



Federal Subsistence Board

1011 East Tudor Road, MS 121
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FISH and WILDLIFE SERVICE
BUREAU of LAND MANAGEMENT
NATIONAL PARK SERVICE
BUREAU of INDIAN AFFAIRS

FOREST SERVICE

OSM 20068.KW

AUG 05 2020

Richard Encelewski, Chair
Southcentral Alaska Subsistence
Regional Advisory Council
c/o Office of Subsistence Management
1011 East Tudor Road, MS 121
Anchorage, Alaska 99503-6199

Dear Chairman Encelewski:

This letter responds to the Southcentral Alaska Subsistence Regional Advisory Council's (Council) fiscal year 2019 Annual Report. The Secretaries of the Interior and Agriculture have delegated to the Federal Subsistence Board (Board) the responsibility to respond to these reports. The Board appreciates your effort in developing the Annual Report. Annual Reports allow the Board to become aware of the issues outside of the regulatory process that affect subsistence users in your region. The Board values this opportunity to review the issues concerning your region.

1. Unit 13 Moose and Caribou

The Board has the authority to form a working group to research recurring issues related to hunting moose and caribou on Federal public lands in Unit 13. Over the last several years, the Board has been presented with wildlife proposals, special action requests, and public testimony regarding:

- *Safety concerns resulting in local hunters being displaced*
- *Difficulty in passing on traditional hunting knowledge and customary practices to hunters' children due to safety concerns*
- *Difficulty in successfully harvesting moose and caribou on Federal public lands by Federally qualified subsistence users due to excessive competition from large numbers of non-local hunters*
- *Displacement of moose and caribou from traditional migration corridors*
- *Lack of enforcement*
- *Necessary restrictions to assure conservation of healthy populations*

The conflict between local and non-local hunters has long been an issue in Unit 13 for both moose and caribou. Special action request (WSA19-03) sought to decrease competition between user groups by closing moose and caribou hunting on Unit 13 Federal public lands to non-Federally-qualified users. The Board discussed this special action request at its July 2019 work session. The Office of Subsistence Management supported the request, while the Interagency Staff Committee opposed it. There was extensive discussion concerning moose and caribou hunts in the area and the need for a caribou working group (FSB Transcript, July 19, 2019, pages 7-49). The formation of a working group would provide a forum for subsistence users and the State to come together to try to resolve recurring issues.

The Board rejected special action request WSA19-03. They reasoned that the special action would not solve issues on a permanent basis and wanted to avoid another 'piecemeal approach' to a very complex problem. The Bureau of Land Management (BLM) committed to bringing interested groups and agencies together on a more frequent basis to ascertain if a proposal for the next regular wildlife cycle could result in a more holistic solution. It is the Council's understanding that Board member Dave Schmid recently visited the area to gather additional information on the problem. The Council would like the Board to keep up this momentum in pursuing a solution.

The Council requests organization of a formal working group to develop a wildlife proposal(s) during the next wildlife regulatory cycle. This multi-dimensional effort will attempt to provide a lasting solution to concerns heard for years over hunting caribou and moose in Unit 13.

Response:

The Board commends the Council for seeking ways to find solutions to the issues related to hunting moose and caribou on Federal public lands in Unit 13. According to the regulations, membership in a working group formed by the Council is limited to the Council members only and any working group suggestions will need to be presented to the Council for official recommendation making.

Another option available to the Council is a formation of a formal subcommittee, which allows membership to be expanded to include besides the Council member, for example public representatives, tribal and/or agency (State or Federal) representatives; there are no restrictions on who can become a member. The Federal Advisory Committee Act (FACA) designated Federal officer (DFO) is required to attend the meetings of a subcommittee. However, before making a request to form a subcommittee, the Board urges the Council to reach out to stakeholders, who might be interested in participating in this subcommittee and gauge their interest and potential level of commitment.

The Board recommends that if the Council decides that it wants to form a subcommittee, at the Council's fall 2020 meeting an official request for formation of a FACA subcommittee to address this specific issue is developed. The Council's request should contain a detailed proposal on forming a subcommittee, including its goals and objectives, timelines, frequency of

meetings, potential members/stakeholders, and cost estimates. The Board would address this request at its January 2021 regulatory meeting.

If a subcommittee is approved, the subcommittee could possibly meet via teleconference before the Council's winter 2021 meeting. Any proposal or recommendation developed by the subcommittee would need to be presented, discussed, and approved by the Council during its winter 2021 meetings during the call for wildlife proposals. The Council would then decide whether or not to forward recommendations to the Board.

