

SOUTHEAST ALASKA Federal Subsistence Regional Advisory Council



Sitka Totem

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Meeting Materials

March 22–24, 2011

Sitka

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SOUTHEAST ALASKA SUBSISTENCE REGIONAL ADVISORY COUNCIL

Sitka Tribal Enterprises Community House
200 Katlian Street, Sitka, AK 99835

Tuesday, March 22, 1:00 p.m. to 5:00 p.m.
Wednesday, March 23, 1:00 p.m. to 5:00 p.m.
Thursday March 24, 8:30 a.m. until business concludes

The public is invited to testify throughout the meeting on any matter relating to subsistence uses of fish and wildlife. Please complete and submit a testifier’s form to the Coordinator. The Coordinator will give your form to the Chair and the Chair will call on you.

DRAFT AGENDA

Council Member Orientation Session: Tuesday, March 22, 9:00 a.m. – 12:00 p.m. **All members are to attend.**

Council Member Field Trip: Wednesday March 23, 9:00 a.m. – 12:00 p.m.

- 1. **Call to Order at 1:00 p.m. (Chair)**
- 2. **Roll Call and Establish Quorum (Secretary)..... 4**
- 3. **Welcome and Introductions (Chair)**
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- 7. **Council Member Reports**
- 8. **Special Action Request to Discontinue Deer Harvest Report for Unit 2 (Terry Suminski)**
- 9. **Call for Proposals to Change Federal Subsistence Wildlife Proposals (Chair)**
(Proposal Deadline is March 24, 2011)
- 10. **Sea Otter Management Status Report (Doug Burn)**
- 11. **Review and Finalize Draft 2010 Annual Report (Chair)**
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- 13. **Agency and Organization Reports**
 - A. Central Council Tlingit Indian and Haida Indian Tribes of Alaska
 - B. US Forest Service
 - 1. Budget update (Steve Kessler)
 - 2. Tribal consultation Tongass Forest (John Autrey)

3.	Fish and wildlife special actions in 2010 (<i>Terry Suminski</i>)	
4.	Fisheries Resource Monitoring Program update (<i>Terry Suminski</i>)	
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vi.	Executive session policy (<i>informational, no action needed at this time</i>)	
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A.	Chair (<i>Coordinator</i>)	
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C. Nominate Transboundary River Panel Member

16. Closing Comments

17. Adjourn

For further information about this meeting contact Robert Larson, council coordinator, at 907-772-5930, or go to OSM website <http://alaska.fws.gov/asm/index.cfm>

Teleconferencing is available upon request. You must call the Office of Subsistence Management at 1-800-478-1456, 786-3888 or 786-36767, at least 72 hours prior to the meeting to receive this service. Please notify the Regional Coordinator 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 all participants. Please direct all requests for sign language interpreting, Computer Aided Real-time Translation (CART) or other accommodation needs to Ann Wilkinson no later than Tuesday, March 15. Call 1-800-478-1456 or 907-786-3676, fax 907-786-3898, email ann_wilkinson@fws.gov.

If you need alternative formats or services because of a disability, please contact the Diversity and Civil Rights Manager at (907)786-3328 (Voice), via e-mail at douglas_mills@fws.gov, or via Alaska Relay (dial 7-1-1 from anywhere in Alaska or 1-800-770-8255 from out-of-state) for hearing impaired individuals with your request by close of business Tuesday, March 15.

SOUTHEAST ALASKA SUBSISTENCE REGIONAL ADVISORY COUNCIL

Seat	Yr Apptd Term Ends	Member Name	Community of Residence
1	2010 2013	Timothy Ackerman	Haines
2	2004 2013	Frank Wright Jr.	Hoonah
3	1993 2013	Patricia Phillips	Pelican
4	2000 2013	Michael Douville	Craig
5	2002 2013	Harvey Kitka, Secretary	Sitka
6	1999 2011	Bertrand Adams, Chair	Yakutat
7	2002 2011	Floyd Kookesh	Angoon
8	2002 2011	Donald Hernandez	Point Baker
9	2010 2012	Frederick "Archie" Nielsen	Sitka
10	2006 2012	Merle Hawkins	Ketchikan
11	2010 2011	John A. Yeager	Wrangell
12	2003 2012	Mike Bangs	Petersburg
13	2009 2012	Cathy Needham	Juneau
		Robert Larson, Coordinator 907-772-5930, robertlarson@fs.fed.us	

**MINUTES OF THE SOUTHEAST ALASKA
SUBSISTENCE REGIONAL ADVISORY COUNCIL**

Location of Meeting: Hoonah Salvation Army Hall

Time and Date of Meeting:

9:00 am Tuesday, September 28– 3:00 pm Thursday, September 30, 2010

Call to order

Meeting called to order by Chairman Bertrand Adams at 9:00 AM September 28, 2010.

Roll call

There were nine members present the first and second days (Frank Wright Jr., Patricia Phillips, Michael Douville, Harvey Kitka, Secretary, Bertrand Adams, Chair, Floyd Kookesh, Donald Hernandez, Cathy Needham) and eight members present on day three. Ms. Hawkins was excused for all three days, Mr. Wright was excused during the third day and there are three vacancies.

Review and Adoption of Agenda

The agenda was reviewed and adopted as a guide.

Welcome and introductions

Introductory remarks and a welcome to the community of Hoonah were provided by Mr. Rich Jennings USFS Hoonah District Ranger. There was an excellent field trip hosted by the Alaska Department of Fish and Game and the US Forest Service on the first day of the meeting. The Council and staff traveled by car to the Pavlof River drainage to observe different types of deer habitat and learn various methods of deer population assessment and monitoring techniques.

Attendance

Name	City	Group/Agency Represented
Barb Adams	Juneau	USFS
Jeff Bryden	Seward	USFS LEI
Mel Carver	Ketchikan	USFS LEI
Cal Casipit	Juneau	USFS
Dennis Chester	Juneau	USFS
Trevor Fox	Sitka	USFS
Melinda Hernandez	Juneau	USFS
Jon Hyde	Hoonah	USFS
Rich Jennings	Hoonah	USFS
Steve Kessler	Anchorage	USFS
Robert Larson	Petersburg	USFS
Jack Lorrigan	Sitka	USFS
Carol Mahara	Juneau	USFS
Wayne Owen	Juneau	USFS
Jeff Reeves	Craig	USFS
Terry Suminski	Sitka	USFS
Ben VanAlen	Juneau	USFS
Pippa Kenner	Anchorage	USFWS OSM
Polly Wheeler	Anchorage	USFWS OSM
Dianne McKinley	Anchorage	NPS
Nancy Swanton	Anchorage	NPS

Dan Sharp	Anchorage	BLM
Pet Petrivelli	Anchorage	BIA
Phil Mooney	Sitka	ADF&G
George Pappas	Anchorage	ADF&G
Lauren Sill	Anchorage	ADF&G
Larry VanDaele	Anchorage	ADF&G
Danielle DiNovelli-Lang	Hoonah	Public
Sonya Gray	Hoonah	Public
Alfred McKinley Jr.	Juneau	ANB
Jessi DuBray	Craig Community Association	

Review and Approve Minutes of March 16-18, 2010 Council Meeting

The minutes from the Saxman meeting were approved unanimously.

Chair's report

Mr. Adam's Chair Report challenged the council members, the staff and the public to: respect each other, respect the resources and value each other's opinion. If everyone remembered those principles, there would be a successful meeting. There is a new chair of the Subsistence Board and the Secretarial review of the subsistence program has been completed. Details of the review will be made public soon. It was shared that the Board has been instructed to provide the Councils with the full authority in the rule-making process as granted by ANILCA. Council was asked to review the Annual Report reply and the report on Board actions (the 805c letter) from the Board.

Council Comments

- Rural areas are significantly underrepresented in providing input into the Federal program
- Obtaining comments from the public at Council meetings is a serious challenge
- Recent surveys showed an increase in goat numbers in Yakutat
- The moose harvest west of the Dangerous River is being reduced by five animals again this year
- Deer numbers are increasing in Unit 2 and there was a personal use opportunity for Chinook salmon near Craig for the first time last year.
- There was a decent return of pink salmon to the central portion of the SE Region with adequate escapements in most areas
- There are noticeable negative impacts to local rockfish and halibut stocks by unguided sport fishers. The bare-boat charter industry is growing and is not controlled like the guided fishing industry.
- Deer populations in Unit 4 are still diminished but are increasing
- By-catch of salmon west of 140 degrees longitude is affecting local stocks. Coho salmon have noticeably more sea lice this year and whales have been observed feeding on juvenile salmon.
- The subsistence program needs to do a better job in explaining to local people why the Northeast Chichagof Controlled Use Area is still closed to the harvest of female deer. To be effective, there must be local support.
- Sea otters are continuing to increase and cause the shellfish in those waters to disappear. The non-guided sport fishery is increasing in the Icy Strait area and taking large numbers of fish.
- Pink salmon returns to northern SE were poor. Sea lions are increasing in number and prevented local fishermen from harvesting winter salmon last year.
- The concept of taking only what you need honors the creator and respects the resource
- Unguided sport fishing is impacting local salmon stocks near Yakutat.
- The Akwe River was the only stream on the Yakutat forelands with eulachon this spring. The harvest limit for moose in Unit 5, west of the Dangerous River is set at 55 bulls again this year

to try to increase the bull: cow ratio. If this reduction in moose does not satisfy subsistence needs in Yakutat, there may be a request for a small harvest of cow moose.

- The Hubbard Glacier is not advancing and does not pose a threat to Yakutat.
- The subsistence herring fishery in Sitka Sound was very good this year and the commercial fishery did not occur near town
- Sea otters are increasing again in the Sitka area. Deer harvest was adequate and there were no winter mortalities of deer in Unit 4.
- There has been an invasive species called “marine vomit” discovered near the Sitka airport which may have negative consequences for herring spawning success.
- Angoon is petitioning the Secretary of the Interior for extraterritorial jurisdiction into Chatham Strait to protect Kanalku Lake sockeye salmon. Where is the subsistence priority when commercial and sport uses are generally unrestricted?
- Many communities around the State are encouraged by proposed changes to subsistence management as suggested in the program review.
- Sockeye escapements were generally good on Prince of Wales this summer
- Sea otters are a concern to all coastal residents and the topic should be discussed at the next meeting in Sitka.
- There was a very good berry crop in SE this year.
- The Petersburg town deer are a concern and impact all gardeners.
- There was another Atlantic salmon caught near Petersburg this summer

Public Testimony

Mr. Al McKinley, representing the ANB Grand Camp executive committee, testified that subsistence users are not involved in establishing current subsistence harvest levels for salmon which is a violation of several procedural statutes and ANILCA. Neither the Federal nor State governments support the use of Native foods and as governments, they should do more. The number one consideration is respect for the resources and respect for each other.

Mr. Floyd Kookesh, subsistence coordinator for the Central Council of the Tlingit and Haida Indian Tribes of Alaska, is looking forward to implementing changes identified in the Secretarial Review of the subsistence program. Native people need to become co-managers of resources with community based management plans. The Tribes and the Council need to expend additional effort in addressing the sea otter issue. There is a workshop in November to start this process. The Central Council THITA is organizing a subsistence working group and they would appreciate Subsistence Advisory Council participation. The Central Council has plans to work with State and Federal Agencies to identify needs, solution and recommend regulations to protect the subsistence way of life. The Chair commented that he appreciated the efforts of the Central Council and suggested the Central Council plan on providing a report on their activities at each Council meeting.

Ms. Mary Rudolph, a resident of Hoonah and a past member of the SE Council, welcomed the Council to Hoonah and was encouraged that the Council was still actively engaged in protecting subsistence uses. The Hoonah Indian Association is concerned about the availability of subsistence foods in their area. She tasked the Council to protect those opportunities for those most reliant on subsistence foods.

Mr. Peter Naoroz, Kootznoowoo Corporation, addressed the Council by teleconference. Kootznoowoo Corporation works closely with Angoon Cooperative Association and represents local residents regarding subsistence issues. There is a problem with sockeye salmon returning to Kanalku Lake and local residents have received no satisfaction from ADF&G after requesting changes to management necessary to provide adequate returns of salmon to the terminal area near Kanalku Creek where the residents of Angoon engage in subsistence fishing. Therefore the residents of Angoon have been compelled to file a petition for extended jurisdiction of Federal interests and assume their rightful role as required in Statute.

Staff Resource Reports

Mr. Jeff Reeves provided a summary of subsistence fishing activities in the Southeast Alaska Region. Mr. Larry VanDaele and Ms. Pippa Kenner reported the progress of the Brown Bear handicraft working group. The working group will prepare a proposal for the Council's consideration during the next regular wildlife cycle.

Mr. Neil Barten provided a general overview of issues concerning wildlife in the Southeast Alaska Region. He also highlighted topics that will be discussed by the Board of Game during their November 5 meeting in Ketchikan. The two big issues are the apparent decline in wolves on Prince of Wales Island the possible overharvest of black bears in the southern portions of the Region. The State has changed its position on the value of a harvest report in relation to a mail-out survey and is recommending a deer harvest report for all of Southeast Alaska.

Mr. Ben VanAlen presented a summary of Fisheries Monitoring Program funded projects for 2010. The projects were generally successful in documenting sockeye population abundance and were able to assist the ADF&G in obtaining required genetic samples from those systems.

Dennis Chester presented an updated report on deer abundance and harvest in Unit 4 with an emphasis on the Northeast Chichagof Controlled Use Area.

