



EASTERN INTERIOR  
ALASKA SUBSISTENCE  
REGIONAL ADVISORY COUNCIL  
Meeting Materials - Book 2

*October 5-6, 2022  
Fairbanks*





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*On the cover...*

A boat travels up the Yukon River in front of the picturesque Calico Bluff, the grand entrance to Yukon-Charley Rivers National Preserve when traveling downriver from Eagle.



NPS photo by Sean Tevebaugh

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<b>Written Public Comments</b>	<b>None</b>

**FEDERAL FISHERIES CLOSURE REVIEW  
FCR23-05**

**Issue**

FCR23-05 is a standard review of a Federal subsistence fishery closure to the harvest of all fish in the Delta River. It is the Board's policy that Federal public lands and waters should be reopened as soon as practicable once the conditions that originally justified the closure have changed to such an extent that the closure is no longer necessary. The purpose of this closure review is to determine if the closure is still warranted and to ensure the closure does not remain in place longer than necessary.

**Closure Location:** Yukon River Drainage, Delta River—all fish

**Current Federal Regulation**

**§ \_\_.27(e)(3) Yukon-Northern Area**

*(i) Unless otherwise restricted in this section, you may take fish in the Yukon-Northern Area at any time... You may subsistence fish for salmon with rod and reel in the Yukon River drainage 24 hours per day, 7 days per week, unless rod and reel are specifically otherwise restricted in this paragraph (e)(3).*

*(ii) For the Yukon River drainage, Federal subsistence fishing schedules, openings, closings, and fishing methods are the same as those issued for the subsistence taking of fish under Alaska Statutes (AS 16.05.060 [emergency orders]), unless superseded by a Federal special action.*

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*(v) Except as provided in this section, and except as may be provided by the terms of a subsistence fishing permit, you may take fish other than salmon at any time.*

\*\*\*

*(x) You may not subsistence fish in the Delta River.*

\*\*\*

*(xvi) Unless otherwise specified in this section, you may take fish other than salmon by set gillnet, drift gillnet, beach seine, fish wheel, long line, fyke net, dip net, jigging gear, spear, lead, or rod and reel, subject to the following restrictions, which also apply to subsistence salmon fishing:*

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*(B) You may not use an aggregate length of set gillnet in excess of 150 fathoms, and each drift gillnet may not exceed 50 fathoms in length.*

*(C) In Districts 4, 5, and 6, you may not set subsistence fishing gear within 200 feet of other fishing gear operating for commercial, personal, or subsistence use . . .*

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## **Relevant Federal Regulation**

### **§\_\_\_.27 (b) Subsistence Taking of Fish**

*(16) Unless specified otherwise in this section, you may use a rod and reel to take fish without a subsistence fishing permit. Harvest limits applicable to the use of a rod and reel to take fish for subsistence uses shall be as follows:*

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*(ii) Except as otherwise provided for in this section, if you are not required to obtain a subsistence fishing permit for an area, the harvest and possession limits for taking fish for subsistence uses with a rod and reel are the same as for taking fish under State of Alaska subsistence fishing regulations in those same areas. If the State does not have a specific subsistence season and/or harvest limit for that particular species, the limit shall be the same as for taking fish under State of Alaska sport fishing regulations.*

**Closure Dates:** Year-round

## **Current State Regulation**

### **Yukon Area—Subsistence**

#### **5 AAC 01.225. Waters closed to subsistence fishing**

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*(e) The Delta River is closed to subsistence fishing*

*(1) between the mouth of the Delta River and an ADF&G regulatory marker placed two miles upstream from the mouth of the Delta River;*

*(2) for salmon;*

*(3) for finfish other than salmon in that portion of the Delta River not included in the nonsubsistence area described in 5 AAC 99.015(a)(4).*

**Tanana River Area—Sport**

**5 AAC 74.010. Seasons, bag, possession, and size limits, and methods and means for the Tanana River Area**

*(a) Except as otherwise specified in this section or through an emergency order issued under AS 16.05.060, sport fishing is permitted year round in the waters of the Tanana River Area.*

*(b) Except as otherwise specified in (c) and (d) of this section, the following are the general bag, possession, and size limits and means for finfish in the waters of the Tanana River Area:*

*(1) king salmon 20 inches or greater in length: the bag and possession limit is one fish;*

*(2) salmon, other than king salmon: the bag and possession limit is three fish, with no size limit;*

*(3) Arctic char/Dolly Varden: the bag and possession limit is 10 fish, with no size limit;*

*(4) lake trout: the bag and possession limit is two fish, with no size limit;*

*\*\*\**

*(6) Arctic grayling: the bag and possession limit is five fish, with no size limit;*

*(7) whitefish: the bag and possession limit is 15 fish, with no size limit;*

*(8) sheefish: the bag and possession limit is two fish, with no size limit;*

*(9) northern pike: the bag and possession limit is five fish, of which only one fish may be 30 inches or greater in length;*

*(10) burbot: the bag and possession limit is 15 fish, with no size limit;*

*(11) finfish species that are not specified in this section: there are no bag, possession, or size limits;*

*\*\*\**

*(c) The following are the exceptions to the general bag, possession, and size limits, and fishing seasons specified in (a) and (b) of this section for the Tanana River Area:*

*\*\*\**

*(6) in the Delta River and its tributaries,*



*(A) sport fishing for salmon is closed;*

*(B) all sport fishing is closed in that portion of the Delta River between its mouth and an ADF&G regulatory marker located two miles upstream;*

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*(24) in the Tangle Lake system, including all waters of the Delta River drainage upstream from Wildhorse Creek,*

\*\*\*

*(B) the bag and possession limit for lake trout is one fish, no size limit;*

*(C) the bag and possession limit for burbot is two fish, with no size limit;*

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*(d) In the Tanana River Management Area, the following special provisions to methods and means apply:*

*(1) from October 15 through May 15, set lines may be used to take burbot in all lakes in the Tanana River drainage, except*

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*(G) the Tangle Lake system;*

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*(19) in the Tangle Lake system, the use of set lines is prohibited;*

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**Regulatory Year Initiated:** 1992

#### **Extent of Federal Public Lands/Waters**

For purposes of this analysis, the phrase “Federal public waters” is defined as those waters described under 36 CFR §242.3 and 50 CFR §100.3. ANILCA established the upper portion of the Delta River (**Figure 1**) as a component of the National Wild and Scenic River System to be administered by the Bureau of Land Management (BLM). The first 20 miles of the Delta River, from the outlet of Lower Tangle Lake, are classified as “wild.” The subsequent 18 miles of the Delta River are classified as “recreational”. Approximately 12 miles of the Delta River downstream of the “recreational” waters are on general domain land which is also managed by BLM (**Figure 1**). On general domain lands, Federal subsistence regulations apply only to non-navigable waters.

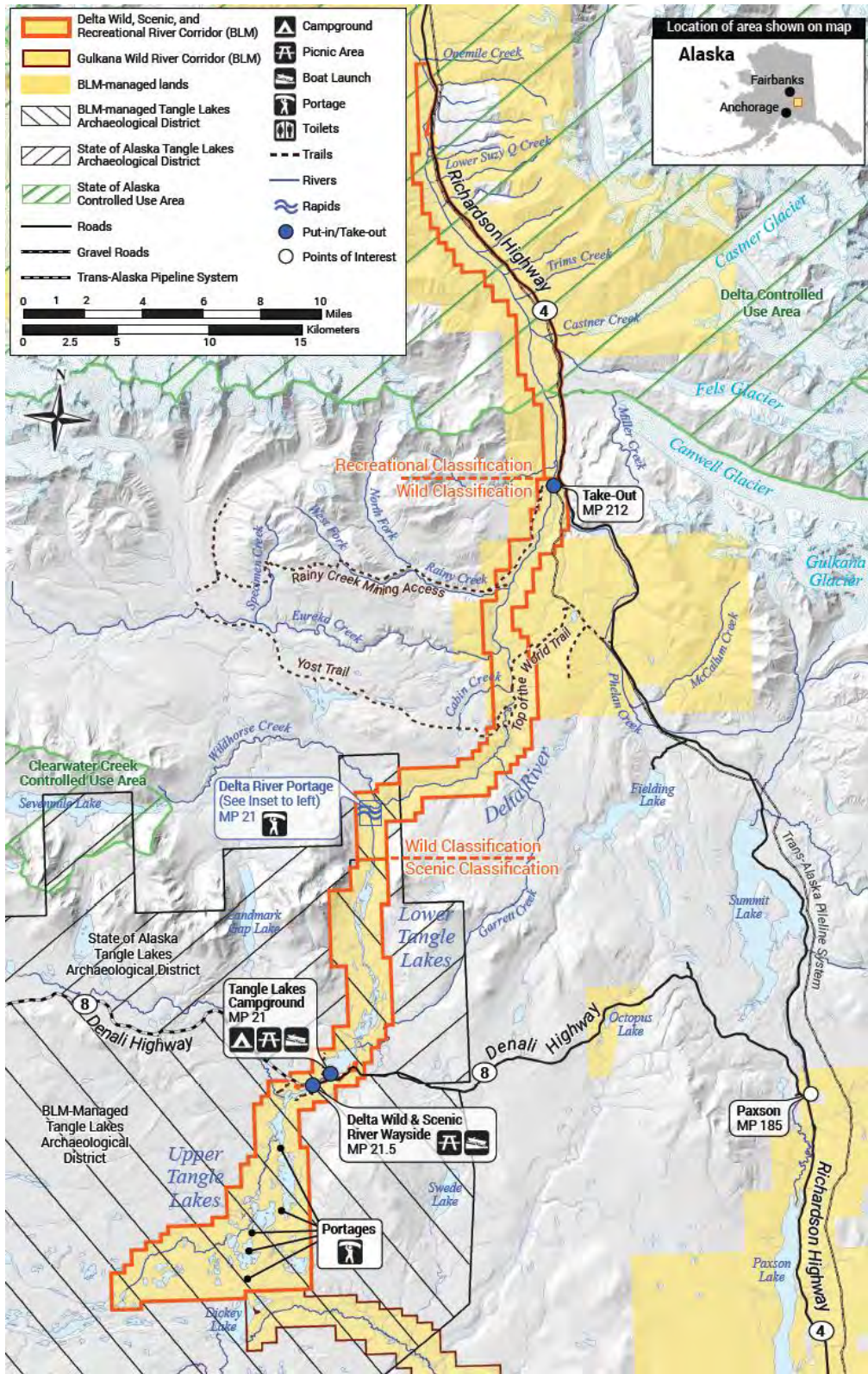


Figure 1. Federal public waters of the Delta River (BLM n.d.).

### **Customary and Traditional Use Determination**

Residents of the Yukon-Northern Area have a customary and traditional use determination for freshwater species other than salmon in the Yukon River drainage.

### **Regulatory History**

In 1992, the Federal Subsistence Management Program promulgated regulations governing the harvest of fish for subsistence uses in non-navigable waters within and adjacent to Federal public lands (57 Fed. Reg. 22940 [May 29, 1992]). These regulations incorporated many provisions from State of Alaska subsistence fishing regulations. The closure under review in this analysis was incorporated into Federal regulations in this manner and has not been subsequently modified.

