting Assistant Secretary of the Interior for Fish and Wildlife and Parks to Chairman Eastern Interior Alaska Subsistence Regional Advisory Council Gerald Nicholia, December 19, 2006



# United States Department of the Interior

OFFICE OF THE SECRETARY  
Washington, DC 20240



DEC 19 2006

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

Dear Mr. Nicholia:

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

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

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

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

Mr. Gerald Nicholia

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**Bureau of Land Management (BLM)**

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

**U.S. Fish and Wildlife Service (Service)**

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

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

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

Mr. Gerald Nicholia

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

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

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

#### **National Park Service (NPS)**

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

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

Mr. Gerald Nicholia

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

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

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

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

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

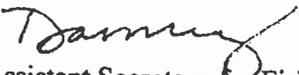
I hope this brief summary of the DOI agencies' legal frameworks for considering predator control on their respective lands is helpful to your council's understanding of the constraints they must conform to in addressing your concerns. I would encourage your council to continue to work closely with the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

Mr. Gerald Nicholia

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

Sincerely,

  
**Acting** Assistant Secretary for Fish  
and Wildlife and Parks

**PREDATOR MANAGEMENT POLICY  
FEDERAL SUBSISTENCE BOARD**

Adopted by the Federal Subsistence Board on  
May 20, 2004

The Federal Subsistence Board recognizes that predators are an important component of Alaska's dynamic ecosystems, beneficial to maintaining balance, health, and diversity within associated wildlife populations and habitats. Furthermore, the Board recognizes the traditional Alaska Native cultural beliefs and values associated with wolves, bears and other predatory species, and the impact that predators can have on ungulate populations valued by subsistence users. In addition, the Board recognizes that predator control may be an appropriate management tool on some Federal public lands for restoring prey populations to provide for subsistence needs where predation has reduced or held prey populations at levels significantly below historical levels of abundance.

As authorized by the Secretaries of Interior and Agriculture [50 CFR Part 100.10 (USDI) and 36 CFR Part 242.10 (USDA)], the Board administers the subsistence taking and uses of fish and wildlife on Federal public lands through regulations that provide for the non-wasteful harvest of fish and wildlife by Federally qualified rural residents, consistent with the maintenance of healthy populations of harvested resources. Such subsistence taking and uses are "... *for direct personal or family consumption* ..." (Section 803 of ANILCA). Wildlife management activities on Federal public lands other than the subsistence take and use of fish and wildlife, such as predator control and habitat management, are the responsibility of and remain within the authority of the individual land management agencies.

Accordingly, the Board will:

- A** Consider all Federal proposals to regulate seasons and dates, methods and means, harvest limits, and customary & traditional use determinations for the subsistence take of fish and wildlife. The Board will ensure that the effect of its decisions is to provide for subsistence take and use of the subject species. The Board will also take into account approved population objectives, management plans, customary and traditional uses, and recognized principles of fish and wildlife management.
- B** Direct the Office of Subsistence Management to provide proponents of predator control proposals (all Federal proposals that specifically indicate that the reason for the proposed regulation(s) is to reduce the predator population to benefit prey populations), with procedures for submitting the proposal to the appropriate agency. Where predators have been determined to be a major contributing factor in the significant reduction of ungulate populations important for subsistence use, or in the chronic suppression of such populations at low densities, the Board will endorse timely, affirmative and effective action consistent with each respective agency's policies and management objectives, to reduce predator populations and

allow affected ungulate populations to recover. The Board will monitor actions taken by the agency to address such concerns, and will provide appropriate support where necessary to ensure the continuation of subsistence harvest opportunities.

Ensure that the appropriate Regional Council(s) is informed of predator control proposals by having them printed in the Proposal Booklet and presented to the Council at the next appropriate Council meeting, along with other rejected proposals that address concerns which are outside the authorities of the Federal Subsistence Board.

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

**Southeast Alaska Subsistence Regional Advisory Council**

**Charter**

1. **Committee's Official Designation.** The Council's official designation is the Southeast 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 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 \$175,000, 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 is subject to biennial review and will terminate 2 years from the date the charter is filed, unless prior to that date, the Charter 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.

/s/ Ken Salazar

Secretary of the Interior

DEC - 2 2011

Date Signed

DEC 03 2011

Date Filed