

**SOUTHEAST ALASKA  
Subsistence  
Regional Advisory Council**



*2011 Student Art Contest entry by Kessie Vonscheerschmidt, Age 8, Sitka, Alaska.*

**Meeting Materials**

March 20–22, 2012

Juneau

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**Southeast Alaska Subsistence Regional Advisory Council**  
**Winter 2012 Meeting Agenda**

Elizabeth Peratrovich Hall  
 320 W. Willoughby Avenue, Juneau, Alaska

Tuesday, March 20, 2012, 9:00 a.m. – Thursday, March 22, 2012, 5:00 p.m.  
 (Portions to be held in joint session with the Federal Subsistence Board)

**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.

<b>1.</b>	<b>Call to Order</b> ( <i>Chair</i> )	
<b>2.</b>	<b>Roll Call and Establish Quorum</b> ( <i>Secretary</i> ).....	4
<b>3.</b>	<b>Welcome and Introductions</b> ( <i>Chair</i> )	
<b>4.</b>	<b>Review and Adopt Agenda</b> ( <i>Chair</i> ).....	1
<b>5.</b>	<b>Election of Officers</b>	
	A. Chair ( <i>DFO</i> )	
	B. Vice Chair ( <i>New Chair</i> )	
	C. Secretary ( <i>New Chair</i> )	
<b>6.</b>	<b>Review and Approve Minutes from September 27, 2011 Meeting</b> ( <i>Chair</i> ).....	5
<b>7.</b>	<b>Public and Tribal Testimony on Agenda and Non-Agenda items</b>	
<b>8.</b>	<b>Reports</b>	
	A. Council Member Reports	
	B. Chair’s Report	
	C. 805(c) Report ( <i>Chair</i> )	
<b>9.</b>	<b>Regulatory Proposals</b>	
	A. Call for proposals to change Federal subsistence fish/shellfish regulations — deadline March 30, 2012	
<b>10.</b>	<b>Old Business</b> ( <i>Chair</i> )	
	A. Review and Finalize Draft 2011 Annual Report.....	19
	B. Review of Draft Tribal Consultation Policy .....	22

**11. New Business (Chair)**

- A. Review and Approve the Fisheries Resource Monitoring Program Strategic Priorities for 2014 (*Ben VanAlen*)
- B. Gates of the Arctic Subsistence Resource Commission Proposal Regarding Per Diem .....38

**12. Agency Reports**

- A. Office of Subsistence Management (*Pete Probasco*)
  - 1. Status of Secretarial Review Action Items .....40
  - 2. Office of Subsistence Management Staff Changes.....42
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  - 4. Council Charter (*Information item*).....44
- B. U.S. Forest Service
  - 1. Forest Service Subsistence Budget, including effect on 2012 Fisheries Resource Monitoring Program project (*Cal Casipit*)
  - 2. Schedule of proposed actions (SOPA) (*Terry Suminski*)
  - 3. Endangered species petition for Southeast Alaska wolves (*Terry Suminski*)
  - 4. In-season management; eulachon, goat and brown bear (*Terry Suminski*).....48
- C. National Park Service
  - 1. Policy regarding shed antlers (*Information item*) .....50
  - 2. Off-road vehicle Record of Decision (*Information item*) .....74
- D. ADF&G; Relevant actions by the Alaska Board of Fish (*Jennifer Yuhas*)
- E. Native Organizations

**13. Future Meetings.....76**

- A. Confirm date and location of fall 2012 meeting
  - 1. Sitka, September 26–28, 2012
- B. Select date and location for winter 2013 meeting

**14. Joint Session with Federal Subsistence Board — Extraterritorial Jurisdiction Petition**

- A. 1:00 p.m. March 21, Staff Analysis and public testimony

**15. Council develops recommendation to the Board on Extraterritorial Jurisdiction Petition (*Board in recess*). (Recommendation may be presented after the Council adjourns.)**

**16. Closing Comments**

**17. Adjourn (Chair)**

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

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

If you have any questions regarding this agenda or need additional information, please contact the Office of Subsistence Management.

**REGION 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, Alaska 99827
<b>2</b>	2004 <b>2013</b>	<b>Frank Glade Wright Jr.</b> Hoonah, Alaska 99829
<b>3</b>	1993 <b>2013</b>	<b>Patricia Ann Phillips</b> Pelican, Alaska 99832
<b>4</b>	2000 <b>2013</b>	<b>Michael Allen Douville</b> Craig, Alaska 99921
<b>5</b>	2002 <b>2013</b>	<b>Harvey Kitka</b> Sitka, Alaska 99835
<b>6</b>	1999 <b>2014</b>	<b>Bertrand J. Adams Sr.</b> <span style="float: right;"><b>Chair</b></span> Yakutat, Alaska 99689
<b>7</b>	2002 <b>2014</b>	<b>Floyd M. Kookesh</b> Angoon, Alaska 99820 --- Juneau, Alaska 99801 (Sept.-May)
<b>8</b>	2002 <b>2014</b>	<b>Donald C. Hernandez</b> Point Baker, Alaska 99927 --- Petersburg, Alaska 99833 (Sept.–May)
<b>9</b>	2010 <b>2012</b>	<b>Frederick Archie Nielsen</b> Sitka, Alaska 99835
<b>10</b>	2006 <b>2012</b>	<b>Merle N. Hawkins</b> Ketchikan, Alaska 99901
<b>11</b>	2010 <b>2014</b>	<b>John A. Yeager</b> Wrangell, Alaska 99929
<b>12</b>	2003 <b>2012</b>	<b>Michael D. Bangs</b> Petersburg, Alaska 99833
<b>13</b>	2009 <b>2012</b>	<b>Cathy A. Needham</b> Juneau, Alaska 99801

**MINUTES OF THE SEPTEMBER 2011 SOUTHEAST ALASKA SUBSISTENCE REGIONAL ADVISORY COUNCIL MEETING**

**Location of Meeting:** James & Elsie Nolan Center, 296 Campbell Drive, Wrangell, Alaska 99929

**Time and Date of Meeting:** Meeting: Tuesday, September 27, 9:00 a.m. - 5:00 p.m.  
 Field trip to the Stikine River: Wednesday September 28, 10:00 a.m.-2:00 p.m.  
 Meeting: Wednesday, September 28, 9:00-10 a.m. and 2:00-5:00 p.m.  
 Meeting: Thursday September 29, 9:00 a.m. - 4:30 p.m.

**Call to order**

Meeting called to order by Chairman Bertrand Adams at 9:00 a.m. September 27, 2011.

**Roll call**

There were 10 members present for all three days. Mr. Wright, Ms. Hawkins and Mr. Kookesh were absent.

**Review and Adoption of Agenda**

The agenda was reviewed and adopted as a guide. A section D. was added to item 17 “Other Business” to allow Mr. Kitka an opportunity to invite the Council and staff to a memorial potlatch for Herman Kitka.

**Welcome and introductions**

Introductory and welcoming remarks were provided by John Martin, President, Wrangell Cooperative Association and Robert Dalrymple, USFS Wrangell Area District Ranger. Ms. Wilma Stokes was presented with a photo collage from the Council in appreciation of her late husband’s service on the Council. Mr. Douville was presented with a certificate of appreciation and a small gift in recognition of 10 years of service on the Council.

The Council recessed the meeting for four hours on Wednesday March 23 for a field trip to the Stikine River. The Council was able to observe subsistence fishing locations and hear an excellent briefing on the area from the charter operator.

**Attendance**

<u>Name</u>	<u>City</u>	<u>Group/Agency Represented</u>
Steve Kessler	Anchorage	USFS
Terry Suminski	Sitka	USFS
Jeff Reeves	Craig	USFS
Dennis Chester	Juneau	USFS
Brian Logan	Juneau	USFS
Ben VanAlen	Juneau	USFS
Carol Mahara	Juneau	USFS
Bob Dalrymple	Wrangell	USFS
Cal Casipit	Juneau	USFS
Joe Delabruce	Wrangell	USFS
Susan Oehlers	Yakutat	USFS
Doug Ault	Wrangell	USFS-LEO
Glenn Chen	Homer	BIA
Dave Mills	Anchorage	NPS
Pippa Kenner	Anchorage	USFWS-OSM

Chuck Ardizzone	Anchorage	USFWS-OSM
David Holen	Anchorage	ADFG
Jennifer S. Yuhas	Anchorage	ADFG
Luella Knapp	Wrangell	Public
Wilma Stokes	Wrangell	Public
Frank Churchill	Wrangell	Public
James Stough	Wrangell	Public
Wilma Stokes-Leslie	Wrangell	Public
Ronald Leighton	Kasaan	Organized Village of Kasaan
John Martin	Wrangell	Wrangell Cooperative Association

### **Review and Approve Minutes of March, 2011 Council Meeting**

The minutes of the March 22-24, 2011 Council meeting were approved unanimously without correction.