In 1999, the Federal Subsistence Board (Board) also adopted Federal regulations for fish in navigable waters within and adjacent to Federal public lands where there is a Federal reserved water right (64 Fed. Reg. 1276 [January 8, 1999]). These regulations do not apply on navigable waters within and adjacent to Bureau of Land Management general domain lands (see 50 CFR 100.3).

### **Closure Last Reviewed**

There have been no previous reviews of this closure.

### **Justification for Original Closure**

The Federal Subsistence Management Program justification for the inclusion of the original closure in Federal regulations was to minimize disruption to the State's continuing fish and game management, because of the uncertainty over the resumption of State management of subsistence, yet still fulfill the requirements of Title VIII of ANILCA (55 FR 27114, June 29, 1990).

### **Council Recommendation for Original Closure**

N/A

### **State Recommendation for Original Closure**

N/A

### **Biological Background**

#### Salmon

Chum and Coho salmon spawn in the lower section of the Delta River (ADF&G 2022a); however, salmon do not inhabit the closure area (BLM n.d.).

## Nonsalmon Fish

The nonsalmon fish community in the Delta River is comprised of Arctic Grayling, Burbot, Round Whitefish, Longnose Sucker, Lake Trout, Dolly Varden, and Slimy Sculpin (Gryska 2011). Arctic Grayling is the predominant member of the nonsalmon fish community and limited information exists for the other nonsalmon species.

### *Arctic Grayling*

Arctic Grayling abundance and seasonal movements were assessed within an approximately 10.5 mile portion of the Delta River closure area by the Alaska Department of Fish and Game (ADF&G) and BLM (Gryska 2011, 2015). The abundance of Arctic Grayling was estimated using mark-recapture techniques in 2008. The estimated number of Arctic Grayling  $\geq 240$  mm FL was 44,212 fish (SE = 9,108),  $\geq 270$  mm FL was 23,152 fish (SE = 3,189), and  $\geq 330$  mm FL was 5,864 fish (SE = 818; Gryska 2011). The density estimates for Arctic Grayling  $\geq 240$  mm and  $\geq 270$  mm FL were among the highest ever documented for this species in Alaska. The seasonal movements and locations of Arctic Grayling ( $\geq 320$  mm FL) were assessed using radio telemetry in 2008 and 2009 (Gryska 2015). Approximately 95% of radio tagged fish overwintered in the study area. Locations and patterns of dispersal varied by season. In summer, Arctic Grayling were dispersed throughout the study area before concentrating in two locations during winter. Spawning likely occurred in late spring/early summer with most fish occupying the upper portion of the study area. This research indicates the study area provides year-round habitat for this large population of Arctic Grayling.

### **Cultural Knowledge and Traditional Practices**

Of the communities with a customary and traditional use determination for fish in the Yukon River drainage, those located in reasonable proximity to the Delta River and to road access to the river along the Richardson Highway are most likely to subsistence fish in the closed area, were the closure to be rescinded. This includes Big Delta and Delta Junction. In 2019, the estimated populations of Big Delta and Delta Junction were 476, and 1,157, respectively (ADLWD 2019).

Unfortunately, there are no readily available data on fishing by residents of Big Delta and Delta Junction in the Delta River. Although these communities are only able to fish on the Delta River under sport fishing regulations, their harvest by rod and reel would be included in any subsistence survey of these communities. However, although Big Delta and Delta Junction are considered “rural” by the Board, they are in the State of Alaska’s Fairbanks Nonsubsistence Use Area, and ADF&G Division of Subsistence has never conducted a subsistence survey for either of these communities.

Data are available for Delta Junction and Big Delta’s reported subsistence harvest of nonsalmon species in areas adjacent to the closure area under the Upper Tanana River subsistence permit. This permit includes both the Delta River drainage south of the Fairbanks nonsubsistence area (but not the Delta River itself, which is closed), as well as the Upper Tanana River, but data for these two areas cannot be disaggregated. Despite these limitations, the data are included here to give a general sense of the communities’ nonsalmon subsistence use patterns for a nearby area (**Table 1**). Of the five species

harvested, residents harvested the greatest number of whitefish, followed by Northern Pike. Overall, harvest was greatest from 2017 to 2020.

**Table 1.** Reported nonsalmon harvest under the Upper Tanana drainage subsistence use permit (which includes the portion of the Delta River drainage south of the Fairbanks nonsubsistence area, excluding the Delta River itself), by residents of Delta Junction and Big Delta from 2012 to 2021. The table includes permits registered to residents with a Delta Junction or Big Delta mailing or physical address. Source: Ransbury 2022, pers. comm.).

Year	Permits	Whitefish	Northern Pike	Arctic Grayling	Burbot	Longnose Sucker
2021	5	5	14	0	9	0
2020	11	514	284	5	55	86
2019	7	406	126	23	2	0
2018	8	342	67	5	25	0
2017	5	311	23	0	5	1
2016	3	12	0	0	23	0
2015	2	Confidential	Confidential	Confidential	Confidential	Confidential
2014	1	0	0	0	0	0
2013	3	0	0	0	0	0
2012	7	41	0	0	0	0
<b>Total</b>	<b>47</b>	<b>1626</b>	<b>500</b>	<b>33</b>	<b>110</b>	<b>87</b>

Paxson-Sourdough, the only other community in proximity to the Delta River, does not have a customary and traditional use determination for salmon or nonsalmon in any portion of the Yukon-Northern Area, which includes the Delta River. Paxson's nonsalmon fishing takes place primarily under State sport and subsistence fishing regulations and is focused on lakes located near the community, including the Tangle Lakes (Holen et al. 2015). As Paxson would not be qualified to fish in the Delta River under Federal regulations, were the closure to be rescinded, its fishing patterns are not described here.

### Harvest History

Subsistence fishing is prohibited in the Delta River under State and Federal regulations so there is no legal subsistence harvest in this system. Harvest is allowed under State sport fishing regulations and is not limited to Federally qualified subsistence users.

In the Delta River and its tributaries sport fishing for salmon is closed. Arctic Char and Dolly Varden can be harvested with a limit of ten per day with no size limit. Lake Trout have a harvest and possession limit of two fish with no size limit. The Arctic Grayling harvest and possession limit is five fish with no size limit. Whitefish and Burbot harvest and possession limits are 15 fish with no size limits. Sheefish have a limit of two per day and two in possession with no size limit. Northern Pike harvest and possession limit is five fish (only one can be 30 inches or longer). There are no harvest, possession, or size limits for other finfish species. In all waters of the Delta River drainage upstream

from Wildhorse Creek (approximately two miles to the outlet of Lower Tangle Lake), the Lake Trout harvest and possession limit is one fish with no size limit and the Burbot harvest and possession limit is two fish with no size limit.

Sport fish harvest estimates for the Delta River are provided by the Alaska Sport Fishing Survey (ADF&G 2022b). Estimates for the Delta River below Tangle Lakes are available for 1996 to 2006. For Arctic Grayling, median estimated sport fish harvest over this time period was 298 fish and ranged from 159 fish in 1998 to 770 fish in 1997. Lake Trout were reportedly harvested in 1999 (14 fish) and 2002 (48 fish). There were multiple other nonsalmon species where harvest was only estimated for a single year. Dolly Varden were harvested in 1996 (12 fish), whitefish were harvested in 2000 (7 fish), and Burbot were harvested in 2002 (26 fish). Over the time period when sport fishing harvest estimates are available, the median number of anglers was 319 and ranged from 311 in 1996 to 381 in 1997. Sport fish harvest estimates are not reported when fewer than 12 estimates were received. The Delta River below Tangle Lakes has not received more than 12 responses since 2006 suggesting sport fish harvest and effort may not be large enough to cause conservation concerns in the Delta River below Tangle Lakes.

### **Other Alternatives Considered**

One alternative is to retain the closure. The closure area is road accessible allowing for easy access and harvest of fish. If the closure is rescinded, harvest would be unrestricted for all legal gear types other than rod and reel, and gillnets could be used to harvest high numbers of fish. Retaining the closure would protect populations from overharvest until a proposal to restrict harvest and/or gear types in the closure area could be submitted. Federally qualified subsistence users could harvest fish under State sport fishing regulations while the Federal closure was in place. This alternative was rejected because it would not provide a Federal subsistence priority in the closure area.

A second alternative is to modify the closure by closing the fishery to all users and uses. This would fully protect fish populations in the closure area. Under this alternative, there would be no subsistence or sport fishing opportunity. Closing to all users and uses would eliminate the current situation, in which Federal public waters are closed to subsistence fishing while remaining open to other uses. This alternative was rejected because it would be an unnecessary restriction on non-subsistence uses as sport fish harvest data suggest the sport fishery does not present a conservation concern.

### **Effects**

If the closure is rescinded, Federal subsistence regulations for the Yukon-Northern Area would apply. Nonsalmon fish could be taken by set gillnet, drift gillnet, beach seine, fish wheel, long line, fyke net, dip net, jigging gear, spear, lead, or rod and reel, with some restrictions on this gear (see “Current Federal Regulation” in this analysis). Subsistence rod and reel harvest limits would match State sport fishing harvest and possession limits. Harvest would be unrestricted for all other legal gear types.

Rescinding the closure would establish a Federal subsistence priority and provide subsistence harvest opportunity in an area that is currently closed to subsistence fishing but open to other uses. However,

allowing unrestricted harvest in a road-accessible system may increase harvest pressure on stocks and result in a conservation concern.

## OSM PRELIMINARY CONCLUSION

- Retain the Status Quo
- Rescind the Closure
- Modify the Closure
- Defer Decision on the Closure or Take No Action

The modified regulation should read:

### § \_\_.27(e)(3) Yukon-Northern Area

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~~(x) You may not subsistence fish in the Delta River.~~

## Justification

Currently Federal public waters of the Delta River are closed to the harvest of all fish by Federally qualified subsistence users but open to sport fishing under State regulations. Rescinding the closure would establish a Federal subsistence priority in the area. Previous research indicates the closure area contains an abundant population of Arctic Grayling with one of the highest recorded densities in the State of Alaska. However, allowing unrestricted harvest for gear types other than rod and reel may lead to overharvest and local depletion of stocks. While populations may be protected by limiting subsistence harvest to rod and reel only and/or modifying harvest limits, these modifications are not possible through the closure review process and would require a fisheries proposal be submitted. Until a proposal can be submitted, the Federal inseason manager may use their delegated authority to restrict gear types and/or harvest limits, for up to 60 days, to protect populations in the closure area. Actions exceeding 60 days would require a temporary special action be implemented by the Board. If a proposal is submitted, the Office of Subsistence Management recommends that harvest be limited to rod and reel only in the Delta River.