Agency Reports

Ms. Polly Wheeler, Office of Subsistence Management, provided a summary of the new on-line subsistence permit system. The system is being used to issue wildlife permits this year and will be used to issue subsistence fishery permits next year. It is anticipated that users will be able to report on-line in the future. She also reported on the commitment of her office to formulate rulemaking and policy changes as suggested in the recent Secretarial review of the subsistence program.

Mr. Steve Kessler, US Forest Service, explained some of the details of the Secretarial Review that were contained within the latest News Release which also identified Mr. Tim Towarak as the new Board Chair. Mr. Kessler also summarized a letter to the Council from the Secretaries of Agriculture and Interior supporting the Council and the subsistence program. Funding is anticipated at current levels but the subsistence review may address how the subsistence program will be funded in the future. Additional information regarding jurisdiction when a person is fishing in Federal waters from either State or private lands will be provided once the results of the Katie John II court case are released.

Mr. Terry Suminski, US Forest Service, discussed the Forest Service policy providing priority use for subsistence use of firewood, timber and special forest products. He referenced a recent letter to the Council which contained a draft proposal regarding possible involvement of the Council in providing recommendations to the Forest Service regarding the harvest of special forest products. Mr. Suminski also reminded the Council that the Forest Service maintains a Summary of Proposed Actions (SOPA) for land use projects on the Tongass Forest. These projects include items of interest to local residents such as fish pass construction projects, electrical generation and distribution projects, outfitter guide use and mineral management activities. Mr. Trevor Fox and Ms. Carol Mahara are new Forest Service employees working within the Fisheries Resource Monitoring Program. Mr. Suminski summarized a draft letter from the Forest Service to the Board, requesting delegated authority for fish and deer, goat and moose be expanded to all 10 District Rangers on the Tongass Forest.

Mr. Cal Casipit, US Forest Service, informed the Council of a request for extraterritorial jurisdiction for sockeye salmon in Chatham Strait from Kootsnoowoo Corporation. A staff analysis will be developed that will be brought to the Council for a recommendation to the Board. The Board will make a recommendation to the Secretaries. This will likely be a lengthy process.

Ms. Nancy Swanton and Dianne McKinley, National Park Service, informed the Council there will be a smelt project on parklands near Yakutat. Off road vehicles are allowed on the Malaspina forelands but there have been no trails or routes identified. Aircraft are an allowable use in the Icy Bay area. The Park Service is planning on government to government consultation with affected tribes on access and harvest of various plant resources found on Park Service lands.

Mr. Dan Sharp, Bureau of Land Management, informed the Council that Mr. Bud Cribley is the new Director for the Alaska Region. Funding for the land conveyance program has been reduced which is having an impact on the entire Bureau's other programs.

Ms. Pat Petrivelli and Jesse Dubray, Bureau of Indian Affairs, provided a summary of the Unit 2 deer uses and needs study. A final report is in preparation with an anticipated completion date of December 2010.

Fisheries Resource Monitoring Program

The Council reaffirmed that reliable estimates of sockeye salmon escapement remained the first priority for funding in the next cycle. Stocks of interest include: Gut Bay, Red, Kah Sheets, Salmon Bay, Sarkar, Lake Leo, and Hoktaheen Lakes. In-season subsistence harvest estimates of sockeye salmon was of secondary importance. Stocks of interest include: Hatchery Creek, Gut Bay, Red, Kah Sheets, Salmon Bay, Sarkar, Kanalku, and Hoktaheen Lakes. The Council also wanted to retain completion of the genetic stock identification baseline of Chatham Strait sockeye salmon as a third priority. The Council values Traditional Ecological Knowledge (TEK) studies and agreed to add TEK as a general information need that would be evaluated independently based on the content of the project proposal. Because of the low harvest by Federally qualified users, there was little need for Federally funded steelhead population assessment studies and that information need was deleted from the list.

Fishery Proposal Council Deliberations:

Proposal FP11-16: Requests that the season closing date for the Federal subsistence sockeye salmon fishing in the Klawock River be extended from July 31 to August 15 and the Monday through Friday fishing schedule be removed.

Public Comments: There was no public testimony at the Council meeting. The ADF&G did provide oral and written comments in opposition to the proposal.

OSM Preliminary Conclusion: **Support with modification** to remove the defined season and fishing schedule for subsistence sockeye fishing in the Klawock Lake/River drainage from regulation.

Council Recommendation: **Support Proposal FP11-16 with modification** to remove the defined season and fish schedule for subsistence sockeye salmon fishing in the Klawock River drainage from regulation. The section of the regulations that would be deleted is:

~~§ 27(i)(13)(xiv) From July 7 through July 31, you may take sockeye salmon in the waters of the Klawock River and Klawock Lake only from 8:00 a.m. Monday until 5:00 p.m. Friday.~~

Rationale: The Council determined that this proposal, as modified, would provide additional fishing opportunity for subsistence users and simplify subsistence harvest regulations. The original regulation establishing the season and weekly fishing schedule was developed during a period of time when there was considerable non-local weekend travel to the island. The regulation was developed by the State and incorporated into the Federal program when the Federal government assumed authority for subsistence management of fish. The intent of the regulation was to give local residents an advantage over non-locals. There is not the need to restrict non-local participation in Federal subsistence fisheries. There is not a conservation concern in the Klawock River that requires retaining the current regulation. The Klawock River is the only Federal subsistence sockeye salmon fishery with a defined fishing season and weekly fishing schedule in Southeast Alaska. Deleting the sockeye salmon season and weekly fishing schedule would align the Klawock fishing regulations with other Federal sockeye salmon management systems in the Region. The current rules are largely ineffective in restricting sockeye salmon harvest as current regulations for the Southeast Alaska Area allow for sockeye salmon to be retained outside the designated season and weekly fishing period as incidental harvest while fishing for other species.

Proposal FP11-17: Requests that the season closing date for the Federal subsistence sockeye salmon fishery in the Klawock River be extended from July 31 to August 7 and the Monday through Friday fishing schedule retained.

OSM Preliminary Conclusion: **Take no action** due to previous action on FP11-16.

Council Recommendation: **Take no action** due to previous action on FP11-16.

Rationale: Action on FP11-16 provided a superior solution to the issue.

Proposal FP11-18: Requests all waters draining into Sections 1C and 1D be closed to the harvest of eulachon.

Public Comments: There was no public testimony at the Council meeting. The ADF&G suggested that only the Federal season be closed by the Federal program.

OSM Preliminary Conclusion: **Support with modification**, to clarify the applicable area, and to make explicit that the closure applies to all users.

Council Recommendation: **Support with modification.** The modified proposed regulation should read:

§ __.27(i)(13)(ii) You must possess a subsistence fishing permit to take salmon, trout, grayling, or char. You must possess a subsistence fishing permit to take eulachon from any freshwater stream flowing into fishing Sections 1C or 1D

§ __.27(i)(13)(xxii) All freshwater streams flowing into Sections 1C and 1D are closed to the harvest of eulachon by all users.

Rationale: The Council determined there were no other management actions appropriate for this area after the collapse of the stock. There will likely be no harvestable surplus in the foreseeable future for any user. The Council considered it very unfortunate this action was necessary and felt this was an example where the need for conservation was not recognized early enough for alternative solutions to be implemented.

Proposal FP11-19: Requested that the Federal Subsistence Board recognize the customary and traditional uses of all marine species of fish and shellfish within the Federal public waters of District 13 for the residents of the City and Borough of Sitka.

Public Comments: NA

OSM Preliminary Conclusion: NA

Council Recommendation: NA

Rationale: The proponent of this proposal (Sitka Tribe of Alaska) submitted a letter to the Council and the Office of Subsistence Management requesting the proposal be withdrawn. Because the request was received prior to the Council taking action on this proposal, the request was granted and no action was possible.

Proposal FP09-05: Requests that the Federal public waters in the Makhnati Island area near Sitka be closed to the harvest of herring and herring spawn except for subsistence harvests by Federally qualified subsistence users.

Public Comments: There was no public testimony at the Council meeting. The ADF&G provided written and oral comments opposing this action.

OSM Preliminary Conclusion: **Oppose**

Council Recommendation: **Defer to a time determined by the Board**

Rationale: The Sitka Tribe of Alaska (STA), the original proponent, submitted a letter to the Council requesting that the proposal be deferred once again. This postponement would allow more time for peer review of a STA authored research paper on herring management and population assessment of Sitka Sound herring. Additionally, STA has started a Herring Research Priority Planning Group which may provide additional recommendations regarding the proposal. The Council also wanted to provide

the new Board chair additional time to become engaged in this issue. The Council determined that action on this proposal may be premature at this time because implementation of recommendations contained within the Secretarial review may provide different or additional rules or policies appropriate to evaluate the proposal.

Proposal FP09-15: Requested that a “no Federal subsistence priority” customary and traditional use determination be made for all fish in the Juneau road system area (all waters crossed by or adjacent to roads connected to the City and Borough of the Juneau road system). In January 2009, the Federal Subsistence Board deferred Proposal FP09-15 to allow time to develop an analysis of the customary and traditional uses of fish in Districts 11 and 15.

Public Comments: There was one letter from the Douglas Indian Association in opposition to this proposal and there was one person that provided testimony in opposition to the proposal. The ADF&G (the proponent) provided comments in support of the proposal.

OSM Preliminary Conclusion: Support with modification to restrict the no Federal subsistence priority to only the Juneau Nonrural Area.

Council Recommendation: Oppose

Rationale: The Council determined that the staff analysis was incomplete and the proposal was unnecessary and detrimental to the continuation of subsistence uses. There is a high degree of certainty that additional information exists regarding the use of this area by residents of various rural communities. Because harvest data is difficult to obtain, that is not the same as a determination that there was no use. The transcripts of the previous meeting contained evidence of subsistence use that was not recognized in the current analysis. The difficulty in documenting historical use is likely due to interruption of traditional activities due to recent regulations. Sport fishing is a subsistence harvest method and the amount of that use should be better described. The Council does not know the outcome of relevant jurisdictional issues currently under consideration by the court in Katie John II. In addition, it is likely there will be new and currently unknown rules regarding the evaluation of customary use, as a result of the Secretarial review of the subsistence program. The intent of ANILCA does not require the Council to determine non-subsistence use areas or make a negative customary use determination. The Council agrees that there are management challenges in this area but there are management tools available to Federal managers to provide for conservation and sustainability of these stocks. The Council heard public testimony citing economic factors that bring rural residents to Juneau as transient workers. There should be an opportunity for subsistence harvest of fish for rural residents that are forced by necessity to spend time in Juneau. This proposal is detrimental to the satisfaction of subsistence needs and would be precedent setting. The Council has already rejected two similar proposals in previous years and there should be deference shown to the Council on this issue. There is no evidence to indicate that subsistence fishing in streams on the Juneau road system is inappropriate and no evidence that Federal subsistence fishing regulations are not conservative and sustainable.

2010 Annual Report Topics

1. The Council would like to inform the Board and Secretaries of Agriculture and Interior that they support criteria for member selection that results in a broad geographic representation.
2. Expanding delegated authority to District Rangers can be supported providing there is strong language in the delegation making it clear that the Council will be involved in the decision making.
3. Adequate funding of the subsistence program is paramount to success of the program.
4. The continuing expansion of the sea otter population is one of the biggest concerns of the Council and will likely have the most effect on subsistence as any other issue.
5. Developing policy affecting the management of subsistence resources is a legitimate role of the Councils. The Council would like to have assurances from the Office of Subsistence Management that the Council would be consulted when OSM is developing policy and that adequate staff support will be provided if the Council would like to initiate policy discussions.

6. The Council is in favor of management planning for wildlife and would like to have a leadership role in developing these plans. Adequate staff support will be required.
7. Council participation at Board meetings is inadequate. The Board should encourage participation by funding an additional member of the Council to attend Board meetings.
8. The Council would like additional training for members in methods or techniques that would result in the Council becoming a more effective voice for rural users. The Council feels somewhat isolated from the other Councils and thinks that increased communication and collaboration with other councils would result in better recommendations.
9. The Council anticipates several rule changes resulting from the Secretarial review of the program and would like it clear that they expect to be part of the process to develop the rules as well as making a recommendation on implementing those rules.
10. The Council considers field trips a vital component of Council training and result in more thoughtful and better informed recommendations. Time and funding of field trips should be part of the normal planning process for Council meetings.

Council comments on State Board of Game proposals

The Council nominated Mr. Mike Douville to attend the Southeast Region State Board of Game meeting in Ketchikan on November 5. The Council directed Mr. Douville to inform the Board of Game that the Council supports collaboration between the State and Federal programs for effective management of our valuable natural resources and welcomes an increased pre-decisional dialog between our Agencies. The following were Council recommendations on specific proposals:

Oppose Proposals 2, 3, 4, 5 and 19 – Black and brown bear hunting closures in and around bear viewing areas in Units 1 and 2. These closures would not affect Federal users unless the Federal Subsistence Board also adopts the closure areas. However, conflicts between Federal hunters and bear viewers who thought the areas were closed to all bear hunting could arise. It would be advantageous for the State to work with the Federal program to develop effective regulations if needed in these areas.

No position for Proposal 16 – To change the registration hunt to a drawing permit hunt for goat in portions of Unit 1C near Juneau. A portion of the area currently closed to Federal subsistence harvest will open to users hunting under State regulations. Changing this hunt from a State registration hunt to a draw hunt would bring the Federal subsistence hunt out of alignment with the State managed hunt and could limit opportunity by Federal users. If the State allows harvest of goats in the closed area, the Federal program would likely consider a similar proposal to open this area under Federal rules.