### **Chair's report**

Mr. Adams's Chair's Report informed the Council that the Tribal consultation process is a significant statewide issue and a protocol will need to be approved soon. He is concerned that written materials distributed by the Office of Subsistence Management for this meeting were not available to the Council far enough in advance of the actual meeting. Council members require adequate opportunity to properly evaluate all the material. He suggested written materials be distributed to the Council three weeks prior to the Council meeting. He also noted that the Annual Report Reply should have been included in the Council book. The Hubbard Glacier is again threatening to block Russell Fiord. The question of Saxman retaining its rural status has yet to be resolved but he is confident that the Board will act appropriately. The Wrangell-St. Elias Subsistence Commission is meeting in Tanacross and Northway the first week in October. Mr. Adams has been selected to be the Chair for the statewide Subsistence Commission Chairs workshop on October 19. It is not acceptable that the final voucher payments were not distributed for several months after the March meeting. Eulachon in the Region continue to be an issue and he is looking forward to discussions regarding the Council's proposal that the Board deferred to the next fish cycle.

### **Council Comments**

Mr. Nielson informed the Council of a potential controversy with the commercial harvest of black seaweed from local waters. There is a high demand for this product from Japan due to possible contamination of Japan's domestic supplies by the recent nuclear accident.

Ms. Phillips noted that the community of Pelican is continuing to lose population and the economic base is being eroded. The cost of fuel is high and freight is now \$.75 per pound. This has resulted in a greater reliance on subsistence resources by the remaining residents. The deer population is recovering after two mild winters. Summer residents and visitors compete for local resources during the summer months but not in the winter.

Mr. Douville informed the Council that there is a petition to the USF&WS to list the Archipelago Wolf as a Threatened or Endangered species. He feels this petition is unnecessary.

Mr. Ackerman reported that the local herring, eulachon and sea lion stocks in the Haines area appear to be healthy and increasing. There have been as many as 1,000 sea lions observed at the nearby haul-out. There was a very good return of eulachon to the Chilkat River with fish in the river for over two weeks and distributed 20 miles from the mouth. There was an unusually high biomass of eulachon in the Chilkoot River with fish observed in the lake inlet streams. The residents of Haines voluntarily restricted themselves four years previous and the sacrifice has paid off well. He did note that the size of the fish in the Chilkoot River were much smaller than the size of the fish in the Chilkat River. There was minimal escapement of sockeye salmon to both the Chilkoot and Chilkat Rivers. Residents are concerned that commercial seine fishing in Icy Strait is short-stopping the return. Halibut are scarce in Upper Lynn

Canal and many residents have simply given up fishing for halibut. Brown bears are abundant in the Chilkat River valley.

Mr. Kitka reported that sea otters are a major concern and are negatively impacting shellfish populations. Protecting the subsistence herring fishery is still a concern and the Sitka Fish and Game Advisory Committee submitted a regulatory proposal to the Alaska Board of Fish to set aside a herring sanctuary where there is no commercial fishery allowed. Sockeye salmon returns to Redoubt Lake were a concern this summer with the run smaller and later than usual.

Mr. Bangs reported that sea otters are having a dramatic effect on all shellfish stocks. As the sea otter population continues to increase the effect will become more widespread. Increasing whale populations are beginning to have an effect on the abundance of salmon and herring. Moose hunting has started slowly this season but the cranberry crop is good.

Mr. Hernandez is concerned that outfitter-guides are impacting subsistence opportunity by increasing the non-subsistence uses of resources in core areas near communities. A single outfitter-guide using a single site can have a large impact on harvest use patterns by subsistence users. This is a policy issue that must be adequately addressed by the US Forest Service. There is a general concern with the ecology of the ocean; conditions are changing. There is a noticeable decrease in the number of birds in marine waters, much fewer herring and very small coho salmon this summer.

Mr. Yeager is concerned about the effects of sea otters on the subsistence and commercial fisheries for Dungeness crab. There are already an economic and lifestyle changes in Wrangell due to sea otters. The eulachon and sockeye salmon returns to the Stikine River have been good this year and the community has benefited. Moose hunting has been slow but the weather has been unusually wet and stormy.

Ms. Needham observed that despite good sockeye salmon returns to systems in Southern Southeast Alaska, some individuals were unable to harvest the fish they needed. State subsistence fishing seasons usually close by the end of July and that is often prior to the end of the sockeye return. The Tribal consultation protocol with the Board is a good idea but she is concerned that it may be used to circumvent the Council process. Increasing sea otter populations are a big concern and she would like to be kept informed of any progress for local management.

### **Public Testimony**

Mr. Jeremy Maxand, Mayor of the Wrangell Borough, provided testimony to the Council emphasizing the importance of subsistence activities to the residents of Wrangell. Climate change and competition for scarce resources are important topics for discussion and affect the lifestyle and livelihood of local residents.

Mr. Ron Leighton, representing the Organized Village of Kasaan, is concerned about the eulachon resource in the region. The four Tribes on Prince of Wales Island have joined together to address the sea otter issue. The Secretary of Commerce can change or remove the requirement for hides to be “significantly altered”. That action does not require an act of Congress. Sea otter hides should be sold as it is a long standing cultural practice. He reminded the Council that in order for sea otters to eat 30% of their body weight every day; they have to kill 150% of their body weight to recover that much food.

Mr. James Stough, a local resident of Wrangell, has been an eulachon fisherman for many years and reports that there have been exceptional returns of these fish to the Stikine River the past two years. The Bradfield River usually has eulachon prior to the return to the Stikine River. He suggests the Council should be skeptical of eulachon studies that were conducted by people that have no history with the area or the species. The community does not support commercial fishing for eulachon. The subsistence sockeye fishery in the Stikine River is very important to local residents but there are very few fishing sites (only three primary locations) where subsistence fishing is practical. The fishery regulations should be changed to allow a person to match the gillnet mesh size to the species of fish that are available.

Historically, there were very few sea lions in the local area but now there are large numbers and they are having an impact on the numbers of salmon available to local residents. Sea otters have wiped out all the Dungeness crab in Sumner Strait. Local areas have much fewer halibut now than in previous years and subsistence fishermen are not being successful. He is not in favor of destroying antlers of any deer or moose taken by a designated hunter. The harvest by a designated hunter is a subsistence activity and not a trophy hunt. Wrangell residents enjoy herring eggs in the spring but they all come from Sitka as there are very few herring that spawn locally.

Mr. John Martin, President of the Wrangell Cooperative Association, wanted to emphasize the role of the Tribal Government in maintaining the flow of goods and service to Tribal members, including subsistence resources. The immediate priority of the Tribe is the successful renovation of the Shakes House, located in the Wrangell inner harbor.

Mr. Joe Williams, former Mayor of Saxman and the Saxman Village Tribal President, reminded the Council why Native families sought to have both boy and girl children; boys were raised by the mother's brothers. Large families were the norm because the people were healthy. The people were healthy because they had access to food from wild renewable resources; we are what we eat.

Wade Martin, a sea otter hunter from Sitka, testified that qualified hunters are afraid to participate in harvesting sea otters because of heavy handed enforcement by National Marine Fisheries agents. These agents have discretionary powers to determine whether a hide has been significantly altered. Laws and regulations need to be changed to make it easier to sell a hide to non-Natives. All shellfish have disappeared near Sitka because of the expanding sea otter population. It is time to act; he suggests a clear definition of what handicraft may be sold. The Council suggested that Mr. Martin solicit support for legislation by Congressman Young that would relax the rules regarding the sale of sea otter hides.

### **Agency Reports**

In-season Management Actions: Mr. Terry Suminski, the Tongass National Forest Subsistence Program Leader, informed the Council of the following in-season management actions since the last Council meeting: the Unuk River eulachon fishery was closed, the Redoubt Lake sockeye fishery was closed then reopened, the doe season in the Northeast Chichagof Controlled Use Area was closed, the goat hunt in several units near Sitka was closed the number of bull moose allowed west of the Dangerous River was reduced and the Chinook fishery on the Situk River closed.

Fisheries Resource Monitoring Program: Mr. Suminski summarized the status of the fishery resource monitoring program and explained the four projects recommended for funding by the Technical Review Committee. Funding is still a concern and any unforeseen changes in the US Forest Service budget could result in less money than is anticipated. **Motion to approve list of projects as recommended (page 20 of Council Book) adopted 9-0.** The Chair ruled Ms. Needham had a conflict of interest and could not vote.