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<b>FP23–14 Executive Summary</b>	
<b>General Description</b>	FP23-14 requests to add residents of the Serendipity subdivision to the customary and traditional use determination for salmon in the Chitina Subdistrict of the Upper Copper River District. <i>Submitted by: residents of Serendipity subdivision</i>
<b>Proposed Regulation</b>	<p><b>Prince William Sound Area - Salmon</b></p> <p><i>Chitina Subdistrict of the Upper Copper River District</i></p> <p><i>Residents of Cantwell, Chickaloon, Chisana, Chistochina, Chitina, Copper Center, Dot Lake, Gakona, Gakona Junction, Glennallen, Gulkana, Healy Lake, Kenny Lake, Lower Tonsina, McCarthy, Mentasta Lake, Nabesna, Northway, Paxson-Sourdough, Slana, Tanacross, Tazlina, Tetlin, Tok, Tonsina, and those individuals that live <b>along the Richardson Highway between mile posts 45 and 47</b>, along the Tok Cutoff from Tok to Mentasta Pass, and along the Nabesna Road.</i></p>
<b>OSM Preliminary Conclusion</b>	<b>Support</b>
<b>Southcentral Regional Advisory Council Recommendation</b>	
<b>Eastern Interior Regional Advisory Council Recommendation</b>	

<b>FP23-14 Executive Summary</b>	
<b>Interagency Staff Committee Comments</b>	
<b>ADF&amp;G Comments</b>	
<b>Written Public Comments</b>	<b>2 Opposed</b>

**DRAFT STAFF ANALYSIS  
FP23-14**

**ISSUES**

FP23-14 was submitted by the residents of Serendipity subdivision. Serendipity is a subdivided 150-acre homestead located along the Richardson Highway, between mile posts 45 and 47. The community sits near the confluence of the Tiekel River and Tsina River, and it is surrounded by public lands (see **Figure 2**). The proponents are requesting that Serendipity be added to the customary and traditional use determination for salmon in the Chitina Subdistrict of the Upper Copper River District.

**DISCUSSION**

The proponents report having harvested salmon in the Chitina Subdistrict for between 10 to 20 years through the State of Alaska's personal use fishery, as the Chitina Subdistrict fishery is the most efficient and accessible for members of this community. The proponents currently fall within the customary and traditional use determination for salmon in the Glennallen Subdistrict of the Upper Copper River District. However, they have difficulty accessing the salmon fishery in the Glennallen Subdistrict because of limited public access points, and a lack of fishwheels and appropriate boats within the community. The Serendipity subdivision is about an hour's drive away from Chitina, and the proponents note that they are closer to the fishery in the Chitina Subdistrict than some other communities who already fall under the customary and traditional use determination for this Subdistrict.

**Existing Federal Regulation**

**Prince William Sound Area - Salmon**

*Chitina Subdistrict of the Upper Copper River District*

*Residents of Cantwell, Chickaloon, Chisana, Chistochina, Chitina, Copper Center, Dot Lake, Gakona, Gakona Junction, Glennallen, Gulkana, Healy Lake, Kenny Lake, Lower Tonsina, McCarthy, Mentasta Lake, Nabesna, Northway, Paxson-Sourdough, Slana, Tanacross, Tazlina, Tetlin, Tok, Tonsina, and those individuals that live along the Tok Cutoff from Tok to Mentasta Pass, and along the Nabesna Road.*

## Proposed Federal Regulation

### Prince William Sound Area - Salmon

*Chitina Subdistrict of the Upper Copper River District*

*Residents of Cantwell, Chickaloon, Chisana, Chistochina, Chitina, Copper Center, Dot Lake, Gakona, Gakona Junction, Glennallen, Gulkana, Healy Lake, Kenny Lake, Lower Tonsina, McCarthy, Mentasta Lake, Nabesna, Northway, Paxson-Sourdough, Slana, Tanacross, Tazlina, Tetlin, Tok, Tonsina, and those individuals that live **along the Richardson Highway between mile posts 45 and 47**, along the Tok Cutoff from Tok to Mentasta Pass, and along the Nabesna Road.*

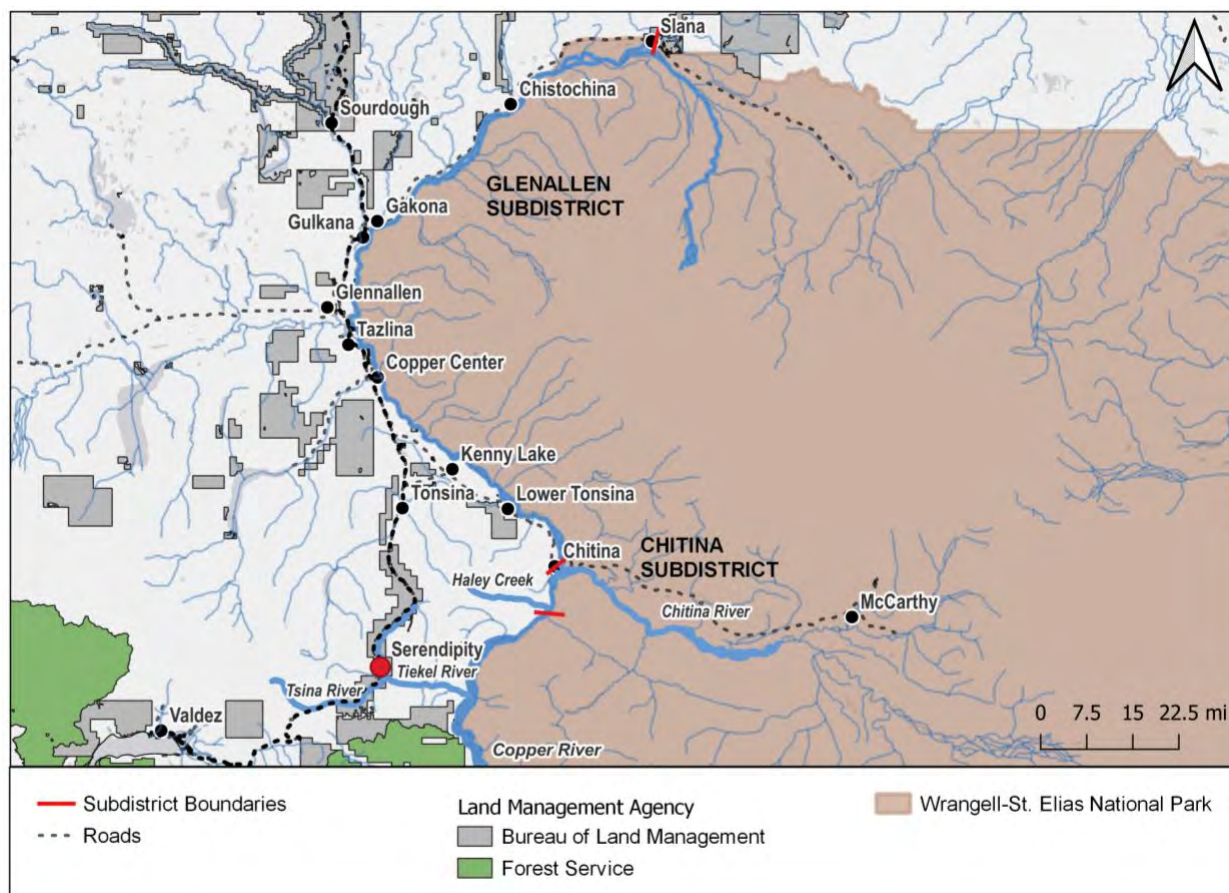
### Extent of Federal Public Lands and Waters

For purposes of this discussion, the phrase “Federal public waters” is defined as those waters described under 36 CFR 242.3 and 50 CFR 100.3. Federal public waters of the Copper River include all waters within the exterior boundaries of the Wrangell-St. Elias National Park and Preserve and the Chugach National Forest, and inland waters adjacent to these exterior boundaries. Federal public waters also include 181 river miles on the Middle Fork of the Gulkana River from the outlet at Dickey Lake to its confluence with the Gulkana River, and the entire West Fork of the Gulkana River designated as a wild river pursuant to the Wild and Scenic Rivers Act.

The Upper Copper River District is composed of the Chitina Subdistrict and the Glennallen Subdistrict. The Chitina Subdistrict consists of all waters of the mainstem Copper River downstream of the southern edge of the Chitina-McCarthy Road Bridge, to an east-west line crossing the Copper River approximately 200 yards upstream of Haley Creek. The Glennallen Subdistrict consists of all waters of the mainstem Copper River from the lower edge of the mouth of the Slana River to the downstream edge of the Chitina-McCarthy Road Bridge, a distance of approximately 120 miles (see **Figure 1**).

### Regulatory History

On October 1, 1999, Federal subsistence fishery management adopted the State subsistence fishery regulations, including those for the Copper River. At that time, the State recognized the Glennallen Subdistrict as a subsistence fishery and classified the Chitina Subdistrict as a personal use fishery. In the new Federal regulations adopted from the State, all residents of the Prince William Sound Area were listed as having customary and traditional use of salmon in the Glennallen Subdistrict only.



**Figure 1.** Upper Copper River drainage, showing exterior boundary of Wrangell-St. Elias National Park and Preserve as well as the Chitina and Glennallen Subdistricts of the Upper Copper River District.

In December 2000, the Federal Subsistence Board (Board) made additional customary and traditional use determinations for the Glennallen Subdistrict to include residents of Healy Lake, Dot Lake, Northway, Tanacross, Tetlin, Tok, and those individuals living along the Alaska Highway from the Alaskan/Canadian border to Dot Lake, along the Tok Cutoff from Tok to Mentasta Pass, and along the Nabesna Road.

In December 2000, the Board also adopted Proposal FP01-15, which established a customary and traditional use determination for salmon in the Chitina Subdistrict for residents of Chitina, Cantwell, Chistochina, Copper Center, Gakona, Gulkana, Mentasta, and Tazlina. The Board also adopted a modified version of Proposal FP01-16, submitted by the Copper River Native Association, which set harvest limits and created a Federal subsistence fishing season in the Glennallen Subdistrict from May 15 to September 30.

The Federal Subsistence Board initially adopted customary and traditional use determinations for the Chitina Subdistrict based on the traditional territories of three different Athabaskan groups. The traditional territory of the Ahtna extends from the Copper River Basin westward to Cantwell. To the north of Ahtna territory is the traditional area of the Upper Tanana and Tanacross Athabaskan language speakers. The Tanacross language area includes the communities of Healy Lake, Dot Lake, Tanacross,

and Tok. The territory upriver from Tetlin Junction, including the Nabesna and Chisana River valleys and the communities of Tetlin and Northway, is the traditional territory of the Upper Tanana Athabaskans. Dispersed within these traditional territories are communities initially settled by non-Natives. These settlements began with the building of gold rush trails and mining efforts around the beginning of the twentieth century (De Laguna and McClellan 1981, McKennan 1981, OSM 2001:81, Reckord 1983a, Reckord 1983b).