Neutral on Proposal 18 –To modify wolf regulations in Unit 2 to: 1) Reduce annual bag limit for wolf trapping from unlimited to 10 wolves per season; and 2) Require sealing within 14 days of harvest. The intent of the Council is to provide rules that provide for an abundance of deer for consumptive use while maintaining a healthy and sustainable wolf population. During the past five years the Council believes, based on local user testimony, that current rules have provided for an appropriate balance between the harvest and population levels of both deer and wolves in Unit 2. Restrictions adopted by the Board of Game would not affect Federal users unless the Federal Subsistence Board also adopts the restrictions. Differing State and Federal regulations could be confusing and may not be effective in addressing a resource concern. It would be advantageous for the Board of Game to work with the State-Federal program. If any change in the combined State-Federal quota is anticipated, the State must work with the Federal program in setting the new combined quota.

Neutral on Proposal 30 – To open trapping season for fisher in Southeast Region Units. Federally qualified users can already trap and retain fisher under Federal regulations.

Support Proposal 31– To prohibit the use of traps with an inside jaw spread of less than 5 7/8 inches when mink and marten trapping is closed. This restriction would not affect Federal users unless the

Federal Subsistence Board also adopts a similar restriction. Differing State and Federal regulations could be confusing and may not be effective in addressing the resource concern. The Council does not see the need for the use of small traps to harvest river otter, wolf and wolverine and would likely support this proposal when and if there is a similar proposal submitted to the Federal program. Again, it would be advantageous for the State to work with the Federal program to develop effective regulations for coordinated action.

Support Proposal 41– To replace the deer hunter survey with deer harvest reports in Units 1-5. Federal regulations require compliance with the State harvest reporting requirement unless specifically stated otherwise in Federal regulation. There are no specific regulations in units 1-5 exempting Federally qualified users from complying with State harvest reporting requirements. Federally qualified users would participate in the new deer harvest report process for deer harvested in Units 1-5. The use of a statewide harvest reporting would eliminate the need for the Unit 2-specific harvest reporting. That harvest reporting system is expensive for both the State and Federal management program.

Other Business

Motion to approve the content of the draft letter to the Board from the Forest Service requesting expanded in-season management authority for all fish and deer, goats and moose to all District Rangers approved as amended to include consultation with affected Council members as well as the Chair of the Council.

In keeping with the desire of the Council to engage in communication with other councils, the Chair of the Southcentral Council was invited to the March meeting of the SE Council.

The Council will meet in Sitka March 22-24, 2011 and in Wrangell September 27-29, 2011. The September agenda topics will be developed during the March 2011 Council meeting.

During final comments, the following items were noted:

1. This meeting was a good learning experience and productive, due in large part to a well thought-out field trip.
2. Increased communication with the public is necessary for increased public participation.
3. Meeting in remote areas like Hoonah is a good idea and exposes both local residents to the Council and the Council to local issues.
4. Council meetings are an effective way to train and increase the knowledge of individual Council members.
5. The SE Council is one of the best functioning councils in the State because the members like and respect each other.
6. Closing the Unuk River eulachon fishery was very disappointing and a good example where restrictions were needed earlier to account for human activities.

The Council meeting adjourned at 3:00 pm September 30, 2010.

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

\S\ Robert Larson

October 29, 2010

Robert Larson, DFO

USFS Subsistence Management Program

\S\ Bertrand Adams

October 29, 2010

Bertrand Adams, Chair

Southeast Alaska Subsistence Regional Advisory Council

These minutes will be formally considered by the Southeast Alaska Subsistence Regional Advisory

BOARD ACTION REPORT
Federal Subsistence Board Meeting
January 18–20, 2011

YUKON-NORTHERN AREA

FP11-01

Description: FP11-01 requested that all gillnets with greater than 6-inch stretch mesh be restricted to not more than 35 meshes in depth in Federal public waters of the Yukon River drainage. Submitted by the Eastern Interior Alaska Subsistence Regional Advisory Council.

Council Recommendation/Justification:

Yukon-Kuskokwim Delta — Oppose FP11-01. It does not make sense to restrict mesh depth when water can be 70–100 feet deep. The Council also opposes the proposals due to the burden to subsistence users because of the cost to alter nets.

Western Interior Alaska — Oppose FP11-01. The Council stated that current data shows salmon will swim in various depths in the water column. Weather will also affect the migration pattern of the salmon swimming upriver and fishermen will adapt and fish in different depth of water.

Seward Peninsula — Oppose FP11-01. The proposal does not address the issue of concern and would not have much impact other than cost to subsistence users to alter their nets. Also, there is opposition to the proposal from people that would be affected.

Eastern Interior Alaska — Took No Action on FP11-01. Action was deferred until the results of a relevant study is completed in 2011 and presented to the Council.

Board Action/Justification: Rejected. Reduced depth reduces efficiency, thereby making it more difficult for people to meet their needs. There is a lack of substantial evidence to support such a change; however, if new information becomes available, a new proposal can be submitted. This action follows the recommendation of the Yukon-Kuskokwim Delta, Western Interior Alaska, and Seward Peninsula subsistence regional advisory councils.

FP11-02

Description: Proposal FP11-02 requested that Federal public waters of the Yukon River be closed to subsistence and commercial fishing from the river mouth to the Canadian border during the first pulse, and second pulse if necessary, of the Chinook salmon run. These rolling closures would correspond to the periods of the Chinook salmon migration when stocks returning to Canadian waters constitute the majority of the run. No harvest on these stocks would be allowed for at least 12 years or until such time as this stock's abundance and escapement quality (age/sex/length) is restored to a level that provides sustained yields to support historic commercial and subsistence fisheries. Submitted by Jack Reakoff.

Council Recommendation/Justification:

Yukon-Kuskokwim Delta — Oppose. Closing subsistence fishing when the first pulse arrives will not address the problem. Restrictions are not necessary given current regulation and ability of in-season managers.

Western Interior Alaska — Support with modification as follows: *(B) Federal public waters of the Yukon River will be closed, or predominantly closed, to the taking of Chinook salmon by all users sequentially from the river mouth to the Canadian border during the first pulse of Chinook salmon, through very short or no openings, using statistical area closures to provide greater protection, to expressly protect the U.S./Canadian Yukon River Panel agreed-upon escapement goal, without negatively impacting conservation of other stocks. This regulation will be in place for four years.* Implementing a closure for 12 years will create an undue hardship and will be too restrictive for rural residents. The Council supports a four year closure to protect the run and to restore it to a level that supports historic commercial and subsistence fisheries.

Seward Peninsula — Oppose. This would bring a fragmented management approach to the river and would restrict needed management flexibility. Also, this proposal would prevent subsistence fishers from fishing even if there is a harvestable surplus.

Eastern Interior Alaska — Oppose. The proposal is too restrictive. The Council has concerns about managers' ability to effectively execute this proposal, given that early run projections have been overly optimistic of the past four years, and that there are not enough data to confidently ensure the predominant presence of specific stocks in a given pulse in a timely manner. The Council heard some anecdotal observations that the first pulse consists primarily of males, so the Council does not feel confident that implementation of the proposal could enhance passage of females. There are also concerns that implementation of this proposal could put undue pressure on other Yukon River stocks. There are additional concerns that, because it would only apply to Federally managed sections of the river, its overall effectiveness would be diluted while negatively impacting only Federal subsistence fishing opportunities. There is also a concern that prescribed closures could restrict options for in-season managers who already have the tool of emergency closure when warranted.

Board Action/Justification: Rejected. Fisheries managers currently have the authority to implement this request so a regulation is not necessary at this time. This action follows the recommendation of the Seward Peninsula, Yukon-Kuskokwim Delta, and Eastern Interior Alaska subsistence regional advisory councils.

FP11-03

Description: Proposal FP11-03 requested that Federal public waters of Yukon River Subdistrict 5D be further subdivided into three subdistricts to provide managers additional flexibility to more precisely regulate harvest while conserving the Chinook salmon run that spawns in the upper Yukon River. Submitted by Andrew Firmin.

Council Recommendation/Justification:

Yukon-Kuskokwim Delta — Oppose. The proposal is unnecessary.

Western Interior Alaska — Defer. Deferral would allow more local input and submission to the State process while the proposal is considered in the Federal regulatory process.

Seward Peninsula — Took No Action. This is an issue that is far removed from the Bering Straits Region and the proposal is better addressed by the people that are affected.

Eastern Interior Alaska — Support. The Council believes that this proposal would benefit conservation by targeting closures as needed more effectively than currently, and benefit subsistence users by allowing

fishing when fish are available. It aligns with traditionally recognized regional boundaries, which will facilitate enforcement. It is a positive stewardship measure that appears to enjoy the support of the affected subsistence users.

Board Action/Justification: Deferred Action. The Board agreed that the area is large and that the intent of the proposal has merit. Deferring action on the proposal will provide time to refine the proposal and garner more public input.

FP11-04

Description: Proposal FP11-04 requested the use of fish wheels be prohibited for the harvest of salmon in Districts 4 and 5 of the Yukon Area, to allow more fish to escape to the spawning grounds. Submitted by the Mountain Village Working Group.

Council Recommendation/Justification:

Yukon-Kuskokwim Delta — Oppose. The proposal is unnecessary, unproductive, and would potentially create controversy.

Western Interior Alaska — Oppose. This proposal is counterproductive and does not address Yukon River drainage conservation efforts.

Seward Peninsula — Took No Action. This proposal addresses an issue for an area that is far outside the Bering Straits Region. Also, taking away fish wheels from some users is taking away a customary and traditional practice.

Eastern Interior Alaska — Oppose. The Council feels strongly that this proposal would negatively impact the subsistence users that rely on this method, and would not be an effective tool to achieve the proponent's objective. The Council recognized the use of fish wheels as a traditional harvest method that generally seems to target the smaller fish, usually males, which tend to travel further from the center of the river. The Council noted that the proposal appeared to be retaliatory and lacked sound rationale, and that there was a robust opposition record from all but the proponent.

Board Action/Justification: Withdrawn. The Board withdrew this proposal as requested by the proponent and consistent with the recommendations of the Eastern Interior Alaska, Western Interior Alaska, Yukon-Kuskokwim Delta, and Seward Peninsula subsistence regional advisory councils.

FP11-05

Description: Proposal FP11-05 requested that the Board preclude customary trade of salmon in Yukon River Districts 4 and 5 and that the Board preclude the use of salmon for dog food in Yukon River Districts 4 and 5, with the exception of whole Chinook salmon caught incidentally during a subsistence chum salmon fishery in the Koyukuk River drainage after July 10. Submitted by the Mountain Village Working Group.

Council Recommendation/Justification:

Yukon-Kuskokwim Delta — Oppose. Written comments from the affected area oppose the proposal.

Western Interior Alaska — Oppose. This proposal is restrictive and targets Districts Y4 and Y5 users.

Seward Peninsula — Oppose. If something were to be done, it should be done drainage-wide; this proposal only addresses District 4 and 5. The Council supports limits on significant commercial enterprise, but is opposed to limits on customary trade. Managers should manage and not worry about what people do with the fish after it is legally harvested.

Eastern Interior Alaska — Oppose. The Council acknowledges that the use of salmon for dog food is an established traditional subsistence use of salmon, particularly salmon that are not as highly valued by humans for food. The Council considered personal knowledge of the declining numbers of both mushers and dogs in the affected area, and that current trends indicate that salmon is rarely, if ever, the sole source of food for dog teams, resulting in a very limited salmon take for this purpose. The proposal would not accomplish a significant conservation objective.

Board Action/Justification: Withdrawn. The Board withdrew this proposal as requested by the proponent and consistent with the recommendations of the Eastern Interior Alaska, Western Interior Alaska, Yukon-Kuskokwim Delta, and Seward Peninsula subsistence regional advisory councils.

FP11-06

Description: Proposal FP11-06 requested that the depth of 7.5 inch stretch mesh gillnets be restricted to 20 meshes in depth in Yukon River Districts 4 and 5. Submitted by the Mountain Village Working Group.

Council Recommendation/Justification:

Yukon-Kuskokwim Delta — Oppose. It does not make sense to restrict mesh depth when water can be 70–100 feet deep. The Council is also opposed to the proposal due to the burden to subsistence users because of the cost to alter nets.

Western Interior Alaska — Oppose. Current data shows salmon will swim in various depths in the water column. Weather will also affect the migration pattern of the salmon swimming upriver and fishermen will adapt and fish in different depth of water.

Seward Peninsula — Oppose. The proposal does not address the issue of concern and would not have much impact other than cost to subsistence users to alter their nets. There is opposition to the proposal from people that would be affected.

Eastern Interior Alaska — Oppose. The Council expressed concerns regarding the accuracy of the data available for analysis of the proposal, and the inherent inequity in targeting certain sections of the river to bear the burden of conservation measures. The Council also considered the unanimous opposition of each community, entity, and individual motivated to write to the Board. Although the Council is interested in exploring the potential benefits of gillnet depth restrictions, having submitted a proposal of its own, it believes more information is necessary to make an informed decision.

Board Action/Justification: Withdrawn. The Board withdrew this proposal as requested by the proponent and consistent with the recommendations of the Eastern Interior Alaska, Western Interior Alaska, Yukon-Kuskokwim Delta, and Seward Peninsula subsistence regional advisory councils.