Eulachon Update: Mr. Jeff Reeves, US Forest Service Southern Southeast subsistence biologist, reported that eulachon populations increased throughout the region. There were eulachon observed in the Unuk, Blossom, Carroll, Stikine, Chilkat and Chilkoot Rivers. In addition there were signs of eulachon in 13 of the 19 streams near Yakutat. The 2012 proposed management plan is to start the season with restrictions to both rural and non-rural users until the strength of the eulachon returns can be verified.

Tribal Consultation Report: Mr. Steve Kessler US Forest Service and Mr. Ron Leighton, representing SE Native Tribes, provided an update and summary of the Board's efforts to develop a new Tribal Consultation protocol and the results from the first consultation with the Board. They provided copies of a letter sent to ANCSA Corporations and Tribal Governments from the Subsistence Board, inviting consultation. In addition to providing comments on a few specific proposals, the Tribes recommended: they should be involved with ANCSA Corporation consultation but not the other way around, the Board

should be more proactive in addressing concerns outside of Board jurisdiction, and law enforcement needs to have a role early in regulatory development.

State of Alaska Comments: Ms. Jennifer Yuhas, Alaska Department of Fish and Game subsistence liaison, reported that there has been a high degree of cooperation between State and Federal staff this year. There was agreement with restricting the harvest of female deer in Northeast Chichagof, closing goat hunting near Sitka and setting a reduced moose harvest quota for the Yakutat area west of the Dangerous River.

Petition to list Archipelago Wolves as Threatened or Endangered: Mr. Brian Logan, US Forest Service, informed the Council that USF&WS received a petition to list wolves in Southeast Alaska as threatened or endangered. The USF&WS will likely make a decision next spring whether a full staff analysis of the request is warranted. If there is a staff analysis, it will be at least a one year process with opportunity for public input. The Forest Plan is the primary tool for protecting the habitat and ultimately the viability of the wolf population. A wolf task force will be organized with the first meeting in October to discuss how land use activities will be evaluated according to requirements listed in the Forest Plan.

Office of Subsistence Management: Mr. Chuck Ardizzone discussed the future of the Tribal Consultation process and reminded the Council that the Office of Subsistence management is soliciting nominations for two new members of the Board to represent rural users. Budgets will continue to be a challenge. It is expected that the Councils will be involved in finalizing protocols, including Tribal consultation and the MOU with the State. The Council expressed a need to have the Gulf of Alaska Chinook by-catch reduced in the pollock trawl fishery. The Board recommended a 15,000 fish cap but the North Pacific Fishery Management Council established a 22,500 fish cap. Mr. Richard Peterson of the Organized Village of Kasaan has been selected as the Southeast Tribe representative to the Tribal Consultation working group.

US Forest Service Report: Mr. Kessler, Mr. Casipit, Mr. Suminski and Mr. Ault, US Forest Service, reminded the Council of a letter to the Council from the Secretary of Agriculture (response to item listed in 2010 Annual Report) where he states that stable funding for the program is anticipated for fiscal year 2012. A petition to extend Federal jurisdiction has been received and the Secretaries of Interior and Agriculture directed the Board to prepare a staff analysis. There will be a public meeting in March for the Council and the Board. The Council will make a recommendation to the Board and the Board will develop a recommendation for the Secretaries in executive session.

National Park Service Report: Mr. Dave Mills reminded the Council that although Glacier Bay is excluded from Title VIII of ANILCA, the Park Service recognizes the value of subsistence activities, including the harvest of gull eggs. There is a willingness on the part of the Park Service to allow some use of culturally important resources on Park Service lands.

## **Council Deliberations, Federal Subsistence Wildlife Proposals**

### **WP12-01, Requirements for selling brown bear claw handicrafts, Statewide**

The proposal, submitted by the Brown Bear Claw Handicraft Working Group, requests that prior to selling a handicraft incorporating a brown bear claw(s), the hide or claw(s) not attached to a hide, must be sealed by an authorized Alaska Department of Fish and Game (ADF&G) representative and that a copy of the ADF&G sealing certificate would then accompany the handicraft when sold.

**Comments:** At the Council meeting, there was one comment from the Organized Village of Kasaan opposing the proposal because there needed to be additional Tribal consultation, it was not clear how the regulation would be enforced or how it would account for old bear claws. The only comment included in the Council book expressed support from the Gates of the Arctic Subsistence Resource Commission but without justification. The ADF&G provided oral and written comments in support of the proposal. The AFG&G reasoned if brown bear harvests can be tracked over time, and bear parts or handicrafts can be

traced to reported legal harvests, conservation concerns will be less likely to arise and managers will be better able to determine if or when legal sales are contributing to illegal sales or otherwise creating conservation concerns.

**OSM Preliminary Conclusion: Support**  
**Council Recommendation: Oppose**

**Rationale:** The Council determined that this proposal was not necessary for the continuation of subsistence uses and trade of brown bears and the certification and tracking provision would be an unnecessary burden on subsistence users. The proposal formulation process was flawed because it appears to be a top down management directive developed by Federal and State employees to restrict subsistence users with only minimal Council involvement. Subsistence users of brown bears have managed for generations without any evidence of poaching or misuse of the resource. There is no evidence of a conservation issue with bears in the Southeast Alaska Region. The Council's feedback to the Board has been consistent in support of the continued subsistence use of brown bears. The need for the additional certification and tracking is not supported by any evidence and the present regulations provide for adequate control of the purchase and sale of subsistence harvested bear parts. Subsistence users of brown bears are simply practicing a way of life as they have for generations and are not making any significant amount of money from these bears; unlike the guides operating under State regulations. The current regulations allow the subsistence user to trade in brown bear parts but the proposed regulation will restrict this use and subject subsistence users to investigation and citation; resulting in a restriction to subsistence use. ANILCA specifies the non-wasteful subsistence use of wild renewable resources is the priority use and that includes the making and selling of handicraft articles out of byproducts of fish and wildlife resources for barter, sharing, and customary trade. This proposal is not necessary for those practices to continue.

**WP10-02 (Deferred WP08-05) Bear claw incorporation in handicrafts**

The proposal, originally submitted by the Alaska Department of Fish and Game, requests clarification of the existing Federal subsistence regulations governing the trade of brown bear claws in handicrafts.

**Comments:** There were no written public comments in the Council book and there was no public testimony at the Council meeting. The ADF&G did provide verbal comments that they plan on asking to withdraw the proposal or recommending the Board take no action.

**OSM Preliminary Conclusion: Take no action**  
**Council Recommendation: Take no action**

**Rationale:** The proponent requested the Council take no action as the issue will be addressed in Proposal WP12-01.

**WP12-02, Redefine "designated hunter", Statewide**

This proposal requests that only people 60 years of age or older, or disabled, be allowed to designate their harvest limit to another person.

**Comments:** The only comment included in the Council book was from the Gates of the Arctic National Park SRC in support with modification to include windows. The Organized Village of Kasaan opposed the proposal and reasoned that it was only common sense to allow someone to provide a deer for a family in need. The Sitka Tribe Cultural Customary and Traditional Committee is opposed and felt the proposal was too restrictive and would prevent some subsistence users from meeting their needs. The ADF&G provided oral and written comments supporting the proposal with a modification to have the same qualifications as a State proxy hunter and to limit the possession limit to one bag limit.

**OSM Preliminary Conclusion: Oppose**  
**Council Recommendation: Oppose**

**Rationale:** The Council determined that there was no evidence presented to support claims expressed by the proponent. The proposed regulation is much too restrictive and does not benefit subsistence users.

**WP12-03, Trapping; incidental take, Statewide**

This proposal would require trappers to move a trap that incidentally harvests a moose, caribou, or deer at least 300 feet for the remainder of the regulatory year. The animal would become the property of the regional management agency.

**Comments:** There were no written public comments included in the Council book. The Organized Village of Kasaan provided oral and written testimony in opposition to the proposal but did note that there could be an issue with placing wolf traps on game trails. The ADF&G provided oral and written comments in opposition to the proposal. Their reasoning was the proposal was unnecessary because Federally qualified subsistence users would continue to be required to comply with State regulations requiring that when a caribou, moose, or deer are harvested incidentally, the trap must be moved at least 300 feet for the remainder of the regulatory year, or risk receiving a State citation.

**OSM Preliminary Conclusion: Oppose**  
**Council Recommendation: Oppose**

**Rationale:** The Council was unclear regarding the intent of this proposal. Neither the proponent nor the staff analysis provided a discussion of how the regulation would benefit subsistence users or provide for conservation of either predators or prey. The proposal is unnecessary to prevent the incidental take of game animals in traps.

**WP12-04, Revise Coyote trapping season, SE**

This proposal requests extending the coyote trapping season closing date to from February 15 to April 30 in Units 1–4.