In 2002, The Wrangell-St. Elias National Park Subsistence Resource Commission submitted proposal FP02-16, requesting to add the remaining communities in the resident zone of the Wrangell-St. Elias National Park (Chisana, Dot Lake, Gakona Junction, Glennallen, Healy Lake, Lower Tonsina, McCarthy, Nabesna, Northway, Slana, Tanacross, Tetlin, Tok, Tonsina, and those individuals living along the Tok cutoff from Tok to Mentasta Pass, and along the Nabesna Road) to the customary and traditional use determination for salmon in the Chitina Subdistrict. This proposal was adopted by the Board, following the recommendation of the Southcentral Subsistence Regional Advisory Council (SCRAC). During that same regulatory year, the Wrangell-St. Elias National Park Subsistence Resource Commission also submitted proposal FP02-17, requesting several other changes to regulations including a review of eligible subsistence fishers for the Upper Copper River District. Prior to Board consideration, the proposal was divided into two separate proposals. Board action on Proposal FP02-17a added Chisana and Cantwell to the customary and traditional use determination for salmon in the Glennallen Subdistrict. Action on Proposal FP02-17b established a Federal subsistence salmon fishing season and methods and means for salmon harvest in the Chitina Subdistrict that were identical to the Federal season and methods and means in place for the Glennallen Subdistrict. Additionally, FP02-17b allowed those with customary and traditional use determinations for salmon in both the Chitina Subdistrict and the Glennallen Subdistrict to obtain a permit for each subdistrict in the same year, and it set a combined harvest limit from both subdistricts to the limit established for the Glennallen Subdistrict alone. FP02-17b also allowed for multiple gear types to be specified on each subsistence permit.

The Board also established a Federal permit requirement for the Upper Copper River District administered by the National Park Service in 2002. During the same regulatory cycle, the Board adopted Proposal FP02-20, which allowed those households with a Batzulnetas subsistence salmon permit to also be issued permits for the Chitina and Glennallen Subdistricts in the same year, provided that they were eligible for those permits. Also in 2002, the Board rejected proposals to add residents of Lake Louise and Delta Junction to the customary and traditional use determinations for salmon in the Glennallen and Chitina Subdistricts through the consent agenda. The stated justification was a lack of substantial evidence.

In 2004, the Chickaloon Village Traditional Council submitted Proposal FP05-14, which requested that Chickaloon be added to the Chitina Subdistrict customary and traditional use determination for salmon, and Proposal FP05-15, which requested that Chickaloon be added to the customary and traditional use determination for the Glennallen Subdistrict. The Board adopted these proposals, adding Chickaloon to the customary and traditional use determination for salmon in the Chitina and Glennallen Subdistricts during the 2005 regulatory year. In 2005, the Board also adopted proposal FP04-19, submitted by the Alaska Department of Fish and Game Paxson Fish and Game Advisory Committee, which requested that

the residents of Paxson-Sourdough be added to the customary and traditional use determination for salmon in the Chitina Subdistrict.

A 2017 Board decision regarding customary and traditional use status for Dry Creek Census Designated Place (CDP) may also have relevance for FP23-14 deliberations. In 2017, the Dry Creek Community Corporation submitted proposal FP17-11, requesting that the residents of Dry Creek be added to the customary and traditional use determination for salmon in the Glennallen Subdistrict of the Upper Copper River District (FSB 2017). The residents of Dry Creek had been harvesting salmon via State regulations in the Glennallen Subdistrict since Dry Creek was established in 1973 as a homesteading, subsistence-oriented community (OSM 2017). Dry Creek residents initially learned subsistence fishing, hunting, gardening, and gathering techniques from their neighbors in the area (OSM 2017). Subsistence knowledge and techniques were shared with other residents as the community grew (OSM 2017). Dry Creek residents also displayed a distinctive pattern of resource sharing that formed a key component of social life in the community (OSM 2017). The SCRAC and the Eastern Interior Subsistence Regional Advisory Council (EIRAC) supported FP17-11 for the reasons stated therein, and the proposal was adopted by the Board as part of its consensus agenda during the January 2017 Board meetings (FSB 2017).

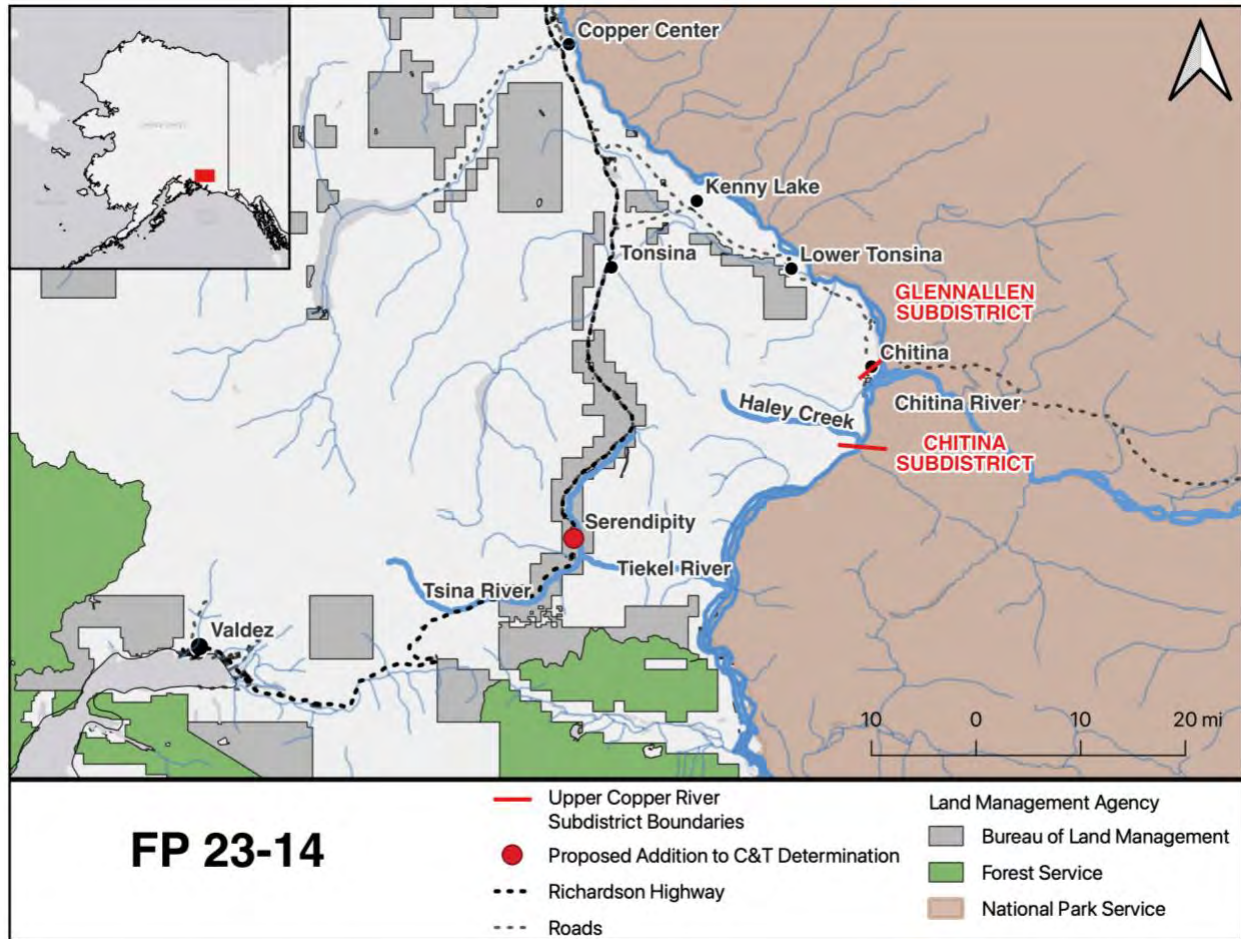
Currently, Federal Regulations for the Upper Copper River District (Glennallen and Chitina Subdistricts) require users to have a subsistence fishing permit and allow the use of fishwheel, dip net, and rod and reel gear for the take of salmon. Households of Federally qualified subsistence users who have a customary and traditional use determination in both subdistricts may be issued a permit for each.

State regulations allow subsistence fishing in the Glennallen Subdistrict, but not in the Chitina Subdistrict. The Chitina Subdistrict is designated as a State personal use fishery. Under State regulations, permits can only be issued for either the Glennallen Subdistrict subsistence fishery or the Chitina Subdistrict personal use fishery in the same year, but not both. Fishwheels and dip nets are allowed in the Glennallen Subdistrict, but a household may not use both in the same year. Only dip nets are allowed in the Chitina Subdistrict under State regulations. Serendipity residents currently have to choose between fishing in the more accessible Chitina Subdistrict State personal use fishery or the Federal subsistence fishery in the Glennallen Subdistrict.

### **Community Characteristics**

According to key respondent interviews, the Serendipity subdivision is currently composed of approximately 15 to 20 permanent, year-round residents who live in 12 households on a subdivided 150-acre homestead along the Richardson Highway, between mile posts 45 and 47. Serendipity sits near the confluence of the Tiekkel River and Tsina River, and it is surrounded by public lands (**Figure 2**). Stuart Creek also runs through the community. Serendipity is approximately half-way between the Tonsina CDP and the Valdez CDP. However, Serendipity is not part of a named community or CDP, and there appears to be little documented information on the community. There has been no comprehensive subsistence survey conducted specifically on Serendipity. The information presented in this analysis comes primarily from key respondent interviews conducted with residents of Serendipity in 2022, and a study on the

harvest and use of wild resources in selected communities in the Copper River Basin conducted by the Alaska Department of Fish and Game (ADF&G) in 2013 (Holen et al. 2015).



**Figure 2.** Serendipity Subdivision Vicinity Map

According to State records, the first parcels of the Serendipity subdivision were issued in June 2000. Serendipity parcels, however, were not connected to the electric grid until approximately 2020, and homes in the community have never had running water. However, many residents of Serendipity moved to the community because the land was affordable, they knew other residents of the community, and living in the area offered them the opportunity to lead a rural lifestyle. Since 2000, residents of Serendipity have harvested salmon in the Chitina Subdistrict through the State of Alaska’s personal use fishery, as the Chitina Subdistrict fishery is the most accessible for members of this community. The methods and means of harvest here have been shore-based dipnet fishing. Many residents at Serendipity also lived elsewhere along the Richardson Highway, or in communities like McCarthy, and regularly harvested salmon in the Chitina Subdistrict before moving to Serendipity. The residents of Serendipity currently fall within the customary and traditional use determination for salmon in the Glennallen Subdistrict. However, they have difficulty accessing the salmon fishery in the Glennallen Subdistrict because of limited public access points, and a lack of fishwheels and appropriate boats within the community.



The residents at Serendipity engage in a variety of occupations ranging from logging, construction, carpentry, commercial fishing, wilderness guiding, journalism, art, and nursing. Subsistence practices here form an important supplement to residents' other economic activities. In addition to fishing, residents here also engage in subsistence practices like gardening, gathering wild plants, hunting, and preserving meats and vegetable crops. There is also regular knowledge exchange between older and younger residents about subsistence practices, as well as regular sharing of subsistence resources between residents. These occupations and subsistence activities are similar to those discussed for the nearby Tonsina CDP (see Holen et al. 2015).

The study most relevant to life at Serendipity was conducted on the harvest and use of wild resources in selected communities in the Copper River Basin by ADF&G in 2013 (Holen et al. 2015). This study revealed that there were 12 households in the Serendipity community in 2013. However, only 4 of these households were permanent, year-round residents in 2013. These 4 households were surveyed as part of the Tonsina CDP for the purposes of the 2013 study. As such, Tonsina CDP information is used as a proxy for Serendipity for the following information.