FP11-07

Description: Proposal FP11-07 requested that the use of drift gillnets be prohibited for the harvest of salmon in Districts 4 and 5 of the Yukon Area, to allow more fish to escape to the spawning grounds. Both

Federal and State regulations do not allow the use of drift gillnets for the harvest of salmon in District 5. Therefore, the proposal only applies to the use of drift gillnets for the harvest of salmon by Federally qualified users in the Federal public waters of District 4 (Subdistricts 4A, 4B, and 4C). Submitted by the Mountain Village Working Group.

Council Recommendation/Justification:

Yukon-Kuskokwim Delta — Oppose. Written public comments indicated that there would be a problem if the proposed regulation were adopted. There would not be enough space for subsistence set nets in limited, small areas.

Western Interior Alaska — Oppose. Written public comments from the area indicated that there would be some problems if this proposed regulation were adopted. If this proposed regulatory change were adopted, there would not be enough space for subsistence set nets in limited small areas.

Seward Peninsula — Took No Action. This proposal addresses an issue far outside the region.

Eastern Interior Alaska — Oppose. The Council felt that this was a cross-over proposal from someone outside the region, which would negatively impact primarily the subsistence users of the villages of Galena and Ruby, where an insignificant number of fish have been harvested for subsistence use since this fishery opportunity became available in 2005. There appears to be no real conservation benefit from the proposal. The Council noted that the proponent appears to want to be able to fish with nets, but would deny that opportunity to others and that there was vigorous objection from affected subsistence users.

Board Action/Justification: Withdrawn. The Board withdrew this proposal as requested by the proponent and consistent with the recommendations of the Eastern Interior Alaska, Western Interior Alaska, Yukon-Kuskokwim Delta, and Seward Peninsula subsistence regional advisory councils.

FP11-08

Description: Proposal FP11-08 requested that customary trade in the Yukon River Fisheries Management Area be prohibited in any year when Chinook salmon runs are insufficient to fully satisfy subsistence harvest needs and subsistence fisheries are restricted. As submitted, the prohibition would only affect customary trade between rural residents. Submitted by the Yukon-Kuskokwim Delta Subsistence Regional Advisory Council.

Council Recommendation/Justification:

Yukon-Kuskokwim Delta — Support with modification to delete all proposed language under (iii) and replace with the following: *(iii) Yukon River Fishery Management Area—The total cash value per household of salmon taken within Federal jurisdiction in the Yukon River Fishery Management Area and exchanged in customary trade to rural residents may not exceed \$750.00 annually.* The Council supports proposals to prohibit customary trade until salmon runs rebound. This issue needs to be addressed for both Chinook and chum salmon. This is a river-wide issue and it is up to the people to conserve salmon. There are also reports of abuse of customary trade.

Western Interior Alaska — Oppose. The Council voted to request the Board to establish a subcommittee to further address the customary trade issue. The subcommittee would be charged to address Yukon River Chinook salmon customary trade regulation development and would consist of participants from each of the three Yukon River regional advisory councils and relevant State fish and game advisory committees.

The Council named Robert Walker and Mickey Stickman to serve on this subcommittee, with Ray Collins and Jenny Pelkola named as alternates. The Council also recommended that a second subcommittee be charged to address Yukon River Chinook salmon management for improved escapement abundance and quality, and that this second subcommittee should meet immediately following meetings of the customary trade subcommittee for purposes of efficiency.

Seward Peninsula — Took No Action. The Council took no action on FP11-08 but supported the idea of a working group that includes representatives from all three affected regional advisory councils to address this long standing and ongoing issue.

Eastern Interior Alaska — Oppose. The Council recognizes the need for conservation measures, but has serious concerns with the potential for this proposal, as written, to negatively impact the ability of subsistence users to obtain enough fish if unable to personally do so, especially elders. There are additional concerns about the proposal's effect of inequity, as lower river users have access to disproportionately larger harvests even when total numbers are low. The Council also noted that trade of processed fish products is already regulated. The Council recommends that the Board establish a subcommittee consisting of representatives of the Eastern Interior Alaska, Western Interior Alaska, and Yukon-Kuskokwim Delta regional advisory councils to consider the customary trade issue on a compressed time frame.

Board Action/Justification: Deferred Action. The Board approved a subcommittee of the Eastern Interior Alaska, Western Interior Alaska, and Yukon-Delta subsistence regional advisory councils. The Board stated that the purpose of the subcommittee is to define “significant commercial enterprise” for sales of subsistence caught salmon to other rural residents and to others. The intent is to develop language that will be applied to the entire Yukon River drainage. The Board stipulated that the subcommittee will be comprised of three members of each of the three councils, that the subcommittee should consider starting with a household limit of \$750 per year, that the Solicitor's Office and Law Enforcement will assist with the final language, and that the work will be completed as soon as possible.

The Board's intent is to allow time for subcommittee work and subsequent council recommendations as noted in the current recommendations of the Eastern Interior Alaska, Western Interior Alaska, and Seward Peninsula subsistence regional advisory councils.

FP11-09

Description: Proposal FP11-09 requested that the Board limit the customary trade of Chinook salmon in the Yukon River Management Area and require a customary trade recordkeeping form. The proposal also requested that the Board impose a geographic constraint to the customary trade of Chinook salmon caught in the Yukon River Management Area: Such trade, including the delivery of fish to a purchaser, should only occur in the Yukon River Management Area. Submitted by the Yukon-Kuskokwim Delta Subsistence Regional Advisory Council.

Council Recommendation/Justification:

Yukon-Kuskokwim Delta — Support with modification to delete all proposed language under (iii) and replace with the following: *(iii) Yukon River Fishery Management Area—The total cash value per household of salmon taken within Federal jurisdiction in the Yukon River Fishery Management Area and exchanged in customary trade between rural residents and individuals other than rural residents may not exceed \$750.00 annually. These customary trade sales must be immediately recorded on a customary trade record keeping form. The recording requirement and the responsibility to ensure the household*

limit is not exceeded rests with the seller. There is a need for measureable enforcement tools to address commercial advertisements that are escalating under the guise of subsistence customary trade. There should be a dollar limit of \$750.00 annually because there is no limit now.

Western Interior Alaska — Oppose. The Council voted to request the Board to establish a subcommittee to further address the customary trade issue. The subcommittee charge would be as noted for FP11-08.

Seward Peninsula — Oppose. The Council opposed the proposal, but supports the idea of having representatives from the three affected regional advisory councils get together to resolve these long standing contentious issues.

Eastern Interior Alaska — Take No Action. Given the desire of the Council to work with the other affected Councils on a subcommittee related to this proposal, the Council felt that a full examination of the proposal is not warranted at this time. It was noted that there is some merit to the proposal objective, but specifics regarding poundage and record keeping requirement were insufficient. The Council also questioned the commitment of managers to enforce the proposal if adopted.

Board Action/Justification: No Action. The Board took no action on FP11-09 due to its action on FP11-08.

CHIGNIK AREA

FP11-10

Description: Proposal FP11-10 requested that all drainages in the Chignik Area be opened to the harvest of salmon by seine, gillnet, spear, and hook and line that may be attached to a rod or pole, or with gear specified on a subsistence fishing permit, except that hook and line gear may not be used in Chignik River. The proposal also would: 1) restrict power purse seine gear from Mensis Point downstream; 2) permit hand seining only in Chignik River and Chignik Lake; 3) permit gillnets to be used only in Chignik River, Chignik Lake, and in the waters of Clark River and Home Creek, from each of their confluences with Chignik Lake to a point one mile upstream; and 4) restrict a gillnet from being staked or anchored or otherwise fixed in a stream slough, or side channel to where it obstructs more than one-half the width of that stream, slough, or side channel. Submitted by the Chignik Lake Traditional Council.

Council Recommendation/Justification: Support with modification as presented in the Office of Subsistence Management conclusion. The Bristol Bay Subsistence Regional Advisory Council supports a long standing subsistence fishery and FP11-10 will provide additional harvest opportunities for rural residents of the Chignik Area. Subsistence users have a long established customary and traditional use of salmon in the Black Lake and the tributaries of Black and Chignik lakes. The proposal will allow access, with some restrictions, to areas in all drainages in the Chignik Area to harvest salmon from January 1 to December 31 and allow additional gear types.

Board Action/Justification: Adopted with modification. The modified language is as follows:

§__.27(c) Subsistence taking of fish: methods, means, and general restrictions

(4) Except as otherwise provided for in this section, you may not obstruct more than one-half the width of any stream with any gear used to take fish for subsistence uses.

(10) You may not take fish for subsistence uses within 300 feet of any dam, fish ladder, weir, culvert or other artificial obstruction, unless otherwise indicated.

§__ .27(i)(8) Subsistence taking of fish: Chignik Area

(i) You may take fish other than salmon, rainbow/steelhead trout, or char at any time, except as may be specified by a subsistence fishing permit. For salmon, Federal subsistence fishing openings, closings and fishing methods are the same as those issued for the subsistence taking of fish under Alaska Statutes (AS 16.05.060), unless superseded by a Federal Special Action. If you take rainbow/steelhead trout incidentally in other subsistence net fisheries, you may retain them for subsistence purposes.

*(ii) You may not take salmon in the Chignik River, from a point 300 feet upstream of the ADF&G weir to Chignik Lake from July 1 through August 31. You may not take salmon **by gillnet** in Black Lake or any tributary to Black or Chignik Lakes, ~~except those~~ **You may take salmon in the waters of Clark River and Home Creek from their confluence with Chignik Lake upstream 1 mile.***

*(A) In the open waters of **Chignik Lake, Chignik River, Clark River and Home Creek** you may take salmon by gillnet under the authority of a **subsistence fishing State** permit.*

(B) In the open waters of Clark River and Home Creek you may take salmon by snagging (handline or rod and reel), spear, bow and arrow, or capture by hand without a permit. The daily harvest and possession limits using these methods are 5 per day and 5 in possession.

*(iii) You may take salmon, trout, and char only under the authority of a subsistence fishing permit **unless otherwise indicated in this section or as noted in the permit conditions.***

*(iv) You must keep a record on your permit of subsistence-caught fish. You must complete the record immediately upon taking subsistence-caught fish and must return it no later ~~than October 31~~ **than the due date listed on the permit.***

(v) If you hold a commercial fishing license, you may only subsistence fish for salmon as specified on a ~~State~~ subsistence ~~salmon~~ fishing permit.

(vi) You may take salmon by seines, gillnets, rod and reel, or with gear specified on a subsistence fishing permit, except that in Chignik Lake, you may not use purse seines. You may also take salmon without a permit by snagging (by handline or rod and reel), using a spear, bow and arrow, or capturing by bare hand.

(vii) You may take fish other than salmon by gear listed in this part unless restricted under the terms of a subsistence fishing permit.

(viii) You may take no more than 250 salmon for subsistence purposes unless otherwise specified on the subsistence fishing permit.

The modification is consistent with the Bristol Bay Subsistence Regional Advisory Council's intent and will increase opportunity, clarify regulations, recognize a subsistence use pattern and make legal a long-standing subsistence practice.

KODIAK AREA

FP11-11

Description: Proposal FP11-11 requested that the annual harvest limit for king crab in the Kodiak Management Area be changed from six per household to three per household. Submitted by the Kodiak/Aleutians Subsistence Regional Advisory Council.

Council Recommendation/Justification: Support. This proposal addresses conservation concerns and would continue to provide fishing opportunity for elderly subsistence users from Kodiak city. Only a few crab are taken out of all of Chiniak Bay and there is no information about how many are taken from Womens Bay in particular; however, observations of local fisheries managers are that the population of crab in Womens Bay has remained stable over the years. Womens Bay is one of few crab fishing places on the island that are road accessible and is the most accessible location where elders from Kodiak city can continue to fish.

Board Action/Justification: Adopted. The Board considered that this is necessary for conservation and noted that the current situation in Womens Bay is not a major concern to NOAA (the agency that monitors the Womens Bay population). If information received later indicates a significant concern for juvenile king crab in Womens Bay, the Board can address that situation.

FP11-12

Description: Proposal FP11-12 requested the Federal subsistence harvest of herring for the Kodiak Management Area be limited to 500 pounds per person annually. Submitted by the Kodiak/Aleutians Subsistence Regional Advisory Council.

Council Recommendation/Justification: This proposal was withdrawn by the proponent according to Board policy and was not, therefore, addressed by the Board.

FP11-13

Description: Proposal FP11-13 requested that no harvest limit be associated with subsistence permits issued to Federally qualified subsistence users who fish for salmon in Federal public waters of the Kodiak Management Area that cannot be accessed from the Kodiak road system, except the Mainland District. It also requested that recording of harvests on all permits be done prior to leaving the fishing site rather than immediately upon landing fish. Submitted by the Kodiak/Aleutians Subsistence Regional Advisory Council.

Council Recommendation/Justification: Support with modification. The Council modified the proposed regulatory language to remove references to herring, which allows §__.27(i)(9)(iv) to revert to existing regulatory language, and to insert the word “Federal” in paragraph (A) as the descriptor for waters. These modifications will clarify the regulatory language for the benefit of subsistence users. It is understood that the intent of the proposal was to address salmon annual harvest limits and reporting, but not to deal with herring. The modified regulations should read:

§__.27(i)(9)(iv) You must have a subsistence fishing permit for taking salmon, trout, and char for subsistence purposes. You must have a subsistence fishing permit for taking herring and

bottomfish for subsistence purposes during the State commercial herring sac roe season from April 15 through June 30.

