



Federal Subsistence Board

Office of Subsistence Management
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Anchorage, Alaska 99503 – 6199



In Reply Refer To:
OSM.A25015

Robert C. Wright, Sr., Chair
Eastern Interior Alaska Subsistence
Regional Advisory Council
c/o Office of Subsistence Management
1101 East Tudor Road, MS 121
Anchorage, Alaska 99503-6199

Dear Chair Wright:

This letter responds to the Eastern Interior Alaska Subsistence Regional Advisory Council's (Council) Fiscal Year 2024 Annual Report. The Federal Subsistence Board (Board) appreciates your effort in developing the Annual Report. Annual Reports allow the Board to become aware of issues outside of the regulatory process that affect subsistence users in your region. We value this opportunity to review the issues concerning your region.

1. On-going Yukon River Chinook and fall Chum salmon crises

Summer of 2024 was the fifth year in a row with dismal returns of Yukon River Chinook, fall Chum, and Coho salmon to the Yukon River drainage. Escapement goals and Pacific Salmon Treaty obligations were again not met even though subsistence fishing was closed. Limited fishing for summer Chum Salmon was allowed in the lower river, but all salmon fishing was completely closed again in our region. And while local fishers went without much needed salmon for their families and communities, Yukon River salmon continued to be bycaught in the Bering Sea and intercepted in the Alaska Peninsula commercial fisheries.

Many Councils have written to the Board extensively on salmon issues and the Board has elevated the issues to the Secretaries of the Interior and Agriculture. We are thankful to hear back from Department of the Interior former Deputy Assistant Secretary Joan Mooney in her January 17, 2025 letter. We hear her encouragement to develop recommendations at the Council level, which we are outlining below. We await an opinion from the Solicitor on these issues. We continue to emphasize that the Departments of the Interior and Commerce and the State of Alaska must work together to rebuild salmon stocks and manage salmon on an inter-jurisdictional and ecosystem scale. With the administrative transition in Washington DC, we

request that the Board pursue meaningful action on these topics with new leadership as soon as it is feasible.

Regulatory actions needed to address bycatch and interception

To address bycatch and interception of Arctic-Yukon-Kuskokwim (AYK) salmon, the Council is in full support of time and area closures in Federal and State managed marine commercial fisheries and supports the establishment of a conservation corridor for migrating salmon. The Council continues to support establishing a bycatch hard cap for Chum Salmon and lowering the limits of Chinook Salmon hard caps in Bering Sea–Aleutian Islands groundfish fisheries. We are engaged in the North Pacific Fishery Management Council's (NPFMC) regulatory process and will continue to share these positions with them. We urge the Board to also submit comments on the upcoming NPFMC Chum Salmon Bycatch Draft Environmental Impact Statement that support measures to allow more AYK salmon to return to their natal streams and rebuild runs. In Area M commercial fisheries, 100% observer coverage should be required to reduce the unlawful disposal of incidental harvests. Genetic sampling of salmon harvests should also be required to better understand when and where AYK salmon stocks are most commonly intercepted. Efforts are underway by a coalition of AYK stakeholders to again address the interception of AYK salmon in Area M during the upcoming Alaska Peninsula/Aleutian Island Alaska Board of Fisheries (BOF) cycle. We ask that the Board submit comments to the BOF in support of these efforts. Without marine commercial fisheries sharing in the burden of conservation, salmon returns to Western Alaska rivers will not improve and subsistence needs will continue to go unmet. We need the Board to actively weigh in on matters such as this that directly impact federally qualified subsistence users.