2. Fisheries Resource Monitoring Project Additions – Copper River Coho Salmon

The Council is pleased to see proposals for monitoring Copper River Sockeye and Chinook Salmon stocks submitted to the Fisheries Resource Monitoring Program for the 2020 cycle. However, the Council noted that there is a need for Copper River Coho Salmon research, and would like to see project proposals for monitoring stock specific escapement and/or run timing.

Response:

The Board is glad to hear that the Council is continuing the work of identifying subsistence fishery data gaps for the area. Having just completed selecting projects for the 2020 Fisheries Resource Management Program (FRMP) cycle, the Councils will take up the charge of identifying regional Priority Information Needs during the fall 2020 meetings and initiate the start of the 2022 FRMP cycle. This would be the opportune time for your Council to make clear that Copper River Coho Salmon research is a priority for this region. While we cannot guarantee that sound project proposals would result from this topic's inclusion as a priority information need, the Board hopes that the program will receive ample interest in research of this nature.

3. Climate Change

Fisheries:

The Council shared its observations and heard public testimony, which included traditional ecological knowledge, about climate change in the region and its effects on fisheries and shellfish. The Council would like to see research carried out that analyzes the impacts to fish and shellfish as a result of climate change and ocean acidification. This would include identifying the cause(s) of stress in salmon and how the fish deal with this stress. Additionally, the Council is interested in identifying the causes of the pathogenic exposure in shellfish (toxic shellfish poisoning). The Council is interested in having presented what, if anything can be done to mitigate the above effects on fish and shellfish stocks.

Specifically, the Council feels that monitoring fish mortality due to heat and the resulting increased water temperature, the rate of streams drying, run timing, and the depths at which fish are active, are extremely important to gauge the effects of climate change and ocean acidification. The Council thinks this kind of information would be best gained through a Fisheries Resource Monitoring Program project. The Council believes it is imperative to collect baseline information to understand the issues and then be able to adjust fisheries management in

response to the changing environment. The Council requests that the program focus on impacts to both salmon and shellfish that are harvested for subsistence and to explore the impacts of climate change and ocean acidification on the overall food web.

Wildlife:

The Council is concerned about the effect of parasites on wildlife populations. The types and numbers of parasites have increased in recent years as the climate continues to change. The Council requests more information on current effects of parasites on wildlife populations and wants to be informed of any management options that may be available to help contain or curtail parasite infestations in the future for those wildlife species abundant in Southcentral Alaska.

Response:

Effects of the changing climate on the freshwater stages of fish life cycles have become evident and were especially notable during the unseasonably warm temperatures experienced across Alaska during the summer of 2019. Research is currently being conducted in the region on this topic. Jon Gerken, with the U.S. Fish and Wildlife Service, Anchorage Fish and Wildlife Conservation Office, has been working with Sue Mauger at Cook Inlet Keeper and Becky Shaftel at University of Alaska Anchorage on a comprehensive stream temperature monitoring project in the Susitna River, *The Influence of Thermal Regimes on the Distribution and Relative Abundance of Juvenile Salmon in the Doshka River*. They have been conducting fine-scale mapping of stream temperatures in the drainage and examining how juvenile and adult salmon use different parts of the system as stream temperatures have varied. They are expanding this work in 2020 to include work in the Gulkana River.

Additionally, the Office of Subsistence Management (OSM) has been funding a water-temperature monitoring program at most of the FRMP project field sites across the state for the past nine years and has recently funded another two-year contract to continue these efforts. The data are collected using standardized methods and are publicly available. A summary of temperature statistics from all sampling sites from 2008 to 2018 or the time period the site was operational is available in the 2020 report *Stream Water Temperatures Associated with Federal Subsistence Fisheries in Alaska* produced by the Aquatic Restoration and Research Institute. OSM can provide copies of this report to the Council at its request and extend an invitation to the Institute to provide a presentation during one of the regular Council meetings on this topic. While there are not currently any FRMP projects examining this topic, the Council may choose to make this a point of focus as a Priority Information Need for the 2022 cycle. Luca Adelfio of the U.S. Forest Service gave a presentation to the Council on temperature effects at differing stream types in the lower Copper River Delta area during their spring 2020 meeting. If interested, the Council could speak with their coordinator about continuing to have this type of research presented at their meetings to spur discussion about Priority Information Needs for future FRMP cycles.