*(v) ~~With a subsistence salmon fishing permit you may take 25 salmon plus an additional 25 salmon for each member of your household whose names are listed on the permit. You may obtain an additional permit if you can show that more fish are needed.~~ **The annual limit for a subsistence salmon fishing permit holder is as follows:***

(A) In the Federal waters of Kodiak Island, east of the line from Crag Point south to the westernmost point of Saltery Cove, including the waters of Woody and Long islands, and the salt waters bordering this area within one mile of Kodiak Island, excluding the waters bordering Spruce Island, 25 salmon for the permit holder plus an additional 25 salmon for each member of the same household whose names are listed on the permit: an additional permit may be obtained if it can be shown that more fish are needed;

(B) In the remainder of the Kodiak Area not described in (A) of this subsection, there is no annual limit.

*(vi) ~~You must~~ **Subsistence fishermen shall keep a record on your subsistence permit of the number of subsistence fish taken by that subsistence fisherman each year. The number of subsistence fish taken shall be recorded on the reverse side of the permit.** ~~You~~ **The catch must be complete the recorded prior to leaving the fishing site immediately upon landing subsistence-caught fish, and the permit must be returned to the local representative of the department by February 1 of the year following the year the permit was issued.***

Board Action/Justification: Adopted with modification as recommended by the Kodiak/Aleutians Subsistence Regional Advisory Council. This action should help with harvest reporting accuracy and is very similar to action taken by the Alaska Board of Fisheries at its January 2011 meeting. The Board indicated that while some administrative modifications to the wording proposed by the Council might be needed, the intent of the proposal (see Description) would not be changed.

FP11-14

Description: Proposal FP11-14 requested that in the Kodiak Area a Federally qualified user of salmon that is also an owner, operator, or employee of a lodge, charter vessel, or other enterprise that furnishes food, lodging, or sport fishing guide services may not furnish to a client or guest of that enterprise who is not a rural resident of the state, salmon that has been taken under Federal subsistence fishing regulations. Submitted by the Kodiak/Aleutians Subsistence Regional Advisory Council.

Council Recommendation/Justification: This proposal was withdrawn by the proponent according to Board policy and was not, therefore, addressed by the Board.

FP11-15

Description: Proposal FP11-15 requests that Federally qualified subsistence users only be allowed to fish for salmon from 6:00 a.m. until 9:00 p.m. from January 1 through December 31 in Federal Public waters accessible from the Kodiak road system. Submitted by the Kodiak/Aleutians Subsistence Regional Advisory Council.

Council Recommendation/Justification: This proposal was withdrawn by the proponent according to Board policy and was not, therefore, addressed by the Board.

SOUTHEASTERN ALASKA AND YAKUTAT AREAS

FP11-16/17

Description: Proposal FP11-16, submitted by Michael Douville, requested that the season closing date for the Federal subsistence sockeye salmon fishery in the Klawock River be extended from July 31 to August 15 and that the Monday through Friday fishing schedule be removed. Proposal FP11-17, submitted by the Southeast Alaska Subsistence Regional Advisory Council, requested that the season closing date for the Federal subsistence sockeye salmon fishery in the Klawock River be extended from July 31 to August 7 but retains the Monday through Friday fishing schedule.

Council Recommendation/Justification:

Proposal FP11-16 Support with modification to remove the defined season and fish schedule for subsistence sockeye salmon fishing in the Klawock River drainage from regulation. The modified regulation should read:

§ ____ .27(i)(13)(xiv) From July 7 through July 31, you may take sockeye salmon in the waters of the Klawock River and Klawock Lake only from 8:00 a.m. Monday until 5:00 p.m. Friday.

The Council determined that this proposal, as modified, would provide additional fishing opportunity for subsistence users and simplify subsistence harvest regulations. The original regulation establishing the season and weekly fishing schedule was developed during a period of time when there was considerable non-local weekend travel to the island. The regulation was developed by the State and incorporated into the Federal program when the Federal government assumed authority for subsistence management of fish. The intent of the regulation was to give local residents an advantage over non-locals. There is not the need to restrict non-local participation in Federal subsistence fisheries. There is not a conservation concern in the Klawock River that requires retaining the current regulation. The Klawock River is the only Federal subsistence sockeye salmon fishery with a defined fishing season and weekly fishing schedule in Southeast Alaska. Deleting the sockeye salmon season and weekly fishing schedule would align the Klawock fishing regulations with other Federal sockeye salmon management systems in the Region. The current rules are largely ineffective in restricting sockeye salmon harvest as current regulations for the Southeast Alaska Area allow for sockeye salmon to be retained outside the designated season and weekly fishing period as incidental harvest while fishing for other species.

Proposal FP11-17. Took no action due to previous action on FP11-16. The Council determined that previous action on FP11-16 provided a superior solution to the issue.

Board Action/Justification: Adopted FP11-16 with modification and took no action on FP11-17 due to action taken on FP11-16 as recommended by the Southcentral Alaska Subsistence Regional Advisory Council. There are no conservation concerns so the current regulation is no longer needed. The in-season manager is authorized to take action if needed.

FP11-18

Description: Proposal FP11-18 requested all waters draining into Sections 1C and 1D be closed to the harvest of eulachon. Submitted by the Southeast Alaska Subsistence Regional Advisory Council.

Council Recommendation/Justification: Support with modification to clarify the applicable area, and to make explicit that the closure applies to all users. The modified regulation should read:

§ __.27(i)(13)(ii) You must possess a subsistence fishing permit to take salmon, trout, grayling, or char. You must possess a subsistence fishing permit to take eulachon from any freshwater stream flowing into fishing Sections 1C or 1D.

§ __.27(i)(13)(xxii) All freshwater streams flowing into Sections 1C and 1D are closed to the harvest of eulachon by all users.

The Council determined there were no other management actions appropriate for this area after the collapse of the stock. There will likely be no harvestable surplus in the foreseeable future for any user. The Council considered it very unfortunate this action was necessary and felt this was an example where the need for conservation was not recognized early enough for alternative solutions to be implemented.

Board Action/Justification: Deferred Action. The Board deferred action until the next fisheries regulatory cycle. While conservation of this stock is a serious issue (there is a severe decline of eulachon and no harvestable surplus), a permanent closure would be detrimental to subsistence users and a deferral is not a threat to the resource. Therefore, time can be taken to confer with the local residents who are most affected.

Management of this fishery can continue by special action during this time. This deferral should allow further study and monitoring of the resource. During this time managers will confer with local residents who are the most affected users.

FP11-19

Description: Proposal FP11-19 requested that the Federal Subsistence Board recognize the customary and traditional uses of all marine species of fish and shellfish within the Federal public waters of District 13 for the residents of the City and Borough of Sitka. Submitted by the Sitka Tribe of Alaska.

This proposal was withdrawn by the proponent according to Board policy and was not, therefore, considered by the Southeast Alaska Subsistence Regional Advisory Council or the Board.

FP09-05 Deferred

Description: Proposal FP09-05 seeks to close the Federal public waters in the Makhnati Island area near Sitka to the harvest of herring and herring spawn except for subsistence harvests by Federally qualified subsistence users. This proposal was deferred by the Federal Subsistence Board in January 2009 for a period not to exceed two years. Submitted by the Sitka Tribe of Alaska.

Council Recommendation/Justification: Defer to a time determined by the Board. The Sitka Tribe of Alaska (STA), the original proponent, submitted a letter to the Council requesting that the proposal be deferred once again. This postponement would allow more time for peer review of a STA authored research paper on herring management and population assessment of Sitka Sound herring. Additionally, STA has started a Herring Research Priority Planning Group which may provide additional recommendations regarding the proposal. The Council also wanted to provide the new Board chair additional time to become engaged in this issue. The Council determined that action on this proposal may be premature at this time because implementation of recommendations contained within the secretarial review may provide different or additional rules or policies appropriate to evaluate the proposal.

Board Action/Justification: Deferred Action as recommended by the Southeast Alaska Subsistence Regional Advisory Council. The Board will take up the proposal at or before the next fisheries regulatory meeting in January 2013.

FP09-15 Deferred

Description: Proposal FP09-15 requested that a “no Federal subsistence priority” customary and traditional use determination be made for all fish in the Juneau road system area (all waters crossed by or adjacent to roads connected to the City and Borough of the Juneau road system). In January 2009, the Federal Subsistence Board deferred Proposal FP09-15 to allow time to develop an analysis of the customary and traditional uses of fish in Districts 11 and 15. Submitted by the Alaska Department of Fish and Game.

Council Recommendation/Justification: Oppose. The Southeast Alaska Subsistence Regional Advisory Council determined that the staff analysis was incomplete and the proposal was unnecessary and detrimental to the continuation of subsistence uses. There is a high degree of certainty that additional information exists regarding the use of this area by residents of various rural communities. The transcripts of the previous meeting contained evidence of subsistence use that was not recognized in the current analysis. The difficulty in documenting historical use is likely due to interruption of traditional activities due to recent regulations. Sport fishing is a subsistence harvest method and the amount of that use should be better described. The Council does not know the outcome of relevant jurisdictional issues currently under consideration by the court in *Katie John II*. In addition, it is likely there will be new and currently unknown rules regarding the evaluation of customary use, as a result of the Secretarial review of the subsistence program. The intent of ANILCA does not require the Council to determine non-subsistence use areas or make a negative customary use determination. The Council agrees that there are management challenges in this area but there are management tools available to Federal managers to provide for conservation and sustainability of these stocks. The Council heard public testimony citing economic factors that bring rural residents to Juneau as transient workers. There should be an opportunity for subsistence harvest of fish for rural residents that are forced by necessity to spend time in Juneau. This proposal is detrimental to the satisfaction of subsistence needs and would be precedent setting. The Council has already rejected two similar proposals in previous years and there should be deference shown to the Council on this issue. There is no evidence to indicate that subsistence fishing in streams on the Juneau road system is inappropriate and no evidence that Federal subsistence fishing regulations are not conservative and sustainable.

Board Action/Justification: Rejected. The Office of Subsistence Management opposed this proposal when it was first presented in 2009 and there is insufficient information to support the proposal now. The entire Juneau area is a traditional use area. The ADF&G harvest survey was limited. There should not be any Federal lands where an entire group of animals, such as fish, is closed to subsistence use. This Board action is consistent with the Southeast Alaska Subsistence Regional Advisory Council recommendation.

UNITED STATES DEPARTMENT OF THE INTERIOR
SOUTHEAST ALASKA SUBSISTENCE REGIONAL ADVISORY COUNCIL

CHARTER

1. **Official Designation:** Southeast Alaska Subsistence Regional Advisory Council.
2. **Objectives and Scope of Activity:** The objective of the Council is to provide an administrative structure that enables residents of the region who have personal knowledge of local conditions and requirements to have a meaningful role in the management of fish and wildlife and of subsistence uses of those resources on public lands in the region.
3. **Period of Time Necessary for the Council's Activities and Termination Date:** The Council is expected to exist into the foreseeable future. Its continuation is, however, subject to rechartering every biennial anniversary of the Alaska National Interest Lands Conservation Act of December 2, 1980. The Council will take no action unless the charter filing requirements of section 9 of the Federal Advisory Committee Act have been met.
4. **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.
5. **Support Services:** The U.S. Fish and Wildlife Service, Department of the Interior, provides administrative support for the activities of the Council.
6. **Duties of the Council:** The Council possesses the authority to perform the following duties:
 - a. Initiate, 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 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.

The Council will perform its duties in conformity with the Regional Advisory Council Operations Manual.

- 7. **Estimated Operating Costs:** Annual operating costs of the Council are estimated at \$250,000, which includes one and one-half person-years of staff support.
- 8. **Meetings:** The Council may meet at each year at the call of the Council, Council Chair, Federal Subsistence Board Chair, or Designated Federal Officer with the advance approval of the Federal Subsistence Board Chair and the Designated Federal Officer, who will also approve the agenda.
- 9. **Membership:** The Council's membership is 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 a diversity of interests is represented, the Department of the Interior will comply with the requirements of the Federal Advisory Committee Act, Section 5(b)(2) as expressed by the U. S. District Court in Safari Club International versus Demientieff in the amended order dated August 7, 2006.

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

Vacancy: Whenever a vacancy occurs among Council members appointed under paragraph 9, the Secretary will appoint an individual in accordance with paragraph 9 to fill that vacancy for the remainder of the applicable term.

Terms of Office: Except as provided herein, each member of the Council will serve a 3-year term with the term ending on December 2 of the appropriate year unless a member of the Council resigns prior to the expiration of the 3-year term or he/she is removed for cause by the

Secretary upon recommendation of the Federal Subsistence Board. Members will be notified of their appointment in writing. If resigning prior to the expiration of a term, members will provide a written resignation.

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

Removal of Members: If a Council member appointed under paragraph 9 has two consecutive unexcused absences of regularly scheduled meetings, the Chair of the Federal Subsistence Board may recommend that the Secretary of the Interior with the concurrence of the Secretary of Agriculture remove that individual. A member may also be removed due to misconduct.

Compensation: Members of the Council will receive no compensation as members. Members will, however, be allowed travel expenses, including per diem, in the same manner as persons employed intermittently in government service are allowed such expenses under 5 U.S.C. 5703.

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

11. **Designated Federal Officer or Employee:** Pursuant to Section 10(e) of the Federal Advisory Committee Act, the Designated Federal Officer will be the Federal Regional Coordinator or such other Federal employee as may be designated by the Assistant Regional Director - Subsistence, Region 7, U.S. Fish and Wildlife Service.

12. **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)).