Yukon River management recommendations

For in-river Yukon River salmon, the Council would like to make recommendations for management. We would like to see more conservative management undertaken for fall Chum Salmon, which are so important to the upper river but doing so poorly. Only 16,275 fall Chum Salmon passed Eagle sonar into Canada this year, which is the lowest passage ever recorded there. Fall Chum Salmon need to be protected as soon as they can be detected in the mixed-stock of summer and fall chum entering the river. The Council supports utilization of summer Chum Salmon by people in the lower and middle river, whenever those fish have a harvestable surplus and are in edible condition. But as soon as fall Chum Salmon are detected, summer Chum Salmon fishing needs to be shut down and a strong effort made to get every fall Chum Salmon to the spawning grounds to help rebuild these vital stocks. Once we see fall chum rebuild, then fall Chum Salmon fishing opportunities should be primarily dedicated for the upper river communities who do not have access to other species of salmon. Additionally, our Council would also like to see more precise regulatory guidance about where four-inch mesh nets can be used to fish for nonsalmon during times that salmon are running. Current directions to avoid placing four-inch nets where salmon run are too vague. There are techniques and locations where people can fish with four-inch mesh without intercepting salmon. We feel that it is necessary to educate people on these techniques and create regulations that allow for continued active participation in nonsalmon fisheries without doing harm to the salmon everyone is trying

to rebuild. The Council will be sending a letter to the Federal and State in-season Yukon River fisheries managers relaying these recommendations.

Delegated authority

The Council also has a question for the Board about delegation of authority, to which we would like a reply. We feel delegation of authority is a positive thing because it allows for local, knowledgeable managers to respond quickly to situations happening on the ground. However, is there a process for Board intervention if the Council or a Tribe or a member of the public felt that a manager with delegated authority was not acting in the best interests of conservation? The Council would appreciate information on this matter.

Response:

Regulatory actions needed to address bycatch and interception

Constraints such as staff time and jurisdiction affect how we are able to assist in this arena. Although we did not provide comments to the NPFMC on the preliminary draft Chum Salmon Bycatch EIS, we adjusted our February regulatory meeting schedule and requested OSM staff to coordinate a stand-down time to ensure that Council members, Board members, and members of the public attending our meeting would have a specified block of time to testify on this issue at the overlapping February NPFMC meeting. Additionally, Council Coordinators worked with NPFMC staff to organize outreach and engagement sessions on this topic during the Winter 2025 Yukon River Councils' (Yukon-Kuskokwim Delta, Western Interior, and your Council) meetings.

We are aware that the next BOF cycle (2025–2026) will cover both AYK and Area M finfish. OSM staff review BOF proposals and provide comments when proposals overlap with Board jurisdiction. Please see our response to Issue 2 below for more on this. Although our ability to respond to these issues is limited, we strongly encourage the Council to continue to engage in the NPFMC and BOF regulatory processes and submit comments when opportunities align with your meeting cycle.

Yukon River management recommendations

Your management recommendations on the conservation of fall Chum Salmon were received in a letter by Holly Carroll, the Federal in-season fisheries manager at the U.S. Fish and Wildlife Service (FWS). Ms. Carroll responded in time for your Council's Winter 2025 meeting. During that same meeting, staff from the FWS gave a management outlook and research update in addition to sharing information from that letter and being available for questions from the Council members. Ms. Carroll's response letter was also shared as information with us.

Following your Council's Winter 2025 meeting, Ms. Carroll developed additional preliminary management actions for consideration that could reduce incidental catch of fall Chum Salmon during their main migration to their spawning grounds. These potential management strategies

were shared with the three Yukon River based Federal Subsistence Regional Advisory Councils and presented at public fishery forums including the Yukon River Panel, the Yukon River Drainage Fisheries Association's Preseason Meeting, and with the Yukon River Inter-Tribal Fish Commission. Additionally, there was a public hearing on May 7, 2025, to gather input on proposed Federal subsistence management actions for the 2025 fishing season.

We appreciate you keeping us informed of your concerns and proposed management actions while simultaneously working directly with the Federal and state fisheries managers.

Delegated authority

Regarding delegated authority, the Board delegates authority to managers to allow them to make timely decisions regarding resource concerns. The positions chosen for these delegated authorities are those who hold an appropriate base of knowledge on the resource at hand and also have connections with users and other managers. The Board may delegate authority to Federal in-season managers administratively through delegation of authority letters or through a regulatory proposal to insert authority directly in unit-specific regulations. For fisheries, all delegated authority is through delegation of authority letters (DALs). DALs may be modified or rescinded at any time by the Board. If you have concerns regarding implementing authorities given in a DAL, you can contact OSM staff assigned to your region. Anyone may request a modification to a DAL by submitting a letter to the Board via the OSM general e-mail address (subsistence@ios.doi.gov) or by asking the Board during one of its meetings.