The Board also appreciates the Council's concerns about increased parasites in wildlife populations because of climate change. The Alaska Department of Fish and Game maintains a

user-friendly website providing overviews of common wildlife diseases and parasites <https://www.adfg.alaska.gov/index.cfm?adfg=disease.main>. Heuffer et al (2013) states warmer temperatures may allow infected animals to survive winters in larger numbers, which could also increase transmission to humans. If the Council would like to hear more specifics on wildlife parasites in Alaska, OSM is happy to invite regional experts to present at an upcoming Council meeting.

Literature Cited:

Hueffer, K., Parkinson, A. J., Gerlach, R., & Berner, J. 2013. Zoonotic infections in Alaska: disease prevalence, potential impact of climate change and recommended actions for earlier disease detection, research, prevention and control. *International journal of circumpolar health*, 72, 10.3402/ijch.v72i0.19562.
<https://doi.org/10.3402/ijch.v72i0.19562>

4. Nonrural Determinations Process

The Council received an update on a rural proposal RP19-01 to change Moose Pass, Alaska, from nonrural to rural status. The proposal is currently moving through the regulatory process. The Council understands that the Board made some changes recently to the nonrural determination process. The Council requests to be informed of the steps the Board expects to take regarding these types of proposals in the future. Currently, the process for nonrural determination takes four years. The Council, as well as members of the public, want to know if there is a faster and more efficient way to process these nonrural determination proposals. Communities deserve a decision on these proposals more quickly than the current four-year determination process provides.

Response:

Thank you for being such an engaged partner in this first Nonrural regulatory cycle under current policy. The Board appreciates that your Council and region are the first to identify challenges with this new policy. We are mindful of this burden and grateful for your feedback.

At the April 2019 meeting, the Board asked staff to revise the Nonrural Policy and Timeline to include a Threshold Requirements Assessment. This was an effort to support the Board and Councils in assessing whether proposals were submitted with all the required information. At the summer 2019 work session, the Board approved edits to the Policy and Timeline, and approved the Threshold Assessment Templates submitted by staff. These edits triggered a review within the Federal Subsistence Management Program and minor administrative edits were suggested. The Board is now scheduled to approve and finalize the most recent iteration of the Nonrural Policy during its August work session 2020. A copy of the revised Policy will be provided to the Council at its fall meeting.

The Board is tracking public and Council sentiments regarding the extended Nonrural regulatory cycle and the Federal Subsistence Management Program's ability to be responsive. There are a number of reasons why the cycle was designed as a four-year process instead of a two-year or even a three-year timeline. Specifically, the Board wanted to ensure Regional Advisory

Councils and the public had substantial opportunity to provide input and guide the process at every stage within the bounds of bi-annual Council meetings. It was intended to be a deliberate and measured timeline considering the impacts of a status change on a community or region.

A full review of the Nonrural Policy and regulatory process will be implemented once this cycle nears completion after Board action on the first Nonrural proposal in January of 2021. The Board will ensure the Council is given adequate notice and will invite Council input on assessing the efficacy of the Nonrural regulatory cycle timeline. Until that time, the Board will continue to follow current policy with the goal of ensuring adequate opportunity for public notification and involvement in a process that could result in such significant outcomes as the ability to participate in the harvest of wild resources as a Federally qualified subsistence user.

5. Executive Order on FACA Committees

The Council was recently provided a copy of the Executive Order on Evaluating and Improving the Utility of Federal Advisory Committees, dated June 14, 2019. The Council is seriously concerned about the impact of this Executive Order on the Program. Although the Council's charter still provides for a 13 member Council, the Council fears that this Executive Order has been used to decrease the number of seats on the subsistence Regional Advisory Councils (Councils), based on the reduction seen in the recent appointment/reappointment process. The Councils have lost vital representation across their regions and this Council is anxious that the loss of representation may continue into the future. This Council would like the Board to send a letter to the Secretaries of Interior and Agriculture regarding this Council's concern about this matter. It is this Council's understanding that all Councils across the State experienced a significant decrease in representation; the Secretaries should be advised of the substantial impact this loss of members will have on the ability of the Councils to accomplish their work. The Councils are statutorily mandated under Title VIII of ANILCA and this Council believes that a lack of representation on the Councils is detrimental to the intent of ANILCA.