/s/ Ken Salazar

Secretary of the Interior

NOV 20 2009

Date Signed

DEC 3 2009

Date Filed



THE SECRETARY OF THE INTERIOR
WASHINGTON

DEC 17 2010

Mr. Tim Towarak
Chair, Federal Subsistence Board

Dear Mr. Towarak:

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

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

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

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

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

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

An identical letter is being sent to Mr. Tim Towarek, Chair, Federal Subsistence Board.

Sincerely,

/S/ Ken Salazar

Ken Salazar

Enclosure



OFFICE OF THE SECRETARY
**U.S. Department
of the Interior**

www.doi.gov

News Release

Tim Towarak Appointed Chairman of Alaska's Federal Subsistence Board; Will Lead Board Revitalization Initiative

Comprehensive Review of Subsistence Program Calls for Board Action to Strengthen Rural Representation, Regional Advisory Councils

08/31/2010

Contact: Kate Kelly (DOI) 202-208-6416
USDA Office of Communications 202-270-4623

ANCHORAGE – Secretary of the Interior Ken Salazar and Secretary of Agriculture Tom Vilsack today announced the appointment of Tim Towarak as the Chair of the Federal Subsistence Board in Alaska. Towarak, an Alaska Native and a life-long resident of the rural village of Unalakleet, Alaska, is president of the Bering Straits Native Corporation and co-chair of the Alaska Federation of Natives.

“Tim has participated in subsistence activities all his life and has demonstrated a keen understanding of the needs of rural residents of Alaska as well as the workings of government and the private sectors,” said Secretary Salazar, whose department recently completed a review of the subsistence program management. “With his experience and understanding, he is uniquely qualified to lead the Board in carrying out improvements that will strengthen its role in managing fish and wildlife on the public lands in Alaska.”

Secretary Vilsack commended Towarak, saying “We are confident Tim can lead the Board’s revitalization initiative. The federal subsistence management program embodies key USDA roles and priorities, including sustaining livelihoods of rural families, ensuring access to healthy and affordable food, providing jobs in rural communities, sustaining culture and traditional ways of life, and strengthening relationships with Alaska Native tribes.”

The Federal Subsistence Board manages the fish and wildlife harvest for rural residents who depend on these resources for their lives and livelihoods. The board includes the Alaska Directors for the Fish and Wildlife Service, the National Park Service, the Bureau of Indian Affairs, the Bureau of Land Management, and the Alaska Regional Forester for the Department of Agriculture’s Forest Service. The Board works through Regional Advisory Councils.

The program review proposed several administrative and regulatory changes to strengthen the program and make it more responsive to the concerns of those who rely on it for their subsistence needs. One proposal calls for adding two rural Alaskans to the Board, which allows additional regional representation and increases stakeholder input in the decision-making process. This change would be open to public comment through the rule-making process.

The Secretaries also are asking the new Chair and the Board to ensure that the Regional Advisory Councils are given the full authorities in the rule-making process that they are granted in the Alaska National Interest Lands Conservation Act (ANILCA), and that the board take on greater responsibilities for budget preparation as well as hiring and evaluating the director of the Office of Subsistence Management.

Secretarial Review of the Subsistence Management Program

The Board also is being requested to evaluate the Memorandum of Understanding (MOU) it negotiated in 2008 with the State of Alaska to ensure it does not constrain federal subsistence management responsibilities. This evaluation will include all parties, including the Regional Advisory Councils.

Reviewers also received recommendations for statutory changes to better meet the goals of ANILCA and the Alaska Native Claims Settlement Act. While these proposals are acknowledged, they fall outside the authorities of the Secretaries but will be forwarded to concerned Members of Congress and the relevant committees with oversight of the statutes.

Additional changes to the subsistence program may follow. Secretary Salazar has asked his Policy, Management and Budget team at Interior to conduct a professional management review of the Office of Subsistence Management to ensure that the organizational structure created nearly 20 years ago, and the budgets they live with, meet the increasingly complex research and management demands that have accrued through nearly two decades of court decisions and resource allocation challenges.

Additionally, the USDA Forest Service's Washington Office recently reviewed its Alaska Region's portion of the program. Recommendations based on that review are being evaluated and will be integrated with Interior's findings for consideration by both Departments.

Under Title VIII of ANILCA, rural residents of Alaska are given priority for subsistence uses of fish and wildlife on federal lands. The State of Alaska managed for the rural resident subsistence priority until a 1989 Alaska Supreme Court decision ruled the priority conflicted with the state's constitution. The Interior and Agriculture departments began managing the subsistence priority for wildlife on federal lands in 1992. Six years later, following a federal court ruling, federal management for subsistence fisheries in certain waters within or adjacent to federal lands was added to the responsibilities of the Interior and Agriculture departments.

The federal subsistence management structure was crafted as a temporary DOI/USDA program to meet the requirements of ANILCA until the state could amend its constitution and comply with Title VIII of that law. This DOI/USDA review was predicated on the assumption that the state is no longer attempting to regain management authority for the ANILCA subsistence priority, and that federal management will continue for the foreseeable future.

###

BRIEFING ON CHANGING THE COMPOSITION OF THE BOARD

On October 23, 2009, Secretary of the Interior Salazar announced the initiation of a Departmental review of the Federal Subsistence Management Program. The review focused on how the program is meeting the subsistence mandates found in Title VIII of the Alaska National Interest Lands Conservation Act of 1980 (ANILCA), and how the program is serving rural subsistence users as envisioned when the program was begun in the early 1990s.

On August 31, 2010, the Secretaries announced the findings of the review. The results of the review lead to several proposed administrative and regulatory changes to strengthen the program and make it more responsive to subsistence users. One proposed change is to expand the Board to include two public members who would represent rural Alaskan subsistence users. This change would afford representation of rural Alaska subsistence users' interests, and increased stakeholder input in the decision-making process.

Special Assistant to the Secretary of the Interior for Alaska Pat Pourchot worked with the Office of Subsistence Management to develop a proposed rule to make this change. The proposed rule was published on February 11, 2011, with a 60 day public comment period. Following the public comment period, the Office of Subsistence Management will summarize public comments which will be reviewed by the Federal Subsistence Board and the Secretaries. The Board will review the public comments at its public meeting on May 3, 2011 and provide its recommendation to the Secretaries. This change is to subpart B of the regulations, which means that it is within the purview of the Secretaries, and not the Federal Subsistence Board. The Secretaries will make the final determination as to whether or how this change is to be made.

In summary, this proposed change would expand the Board to include two new members. Additional changes to the regulation are also proposed to clarify the designation of alternates for Federal agency members and to increase the size of a quorum (to take into account the two new members). There is nothing in the regulation change that speaks to who the new representatives would be, nor the process utilized to appoint those two new members.

The Federal Subsistence Board, acting for the Secretaries, is seeking comment on this proposed regulatory change to expand the Board to include "two public members representing rural Alaska subsistence users..."

The specific regulatory changes are provided below, and the full text of the proposed rule can be found at: <http://alaska.fws.gov/asm/law.cfm?law=3>

Existing Federal Regulation

§ ____ .10 *Federal Subsistence Board.*

* * * * *

(b) * * *

(1) *The voting members of the Board are: a Chair to be appointed by the Secretary of the Interior with the concurrence of the Secretary of Agriculture; the Alaska Regional Director, U.S. Fish and Wildlife Service; Alaska Regional Director, National Park Service; Alaska Regional Forester, USDA Forest Service; the Alaska State Director, Bureau of Land Management; and the Alaska Regional Director, Bureau of Indian Affairs. Each member of the Board may appoint a designee.*

* * * * *

(d) * * *

(2) A quorum consists of four members.

Proposed Federal Regulation

§ ____ .10 Federal Subsistence Board.

* * * * *

(b) * * *

(1) The voting members of the Board are: a Chair to be appointed by the Secretary of the Interior with the concurrence of the Secretary of Agriculture; **two public members representing rural Alaskan subsistence users to be appointed by the Secretary of the Interior with the concurrence of the Secretary of Agriculture**; the Alaska Regional Director, U.S. Fish and Wildlife Service; Alaska Regional Director, National Park Service; Alaska Regional Forester, USDA Forest Service; the Alaska State Director, Bureau of Land Management; and the Alaska Regional Director, Bureau of Indian Affairs. Each **Federal agency** member of the Board may appoint a designee.

* * * * *

(d) * * *

(2) A quorum consists of **five** members.

* * * * *

Comments on the proposed rule may be submitted through April 12, 2011 by one of the following methods:

- **By mail or hand delivery**
Federal Subsistence Board
Office of Subsistence Management -- Attn: Theo Matuskowitz
1011 East Tudor Road, MS-121
Anchorage, AK 99503
- **At any Federal Subsistence Regional Advisory Council meeting**
See the Meetings and Deadlines page of the Federal Subsistence Management Program's website, <http://alaska.fws.gov/asm/deadline.cfm>, for dates and locations of Council meetings.
- **On the Web at <http://www.regulations.gov>**

Search for FWS-R7-SM-2011-0004, which is the docket number for this proposed rule.

All comments received will be posted on <http://www.regulations.gov>.

**BRIEFING
ON
MEMORANDUM OF UNDERSTANDING**

In his letter to the Federal Subsistence Board following the program review, the Secretary specifically directed the Federal Subsistence Board to review the Memorandum of Understanding (MOU) with the Regional Advisory Councils, and determine either the need for the MOU or the need for potential changes to clarify Federal authorities in regard to the subsistence program. Consistent with that direction, the Federal Subsistence Board is seeking input from the Regional Councils on the MOU during the winter 2011 meeting cycle.

BACKGROUND

When the Federal subsistence program expanded into subsistence fisheries management in 1999, both Federal and State entities believed that a Memorandum of Agreement (MOA) would help with the coordination of subsistence management between Federal and State Programs. As a result, an MOA was negotiated between a state and federal team that included Regional Advisory Council representatives. It was initialed by all parties in April 2000. The 2008 MOU, which is based in large part on the MOA, was developed by a team of state and federal officials over a period of about one year and was signed in December 2008. FACA concerns precluded RAC members from being on the development team.

The purpose of the MOU "...is to provide a foundation and direction for coordinated interagency fish and wildlife management for subsistence uses on Federal public lands..." while allowing the Federal and State agencies to continue to act in accordance with their respective statutory authorities. Signatories include the Chair of the Federal Subsistence Board and its members, consisting of the Alaska Regional and State Directors of BLM, BIA, NPS, USFWS, and USDA Forest Service; the Commissioner of the Alaska Department of Fish and Game, and the Chairs of the Alaska Board of Fisheries and the Alaska Board of Game.

KEY POINTS

- The MOU helps to address the necessity of having some degree of communication and coordination between the State and Federal governments in order to aid in effective management of fish and wildlife resources in Alaska.
- Several sections of Title VIII expressly require the Secretaries to communicate and/or consult with State representatives on certain issues relating to subsistence uses by rural Alaskans (e.g., ANILCA §§ 802(3), 805(a), 810(a), 812, and 816(b)).
- The MOU was carefully reviewed by the Federal team and legal counsel to ensure that provisions of Federal law and the Board's obligations to rural residents as defined in Title VIII of ANILCA continue to be maintained.
- The body of the MOU contains several references to State law, prompting some observers to express concern that in signing the MOU, the Board undermined its obligation under Title VIII to provide for a subsistence priority for rural Alaskans on Federal public lands.

- However, the Board's authority, charge, and obligation to rural residents come only from Title VIII and any other applicable federal statutes: the MOU will not, and cannot, change that.
- Three protocols targeted at specific issues were developed under the guidance of the MOA/ MOU: *Subsistence Management Information sharing Protocol, April 2002, Yukon River Drainage Subsistence Salmon Fishery Management Protocol, April 2002, and the Memorandum of Understanding: Review and Development of Scientifically Based Salmon Escapement Goals, June 2005. These protocols facilitate management, as well as the exchange and sharing of data between the Federal and State agencies.*
- Other key guiding principles of the MOU include: avoiding duplication of research, monitoring, and management; involving subsistence and other users in fish and wildlife management planning efforts; and promoting clear and enforceable hunting, fishing and trapping regulations.

ACTION NEEDED

- Regional Councils and State Advisory Committees are being asked to review the MOU and offer specific comments about the wording of the document and how it might be improved. Regional Council and State Advisory Committee members are welcome to offer their general opinion of the MOU as well.

NEXT STEPS

- The Federal Subsistence Board's review period is now open and will go until May 1, 2011.
- The Federal Subsistence Board will review all comments in the summer of 2011 and determine what the next steps should be. Because the MOU involves other parties, there will need to be discussion with those parties also.