2. Office of Subsistence Management (OSM) comments on Alaska BOF/BOG proposals and North Pacific Fishery Management Council actions

The Council appreciates that OSM will no longer submit comments suggesting that regulatory and management decisions occurring on lands and waters outside of the Board's jurisdiction have no impacts on federally qualified subsistence users. However, we are dissatisfied that the Board and OSM continue to refuse to comment on important regulatory matters taken up by the BOF and the NPFMC. Actions taking place outside of the Board's immediate jurisdiction, such as the bycatch and interception of salmon in marine waters and hatchery releases of salmon, have undeniable and significant impacts on the viabilities of salmon stocks and the abilities of federally qualified subsistence users to meet their needs. The Council reiterates our statement from last year's report: the Board must take a stronger advocacy role in other regulatory arenas to protect salmon and their use for subsistence. Because such matters impact federally qualified subsistence users, it should be well-within the Board's authority to comment.

Additionally, the Council would like to request that when OSM develops a position on BOF or Board of Game (BOG) proposals, that these positions be reviewed by the Council Chairs in the regions where the proposals apply before they are submitted. We request feedback if this is a feasible amendment to the current OSM comment policy.

Response:

The Council's comments on this topic have led to many discussions within the Federal Subsistence Management Program among OSM, the Interagency Staff Committee (ISC), and others. Our delegated authority from the Secretaries is focused on "...administering the subsistence taking and uses of fish and wildlife on public lands and the related promulgation and signature authority for regulations..." (36 CFR 242.10(a)). We can relay issues on the Councils' behalf to the Secretaries and can acknowledge when activities outside of Federal jurisdiction impact subsistence harvest and uses. However, the best avenue for affecting change in activities outside of Federal subsistence jurisdiction is engaging with the decision-making bodies for those activities and with other entities also engaged in those processes. We encourage Councils, the public, and others to participate in such decision-making processes at the BOF and NPFMC.

Review of OSM comments on State proposals by the Council Chairs may be a possibility, although the timing of such reviews may be a constraint. OSM would benefit from the Council's comments on the BOF/BOG proposals and NPFMC draft environmental impact statement if the Council has time to develop these comments during your Council fall 2025 meeting. If timing allows, OSM considers Council comments on State proposals when drafting OSM comments on the same or similar proposals.

3. Adding Native lands to maps and availability of regulation books

Due to the large areas of the Eastern Interior Region that are road accessible, trespassing is a major issue the Council wants to bring to the Board's attention. This is primarily a concern for hunting, but it also applies to fishing. Outreach and education through hunter ethics initiatives is one way the Council hopes to see trespassing reduced. However, outreach and education will not be successful without proper reference materials. The Council would like to see improvements made to the Federal hunting regulation book maps by adding Native corporation lands and allotments. Adding this information will help raise awareness of these private lands and reduce conflicts that arise from trespassing. We feel this would be a benefit in all regions, not just the Eastern Interior, and hope it would be a relatively simple fix through the addition of another map layer. The Council requests the Board to please direct OSM to update the maps in the regulation books to show Native lands and help reduce trespassing.

Residents in our region have been frustrated by the delays in publication of new regulation booklets after a Board meeting cycle has concluded. It is important that federally qualified hunters, trappers, and fishers have timely access to the most current regulations at all times. We request that the Board direct OSM to make the publication and distribution of new regulation books more efficient. We also request that the Federal Subsistence Management Program increase the accessibility of unit and area specific regulations and related maps via the Program website as well as through an app similar to the one created by the Alaska Department of Fish and Game (ADF&G) that allows the download of select regulations, maps, and permits directly to cell phones for ease of use and reference in the field.

Response:

The maps in the Federal wildlife regulations booklet are intended to depict the Federal public lands where Federal subsistence harvest regulations apply. These maps are also available online here: <https://www.doi.gov/subsistence/library/maps/wildlife-management-units>.