**Public Comments:** There were no public comments included in the Council book nor were there comments presented at the Council meeting. The ADF&G did provide oral and written comments in support of a modification to the proposal to change the coyote season in Units 1-4 to match the State wolf trapping season.

**OSM Preliminary Conclusion: Oppose**  
**Council Recommendation: Oppose**

**Rationale:** The Council determined that Proposal WP12-05 is a more appropriate proposal to address this issue.

**WP12-05, Retention of incidentally taken coyotes**

This proposal requests that coyote taken incidentally with a trap or snare during any open trapping season may be retained by the trapper in Units 1–5.

**Public Comments:** There were no public comments included in the Council book nor were there comments presented at the Council meeting. The ADF&G did provide oral and written comments and recommended the Council take no action on the proposal and adopt WP12-04 as modified in their comments.

**OSM Preliminary Conclusion: Support with modification** to allow the retention of coyotes during trapping seasons which extend beyond the current coyote season.

**Council Recommendation: Support with modification**

*Units 1–5 – Coyotes taken incidentally with a trap or snare during an open Federal trapping season for wolf, wolverine, or beaver may be legally retained.*

**Rationale:** The Council determined that there is no conservation concern with coyotes in the SE Region. This proposal (as modified) will promote subsistence use of coyote and benefit subsistence users.

**WP12-06, Eliminate January deer season**

This proposal requests the deer harvest season in Unit 4 close December 31.

**Comments:** There were no written public comments included in the Council book. The Sitka Tribe of Alaska Cultural Customary and Tradition Committee provided written comments to the Council in opposition to the proposal. Their rationale was that the proposal would have a negative impact on subsistence needs and subsistence is not sport hunting. The ADF&G did provide oral and written comments in support of the proposal.

**OSM Preliminary Conclusion: Oppose**

**Council Recommendation: Oppose**

**Rationale:** There is not a conservation concern in Unit 4 that will be addressed by this proposal. The January season has no impact on non-subsistence users but it does provide an important subsistence opportunity and should be retained. Female deer are either pregnant or will become pregnant earlier in the season so closing the January season to protect pregnant deer makes no sense.

**WP12-07, Revise deer season dates**

This proposal requests an extension of the deer hunting season on the lower Chilkat Range (Unit 1C) through January and an increase in the harvest limit to six deer.

**Comments:** There was no public testimony in the Council book or at the Council meeting. The ADF&G did provide oral and written comments in opposition to the proposal and recommended the annual limit be reduced to two bucks.

**OSM Preliminary Conclusion: Oppose**

**Council Recommendation: Oppose**

**Rationale:** The Council determined that this proposal was not supported by the evidence. The area is subject to the same harsh winter conditions as the Northeast Chichagof Controlled Use Area and it is likely the deer have been similarly negatively impacted. Although there is no conservation concern for deer under current regulations, the population cannot withstand additional harvest.

**WP12-08, Remove deer harvest reporting**

This proposal was submitted by the SE Council and requests the Board rescind the requirement that Federally qualified subsistence users complete a joint State-Federal deer harvest report in Unit 2.

**Comments:** There were no written public comments included in the Council book. The Organized Village of Kasaan provided testimony at the Council meeting in support of the proposal and pointed out that it was inconvenient to report two more than one agency and more than one method. The ADF&G did provide oral and written comments in support of the proposal.

**OSM Preliminary Conclusion: Support**

**Council Recommendation: Support**

**Rationale:** Adopting this proposal would benefit subsistence users by having a single method of harvest reporting. The new State system is adequate to account for the harvest and incorporates the positive aspects of the outdated Federal reporting system.

**WP12-10, Require antler destruction for designated harvest**

This proposal would require antler destruction of deer and moose taken by Federally qualified designated hunters in Units 1-5.

**Comments:** There were no written public comments in the Council book. There was one written comment received at the Council meeting from the Organized Village of Kasaan that did not express an objection. The ADF&G provided oral and written comments in support of the proposal to reduce differences between Federal and State regulations.

**OSM Preliminary Conclusion: Oppose**  
**Council Recommendation: Oppose**

**Rationale:** The proposal does not address a conservation issue and current Federal regulations require all parts of the animal taken by a designated hunter be provided to the recipient. Neither the staff analysis nor the experience of the Council supports a conclusion that trophy hunting is occurring by designated hunters. The proposal may limit subsistence uses of deer and moose.

**WP12-11, Add goat to designated list**

requests adding the mountain goat to the Federal Designated Hunter permit in Southeast Alaska (Units 1–5).

**Comments:** There were no written public comments in the Council book. The Sitka Tribe Cultural Customary and Traditional Use Committee opposes the proposal and believes recent declines in mountain goat populations are a conservation issue and this proposal would put excessive pressure on local goat populations. The ADF&G provided oral and written comments in opposition to the proposal. Current State regulations prevent the possession of more than one harvest limit of goats and Federal designated hunters will be required to implement a separate goat permitting system. There is a clear possibility that the proposal may result in local conservation issues.

**OSM Preliminary Conclusion: Support with modification**

**Council Recommendation: Support** Proposal WP12-11 **with modification** to allow only one harvest limit in possession at any one time. The modified regulation should read:

**Units 1–5—Designated Hunter**

*If you are a Federally qualified subsistence user (recipient), you may designate another Federally qualified subsistence user (designated hunter) to take deer, moose and caribou **(and goats in Units 1–5)** on your behalf. Designated hunters may hunt for any number of recipients, but have no more than two harvest limits in possession at any one time except **for goats, where designated hunters may have no more than one harvest limit in possession at any one time, and where specified under unit-specific provisions.** Any designated hunter taking wildlife on behalf of another rural Alaska resident shall deliver the wildlife promptly to that rural Alaska resident.*

**Rationale:** The Council agrees with the conclusion, recommendation and rationale as presented in the staff analysis. Allowing one goat by a designated hunter will support a cultural practice and provide an increased subsistence opportunity. The ability to harvest two goats on any one trip may be wasteful and could result in a conservation concern.

**WP12-12, Revise moose season dates**

This proposal requests that the Federal subsistence moose season in a portion of Unit 1C start one week earlier.

**Comments:** There were no written public comments in the Council book and no oral or written testimony at the Council meeting. The ADF&G provided oral and written comments in opposition to the proposal.

They noted that the status of the moose population is unknown but there is a relatively high probability for a hunter to harvest a moose in this area. Federally qualified hunters have a higher probability for success than non-Federally qualified subsistence hunters.

**OSM Preliminary Conclusion: Support proposal WP12-12 with modification** to start the Federal moose season three days early on the southern Chilkat Range and provide a Federal registration permit.

**Council Recommendation: Oppose**

**Rationale:** The Council determined that this proposal, as originally submitted or as modified in the OSM Preliminary Conclusion, would not benefit subsistence users and may have unintended negative consequences. There is a strong possibility that hunters that normally hunt in the Gustavus area would also hunt in this area if the area was opened earlier. An early season would also attract non local hunters that traditionally would not hunt in this area. The result would be displacement of long-time subsistence users and a transfer of moose away from local users.

#### **WP12-13, Revise deer designated harvest**

This proposal was submitted by the Wrangell Fish and Game Advisory Committee and requests to limit the number of recipients that a designated hunter may hunt deer for in Units 1B and 3.

**Comments:** There were no written public comments in the Council book and no oral or written testimony at the Council meeting. The Council was concerned that there was no member of the Wrangell Fish and Game Advisory Committee present to speak to this proposal. The ADF&G provided oral and written comments in support of the proposal if it was modified to allow possession of only one bag limit at any time, not implement an annual limit on recipients and provide for antler destruction by designated hunters.

**OSM Preliminary Conclusion: Oppose**

**Council Recommendation: Oppose**

**Rationale:** The Council agreed with the conclusions contained in the written staff analysis and determined that complaints regarding the current regulations originated with only a few individuals. The motivation and circumstances regarding high harvesters was not adequately described by the proponent. The issue is likely transitory in nature and may have been resolved. The designated hunting program in the Units as a whole is successful and working as intended.

#### **WP12-14, Require traps and snares be marked**

This proposal requests traps and snares be marked with trapper identification in Southeast Alaska (Units 1–5).

**Comments:** There were no written public comments in the Council book; however, the Organized Village of Kasaan provided testimony at the Council meeting in support of this proposal. The ADF&G provided oral and written comments in supporting to the proposal because it would align State and Federal regulations and provide needed identification for communication, education and enforcement efforts.