In 2013, the total estimated population for Tonsina CDP was 90 individuals living in 39 households (Holen et al. 2015). About 25% of these individuals were born in the Copper River Basin (Holen et al. 2015). The mean household size for the Tonsina CDP was 2.3 residents, with an average length of residence of approximately 16 years, and a maximum length of residence of 50 years (Holen et al. 2015). The average household income for Tonsina CDP residents was \$85,334 in 2013 (Holen et al. 2015). Approximately 90% of this income was earned through employment (Holen et al. 2015). The greatest contributing job sectors for the area were the Service Industry (36% of total community income) and Agriculture, Forestry, and Fishing (27% of total community income) (Holen et al. 2015). Other key employment sectors included Local and Tribal Governments, Mining, and Construction (Holen et al. 2015).

Residents of the Tonsina CDP area “harvest a wide variety of resources, and like most rural Alaskan communities, they often target specific species during certain times of the year following a cyclical harvest pattern that is in part defined by seasonal availability and in part by laws, regulations, and land access” (Holen et al. 2015: 343). Approximately 83% of all residents of the Tonsina CDP harvested wild resources in 2013, while 89% of residents processed wild resources (Holen et al. 2015). Roughly 60% of community members fished, and 72% of community members processed fish (Holen et al. 2015). The average household harvested approximately 459 pounds (or 199 lbs. per capita) of usable wild resources during the 2013 survey year, with salmon constituting about half of this harvest weight (Holen et al. 2015). Salmon and other wild resources were regularly shared between households, as about 87% of households utilized salmon, while only 52% harvested salmon (Holen et al. 2015). This pattern of high producing households sharing resources with other households has been exhibited in many other rural Alaskan communities (Wolfe et al. 2010). Tonsina CDP residents harvested some salmon in the nearby Tonsina River; however, the majority of salmon were harvested by fishwheel near Chitina and Copper Center (Holen et al. 2015). Approximately 71% of salmon were harvested by fishwheel, while about 23% were harvested by dip net (Holen et al. 2015). Fishwheels are the predominant gear used by communities in the Upper Copper River Basin (Holen et al. 2015). However, flooding and high-water levels have

created challenges to installing, maintaining, and accessing fishwheels in recent years (Holen et al. 2015). The Upper Copper River District is easily accessible via the Richardson and Glenn Highways, and competition for resources is a significant concern for local residents (Holen et al. 2015). Approximately 30% of households in the Tonsina CDP area used boats to access and harvest wild resources in 2013 (Holen et al. 2015). The population of Tonsina CDP dropped to 55 individuals in 2020 (US Census Bureau 2020).

In the most recent research report available, the estimated State personal use salmon harvest in the Chitina Subdistrict was 82,955 fish, accounting for approximately 20% of all 409,662 salmon harvested through personal use fisheries in Alaska in 2018 (Brown et al. 2021). Unfortunately, specific information for the Serendipity community is not available in this report or similar reports for previous years. In these reports, Tonsina is the closest surveyed community to Serendipity. However, unlike Serendipity, residents of Tonsina possess a customary and traditional use determination for salmon in the Chitina Subdistrict.

In 2018, an estimated total of 3,388 salmon were harvested from the Chitina Subdistrict Federal subsistence fishery (Brown et al. 2021). Three households in Tonsina harvested an estimated 229 of these salmon in 2018. The estimated subsistence salmon harvest for both Federal and State fisheries in the Glenallen subdistrict was 65,792 fish, or approximately 9% of the total 737,469 subsistence salmon harvested in Alaska in 2018 (Brown et al. 2021). Five households in Tonsina harvested an estimated 508 salmon from the Glenallen Subdistrict in 2018 (Brown et al. 2021). Comparable Federal permit data for the year 2018 could not be located in the Federal Subsistence Database for Serendipity residents. However, permit data was located for one Serendipity resident who harvested 43 salmon through Federal subsistence permit in 2019. Another Serendipity resident harvested 9 salmon with a Federal subsistence permit in 2021. Similarly, one Serendipity resident has a record of hunting moose and caribou via Federal subsistence permit since 2016. Another resident had permit records for moose and caribou hunts in 2021. It should be noted, however, that linking residents of Serendipity to returned permit data in the Federal Subsistence Database is difficult because the Federal permit database does not allow the addition of new areas in the resident community field or have a specific way to document people who live outside of named communities. Likewise, Serendipity is not recognized as a community for the purposes of State data collection and State rules do not allow the disclosure of individual hunting and fishing permit information. It is therefore likely that the permit data discussed above understates the degree to which Serendipity residents have engaged in subsistence fishing and hunting activities in the Upper Copper River District.

### **Eight Factors for Determining Customary and Traditional Use**

A community or area's customary and traditional use is generally exemplified through eight factors: (1) a long-term, consistent pattern of use, excluding interruptions beyond the control of the community or area; (2) a pattern of use recurring in specific seasons for many years; (3) a pattern of use consisting of methods and means of harvest which are characterized by efficiency and economy of effort and cost, conditioned by local characteristics; (4) the consistent harvest and use of fish or wildlife as related to past methods and means of taking: near, or reasonably accessible from the community or area; (5) a means of handling, preparing, preserving, and storing fish or wildlife which has been traditionally used by past generations, including consideration of alteration of past practices due to recent technological advances, where

appropriate; (6) a pattern of use which includes the handing down of knowledge of fishing and hunting skills, values, and lore from generation to generation; (7) a pattern of use in which the harvest is shared or distributed within a definable community of persons; and (8) a pattern of use which relates to reliance upon a wide diversity of fish and wildlife resources of the area and which provides substantial cultural, economic, social, and nutritional elements to the community or area.

The Board makes customary and traditional use determinations based on a holistic application of these eight factors (50 CFR 100.16(b) and 36 CFR 242.16(b)). In addition, the Board takes into consideration the reports and recommendations of any appropriate Regional Advisory Council regarding customary and traditional use of subsistence resources (50 CFR 100.16(b) and 36 CFR 242.16(b)). The Board makes customary and traditional use determinations for the sole purpose of recognizing the pool of users who generally exhibit some or all of the eight factors. The Board does not use such determinations for resource management or restricting harvest. If a conservation concern exists for a particular population, the Board addresses that concern through the imposition of harvest limits or season restrictions rather than by limiting the customary and traditional use finding.

In 2010, the Secretary of the Interior asked the Board to review, with Regional Advisory Council input, the customary and traditional use determination process, and present recommendations for regulatory changes. In June 2016, the Board clarified that the eight-factor analysis applied when considering customary and traditional use determinations is intended to protect subsistence use, rather than limit it. The Board stated that the goal of the customary and traditional use determination analysis process is to recognize customary and traditional uses in the most inclusive manner possible.

The subsistence practices of the communities that currently possess a customary and traditional use determination for salmon in the Chitina Subdistrict reflect the traditions of the Ahtna, Upper Tanana, and Tanacross; as well as those of Euro-American settler/homesteaders. These communities possess numerous interpersonal connections, and have a history of sharing subsistence resources, practices, and knowledge. These customary and traditional practices have been well-documented in previous proposal analyses for the Chitina Subdistrict (OSM 2000:13-38, OSM 2001:73-96). While there is documentation of the subsistence practices of communities along the Tok cutoff from Tok to Mentasta Pass, and along the Nabesna road, there has been little documentation of the subsistence practices of the residents of Serendipity.

According to key respondent interviews, the earliest residents of Serendipity subdivision have an approximately 20-year history of harvesting salmon via dipnet in the Chitina Subdistrict fishery through the State of Alaska's personal use regulations. This history dates back to the purchase of the first community parcel in 2000. Also, many of the residents at Serendipity lived along other portions of the Richardson Highway and harvested salmon from the Chitina Subdistrict personal use fishery before moving to Serendipity. The residents of Serendipity subdivision also have prepared and preserved harvested salmon through long-used practices such as canning and smoking since taking up residence in the community. Similarly, residents here engage in related subsistence practices such as gardening; collecting wild berries, herbs, and other plants; and hunting moose and caribou. These activities take place regularly every year, according to the standard seasons of planting and harvest. Residents here work

communally on larger gardens, while also tending their own smaller home gardens. Sharing of resources here is common, and these practices form an important part of social life in the community. Community meals where subsistence resources are shared generally take place several times per week. The sharing of moose meat is particularly common, as residents typically get together to assist with meat preparation after a successful hunt. Meat is shared with those who assist in the hunt and/or meat preparation. Salmon and other fish are also regularly shared, particularly when harvested in significant quantities, as this is another key means of building community and preventing potential food wastage. Subsistence knowledge about hunting, fishing, gardening, and gathering wild plants has been passed from older community residents to younger residents at Serendipity. Newer residents of Serendipity often moved to the community in part because of social connections with more established residents. Many younger residents now help older residents in their subsistence activities. These practices display broad similarities to the information documented for Tonsina CDP by ADF&G in 2013 (see Holen et al. 2015).

### **Effects of the Proposal**

If the Board adopts this proposal, residents of the Serendipity subdivision would be eligible to harvest salmon under Federal subsistence regulations in the Chitina Subdistrict. This would provide Serendipity residents with greater, and potentially more efficient, access to subsistence salmon fisheries in the Upper Copper River District. If the Board adopts this proposal, residents of the Serendipity subdivision would be eligible to fish under the higher Federal harvest limit and longer Federal season in the Chitina Subdistrict. It is unclear whether this change would lead to increased salmon harvests by residents of the Serendipity subdivision.

If this proposal is rejected, the residents of Serendipity would not qualify as Federal subsistence salmon harvesters in the Chitina Subdistrict. However, Serendipity residents could continue to harvest salmon in the Chitina Subdistrict under State personal use fisheries regulations. They would also maintain a customary and traditional use determination for salmon harvest in the Glennallen Subdistrict fishery.

### **OSM PRELIMINARY CONCLUSION**

**Support** Proposal FP23-14.

#### **Justification**

The permanent residents of the Serendipity subdivision meet the general eligibility requirements for Federal subsistence priority and have harvested salmon in the Chitina Subdistrict for between 10 to 20 years, through the State of Alaska's personal use fisheries regulations. Serendipity residents also have a history of engaging in related subsistence practices such as hunting, gardening, and gathering wild plants. These subsistence practices and the sharing of subsistence resources and knowledge form an important part of social life at Serendipity. These practices also display key similarities to the information documented for Tonsina CDP, a community which already possesses a customary and traditional use determination for salmon in the Chitina Subdistrict. Supporting this proposal is in keeping with the Board's stated goal from 2016 to recognize customary and traditional uses in the most inclusive manner possible. If necessary, a Section 804 Subsistence User Prioritization Analysis could be conducted in the future in the event of continued salmon declines. We look forward to hearing the discussion and recommendation of the Regional Advisory Councils.