Response:

In June 2019, OSM responded to an information request from the Department of Interior on the ten Subsistence Regional Advisory Councils in conjunction with the *Executive Order on Evaluating and Improving the Utility of Federal Advisory Committees*, dated June 14, 2019 (<https://www.whitehouse.gov/presidential-actions/executive-order-evaluating-improving-utility-federal-advisory-committees/>). Specifically, the Executive Order was looking at all Federal Government Advisory Committees across the nation with the goal of reviewing current Advisory Committees and limiting the establishment of new Advisory Committees. The Executive Order specifically said that “each executive department and agency (agency) shall evaluate the need for each of its current advisory committees established under section 9(a)(2) of FACA [Federal Advisory Committee Act] and those advisory committees established under section 9(a)(1) that are authorized by law but not required by statute (eligible committees).” To the Board's knowledge, the Executive Order did not intend or direct to decrease the number of seats on the Federal Subsistence Regional Advisory Councils in Alaska.

The Council is absolutely correct when pointing out that the Federal Subsistence Regional Advisory Councils are statutorily mandated under the Alaska National Interest Lands Conservation Act (ANILCA) (16 U.S.C. 3111–3126), Title VIII, Section 805(a)(3). Specifically, the Councils were established under Public Law 96-487 94 Stat. 2371 (1980). In accordance with this Public Law Title VIII, Section 805 (a) “... one year after the date of enactment of this Act, the Secretary in consultation with the State shall establish—(3) a regional advisory council in each subsistence resource region.” The 1992 Record of Decision on *Subsistence Management for Federal Public Lands in Alaska* established 10 Subsistence Regional Advisory Councils in each subsistence resource region.

The 1992 Record of Decision stipulates that “the number of members on a Council will be determined by the Board and will vary from Region to Region, depending on the number and distribution of subsistence users in the region, the variety of subsistence resources used, and the nature and extent of management issues. To the extent possible, the size of the Council and distribution of the membership within the region will be designed to ensure the maximum participation in the Federal program by local subsistence users.” The Board’s 1993 meeting transcripts indicate that, “The number of members on each Council varies from one council to the other. The size of the Councils was developed from discussions with Regional leaders, former State Council Chairs, State coordinators and Federal personnel.” The charters signed by the Secretary of Interior establish Councils sizes.

The Board currently has no intent or reason to reduce the number of membership seats on any of the Councils. The Board fully understands the Council’s concern regarding vacant seats. In order to forward a full set of the appointment recommendations to the Secretaries of the Interior and Agriculture for their review and decision, the Board needs to have an ample number of applications and/or nominations from the Southcentral Region. The Board encourages the Council to expand its outreach efforts within their communities and throughout the Region to attract a wider pool of applicants, if the Council wishes to see all seats filled.

However, it is important to note that the Board does not have a final decision over which recommended applicants are appointed on the Councils. After the Board submits its annual appointment recommendations to the Secretaries, the recommended applicants undergo a vetting process administered by the Department of Interior. The Board and/or OSM are not a privy to the vetting information and do not participate in this process. After the vetting process is completed by the Department of Interior, the Secretaries finalize appointments to the Councils. The Board understands and shares the Councils’ concerns that some Council seats were not filled during the 2019 round of appointments. This resulted in the loss of vital representation across the regions. The Board will consider the Council’s request to write a letter to the Secretaries of Interior and Agriculture about the Council’s concerns. The Board wants to ensure that the Federal Subsistence Regional Advisory Councils in Alaska can continue to fulfill ANILCA’s mandate to have direct participation of local people in Federal regulatory decision making.

In closing, the Board thanks you and your Council for your continued involvement and diligence in matters regarding the Federal Subsistence Management Program. The Board appreciates your

efforts and is confident that Federally qualified subsistence users of the Southcentral Alaska Region are well represented through your work.

Sincerely,



Anthony Christianson
Chair

cc: Southcentral Alaska Subsistence Regional Advisory Council
Federal Subsistence Board
Susan Detwiler, Assistant Regional Director, Office of Subsistence Management
Thomas Doolittle, Deputy Assistant Regional Director, Office of Subsistence Management
Lisa Maas, Acting Subsistence Policy Coordinator, Office of Subsistence Management
Tom Kron, Acting Council Coordination Division Supervisor,
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Acting Wildlife Division Supervisor, Office of Subsistence Management
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Acting Anthropology Division Supervisor, Office of Subsistence Management
George Pappas, State Subsistence Liaison, Office of Subsistence Management
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Administrative Record