**OSM Preliminary Conclusion: Support**

**Council Recommendation: Support**

**Rationale:** The Council agreed that there was a benefit to aligning Federal and State regulations and reducing the uncertainty whether current regulations required traps to be marked. They expressed a concern that there was a lack of evidence why traps should be marked in either State or Federal regulations. Regulations should be adopted for a good reason and that does not include one bear caught in a snare; set by an unknown person for an unknown reason.

**WP12-15, Close bear hunting at Margaret and Dog Salmon Creeks**

This proposal requests closing subsistence bear hunting within ¼ mile of Margaret Creek (located on Revillagigedo Island in Unit 1) downstream of the outlet of Margaret Lake and also close bear hunting within ¼ mile of the Dog Salmon Creek (located on Prince of Wales Island in Unit 2) wildlife viewing area and within ¼ mile of Dog Salmon Creek downstream of the viewing platform to Polk Inlet.

**Comments:** There were no written public comments in the Council book. The Organized Village of Kasaan provided testimony at the Council meeting opposing this proposal but reported to the Council that they were prepared to work with the US Forest Service to develop a recreation plan for Dog Salmon Creek. The ADF&G provided oral and written comments supporting with modification to align Federal regulations with the current State regulation.

**OSM Preliminary Conclusion: Oppose**

**Council Recommendation: Oppose**

**Rationale:** Although very few bears are taken by hunters at these two locations, the Council determined that adopting this proposal would unnecessarily restrict subsistence users. These sites are developed recreation locations and US Forest Service regulations prohibit the discharge of firearms within 150 yards of any developed recreation facility.

**WP12-16, 17, 20, 21 Revise wolf trapping and hunting seasons**

These proposals request changes in the wolf hunting and trapping seasons in Southeast Alaska.

**Comments:** There were no written public comments included in the Council book. The Sitka Tribe Cultural Customary and Traditional Committee provided testimony at the Council meeting opposing proposal FP12-20. Adopting this proposal would not benefit either prey or wolves. Wolves are not native to Unit 4 but some wolves have been reported on Admiralty Island. If and when wolves move to Unit 4, they should be removed. The ADF&G provided oral and written comments opposing the proposals because they would result in a more restrictive Federal season than the State season.

**OSM Preliminary Conclusion: Oppose**

**Council Recommendation: Oppose**

**Rationale:** Similar regulatory proposals were considered by the Council during the previous regulatory cycle. They were opposed by both the Council and the Board. The wolf population in the SE Region is healthy and any wolves observed in any area during the currently authorized season should be available for harvest.

**WP12-18, Require wolf traps and snares be marked and establish a trapping quota**

This proposal requests that in Unit 2, wolf traps and snares be marked with owner's identification, and to close the season when the combined State and Federal harvest reaches 45 wolves.

**Public Comments:** There were no written public comments included in the Council book. The Organized Village of Kasaan provided testimony at the Council meeting supporting the requirement to mark wolf traps but opposing establishing a hard quota. The wolf populations vary from year to year and any quota may be too high at low population levels but not high enough a high population levels. Mr. Samuel Peters, a resident of Prince of Wales spoke in opposition to the proposal. There is no reason to restrict wolf harvest because the population is strong and increasing in some areas. Any reduction in wolf harvest is likely due to the retirement of active wolf trappers. The ADF&G provided oral and written comments asking the Council to take no action on the trap marking provision because of previous action on Proposal WP12-14 and oppose establishing a quota in regulation.

**OSM Preliminary Conclusion: Support with modification** to take no action on the marking traps and snares component of the proposal, and oppose the harvest limit component of the proposal.

**Council Recommendation: Oppose**

**Rationale:** The Council agreed with the justification contained within the staff analysis. They also noted the studies of wolves on Prince of Wales were conducted more than 10 years ago when the wolf population in Unit 2 was approximately double what could be sustained in the long term and that population estimate should not be used as a benchmark to determine a population goal. There is a need for an independent Federal study to examine the wolf population as it exists now. Feral dogs have been observed running with wolves on Prince of Wales Island and it is likely that hybridization has occurred. Adopting this proposal would not benefit subsistence users, deer or wolves.

**WP12-19, Revise wolf sealing requirements**

This proposal, submitted by the Southeast Alaska Subsistence Regional Advisory Council, requests the sealing requirement for wolves in Unit 2 be reduced from 30 days after harvest to 14 days after harvest.

**Public Comments:** There were no written public comments included in the Council book. The Organized Village of Kasaan provided written comments and oral testimony at the Council meeting supporting the proposal. The ADF&G provided oral and written comments supporting the proposal as it would align State and Federal regulations.

**OSM Preliminary Conclusion: Support**

**Council Recommendation: Support**

**Rationale:** The Council considered this proposal as a housekeeping measure that will increase communication and collaboration between trappers and State-Federal managers. Federal users will benefit from a uniform set of State and Federal regulations and wolf management on Prince of Wales Island will benefit by having a timely reporting of harvest. The change from 30 days reporting to 14 days will allow for more effective in-season management of the wolf guideline harvest.

**2011 Draft Annual Report**

The Council suggested the following topics as appropriate to include in the 2011 Draft Annual Report:

- The current staff analysis protocol is flawed because it does not incorporate an adequate evaluation of the issues identified in a proposal. The emphasis on issues would facilitate dialog with Tribes and ANCSA Corporations similar to consultation but available to the Council prior to deliberations. The current process provides an adequate evaluation of the regulatory proposal only. An example of this problem is the lack of discussion of the cultural use of bear claws by residents of Southeast Alaska.
- Comments and consultation by Tribes and Corporations at Board meetings may contain significant new information that was not available to the Council. When that situation occurs, the proposal should be deferred and returned to the Council for additional consideration.
- There will need to be changes to the Council process to include a mechanism for ANCSA Corporations to provide input to the Council prior to deliberations.
- The Council has a continuing concern with maintaining an adequate budget to support the subsistence program. Specifically, the Council has a priority need to fund wildlife resource information projects necessary for the successful management of the Region's wildlife populations.
- There should be adequate funds available to respond to the wolf listing petition. These funds could be used for studies to include population monitoring, wolf ecology and population dynamics.
- The Council must interact and communicate with the State regulatory process. The Federal and State staff have a good working relationship but the Council must have a greater role in participating with the State regulators. The Council should have a greater presence and adequate funding to participate in the State of Alaska Board of Game and Board of Fish regulatory meetings.

**Other Council Actions**

**Motion approved** to recommend the Board encourage Tribes to discuss issues addressed in the regulatory proposal not simply the Tribes position on a specific proposal.

Rationale: The Board needs to initiate communication and provide education to Tribes regarding rights and the regulatory process. If an ANCSA Corporation is going to be involved in management of subsistence resources, they also need to be educated and formally incorporated into the Council process. The Council is concerned that interjecting comments from ANCSA Corporations directly to the Board increases that group's influence more than subsistence users. This topic may be appropriate to include as an item in the 2011 Annual Report.

**Motion approved** to write another letter to the Secretary of Interior regarding maintaining an adequate budget for the Office of Subsistence Management to provide adequate support for the Council. Ms. Needham will assist in drafting the letter.

**Motion approved** to write a letter to the Director of the USF&WS to encourage him to fill the Marine Mammal Coordinator position, previously held by Mr. Doug Burn. Ms. Phillips will assist in drafting the letter.

**Motion approved** to nominate Mr. Adams to serve on the Wrangell-St. Elias National Park Subsistence Resource Commission.

**Motion approved** to schedule the next fall Council meeting for the two days immediately prior to Herman Kitka's memorial potlatch in Sitka. These days were later determined to be September 26-28, 2012.

**Motion approved** to request permission for Mike Bangs to attend the State Board of Fish meetings as a Council representative.

**Motion Approved** to direct the Council Coordinator to participate in a wolf working group/task force to address management of wolves. Update on this issue will be included in the March 2012 meeting agenda.

**Motion approved** for Council comments on two State BOF proposals. The first is to support a regulation change proposed by councilor Douville to increase the horsepower limit for subsistence sockeye fishing in Klawock Harbor; the reason is the current limit is outdated. The second comment is to object to requiring a permit to harvest herring spawn-on-branches because it would be an unnecessary burden for subsistence users.

The Council meeting adjourned at 3:25 p.m. September 29, 2011.