Submit comments to:
Gary Goldberg
Office of Subsistence Management
1011 East Tudor Road
Anchorage, AK 99503

or

via E-mail to
Gary_Goldberg@fws.gov

or

via fax at 907-786-3898

MEMORANDUM OF UNDERSTANDING

for

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

between the

Federal Subsistence Board

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

and

State of Alaska

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

I. PREAMBLE

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

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

WHEREAS, the Secretaries of Agriculture and the Interior (Secretaries), by authority of the Alaska National Interest Lands Conservation Act (ANILCA) and other laws of Congress, regulations, and policies, are responsible for ensuring that the taking on Federal public lands of fish and wildlife for nonwasteful subsistence uses, as defined in ANILCA §803, shall be accorded priority over the taking on such lands of fish and wildlife for other purposes as provided for in ANILCA §804; and that the Secretaries are responsible for protecting and providing the opportunity for rural residents of Alaska to engage in a subsistence way of life on Federal public lands in Alaska, consistent with the conservation of healthy populations of fish and wildlife; and these lands are defined in ANILCA §102 and Federal regulation (36 CFR Part 242 and 50 CFR Part 100); and that the Secretaries implement this priority through the Federal Subsistence Board, providing for public participation through Regional Advisory Councils authorized by ANILCA §805 and Federal regulations (above); and,

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

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

II. PURPOSES

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

III. GUIDING PRINCIPLES

- 1) Ensure conservation of fish and wildlife resources while providing for continued uses of fish and wildlife, including a priority for subsistence uses, through interagency subsistence management and regulatory programs that promote coordination, cooperation, and exchange of information between State and Federal agencies, regulatory bodies, Regional Advisory Councils and/or State Advisory Committees, state and local organizations, tribes and/or other Alaska Native organizations, and other entities;
- 2) Use the best available scientific and cultural information and local traditional knowledge for decisions regarding fish and wildlife management for subsistence uses on Federal public lands;
- 3) Avoid duplication in research, monitoring, and management;
- 4) Involve subsistence and other users in the fisheries and wildlife management planning processes;
- 5) Promote stability in fish and wildlife management and minimize unnecessary disruption to subsistence and other uses of fish and wildlife resources; and
- 6) Promote clear and enforceable hunting, fishing, and trapping regulations.

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

- 1) To cooperate and coordinate their respective research, monitoring, regulatory, and management actions to help ensure the conservation of fish and wildlife populations for subsistence use on federal public lands.
- 2) To recognize that State and Federal historical and current harvest and population data and information and cultural information are important components of successful implementation of Federal responsibilities under ANILCA Title VIII.
- 3) To provide a priority for subsistence uses of fish and wildlife resources and to allow for other uses of fish and wildlife resources when harvestable surpluses are sufficient, consistent with ANILCA and Alaska Statute 16.05.258.
- 4) To recognize that cooperative funding agreements implementing the provisions of this MOU may be negotiated when necessary and as authorized by ANILCA §809 and other appropriate statutory authorities. Federal funding agreements for cooperative research and monitoring studies of subsistence resources with organizations representing local subsistence users and others will be an important component of information gathering and management programs.
- 5) To recognize that State and Federal scientific standards for conservation of fish and wildlife populations are generally compatible. When differences interpreting data are identified, the involved agencies should appoint representatives to seek resolution of the differences.
- 6) To cooperatively pursue the development of information to clarify state and federal regulations for the public.
- 7) To recognize that the signatories may establish protocols or other procedures that address data collection and information management, data analysis and review, in-season fisheries and wildlife management, and other key activities and issues jointly agreed upon that affect subsistence uses on Federal public lands. (See Appendix)
- 8) To provide an opportunity, through interagency Federal-State technical committees, for appropriate scientific staff, along with Regional Advisory Council and/or State Advisory Committee representatives, subsistence users, and other members of the public to discuss and review data analyses associated with proposal analyses and resource and harvest assessment and monitoring.
- 9) To designate liaisons for policy communications and, as appropriate, to identify local agency representatives for efficient day-to-day communication, field operations, and data retrieval between State and Federal programs.
- 10) To provide adequate opportunity for the appropriate Federal and State agencies to review analyses and justifications associated with special actions and emergency orders affecting subsistence uses on Federal public lands, prior to implementing such actions. Where possible and as required, State and Federal agencies will provide advance notice to

Regional Advisory Council and/or State Advisory Committee representatives and other interested members of the public before issuing special actions or emergency orders. Where conservation of the resource or continuation of subsistence uses is of immediate concern, the review shall not delay timely management action.

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

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

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

V. GENERAL PROVISIONS

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

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

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

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

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

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

7) This MOU becomes effective upon signing by all signatories and will remain in force until such time as the Secretary of the Interior determines that the State of Alaska has implemented a subsistence management program in compliance with Title VIII of

ANILCA, or, signatories terminate their participation in this MOU by providing 60 days written notice. Termination of participation by one signatory has no impact on this MOU's effectiveness between the remaining signatories.

8) The signatories will meet annually, or more frequently if necessary, to review coordinated programs established under this MOU and to consider modifications to this MOU that would further improve interagency working relationships. Documentation of the review and consideration of any modifications within the scope of this understanding shall be made by mutual consent of the signatories, in writing, signed and dated by all parties. If no review is conducted, this MOU will expire 5 years after the most recent review was conducted.

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

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

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

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

SIGNATORIES

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

/S/ Denby Lloyd

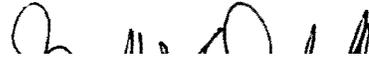
Commissioner
Alaska Department of Fish and Game
Date: 7 Nov. 08

/S/ John Jenson

Chair
Alaska Board of Fisheries
Date: Nov 3 2008

/S/ Cliff Judkins

Chair
Alaska Board of Game
Date: 11/09/08



/S/ Geoff Haskett

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

/S/ Denny Bschor

Regional Forester
U.S. Forest Service
Date: 12/17/08

/S/ Sue Masica

Regional Director
National Park Service
Date: 12.12.08

/S/ T. P. Lonnie

State Director
Bureau of Land Management
Date: 12-18-08

/S/ Niles Cesar

~~Regional~~ Area Director
Bureau of Indian Affairs
Date: 12-15-08

/S/ Mike R. Fleagle

Chair
Federal Subsistence Board
Date: 12/5/08

APPENDIX

SCOPE FOR PROTOCOLS AND/OR PROCEDURES

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



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

Federal Subsistence Board

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



U.S. FOREST SERVICE

FWS/OSM 10089

December 21, 2010

[REDACTED]
[REDACTED]
[REDACTED], Anchorage, Alaska 99503

Dear [REDACTED]:

Consistent with the Secretaries of the Interior and Agriculture's renewed emphasis on respectful relationships with tribes, the Federal Subsistence Board would like to enhance our government-to-government consultation with tribes. This letter explains the process that the Federal Board intends to pursue. Because of the central role of the Regional Advisory Councils, we want to ensure that you, as a Council member, are kept informed throughout this process, and that you have the opportunity to participate meaningfully as we move forward.

As a Council member you know that Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) provides a foundational role for the ten Regional Advisory Councils in the development of regulations guiding the taking of fish and wildlife on Federal public lands in Alaska. In making its regulatory decisions, the Federal Board must follow the recommendations of the Regional Advisory Councils unless they are not supported by substantial evidence, violate recognized principles of fish and wildlife conservation, or would be detrimental to the satisfaction of subsistence needs (805(c) of ANILCA). Deference to the Councils ensures that rural residents have a meaningful role in the management of fish and wildlife and subsistence uses, as envisioned by Congress. To date, because of the foundational role of Councils in the Federal program, as well as the requirement by statute that the Board defer to the Councils' recommendations, the Federal Board has not explicitly consulted with tribes during the development of regulations.

With regard to the soon-to-be-expiring fisheries regulations, the Federal Board is requesting immediate input so that the rural subsistence-fishing priority can continue after March 31, 2011. The process for developing fisheries regulations has been underway for ten months, beginning with publication in the Federal Register on January 15, 2010, of a proposed rule to continue the regulations for another two years. In response to the proposed rule, the Program received 19 proposals to change regulations. The proposals were then analyzed by Federal staff, and the relevant analyses were reviewed by Regional Advisory Councils during public meetings in their respective regions this past fall. At each Regional Council meeting the Councils heard testimony on the proposals and through a deliberative process provided recommendations to the Federal Board on relevant proposals.

██████████

The Federal Board is scheduled to act on these recommendations at its January 18-21, 2011, meeting in Anchorage. As the existing regulations expire on March 31, 2011, the new regulations must be in place by April 1, 2011. If Federal regulations expire before new regulations are in place, the ANILCA rural priority would lapse and state regulations would guide subsistence take on Federal lands. In light of the need for expediency, the Federal Subsistence Board has invited tribes to an in-person consultation session with the Board and the ten Regional Advisory Council chairs on January 18th, the first day of our meeting. Recognizing that it could be difficult for people to travel to that session in Anchorage, we have made provisions for telephonic consultation as well as the incorporation of written input (see enclosure). The Federal Board will consider this input during its deliberations at the January 18-21 meeting. We recognize that this approach may fall short of how tribes would like to consult with Federal officials on subsistence; however, it is our hope that by inviting input in this manner concerns will be addressed for this immediate Board action on fishery proposals.

To ensure more comprehensive and effective future tribal involvement, we also intend to develop a tribal consultation protocol. Towards that end, we have invited tribes to an initial meeting with the Board and Regional Council Chairs to begin discussions on how best to structure future tribal consultation working with the Board and the Regional Councils. This winter we will also discuss with Regional Councils how they envision tribal government-to-government consultation should occur. The meeting with tribes will be held on January 21, 2011, at the Egan Center, beginning at 9:00 AM. Again, we will provide an opportunity for telephonic participation (see enclosed) or comments or suggestions may be sent to the Board (see enclosure for mailing address).

Based on input and the discussions at the meeting on January 21st, and later with the Regional Advisory Councils, the Federal Board will develop a draft approach to tribal consultation. We will share that approach with tribes and Regional Councils prior to finalizing our process. For further information, please contact Gary Goldberg, Subsistence Policy Coordinator at the Office of Subsistence Management, at 1-800-478-1456.

In closing, I appreciate your interest in and service to the Federal Subsistence Program.

Sincerely,

/S/ Tim Towarak

Tim Towarak, Chair
Federal Subsistence Board

**SUMMARY OF THE JANUARY 5, 2011
FEDERAL SUBSISTENCE BOARD EXECUTIVE SESSION**

- The Federal Subsistence Board held an executive session on Wednesday, January 5, 2011 at which it discussed possible follow-up work on six items that came out of the Secretarial Review of the Federal Subsistence Management Program.
- FSB Members (or their alternates) in attendance at the January 5, 2011 meeting included:
 - Tim Towarak, Chair
 - Sue Masica, NPS
 - Julia Dougan, BLM
 - Kristin K'eit and Gene Virden, BIA
 - Larry Bell, FWS
 - Beth Pendleton, USDA, FS.
- Staff in attendance included:
 - Keith Goltz and Ken Lord, SOL; Jim Ustaciewski, OGC;
 - Pete Probasco, Polly Wheeler, Gary Golberg and Larry Buklis, OSM
 - Nancy Swanton, Sandy Rabinowitch, and Dave Mills, NPS
 - Jerry Berg and Crystal Leonetti, FWS;
 - Glenn Chen and Pat Petrivelli, BIA
 - Dan Sharp, BLM
 - Steve Kessler, USDA FS.
- Pat Pourchot, Special Assistant for Alaska, Secretary of the Interior was also in attendance.

No formal action was taken at the meeting. The Board discussed six items from the Secretarial review, including:

- Developing a proposed regulation to increase the membership on the Federal Subsistence Board to include two additional public members representing subsistence users.
 - OSM and Pat Pourchot developed a proposed rule, it will be published in the Federal Register in mid-February, with a 60 day public comments period.
- As a matter of policy, expand deference to appropriate Regional Advisory Council (RAC) recommendations in addition to the “takings” decisions of the Board provided for under Section 805(c) of ANILCA, subject to the three exceptions found in that Section.
 - The FSB will generally defer to Regional Councils on C&T, but likely not on rural, as the Courts have ruled that rural is an absolute term. The FSB has not yet decided on whether or not it will defer to RACs on the rural process.
- Review, with Regional Council input, the December 2008 Memorandum of Understanding (MOU) with the State to determine either the need for the MOU or the need for potential changes to clarify Federal authorities in regard to the subsistence program.
 - The MOU is being presented to all Councils at the winter 2011 meetings for their review and comment.
- Review, with Regional Advisory Council input, the customary and traditional (C&T) use determination process and present recommendations for regulatory changes.

- RACs are being asked for their general perspectives on the C&T process. That is, are they okay with it, and if not, what in their view should be changed.
- Review, with Regional Advisory Council input, the rural/nonrural determination process and present recommendations for regulatory changes.
 - The FSB will be holding a work session on this process on April 6. No further action will be taken until after that meeting.
- Review the Board's written policy on executive sessions and minimize the use of executive sessions to those specifically prescribed.
 - The Board will minimize the use of executive sessions. It also intends to add a sentence to its guidelines, stating that formal report-outs will be provided following executive sessions. This document represents the first such "report out."