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**WRITTEN PUBLIC COMMENTS**

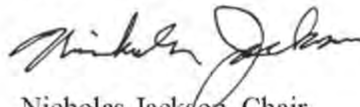
July 22, 2022

Federal Subsistence Board  
Office of Subsistence Management  
(Attn: Theo Matuskowitz)  
1011 E. Tudor Road, MS-121  
Anchorage, Alaska 99503-6199  
Via Email to [subsistence@fws.gov](mailto:subsistence@fws.gov)

Dear Mr. Matuskowitz:

On behalf of the shareholders of Ahtna, Incorporated, we are submitting the enclosed comments on select proposals from the Federal Subsistence Management Program 2023-2025 Fisheries Proposals book.

Respectfully,



Nicholas Jackson, Chair  
Customary & Traditional Committee  
Ahtna, Incorporated

Enclosure as noted

**Comments:**

We oppose FP 23-14. The Serendipity Subdivision Residents are not eligible for a positive customary and traditional use determination in the Chitina Subdistrict. As explained further below, they do not meet the criteria used in making a positive customary and traditional use determination.

This subdivision has not shown that their handling, methods or means establish a long term, consistent, pattern of use for harvesting salmon in the Chitina Subdistrict, nor have they provided written documentation establishing handing down the knowledge of taking salmon or the passing down of lore's or stories from generation to generation. They cannot prove substantial cultural, economic, social or nutritional subsistence uses of salmon in the Chitina Subdistrict.

Although they may have a positive customary and traditional use determination for the Glennallen Subdistrict, they do not have a consistent reoccurring and seasonal use of salmon in the Chitina Subdistrict.

All other communities or individuals that currently have positive customary and traditional use determinations went through a significant review process including providing written documentation proving their cultural and historical ties to the fisheries in the Upper Copper River District. These same requirements should be upheld for any other communities or individuals requesting a positive customary and traditional use determination.

- *Ahtna, Incorporated Customary and Traditional Committee*



## Ahtna Intertribal Resource Commission

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July 25, 2022

Federal Subsistence Board  
Office of Subsistence Management  
(Attn: Theo Matuskowitz)  
1011 E. Tudor Road, MS-121  
Anchorage, Alaska 99503-6199

Dear Chairman Anthony Christianson:

### Introduction

The Ahtna Intertribal Resource Commission (AITRC) is an inter-tribal agency serving the 8 Federally recognized tribal governments and 2 Alaska Native Corporation landowners located within the Ahtna Traditional Use Territory. The customary and traditional homelands of the 'Atna' *hwtaene* include the Upper Copper River basin, Upper Susitna River valley, and portions of the Tanana River drainage along the Denali Highway region. The mission of AITRC is to honor and integrate traditional indigenous knowledge and values through innovative stewardship that is respectful of the land for all generations with the vision of exercising tribal sovereign authority and stewardship of cultural and natural resources within our traditional territory to ensure our future self-sustainability.

In 2016, AITRC and its member tribes and corporations entered into an historic agreement with the US Department of the Interior for the purpose of formalizing the subsistence wildlife management partnership and pursue cooperative management of customary and traditional subsistence uses within the Ahtna Traditional Use Territory. Within this agreement, the US Department of the Interior recognized that special circumstances within the Ahtna region have not permitted the 'Atna' *hwtaene* to meet their subsistence needs. Moreover, the Department recognized its obligation to uphold the Federal trust responsibility to Ahtna tribes and the right of rural resident members of Ahtna tribal communities to maintain their cultural identity through opportunities to practice their ancestral customary and traditional ways of life on Federal public lands in a manner that enables them to pass down indigenous knowledge and ancestral customary practices from generation to generation.

In passing ANILCA Title VIII, US Congress invoked its constitutional authority over Native affairs and its constitutional authorities under the property and commerce clauses and found and declared that the "continuation of the opportunity for subsistence uses of resources on public and other lands in Alaska is threatened by the increasing population of Alaska, with resultant pressure on subsistence resources, by sudden declines in the populations of some wildlife species which are crucial subsistence resources, by increased accessibility of remote areas containing subsistence resources, and by taking of fish and wildlife in a manner inconsistent with recognized principles of fish and wildlife management" and called for a federal subsistence management program that requires a meaningful role in the management of fish and wildlife and of subsistence uses by "rural residents who have personal knowledge of local conditions and requirements" (ANILCA Section 801).



**COMMENTS ON  
2023-2025 FEDERAL SUBSISTENCE FISHERIES  
REGULATORY CHANGE PROPOSALS**

**FP23-14/15/16 Expand Federal Customary and Traditional Use Determinations for Additional Communities and Areas**

FP23-14, FP23-15, and FP23-16 all ask to expand the federal customary and traditional use determinations for additional communities and areas both within and outside the Copper River basin, which if passed would increase the number of federally qualified users of our Copper River salmon. As outlined above and in ANILCA Title VIII itself, the continuation of ancestral indigenous customary and traditional uses of fish and wildlife remains under increasing threat by a growing human population, declining ancestral tribal subsistence resource populations, and increasing access to once-remote areas. These three proposals contribute to these ongoing problems and trends, which further disenfranchise the *'Ahtna' hwtaene*, by further expanding the opportunity for others who had not been customary and traditional users or residents of the Ahtna Traditional Use Territory when ANILCA was passed by Congress in 1980.

AITRC and its member tribes and Alaska Native Corporations are opposed to each of these proposals. During recent years of declining Copper River salmon productivity, tribal citizens and other rural residents who customarily, traditionally, and historically fished for salmon in the upper portions of the Glennallen Subdistrict and Batzulnetas Area have experienced significant declines in the availability and efficiency of subsistence salmon fishing activities. A recent historical assessment of catch per unit effort conducted by Wrangell-St. Elias National Park and Preserve staff, and shared with AITRC, suggests that when numbers of salmon passing Miles Lake sonar are less than about 750,000 salmon, subsistence salmon harvest success above the Gakona River, and consequently federal subsistence uses, may be negatively impacted. ADF&G managers respond to these concerns by AITRC and its member tribes by suggesting that Ahtna people aren't putting enough effort into their subsistence fishing activities, in effect, blaming the victim. However, when tribal elders inform fishwheel operators to stop fishing to ensure sufficient salmon pass to reach specific spawning beds, or the costs of keeping the wheel fishing throughout the summer to catch what used to be caught in a single day are prohibitive, many Ahtna tribal citizens and other rural residents simply cannot afford to keep putting in the fishing effort to obtain historic harvest levels and risk compromising indigenous stewardship practices of ensuring sufficient spawners of various specific tributaries. The amount of time needed to invest in harvesting sufficient numbers of salmon to meet previous and ongoing subsistence needs is often so great that many cannot spend that much time a fish camp now given the lack of salmon abundance in the river. In turn, this is having devastating impacts on our abilities to pass on ancestral indigenous knowledge to our children, grandchildren, nieces and nephews.

Most Copper River-bound salmon are harvested by the state-managed commercial fishery before the salmon enter the river. Commercial salmon fishing has long been a challenge to the *'Ahtna' hwtaene* in meeting their ancestral customary and traditional subsistence needs for salmon. In fact, Chief Goodlataw filed a complaint with the US Federal government in 1917 regarding the commercial fishing that had been taking place within Abercrombie Canyon, which was causing the Ahtna people to face starvation.<sup>1</sup>

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<sup>1</sup> Ahtna Subsistence Search Conference: A Conference for the Ahtna People To Plan For the Future of Their Subsistence Resources, Practices and Lifestyle, November 12-13, 2013.

Then, those salmon that escape the commercial fishery at the mouth of the Copper River, our migrating salmon swim up the river and into the Chitina Subdistrict with its ever-expanding number of users participating in the state-managed Personal Use dipnet fishery. This gauntlet fishery continues to be of great concern to AITRC and its member Tribes and Alaska Native Corporations. Efforts to make the canyon more accessible to non-local users and the salmon collapses in other areas of Alaska, like the Yukon and Kuskokwim rivers has contributed to the increased pressure on Copper River salmon stocks and declines in salmon availability in the Glennallen Subdistrict, and especially its uppermost sections where subsistence needs are not being met.

FP23-14, FP23-15, and FP23-16 each asks to expand the federal customary and traditional use determinations for additional Alaska residents within the Chitina Subdistrict, many of whom claim their customary and traditional use eligibility through their prior participation in the nonsubsistence Chitina personal use dipnet fishery. While AITRC and its members recognize and support the importance of the federal subsistence priority over all other uses, afterall there would not be a federal subsistence fishing priority for salmon without the decades long efforts of the *'Atna' hwtæene*, we do not support such determinations that would expand eligibility to additional users just because they have moved to rural areas and now seek to establish new traditions in efforts to mitigate the increasing pressures on Copper River resources by non-local and non-rural Alaska residents long after the passage of ANILCA, especially at the expense of the *'Atna' hwtæene*, the original stewards of the Copper River basin. Finally, these proposals contribute to and expand the threats to the continuation of customary and traditional uses acknowledged by Congress when enacting ANILCA Title VIII as outlined in our introductory comments above.

- *Ahtna Intertribal Resource Commission*

<b>FP23–15/16 Executive Summary</b>	
<b>General Description</b>	<p>Proposal FP23-15/16 requests that the Federal Subsistence Board recognize the customary and traditional use of salmon in the Chitina Subdistrict of the Upper Copper River District by permanent rural residents who live between named communities along the Alaska Highway from the U.S./Canada Border to Dot Lake.</p> <p><i>Submitted by the ADF&amp;G Upper Tanana Fortymile Advisory Committee.</i></p>
<b>Proposed Regulation</b>	<p><b>Prince William Sound Area - Salmon</b></p> <p><i>Chitina Subdistrict of the Upper Copper River District</i></p> <p><i>Residents of Cantwell, Chickaloon, Chisana, Chistochina, Chitina, Copper Center, Dot Lake, Gakona, Gakona Junction, Glennallen, Gulkana, Healy Lake, Kenny Lake, Lower Tonsina, McCarthy, Mentasta Lake, Nabesna, Northway, Paxson-Sourdough, Slana, Tanacross, Tazlina, Tetlin, Tok, Tonsina, and those individuals that live along the Tok Cutoff from Tok to Mentasta Pass, and along the Nabesna Road and along the Alaska Highway from the U.S./Canada Border to Dot Lake.</i></p>
<b>OSM Preliminary Conclusion</b>	<b>Support</b>
<b>Southcentral Regional Advisory Council Recommendation</b>	

<b>FP23–15/16 Executive Summary</b>	
<b>Eastern Interior Regional Advisory Council Recommendation</b>	
<b>Interagency Staff Committee Comments</b>	
<b>ADF&amp;G Comments</b>	
<b>Written Public Comments</b>	<b>2 oppose, 1 support with modification</b>

**DRAFT STAFF ANALYSIS**  
**FP23-15/16**

**ISSUES**

Proposal FP23-15/16 submitted by the Alaska Department of Fish and Game (ADF&G) Upper Tanana Fortymile Mile Advisory Committee (AC) requests that the Federal Subsistence Board (Board) recognize the customary and traditional (C&T) use of salmon in the Chitina Subdistrict of the Upper Copper River District by permanent rural residents who live between named communities along the Alaska Highway from the U.S./Canada border to Dot Lake (**Figure 1**). Two identical proposals were submitted and are therefore being analyzed together.