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

|S| Robert Larson

*December 2, 2011*

*Robert Larson, DFO, USFS Subsistence Management Program*

|S| Bertrand Adams

*December 2, 2011*

***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.***



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

**Bertrand Adams Sr., Chair**

March 21, 2012

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, AK 99503

Greetings Chairman Towarak:

This is the 2011 Annual Report of the Southeast Alaska Subsistence Regional Advisory Council as authorized under Title VIII of the Alaska National Interest Lands Conservation Act. We are now entering into the 23rd year of Federal management of subsistence resources, and the Council wishes to 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 2011, the Council met in Sitka, March 22-24, and in Wrangell, September 27-29. The Council devoted a significant portion of the March meeting to develop responses to the Board's request for recommendations on the Memorandum of Understanding with the State, the Council Charter and whether the current customary and traditional use process is meeting the needs of the Southeastern Alaska Region. The Council responded with letters regarding: the two new Board members, changes to the customary and traditional use determination process, the Memorandum of Understanding, changes to the Council Charter, a Prince of Wales Island outfitter-guide environmental evaluation, concerns with the amount of halibut by-catch in Gulf of Alaska trawl fisheries, and the process of Tribal consultation. The Council submitted one proposal to the Alaska Board of Fish; requesting a nonresident annual limit for all salmon species.

Much of the September meeting focused on providing recommendations to the Subsistence Board for proposals to change subsistence wildlife regulations. The Council submitted a letter to the Board Chair concerning the inadequate budget necessary to support the subsistence program and a letter to the USF&WS regarding staffing for the sea otter position. The Council is grateful that the Office of Subsistence Management provided an opportunity for the Council members to participate in a field trip to Makhnati Island during the Sitka meeting to see the marine waters under Federal jurisdiction and to observe subsistence fishing locations in the Stikine River during the Wrangell meeting.

The Council supports pre-decisional communication and collaboration with the State Boards of Fish and Game. The needs of the subsistence users require cooperation at all levels of the management agencies.

### **2011 Annual Report Topics**

- The format of the staff analysis used to describe the effects of a proposal to change either fish or wildlife regulations does not incorporate an adequate evaluation of the social and cultural issues encompassed by the proposal. The current process concentrates on a factual account of the status of the species in question (stock size, reproductive rates, life history, harvests, etc.) necessary to understand the scientific basis of the proposal. An increased emphasis on social, cultural and economic issues would facilitate dialog with Tribes and ANCSA Corporations similar to consultation but available to the Council prior to deliberations. An example of this problem is the lack of discussion of the social, cultural and economic use of bear claws by residents of Southeast Alaska and the unfortunate adoption of WP12-01 by the Board.
- The Council recommends the Board encourage Tribes and ANCSA Corporations to discuss the social, cultural and economic issues contained in the regulatory proposal (content of the analysis) not simply the Tribes position on a specific proposal. This information must be made available to the analyst early in the process to be truly effective. The Board needs to initiate communication and provide education to Tribes regarding their opportunities to affect the regulatory process (ask the tribes for what is needed). If an ANCSA Corporation is going to be involved in management of subsistence resources, they also need to be educated and formally incorporated into the Council process. The Council is concerned that interjecting comments from ANCSA Corporations directly to the Board increases that group's influence more than subsistence users.
- Consultation by Tribes and Corporations at Board meetings may contain significant new information that was not available to the Council. When that situation occurs, the proposal should be deferred and returned to the Council for additional consideration.
- There will need to be a mechanism in the structure of Council meetings to accommodate testimony from ANCSA Corporations prior to deliberations. Comments from that group must not circumvent the Council process.
- The Council has a continuing concern with maintaining an adequate budget to support the subsistence program. Specifically, the Council has a priority need to fund wildlife resource information projects necessary for the successful management of the Region's wildlife populations.
- There should be adequate funds available to respond to the wolf listing petition. These funds could be used for studies to include population monitoring, wolf ecology and population dynamics.
- The Council must increase interactions, coordination and communication with the State regulatory process; specifically the Alaska State Board of Fish and Game. The Federal and State management staff have a good working relationship but the Council must have a greater role in participating with the State Board process. The Council should have a greater presence and adequate funding to participate in the State of Alaska Board of Game and Board of Fish regulatory meetings.

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, 1 907-772-5930, robertlarson@fs.fed.us.

Sincerely,

Bertrand Adams Sr.  
SESRAC Chair

cc. Interagency Staff Committee  
Beth Pendleton, Forest Service Regional Forester

DRAFT

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

Briefing Paper for Regional Advisory Council 2012 Winter Meetings

### ***Introduction***

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

List of Workgroup members:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 2) Regional Advisory Councils will review and discuss the Policy and provide feedback through staff to the Working Group.
- 3) A letter from the Board to Tribes and Corporations will go out mid-February asking for feedback on the new draft policy.
- 4) Workgroup and Interagency Staff Committee to meet in April (via tele- or video conference) to incorporate any changes from RAC discussions or written feedback from Tribes/Corporations
- 5) Meet with Board members, whichever are available, to discuss new draft prior to the May FSB meeting - including in-depth discussion about implementation guidelines
- 6) Adopt policy at May FSB meeting
- 7) Finalize Implementation Guidelines

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

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

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

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

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## **Federal Subsistence Board**

### **Tribal Consultation Policy**

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Draft: 1/19/2012

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#### **Preamble**

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

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

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

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

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

## 8 Background

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

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

## 29 Goals

30 With respect to the Federal Subsistence Management Program:

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

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

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5    

## Consultation

## 6       1. Communication

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

## 16      2. Roles and Responsibilities

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

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

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

36

## 37      4. Timing

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

#### 8 5. Methods

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

16

#### 17 Accountability and Reporting

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

27

28

#### 29 Training

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

1

2 **Alaska Native Corporation Consultation**

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

5

6

7

8

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

\_\_\_\_\_

10

Tim Towarak, Chair

11

cc: Secretary of the Interior

12

Secretary of Agriculture

13

Federally Recognized Tribes in Alaska

14

Federal Subsistence Board

15

Office of Subsistence Management

16

Interagency Staff Committee

17

State of Alaska, ADF&G Federal Liaison

## Definitions

1

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

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

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

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

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

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

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

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

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

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

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

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

12

13

14

15 **List of Appendices and Supplements**

16 APPENDIX A: Federal Subsistence Consultation Implementation Guidelines

17 APPENDIX B: Federal Subsistence Management Cycle

18 APPENDIX C: Venues for FSMP Training

19 Supplemental Policy on Consultation with ANCSA Corporations

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

*Supplement of the Federal Subsistence Board Tribal Consultation Policy*

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

**I. Preamble**

In compliance with Congressional direction, this Policy creates a framework for consulting with ANCSA Corporations. Pursuant to the Alaska Native Claims Settlement Act (ANCSA) of 1971, ANCSA Corporations were established to provide for the economic and social needs, including the health, education and welfare of their Native shareholders. Congress also required that “[t]he Director of the Office of Management and Budget [and all Federal agencies] shall hereafter consult with Alaska Native Corporations on the same basis as Indian Tribes under Executive Order Number 13175.” Pub. L. No. 108-199 as amended by Pub. L. No. 108-447.

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

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

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

## **II. Guiding Principles**

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

## **IV. Policy**

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

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

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### **Consultation Implementation Guidelines**

