

FEDERAL SUBSISTENCE BOARD 805(c) REPORT

February 4–7, 2025

Anchorage, Alaska

The purpose of this report is to detail how the Federal Subsistence Board’s (Board) action differed from the Regional Advisory Council’s (Council) recommendations based on the criteria outlined in Section 805(c) of the Alaska National Interest Lands Conservation Act (ANILCA). Section 805(c) of ANILCA provides that the “Secretary ... shall consider the report and recommendations of the regional advisory councils concerning the taking of fish and wildlife on the public lands within their respective regions for subsistence uses.” The Secretary has delegated authority to issue regulations for the take of fish and wildlife to the Board. Pursuant to this language in Section 805(c), the Board defers to the Council’s recommendations. However, Section 805(c) also provides that the Board “may choose not to follow any recommendations which [it] determines is not supported by substantial evidence, violates recognized principles of fish and wildlife conservation, or would be detrimental to the satisfaction of subsistence needs.”

SOUTHEAST AREA PROPOSALS

Regional Proposals

Nonrural Determination Proposal NDP25-01

DESCRIPTION: Change Ketchikan to a Rural Status Area within the Federal Subsistence Program

COUNCIL RECOMMENDATION: Oppose

BOARD ACTION: Adopt

JUSTIFICATION: The Board adopted NDP25-01, changing the designation of the Ketchikan area to rural. The Board stated that substantive information documenting the rural character of Ketchikan had been provided by the proponents, public and Tribal testifiers, and the OSM analysis. The Board noted that this information on the rural character of Ketchikan was comparable to similarly situated communities like Sitka and Kodiak, and cited issues such as the relative remoteness of Ketchikan, its declining economic base, and lack of population growth as demonstrating sufficient characteristics for a rural determination. The Board also noted the long history of Indigenous occupation and customary and traditional use of land and resources by the Ketchikan Indian Community in their decision. The Board noted that testifiers in support of the rural designation expressed a desire to be able to hunt, fish, and gather more efficiently on lands and waters in closer proximity to their homes. The Board explained that this change in rural status was an important step in helping Ketchikan residents address their harvesting needs and food security concerns, because it would provide residents with a Federal subsistence priority that should facilitate the continuation of subsistence uses of fish and wildlife resources. The Board also explained that, by policy, rural or non-rural determinations should be made on the basis of a community’s unique characteristics. The Board noted that concerns about the potential impacts to subsistence resources and other subsistence users posed by adding Ketchikan

residents to the pool of federally qualified subsistence users was not an appropriate reason to oppose Ketchikan's rural status. The Board explained that these sorts of concerns would be more appropriately addressed through other established procedures, such as changing harvest seasons and harvest limits, conducting customary and traditional use determinations, and/or conducting Section 804 subsistence user prioritizations.

Fisheries Proposal FP25-01 – Taku River Salmon Fishery Regulations

DESCRIPTION: Set seasons, gear types, harvest limits, and area for subsistence salmon harvest in the Taku River

COUNCIL RECOMMENDATION: **Support with OSM modification**

BOARD ACTION: **Defer**

JUSTIFICATION: The Board decided to postpone a decision on proposal FP25-01. The Taku River fishery takes place on a transboundary river regulated by both ANILCA and the Pacific Salmon Treaty, requiring consultation between the Transboundary River Panel and the Pacific Salmon Commission. The Board will delay a final decision on this proposal until the review and approval process by the Transboundary River Panel is completed for this proposed Federal subsistence fishery.

Fisheries Proposal FP25-02 – Limit Unuk River Eulachon Users

DESCRIPTION: Close harvest of Eulachon in the Unuk River to all but federally qualified subsistence users

COUNCIL RECOMMENDATION: **Support with OSM modification**

BOARD ACTION: **Defer**

JUSTIFICATION: The Board decided to postpone a decision on proposal FP25-02. The rural designation of Ketchikan altered the conditions discussed in the analysis of this proposal and the evidence that the Southeast Regional Advisory Council relied on in its recommendation. The Board will delay a final decision until the OSM analysis is updated to reflect the change in Ketchikan's rural status. This delay also gives the Southeast Regional Advisory Council time to review its original recommendation.