Action Item from Secretarial Review	Status	Next Steps	RAC Involvement
Expand FSB membership			
	Requires change to subpart B regulations Draft has been prepared	Anticipate publication of draft regulation during spring 2011 FSB will make recommendation to Secretaries in May 2011 Nominees will not be solicited until regulations finalized, likely in 2011	Will be asked for comment at Winter 2011 meetings
Expand deference to RACS:			
C&T	FSB generally supportive of expanding deference to RACs on C&T; policy and/or possible rulemaking need to be pursued	Develop interim policy (following 805(c)) for deference on C&T Determine appropriate mechanism (policy, rulemaking/advance notice of intent) for formalizing intent on C&T	Circulate draft for comment - Fall 2011
Rural Determinations	The Courts have found that rural is an absolute term meaning "sparsely populated," and not subject to interpretation, therefore deference regarding rural determinations would be inappropriate.	Focus on process and criteria for rural/nonrural determinations	RAC chairs invited to April 6, 2011 meeting to understand 2000 census process

Action Item from Secretarial Review	Status	Next Steps	RAC Involvement
Expand deference to RACS (Continued)			
<i>In-Season management</i>	No change for in-season management, will defer as time and conservation allow	Revise inseason delegation of authority letters as needed and provide copies to RACs	Discuss communications improvements/enhancements that flow from delegation of authority letters
Review MOU			
	Overview/briefing at winter 2011 RAC meetings	Receive feedback by May 1, 2011 FSB to review comments during summer 2011 FSB to discuss changes with State Any proposed changes will be brought before the RACs in Fall 2011	Review and discuss MOU at Winter 2011 meetings Provide comments to FSB by May 1, 2011
Review C&T determination process			
	Seek input from RACs as to what changes, if any, are needed Explore and develop possible options for changes	Receive RAC input Refine options (if any) during Summer 2011 Options presented to RACs in Fall 2011	Broad discussion on C&T process at Winter 2011 meetings If needed, review and develop options at Fall 2011 meetings

Action Item from Secretarial Review	Status	Next Steps	RAC Involvement
Review rural/nonrural process			
	Educational work session on April 6, 2011	Need to examine process for considering changes to rural determinations process	Invite RAC chairs to April 6, 2011 work session

GULF OF ALASKA GROUND FISH FISHERIES CHINOOK SALMON BYCATCH UPDATE

During its December 2010 meeting, the North Pacific Fishery Management Council (NPFMC) identified concerns about Chinook salmon bycatch taken in the Gulf of Alaska (GOA) groundfish fisheries, and directed its staff to initiate two analyses to implement short- and long-term salmon bycatch control measures. In the short-term, focused measures for expedited review and rulemaking have been initiated for the GOA pollock fishery. A longer-term amendment package will address comprehensive salmon bycatch management in the GOA trawl fisheries. A summary of the alternatives:

Western/Central GOA pollock fishery analysis — expedited track

Alternative 1: Status quo

Alternative 2: Establish Chinook salmon bycatch limit for the directed pollock fishery (hard cap, by regulatory area) and increase observer coverage on vessels under 60 feet

Alternative 3: Require membership in a mandatory salmon bycatch control cooperative in order to fish in the directed pollock fishery

GOA trawl fisheries analysis — regular track

Alternative 1: Status quo

Alternative 2: Establish a Chinook salmon bycatch limit for the non-pollock trawl fisheries (hard cap, may be apportioned by area and/or directed fishery)

Alternative 3: Require membership in a mandatory salmon bycatch control cooperative in order to fish in all Western/Central GOA trawl fisheries

Alternative 4: Require full retention of all salmon in all western/central GOA trawl fisheries (includes an option to require electronic monitoring or observers to monitor for discards)

The limit range of Chinook salmon bycatch to be analyzed for the directed pollock fishery includes 15,000, or 22,500, or 30,000 fish, applied to the Western/Central GOA fisheries as a whole. For the non-pollock fisheries, the Chinook salmon bycatch limit range to be analyzed is 5,000, or 7,500, or 10,000 fish.

Upcoming Actions

- **Early February in Seattle:** NPFMC to review workplan and timetable.
- **March/April in Anchorage:** The NPFMC is scheduled to conduct an initial review of the analysis for the Western/Central GOA pollock fishery.
- **June 2011 (tentative) in Nome:** NPFMC final action to select final management measures for the Western/Central GOA pollock fishery.

- The public is invited to provide input and comments at either or both the March and June meetings.
- A draft of the analysis will be made available on the NPFMC website (<http://www.fakr.noaa.gov/npfmc/>) at least two weeks before each meeting.
- If the NPFMC takes final action in June, the National Marine Fishery Service will then proceed to rulemaking, and the new management measures would be implemented, at the earliest in mid-2012, in time for the fall pollock fishing season in 2012. For the longer term, more comprehensive bycatch management package for the GOA trawl fisheries, NPFMC staff will begin work on that analysis once they are finished with the pollock fishery analysis, sometime in fall 2011.

See the following pages for the full NPFMC motion.

FINAL COUNCIL MOTION
C-3(b) GOA Chinook Salmon Bycatch
February 5, 2011

The Council adopts the below purpose and need statement and revised alternatives for initial review in April, anticipating the selection of a preliminary preferred alternative in April.

Problem statement:

Magnuson-Stevens Act National Standards require balancing optimum yield with minimizing bycatch and minimizing adverse impacts to fishery dependent communities. Chinook salmon bycatch taken incidentally in GOA pollock fisheries is a concern, historically accounting for the greatest proportion of Chinook salmon taken in GOA groundfish fisheries. Salmon bycatch control measures have not yet been implemented in the GOA, and 2010 Chinook salmon bycatch levels in the area were unacceptably high. Limited information on the origin of Chinook salmon in the GOA indicates that stocks of Asian, Alaska, British Columbia, and lower-48 origin are present, including ESA-listed stocks.

The Council is considering several management tools for the GOA pollock fishery, including a hard cap and cooperative approaches with improved monitoring and sampling opportunities to achieve Chinook salmon prohibited species catch (PSC) reductions. Management measures are necessary to provide immediate incentive for the GOA pollock fleet to be responsive to the Council's objective to reduce Chinook salmon PSC.

Alternatives:

Alternative 1: Status quo.

Alternative 2: Chinook salmon PSC limit and increased monitoring.

Component 1: PSC limit: 15,000, 22,500, or 30,000 Chinook salmon PSC limit.

The PSC limit may be exceeded by up to 25 percent one out of three consecutive years. If the PSC limit is exceeded in one year, it may not be exceeded for the next two consecutive years.

Apportionment limit between Central and Western GOA

- a) proportional to the historical pollock TAC (2006-2010 or 2001-2010 average).
- b) proportional to historical average bycatch number of Chinook salmon (2006-2010 or 2001-2010 average).
 - Option: drop 2007 and 2010 from both regulatory time series.
- c) as a combination of options (a) and (b) at a ratio of a:b equal to
 - Suboption i: 25:75
 - Suboption ii: 50:50
 - Suboption iii: 75:25

Central and Western GOA PSC limits and the 25 percent buffer would be managed by area (measures to prevent or respond to an overage would be applied at the area level, not Gulf-wide).

Chinook salmon PSC limits shall be managed by NMFS in-season similar to halibut PSC limits.

FINAL COUNCIL MOTION
C-3(b) GOA Chinook Salmon Bycatch
February 5, 2011

If a Chinook salmon PSC limit is implemented midyear in the year of implementation, an amount should be deducted from the annual PSC limit in that year. The deduction should be equal to the contribution that would have been made based on historical averages (selected above) in the seasons preceding implementation.

Component 2: Expanded observer coverage:

Extend existing 30% observer coverage requirements for vessels 60'-125' to trawl vessels less than 60' directed fishing for pollock in the Central or Western GOA.

Alternative 3: Mandatory salmon bycatch control cooperative membership.

To be eligible to participate in the Central Gulf of Alaska or Western Gulf of Alaska pollock fishery, the holder of an appropriately endorsed License Limitation Program license would be required to join a Chinook salmon bycatch control cooperative.

Each cooperative would be formed for participation in a single regulatory area (e.g., Central Gulf of Alaska or Western Gulf of Alaska).

To form, a cooperative is required to have more than:

- a) 25 percent; or
- b) 33 percent;

of the licenses that participated in the applicable regulatory area in the preceding year.

Any cooperative is required to accept as a member any eligible person, subject to the same terms and conditions that apply to all other cooperative members. In addition, the cooperative agreement shall not disadvantage any eligible person entering the fishery for not having an established Chinook salmon bycatch history in the fishery.

Each cooperative agreement shall contain:

A requirement that all vessels retain all salmon bycatch until the plant observers have an opportunity to determine the number of salmon and collect scientific data and biological samples.

Vessel reporting requirements to be used to identify salmon hotspots and an appropriate set of measures to limit fishing in identified hotspots.

A system of information sharing intended to provide vessels with timely information concerning Chinook salmon bycatch rates.

A monitoring program to:

- ensure compliance with the full retention requirement,
- catalogue gear use and fishing practices and their effects on Chinook bycatch rates,
- ensure compliance with vessel reporting requirements and limits on fishing under the system of salmon hotspots,
- determine compliance with any measures that require use of fishing gear or practices to avoid Chinook salmon PSC, and
- verify vessel performance and implement any system of rewards and penalties related to vessel performance.

A set of contractual penalties for failure to comply with any cooperative requirements.

FINAL COUNCIL MOTION

C-3(b) GOA Chinook Salmon Bycatch

February 5, 2011

Cooperative agreements may also contain the following measures:

Measures to promote gear innovations and the use of gear and fishing practices that contribute to Chinook salmon avoidance.

A system of vessel performance standards that creates individual incentives for Chinook salmon avoidance, which could include rewards or penalties based on Chinook salmon bycatch.

Cooperatives may have no measures except those specifically authorized by this action (and shall not include any measures that directly allocate access to any portion of the total allowable catch or any PSC limit).

Each cooperative shall annually provide a report to the Council that includes the cooperative agreement and describes the cooperative's compliance with the specific requirements for cooperatives and the cooperative's performance with respect to those requirements (including salmon retention, gear innovations and fishing practices, vessel reporting requirements and hotspot identification and fishing limitations, vessel performance standards, information sharing, and monitoring). Cooperative reports shall also document any rewards or penalties related to vessel performance and any penalties for failure to comply with the cooperative agreement. The cooperative report should also describe the Chinook salmon bycatch seasonally, identifying any notable Chinook salmon bycatch occurrences or circumstances in the fishery. As a part of its report, a cooperative shall describe each measure adopted by the cooperative, the rationale for the measure (specifically describing how a measure is intended to serve the objective of addressing Chinook salmon PSC, while ensuring a fair opportunity to all participants in the fishery), and the effects of the measure.

In the event more than one cooperative is created within a regulatory area, those cooperatives will be required to enter an intercooperative agreement prior to beginning fishing. The intercooperative agreement will establish rules to ensure that no cooperative (or its members) are disadvantaged in the fishery by its efforts to avoid Chinook salmon.

The parties to any intercooperative agreement shall annually provide a report to the Council including the intercooperative agreement and describing each measure in the agreement, the rationale for the measure (specifically describing how a measure is intended to serve the objective of addressing Chinook salmon PSC, while ensuring a fair opportunity to all participants in the fishery), and the effect of the measure.

The requirement for salmon PSC to be discarded at sea would not apply to directed GOA pollock fishing.

The Council intends to advance both a PSC limit and mandatory bycatch cooperatives as a preliminary preferred alternative and requests the agency begin scheduling to accommodate both alternatives as quickly as practicable.

UPDATE ON TRAVEL PROCEDURES

Travel Arrangements

All Federal agencies are required to make all travel arrangements through the Travel Control Center. All council member travel arrangements must be made by OSM staff. If you amend your travel yourself, you will not receive any per diem for travel time after the amended ticket is issued and you may be liable for the cost of airfare.

Therefore, any changes to your travel absolutely must be made through your coordinator. If you are unable to contact your coordinator, call Durand Tyler at 907-786-3888 or 1-800-478-1456 or Ann Wilkinson at 907-786-3676.

Travel Vouchers

The U.S. Fish and Wildlife Service nationwide is preparing to initiate new software for the Federal financial and business management system at the start of fiscal year 2012 (October 1, 2011), which will extend the time when OSM cannot make purchases or payments. There are two ways this might affect you directly: 1) Members who make a last minute decision to attend a council meeting may not receive a travel advance, and 2) travel vouchers for the fall 2011 council meetings will be delayed.

Fall 2011 Regional Advisory Council Meeting Calendar

August 22–October 14, 2011 current as of 10/29/10

Meeting dates and locations are subject to change.

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Aug. 21	Aug. 22 WINDOW OPENS	Aug. 23 NWA—TBA NS—TBA	Aug. 24	Aug. 25	Aug. 26	Aug. 27
Aug. 28	Aug. 29	Aug. 30	Aug. 31	Sept. 1	Sept. 2	Sept. 3
Sept. 4	Sept. 5 HOLIDAY	Sept. 6	Sept. 7 KA—Cold Bay or King Cove	Sept. 8	Sept. 9	Sept. 10
Sept. 11	Sept. 12	Sept. 13	Sept. 14	Sept. 15	Sept. 16	Sept. 17
Sept. 18	Sept. 19	Sept. 20	Sept. 21 SP—Nome	Sept. 22	Sept. 23	Sept. 24
Sept. 25	Sept. 26	Sept. 27	Sept. 28	Sept. 29	Sept. 30 END OF FY2011	Oct. 1
					SE—Wrangell YKD—TBA	
Oct. 2	Oct. 3 SC—Cantwell	Oct. 4	Oct. 5	Oct. 6	Oct. 7	Oct. 8
		WI—Aniak				
Oct. 9	Oct. 10 HOLIDAY	Oct. 11	Oct. 12	Oct. 13	Oct. 14 WINDOW CLOSES	Oct. 15
		El—Tanana	BB—Dillingham			

Winter 2012 Regional Advisory Council Meeting Calendar

February–March 2012 current as of 02/28/11

Meeting dates and locations are subject to change.

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
<i>Feb. 12</i>	<i>Feb. 13</i> <i>Window Opens</i>	<i>Feb. 14</i>	<i>Feb. 15</i>	<i>Feb. 16</i>	<i>Feb. 17</i>	<i>Feb. 18</i>
		SP—Nome				
<i>Feb. 19</i>	<i>Feb. 20</i> HOLIDAY	<i>Feb. 21</i>	<i>Feb. 22</i>	<i>Feb. 23</i>	<i>Feb. 24</i>	<i>Feb. 25</i>
				YKD—Emmonak		
<i>Feb. 26</i>	<i>Feb. 27</i>	<i>Feb. 28</i>	<i>Feb. 29</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>Mar. 23</i> <i>Window Closes</i>	<i>Mar. 24</i>