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

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

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

Communication

Roles and Responsibilities

Timing

Methods

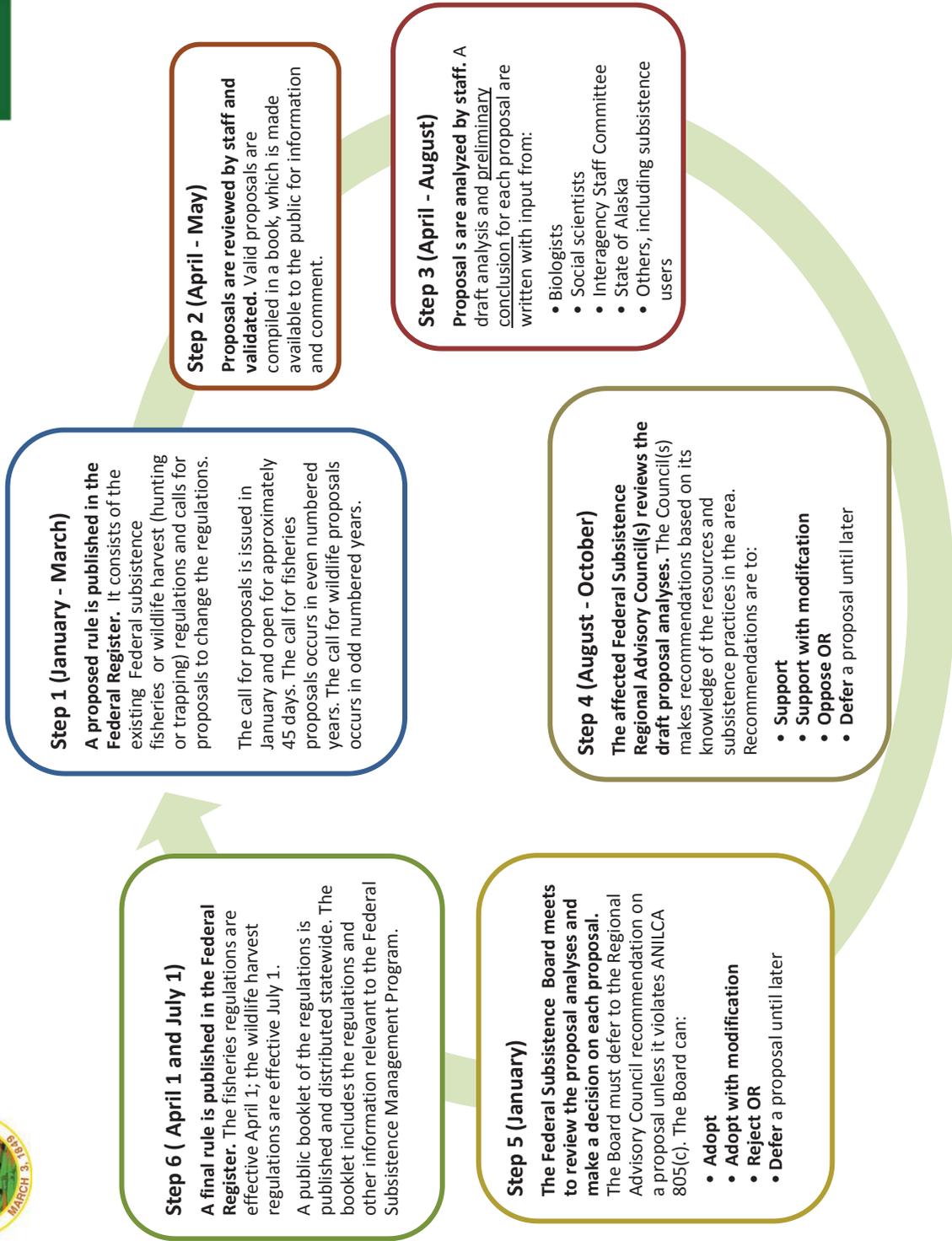
Accountability and Reporting

Training

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



## FEDERAL SUBSISTENCE MANAGEMENT PROGRAM REGULATORY PROCESS AT A GLANCE



**Appendix C: Venues for Training**

Bureau of Indian Affairs Tribal Service Providers Conference

Alaska Forum on the Environment

Alaska Tribal Conference on Environmental Management

Alaska Federation of Natives Annual Convention

Association of Village Council Presidents

Tanana Chiefs Conference

Bristol Bay Native Association

Aleutians Pribilof Islands Association

Cook Inlet Tribal Council

Karawek, Inc.

Maniilaq Association

Sealaska Heritage Institute

Central Council of Tlingit and Haida Tribal Assembly

Southeast Clan Conference

Arctic Slope Native Association

Chugach Regional Resources Commission

Copper River Native Association

Kodiak Area Native Association

First Alaskans Institute Elders & Youth Conference

Alaska Native Professionals Association

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

June 15, 2011

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

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

---

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

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

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

Sincerely,

//Signed//

---

Pollock Simon Sr., Gates of the Arctic SRC Chair

//Signed//

Jack Reakoff, Gates of the Arctic SRC Vice-Chair

Cc.

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



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

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

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



## United States Department of the Interior

OFFICE OF THE SECRETARY  
1689 C Street, Suite 100  
Anchorage, Alaska 99501-5151

January 27, 2012

PRESS RELEASE

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

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

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

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

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

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

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

## OFFICE OF SUBSISTENCE MANAGEMENT STAFF CHANGES

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

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

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

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

**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.

//Signed//

\_\_\_\_\_  
Secretary of the Interior

DEC - 2 2011

\_\_\_\_\_  
Date Signed

DEC 03 2011

\_\_\_\_\_  
Date Filed

**Summary of Federal Subsistence Special Actions in the Southeastern Alaska and Yakutat Areas**

**2011 Calendar Year**

<b>Special Action Number</b>	<b>Area &amp; Species Affected</b>	<b>Summary of Action</b>	<b>Authorized By</b>
FSA 7-EU-01-11	Section 1D Unuk River eulachon	Closed the Eulachon fishery in the Unuk River starting February 20, until April 20, 2011.	USFS Ketchikan District Ranger via authority delegated by the Federal Subsistence Board
FSA 13-KS-02-11	Yakutat Area Situk River Chinook salmon	Closed the Chinook salmon fishery in the Situk River and prohibited fishing with gillnet gear and the use of bait when fishing with rod and reel in the Situk River. The closure was effective from May 28 through July 26, 2011.	USFS Yakutat District Ranger via authority delegated by the Federal Subsistence Board
FSA 13-RS-03-11	District 6 Hatchery Creek sockeye salmon	Closed the sockeye salmon fishery in the Hatchery Creek drainage from June 21 through August 19, 2011. Closed the portion of the Hatchery Creek drainage, from 100 feet upstream of the upper falls to 100 feet downstream of the lower falls to all Federal subsistence fishing. The remainder of the drainage was open to subsistence fishing with rod and reel or dip net gear, however, any sockeye caught had to be released. Beginning August 1, Federally qualified users could fish for coho salmon with rod and reel or dip net gear at the upper and lower falls. Any sockeye caught must be immediately released.	USFS Thorne Bay District Ranger via authority delegated by the Federal Subsistence Board
WSA 13-MG-04-11	Unit 4 Baranof Island mountain goat	Closed the watersheds of Blue Lake, Medvejje Lake and the southern half of the Katlian River on Baranof Island to the harvest of mountain goats.	USFS Sitka District Ranger via authority delegated by the Federal Subsistence Board
FSA 13-RS-05-11	District 13B Redoubt Lake sockeye salmon	Closed the sockeye salmon fishery in the Redoubt Lake drainage from July 16 through September 13, 2011.	USFS Sitka District Ranger via authority delegated by the Federal Subsistence Board
FSA 13-RS-06-11	District 13B Redoubt Lake sockeye salmon	Reopened the sockeye salmon fishery in the Redoubt Lake drainage on July 23, 2011.	USFS Sitka District Ranger via authority delegated by the Federal Subsistence Board
WSA 13-BD-07-11	Unit 4 NECCUA deer	Closed the Northeast Chichagof Controlled Use Area of Unit 4 to the taking of female deer from September 14, 2011 to January 31, 2012.	USFS Hoonah and Sitka District Rangers via authority delegated by the Federal Subsistence Board
WSA-13-MG-08-11	Unit 4 Baranof Island mountain goat	Closed the Nakwasina River watershed on Baranof Island to the harvest of mountain goats from Aug. 12 through Dec. 31, 2011.	USFS Sitka District Ranger via authority delegated by the Federal Subsistence Board
WSA-13-MO-09-11	Unit 5A Yakutat moose	Established the moose harvest quota for Unit 5A except the Nunatak Bench at 55 bulls, with no more than 25 of those bulls to be taken from the area west of the Dangerous River for the 2011 Federal moose season which is October 8-November 15.	USFS Yakutat District Ranger via authority delegated by the Federal Subsistence Board

<b>Special Action Number</b>	<b>Area &amp; Species Affected</b>	<b>Summary of Action</b>	<b>Authorized By</b>
WSA-13-MG-10-11	Unit 4 Baranof Island mountain goat	Closed the Green Lake and Vodopad watersheds on Baranof Island to the harvest of mountain goats from Sept. 29 through Dec. 31, 2011.	USFS Sitka District Ranger via authority delegated by the Federal Subsistence Board
WSA-13-MG-11-11	Unit 4 Baranof Island mountain goat	Closed the Redoubt Bay-Necker Bay Zone on Baranof Island to the harvest of mountain goats from Sept. 30 through Dec. 31, 2011.	USFS Sitka District Ranger via authority delegated by the Federal Subsistence Board
WSA11-07	Unit 4 Brown bear	Closed Unit 4 to the fall harvest of brown bears from October 14 through December 31.	Office of Subsistence Management via authority delegated by the Federal Subsistence Board
WSA-13-MG-12-11	Unit 4 Baranof Island mountain goat	Closed the north fork of the Katlian River and Coxe River drainages and that portion of the unnamed drainage west of Coxe River and north of Cedar Cove that drains into Nakwasina Sound on Baranof Island to the harvest of mountain goats from Oct. 15 through Dec. 31, 2011.	USFS Sitka District Ranger via authority delegated by the Federal Subsistence Board
WSA-13-MG-13-11	Unit 4 Baranof Island mountain goat	Closed all drainages into Baranof Warm Springs Bay, Cascade Bay, Nelson Bay, Red Bluff Bay, Falls Lake, Hoggatt Bay, Gut Bay, Yermak Lake, Patterson Bay, Deep Cove, and (2) all un-named drainages from Baranof Warm Springs Bay south to Deep Cove that enter Chatham Strait (known as the Mt. Furuhelm - Mt. Ada Zone) on Baranof Island to the harvest of mountain goats from Dec. 15 through Dec. 31, 2011.	USFS Sitka District Ranger via authority delegated by the Federal Subsistence Board