While adding additional land status layers to these regulation booklet maps may detract and confuse their explicit intention, additional maps can be created to address the Council's concerns. These maps would include all land statuses, including Federal, State, Alaska Native corporation, and other private lands. These maps could be posted on the OSM website, provided to Federal field offices, and distributed at Council meetings. OSM could likely have these maps available by the 2026 fall Council meetings. However, we would also like to point the Council to the [BLM land mapper](#)¹, which depicts all land statuses, although the Federal lands layer is not specific to lands open to subsistence uses.

The new Federal regulation booklets cannot be distributed until a final rule is published in the Federal Register, codifying regulation changes adopted by the Board. Unfortunately, publication of both the Fisheries and Wildlife final rules have been substantially delayed for the past several years. The OSM Outreach Coordinator is responsible for compiling and updating these regulations booklets, and OSM has been without an Outreach Coordinator for over a year now, further complicating booklet production.

We agree that an app depicting hunt areas and Federal public lands that can be downloaded to cell phones for users to reference while out in the field hunting or fishing would be great. This is a long-term goal of the Program but takes a lot of work and expertise. The U.S. Forest Service (USFS) has developed [similar resources](#)² for the Southeast Region. OSM hopes to dovetail efforts with the USFS to make these resources available statewide. Again, this is a substantial undertaking, requiring much time investment and technical expertise, but something OSM is working towards.

4. Cabin uses for subsistence activities

The Council thanks the Board for discussing this topic during their August 2024 Work Session. We are happy to hear that an interagency working group is going to review the variety of cabin types and fee structures among the federal land management agencies. The Council views this as a first step. The end goals should be action to address the inconsistencies in how Federal land managing agencies implement cabin use policies under ANILCA and streamline the permitting process for subsistence uses.

¹ BLM Lands, Minerals, and Realty Mapper web address – <https://experience.arcgis.com/experience/27bee3d0631345dba0f02653b74e92c6>

² The Tongass National Forest's Subsistence Maps Homepage web address – https://experience.arcgis.com/experience/89110993bb8c4c47bb7e2306d05f26e2/page/Home-Page#data_s=id%3AdataSource_2-18cda77894d-layer-3%3A12

The Council reiterates our requests to the Bureau of Land Management (BLM) on this topic from the FY2022 and FY2023 Annual Reports. BLM regulations must be changed so that cabins can be used for subsistence purposes such as trapping without incurring fees to federally qualified subsistence users or requiring documentations of incomes. The Council strongly maintains that there needs to be a distinction made between the permits, leases, and fees required for federally qualified subsistence users versus for commercial/sport users and we request BLM to take the steps necessary to amend their regulations.

Response:

Fees associated with the construction of shelters, temporary or permanent, on BLM-managed land are governed by regulation at 43 CFR 2920.8. These fees can be waived or reduced under limited circumstances, but reduction or waiving of these fees can be considered based on demonstrations made by the applicant, according to the criteria published at 43 CFR 2804.21. The Board discussed this issue at its August 2024 summer work session and tasked the Interagency Staff Committee with comparing fee structures among the federal land management agencies. From that work, it is clear that fee structures are agency-specific and that any permanent changes would need to be made on an agency-by-agency basis due to differences in mandates. Changes to BLM-specific regulations governing fee structures would require formal rule-making, as would be the case with the other agencies as well.

5. Development of Federal subsistence use amounts

The Council asks the Board to begin the process of developing and adopting Federal subsistence use amounts. Such metrics would be the federal equivalent to the amounts necessary for subsistence, or ANS, used in the State system. ANS is an important measure that provides an indication of whether adequate subsistence opportunities are being provided and whether subsistence needs are being met. The Council understands that this process will take time, and in the interim, the Federal system could consider adopting temporary metrics which align with State ANS until they could be further refined. We would like to see the adoption of Federal subsistence use amounts prioritized specifically for Yukon and Copper River salmon species.