**DISCUSSION**

The proponent states that FP02-16, adopted by the Federal Subsistence Board, neglected to include this area in the list of communities and areas that have a customary and traditional use determination for salmon in the Chitina Subdistrict of the Upper Copper River District. The area affected by this proposal includes the permanent rural resident households situated along the Alaska Highway that fall between the U.S./Canada border to Dot Lake. The communities along this portion of the Alaska Highway, Northway, Tetlin, Tok, Tanacross, and Dot Lake have a customary and traditional use determination for salmon in the Chitina Subdistrict. The proponent notes that the households located between these communities along the Alaska Highway are not separate from these communities but are linked to them by geography, kinship, economy and practice the same subsistence way of life.

## Existing Federal Regulation

### Prince William Sound Area - Salmon

*Chitina Subdistrict of the Upper Copper River District*

*Residents of Cantwell, Chickaloon, Chisana, Chistochina, Chitina, Copper Center, Dot Lake, Gakona, Gakona Junction, Glennallen, Gulkana, Healy Lake, Kenny Lake, Lower Tonsina, McCarthy, Mentasta Lake, Nabesna, Northway, Paxson-Sourdough, Slana, Tanacross, Tazlina, Tetlin, Tok, Tonsina, and those individuals that live along the Tok Cutoff from Tok to Mentasta Pass, and along the Nabesna Road.*

## Proposed Federal Regulation

### Prince William Sound Area - Salmon

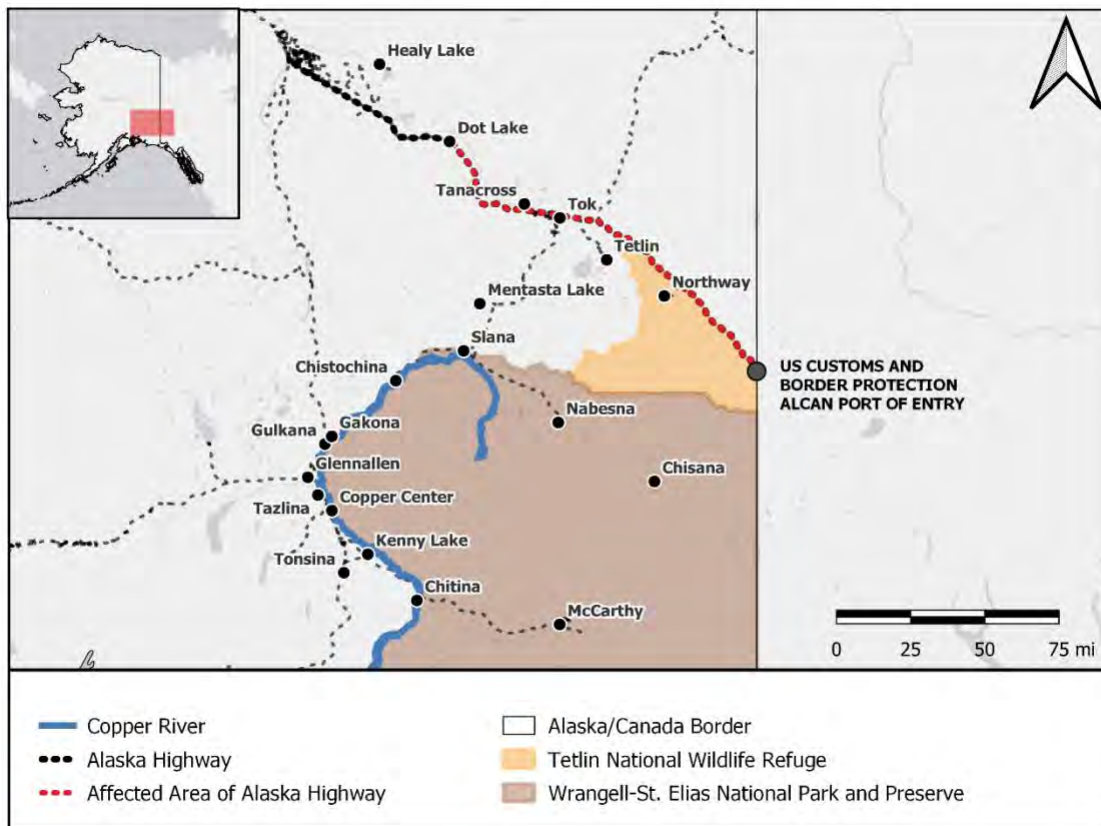
*Chitina Subdistrict of the Upper Copper River District*

*Residents of Cantwell, Chickaloon, Chisana, Chistochina, Chitina, Copper Center, Dot Lake, Gakona, Gakona Junction, Glennallen, Gulkana, Healy Lake, Kenny Lake, Lower Tonsina, McCarthy, Mentasta Lake, Nabesna, Northway, Paxson-Sourdough, Slana, Tanacross, Tazlina, Tetlin, Tok, Tonsina, and those individuals living along the Tok Cutoff from Tok to Mentasta Pass, and along the Nabesna Road **and along the Alaska Highway from the U.S./Canada border to Dot Lake.***

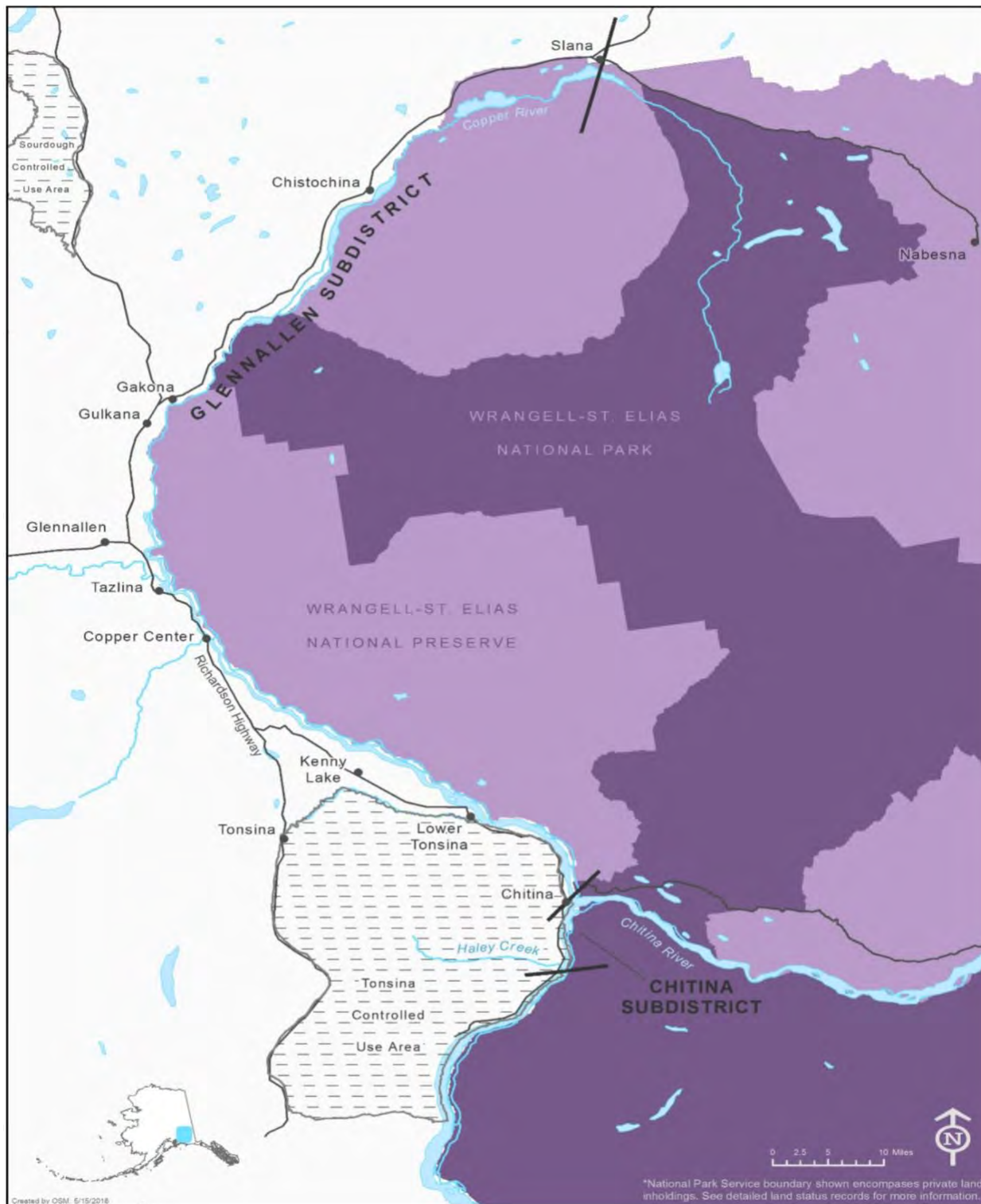
**Extent of Federal Public Lands and Waters**

For purposes of this discussion, the phrase “Federal public waters” is defined as those waters described under 36 CFR 242.3 and 50 CFR 100.3. Federal public waters of the Copper River include all waters within the exterior boundaries of the Wrangell-St. Elias National Park and Preserve and the Chugach National Forest, and inland waters adjacent to these exterior boundaries. Federal public waters also include 181 river miles on the Middle Fork of the Gulkana River from the outlet at Dickey Lake to its confluence with the Gulkana River, and the entire West Fork of the Gulkana River designated as a wild river pursuant to the Wild and Scenic Rivers Act.

The Upper Copper River District is composed of the Chitina Subdistrict and the Glennallen Subdistrict. The Chitina Subdistrict consists of all waters of the mainstem Copper River downstream of the southern edge of the Chitina-McCarthy Road Bridge, to an east-west line crossing the Copper River approximately 200 yards upstream of Haley Creek. The Glennallen Subdistrict consists of all waters of the mainstem Copper River from the lower edge of the mouth of the Slana River to the downstream edge of the Chitina-McCarthy Road Bridge, a distance of approximately 120 miles (see **Figure 2**).



**Figure 1:** The area affected by this proposal includes the households between the named communities, Northway, Tetlin, Tok and Tanacross, along the Alaska Highway from the U.S./ Canada border to Dot Lake.



**Figure 2:** Upper Copper River drainage, showing exterior boundary of Wrangell-St. Elias National Park and Preserve as well as the Chitina and Glennallen Subdistricts of the Upper Copper River District.



## **Regulatory History**

On October 1, 1999, Federal subsistence fishery management adopted the State subsistence fishery regulations, including those for the Copper River. At that time, the State recognized the Glennallen Subdistrict as a subsistence fishery and classified the Chitina Subdistrict as a personal use fishery. In the new Federal regulations adopted from the State, all residents of the Prince William Sound Area were listed as having customary and traditional use of salmon in the Glennallen Subdistrict only. In December 2000, the Federal Subsistence Board (Board) made additional customary and traditional use determinations for the Glennallen Subdistrict to include residents of Healy Lake, Dot Lake, Northway, Tanacross, Tetlin, and Tok, and those individuals living along the Alaska Highway from the U.S./Canada border to Dot Lake, along the Tok Cutoff from Tok to Mentasta Pass, and along the Nabesna Road.