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

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

IN REPLY REFER TO:

L7617(AKRO-EPC)

JAN 25 2012

Dear Interested Citizen, Agency, Tribe, or Organization:

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

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

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

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

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

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

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

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

Sincerely,

//Signed//

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

cc:

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

## Overview Statement

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

---

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

### Background:

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

### Current Status:

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

### Key Stakeholders Positions of Interested Parties:

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

**Action Needed:**

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

**Contacts:**

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



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

### *Public Review Environmental Assessment*



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

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

### *Public Review Environmental Assessment*

January 2012

#### Note to Reviewers

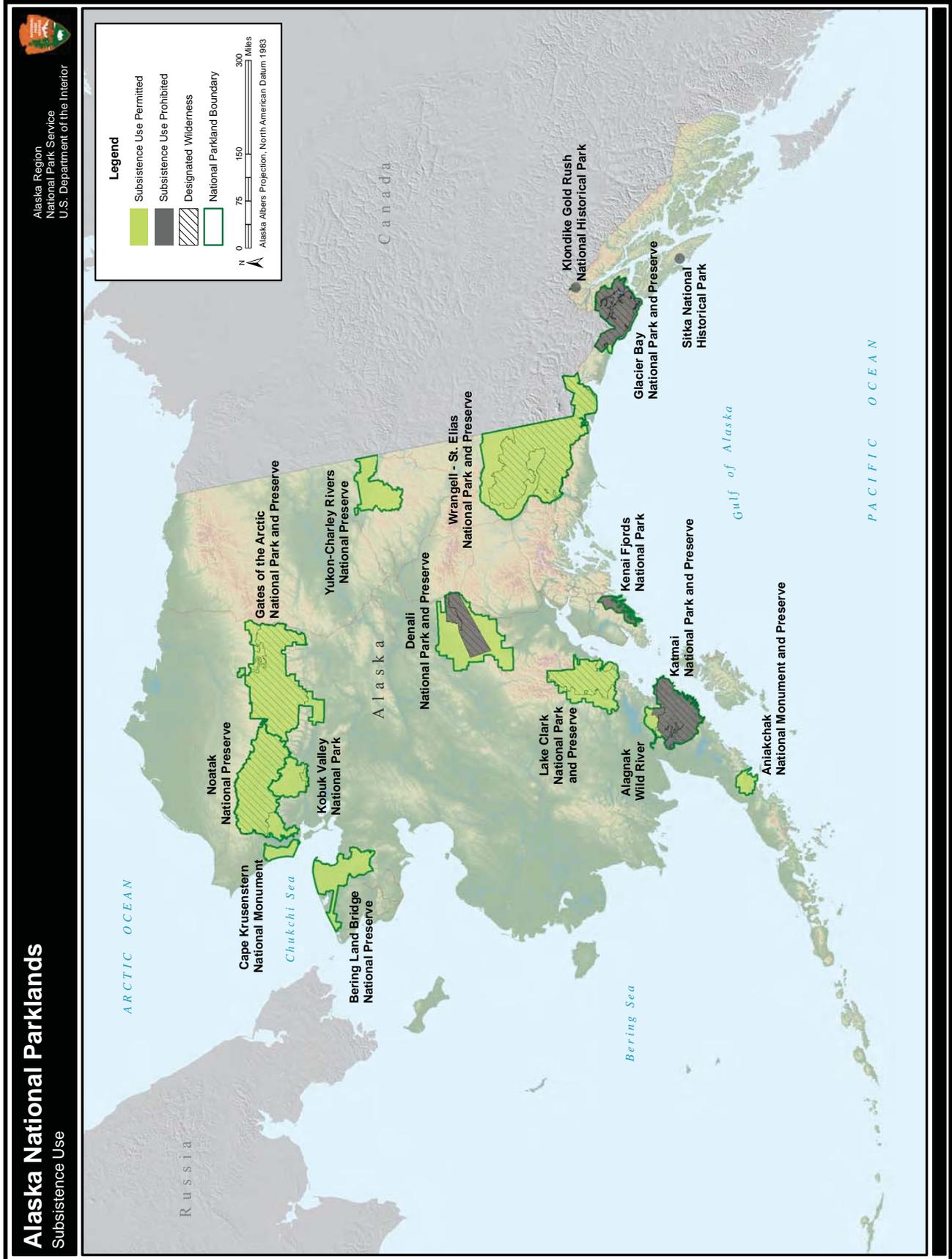
If you wish to comment on this document, you may mail comments to:

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

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

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

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

May 14, 2007

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

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

Dear Regional Director Blaszak:

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

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

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

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

Sincerely,

//Signed//

Sue Entsminger, Chair

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



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

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

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

Sincerely,

//Signed//

Marcia Blaszk  
Regional Director



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

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

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

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

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Table 2.1 Summary Comparison of the Alternatives

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

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



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

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

IN REPLY REFER TO:  
N1427 (AKRO – SUBS)

OCT 17 2007

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

Dear Mr. Simon:

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

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

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

Sincerely,

//Signed//

Marcia Blaszak  
Regional Director

cc:

Carolyn J. Howard, DOI, Office of Executive Secretariat  
Judy Gottlieb, Associate Regional Director, Subsistence and Partnerships  
Dave Mills, Subsistence Team Manager, Alaska Region  
Jack Reakoff, Vice Chair, Gates of the Arctic National Park SRC  
Superintendent, Gates of the Arctic National Park and Preserve

Table 2.2 Summary Impacts of the Alternatives

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

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

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

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

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

<b>YUCH</b>	In GMU 20E, rural residents of 12, 20D & E	In GMU 20E, rural residents of 20E, 12 (north of WRST Preserve), Circle, Central, Dot Lake, Healy Lake, and Mentasta Lake.					In GMUs 20E & 25 B&C, residents of 6, 9, 10 (Unimak Is. Only), 11-13, 16-26, & Chickaloon
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Table 3.29 Distribution of wildlife with horns and antlers by NPS units in Alaska

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

## APPENDIX A ALTERNATIVE REVISED REGULATIONS

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

### No Action Alternative

#### **Alternative A:**

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

### Action Alternatives

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

13.4xx

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

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

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

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

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

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

13.4xx

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

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

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

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NPS Alaska Region January 2012*

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

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

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

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

13.4xx

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

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

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

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

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

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

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

## Appendix C

### Possible Management Conditions for Collections

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



## United States Department of the Interior NATIONAL PARK SERVICE

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

January 18, 2012

Dear Interested Party:

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

The ROD provides for the following:

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

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

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

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

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

Sincerely,

//Signed//

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

## Fall 2012 Regional Advisory Council Meeting Calendar

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

Meeting dates and locations are subject to change.

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

BB—Has not yet identified meeting dates and location.

# Winter 2013 Regional Advisory Council Meeting Calendar

*February–March 2013 current as of 01/25/12*

Meeting dates and locations are subject to change.

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
<i>Feb. 10</i>	<i>Feb. 11</i> <i>Window Opens</i>	<i>Feb. 12</i>	<i>Feb. 13</i>	<i>Feb. 14</i>	<i>Feb. 15</i>	<i>Feb. 16</i>
		<b>SP—Nome</b>				
<i>Feb. 17</i>	<i>Feb. 18</i> <b>HOLIDAY</b>	<i>Feb. 19</i>	<i>Feb. 20</i>	<i>Feb. 21</i>	<i>Feb. 22</i>	<i>Feb. 23</i>
<i>Feb. 24</i>	<i>Feb. 25</i>	<i>Feb. 26</i>	<i>Feb. 27</i>	<i>Feb. 28</i>	<i>Mar. 1</i>	<i>Mar. 2</i>
<i>Mar. 3</i>	<i>Mar. 4</i>	<i>Mar. 5</i>	<i>Mar. 6</i>	<i>Mar. 7</i>	<i>Mar. 8</i>	<i>Mar. 9</i>
<i>Mar. 10</i>	<i>Mar. 11</i>	<i>Mar. 12</i>	<i>Mar. 13</i>	<i>Mar. 14</i>	<i>Mar. 15</i>	<i>Mar. 16</i>
<i>Mar. 17</i>	<i>Mar. 18</i>	<i>Mar. 19</i>	<i>Mar. 20</i>	<i>Mar. 21</i>	<i>Mar. 22</i> <i>Window Closes</i>	<i>Mar. 23</i>