Response:

We understand the Council wants to ensure that subsistence needs are being met, particularly when there are shortages of salmon along the Yukon and Copper rivers. The Federal Subsistence Management Program has explored both adopting ANS and developing Federal Subsistence Use Amounts (SUA) as a Federal equivalent of an ANS. Ultimately, the development of metrics for assessing “subsistence needs” conflicts with ANILCA Title VIII and it was determined that the Federal regulatory process is more appropriate for addressing subsistence priorities. In 2006, a workgroup consisting of staff from OSM, other Federal agencies, and ADF&G drafted a plan for incorporating SUA into the Federal subsistence program to help ensure that subsistence receives priority in harvest allocations. ANS was to be used in the interim, while SUAs for fish and wildlife were developed. During public comment opportunities, the majority of Councils and

those who submitted public comments did not support the incorporation of either ANS or SUA, and therefore, the workgroup stopped its efforts. Additionally, it had already been determined in court that providing a “reasonable opportunity” to meet needs through ANS (or SUA) is inconsistent with ANILCA, which more broadly protects customary and traditional ways of life (See *Brooke v State of Alaska*, 1989). The Federal subsistence protections under ANILCA are extensive and cover such things as customary and traditional timing, patterns, duration of subsistence activities, methods and means, and seasons of harvest.

Furthermore, the Federal Subsistence Management Program regulatory process is an adequate mechanism for addressing changes in harvest patterns and other concerns about taking fish and wildlife for subsistence uses on Federal public lands. We make decisions on each proposal to change subsistence regulations based on information received from public and Tribal comments and testimony, State recommendation, OSM analysis, and Council recommendation. OSM staff provides comprehensive data on resources, the harvest and uses of those resources, and TEK in the analyses. The Council’s recommendation and testimonies from rural subsistence users come from the lived experiences of those who rely on the resources for subsistence and are therefore, timely and informed data. This decision-making process provides us the flexibility to quickly adapt to changing patterns in opportunity and ensure that it provides rural subsistence users with their rural priorities.

6. Technology at Council meetings

The Council carries over this topic from last year and continues to request that OSM purchase Starlink internet for use during Council meetings to improve connectivity, especially in rural locations, and allow for video streaming of Council meetings. The Council suggests that OSM add video conferencing to the audio-visual (AV) contract for Council meetings since OSM does not have the AV staff to dedicate to this effort.

Response:

For the past two Council meeting cycles, OSM was able to rent Starlink units, when necessary, through the audio recording and transcription services contractor, who has expertise in using these units. OSM plans to continue the same practice in the future.

OSM already has access to video conferencing capabilities through the Microsoft Teams platform and can use it if internet bandwidth of the meeting location allows. However, we question the practicality of using this option as many people in the rural areas still just simply call into the meeting either from their cell phone or land line and could not participate in video conferencing. Additionally, using the video conferencing option will increase contract costs, which might not be affordable with the Federal Subsistence Management Program’s stagnant or possibly decreasing budget.

Other Annual Report Topics for Information Purposes Only

The Board thanks the Council for sharing information in your FY-2024 Annual Report on other issues significant to your region and subsistence users (7) Dall sheep management and population declines; (8) management of the Fortymile Caribou Herd; (9) need for hunter ethics education; (10) Copper River salmon management; (11) food insecurity and salmon replacement; (12) climate change impacts; (13) need for Area M commercial salmon harvest genetic mixed-stock analysis; (14) hatchery salmon competing with wild salmon; (15) need of aerial surveys of moose in Unit 20F; and (16) importance of co-management and co-stewardship.

We appreciate and value the traditional knowledge, observations, and expertise you share. With this information, we are better prepared to make informed decisions.

In closing, we want to thank you and your Council for your continued involvement in the Federal Subsistence Management Program and the work you do on behalf of federally qualified subsistence users. We appreciate your efforts and are confident that federally qualified subsistence users of the Eastern Interior Alaska Region are well represented through your work.

Sincerely,

Anthony Christianson
Chair

cc: Eastern Interior Alaska Subsistence Regional Advisory Council
Federal Subsistence Board
Office of Subsistence Management
Interagency Staff Committee
Benjamin Mulligan, Deputy Commissioner, Alaska Department of Fish and Game
Mark Burch, Assistant Director, Division of Wildlife Conservation, Alaska Department of
Fish and Game
Administrative Record