In December 2000, the Board adopted Proposal FP01-15, which established a customary and traditional use determination for salmon in the Chitina Subdistrict for residents of Chitina, Cantwell, Chistochina, Copper Center, Gakona, Gulkana, Mentasta, and Tazlina. The Board also adopted a modified version of Proposal FP01-16, submitted by the Copper River Native Association, which set harvest limits and created a federal subsistence fishing season in the Glennallen Subdistrict from May 15 to September 30.

The Federal Subsistence Board (Board) adopted customary and traditional use determinations for the Chitina Subdistrict based on the traditional territory of three different Athabaskan groups. The traditional territory of the Ahtna extends from the Copper River Basin westward to Cantwell. To the north of Ahtna territory is the traditional area of the Upper Tanana and Tanacross Athabaskan language speakers, which includes the communities of Healy Lake, Dot Lake, Tanacross, Tok, Tetlin, and Northway. Two of these traditional areas, Tanacross and Upper Tanana, are referred to in this proposal analysis as Upper Tanana. Dispersed within these traditional territories are communities initially settled by Euroamerican homesteaders and settlers. These settlements began with the building of gold rush trails and mining efforts around the beginning of the twentieth century (De Laguna and McClellan 1981, McKennan 1981, OSM 2001:81; Reckord 1983a; Reckord 1983b). More recent infrastructure projects such as the construction of the Alaska Highway and the Northway airport have continued to attract new residents to this rural area (Marcotte et al. 1991:21-25).

In 2001, the Board adopted FP02-16, submitted by the Wrangell-St. Elias National Park Subsistence Resource Commission, which expanded the customary and traditional use determination for salmon in the Chitina Subdistrict to include residents of Chisana, Gakona Junction, Glennallen, Nabesna, Slana, Tok, Tonsina, Tetlin, Dot Lake, Northway, Tanacross, Healy Lake, and those individuals that live along the Tok Cutoff from Tok to Mentasta Pass, and along the Nabesna Road.

During the same regulatory cycle, in 2001, the Wrangell-St. Elias National Park Subsistence Resource Commission submitted proposal FP02-17, requesting several changes to regulations including a review of eligible subsistence fishers for the Upper Copper River District. Prior to Board consideration, the proposal was divided into two separate proposals. Board action on Proposal FP02-17a added Chisana and Cantwell to the customary and traditional use determination for salmon in the Glennallen Subdistrict and Chisana to the customary and traditional use determination for salmon in the Chitina Subdistrict. Action

on Proposal FP02-17b established a federal subsistence salmon fishing season and methods and means for salmon harvest in the Chitina Subdistrict that were identical to the Federal season and methods and means in place for the Glennallen Subdistrict. Additionally, FP02-17b allowed those with customary and traditional use determinations for salmon in both the Chitina Subdistrict and the Glennallen Subdistrict to obtain a permit for each subdistrict in the same year, and it set combined harvests from both subdistricts to the limit established for the Glennallen Subdistrict alone. FP02-17b also allowed for multiple gear types to be specified on each subsistence permit.

In 2002, the Board created a Federal permit requirement for the Upper Copper River District administered by the National Park Service. During the same regulatory cycle, the Board adopted Proposal FP02-20, which allowed those households with a Batzulnetas subsistence salmon permit to also be issued permits for the Chitina and Glennallen Subdistricts in the same year, provided that they were eligible for those permits. Also in 2002, the Board rejected proposals to add residents of Lake Louise and Delta Junction to the customary and traditional use determinations for salmon in the Glennallen and Chitina Subdistricts through the consent agenda. The stated justification was a lack of substantial evidence.

In 2004, the Chickaloon Village Traditional Council submitted Proposal FP05-14, which requested that Chickaloon be added to the Chitina Subdistrict customary and traditional use determination for salmon, and Proposal FP05-15, which requested that Chickaloon be added to the Glennallen Subdistrict. The Board adopted the proposals adding Chickaloon to the customary and traditional use determination for salmon in the Chitina and Glennallen Subdistricts as of the 2005 regulatory year. In 2005, the Board also adopted proposal FP04-19, submitted by the Alaska Department of Fish and Game Paxson Fish and Game Advisory Committee, which requested that the residents of Paxson-Sourdough be added to the customary and traditional use determination for salmon in the Chitina Subdistrict.

Currently, Federal regulations for the Upper Copper River District (Glennallen and Chitina Subdistricts) require users to have a subsistence fishing permit and allow the use of fish wheel, dip net, and rod and reel gear for the take of salmon. Households of Federally qualified subsistence users who have a customary and traditional use determination in both subdistricts may be issued a permit for each in any given year.

State regulations allow subsistence fishing in the Glennallen Subdistrict, but not in the Chitina Subdistrict. The Chitina Subdistrict is designated as a personal use fishery. Under State regulations, permits can only be issued for either the Glennallen Subdistrict salmon subsistence fishery or the Chitina Subdistrict salmon personal use fishery in the same year, but not both. Fish wheels or dip nets are allowed in the Glennallen Subdistrict, but a household may not use both in the same year. Only dip nets are allowed in the Chitina Subdistrict under State regulations.

### **Community Characteristics**

The subsistence practices of the communities with customary and traditional use determinations for salmon in the Chitina Subdistrict are a blend of Ahtna and Upper Tanana Athabascan traditions and those

of Euroamerican settler/homesteaders. The customary and traditional uses of salmon from the Chitina Subdistrict by the Alaska Highway/Upper Tanana communities of Northway, Tetlin, Tok, Tanacross and Dot Lake are documented in a previous proposal analysis adopted by the Board (FP02-16). The households of the permanent rural residents who live along the Alaska Highway between these communities state that they practice the same subsistence way of life and that they are connected to these communities by kinship, proximity and economy.

The area addressed in this analysis is referred to as the Upper Tanana. The subsistence harvests of Upper Tanana communities have been documented in several ADF&G Division of Subsistence Technical Papers. Whitefish and nonsalmon fish harvests tend to be higher than salmon harvests in some of these communities because there is no salmon fishery in the Upper Tanana. Copper River salmon, however, are important to the cultural and subsistence practices of Upper Tanana residents. They play a crucial cultural and dietary role in long-term kinship and trade connections between Upper Tanana and Ahtna Athabascans (Haynes et al. 1984:2; Marcotte 1991:16). Haynes et al. provided an example:

Reckord (1983) writes that Tetlin, Tok and Tanacross people all participated actively in salmon fishing at Chistochina during the summer of 1977. She views salmon as being especially important for activating social ties between Upper Tanana and Copper River people. While this may be true, salmon is equally if not more important to the Upper Tanana people for nutritional and economic reasons. In return, Copper River Basin residents obtain food resources otherwise not readily available to them (1984:8).

In his 1976 dissertation, Strong reported that Upper Tanana residents would travel to harvest Copper River salmon when resources in the Upper Tanana were scarce. He stated that this was just one aspect of flexible food sharing practices used in times of shortage by Upper Tanana and Upper Copper River peoples (Strong in Haynes et al. 1984:7).

The subsistence harvests of Northway, Tetlin, Tok, Tanacross, and Dot Lake are similar but not identical and fluctuate annually depending on weather and resource availability. The only subsistence baseline survey of all five of these communities during the same year was conducted by ADF&G during a one-year study period from June 1987-May 1988 (Marcotte 1991). In this study, all five Upper Tanana communities included residents who either used, received, shared, and/or harvested Copper River salmon (Marcotte 1990:70). Estimated subsistence harvests for all five communities collectively included 48,000 pounds of salmon (primarily Chinook salmon and sockeye salmon), 103,902 pounds of nonsalmon fish (primarily whitefish and pike), 121,261 pounds of large land mammals (primarily caribou and moose), 16,610 pounds of small land mammals and fur bearers (primarily hare), 9,812 pounds of birds and 7,338 pounds of edible plants for a total of 307,017 pounds of subsistence foods (Marcotte 1991:68). Individually, Dot Lake harvested an estimated 7,555 pounds of subsistence foods including 1,329 pounds of salmon; Tanacross harvested 23,287 pounds of subsistence foods including 3,598 pounds of salmon; Tok harvested 161,317 pounds of subsistence foods including 38,147 pounds of salmon; Tetlin harvested 24,767 pounds of subsistence foods total including 286 pounds of salmon and Northway harvested 90,091 pounds of subsistence foods including 4,684 pounds of salmon (Marcotte 1991:68). Tetlin salmon harvest

is low because at the time of this research, Tetlin was not accessible by road and residents could not easily access the Copper River.

More recent subsistence baseline studies have been conducted in three of the five Upper Tanana communities, Northway in 2014 (Godduhn and Kostick 2016) and Tok and Dot Lake in 2011 (Holen et al. 2012). In 2014, residents of Northway harvested an estimated 60,791 pounds of subsistence foods including 7,908 pounds of salmon (primarily Sockeye Salmon and Chinook Salmon) (Godduhn and Kostick 2016:58-61). In 2011, residents of Dot Lake harvested an estimated 5,885 pounds of subsistence foods including 2,598 pounds of salmon (primarily Coho Salmon, Pink Salmon and Sockeye Salmon); residents of Tok harvested an estimated 64,934 pounds of subsistence foods including 67,320 pounds of salmon (primarily Sockeye and Coho Salmon) (Holen et al. 2012:446-449; 541-545).

In regard to Northway, Godduhn and Kostick noted that most residents harvested sockeye salmon near Slana and that Chinook salmon are harvested from the Yukon but that dependence on Copper River sockeye has increased due to subsistence harvest restrictions on the Yukon (2016:41, 67-69). Residents of Dot Lake reported fishing for salmon in Valdez and the Copper River, including at Slana, Copperville, and Chitina (Holen et al. 2012:457). Residents of Tok reported harvesting salmon from the Copper River at Copper Center, Kenny Lake, Chitina, Gulkana, Gakona with the majority harvested at Slana (Holen et al. 2012: 550, 552-553).

The subsistence harvests of the permanent rural residents who live between these named communities have not been formally documented. For this reason, staff contacted individuals who know this area including Shawn Bayless, Manager of Tetlin National Wildlife Refuge, and Leif Wilson, long-time Chair of the Upper Tanana Fortymile Advisory Committee. Chair Wilson lives in Tok, one of the communities whose customary and traditional use of salmon in the Chitina Subdistrict is recognized by the Board. Chair Wilson said that the AC submitted this proposal because their friends and family who live along the Alaska Highway, outside of the named communities, engage in the same subsistence harvest patterns as the people who live within the communities that have a customary and traditional use determination for salmon in the Chitina Subdistrict. The AC would like the customary and traditional use determination to be as inclusive as possible.

Chair Wilson described himself as an example of a permanent rural resident who might live in the area under consideration in this analysis. In the past, he harvested salmon with a fishwheel in Slana. He no longer does so because it is expensive and time consuming to run a fish wheel because water levels have been high in recent years. He explained that fish wheels are damaged by debris in high water which also disperses fish and decreases harvest. This phenomenon has been reported in Holen et al. 2015 (85). While the Glennallen Subdistrict is closer to this area, Chair Wilson explained that the fishing experience there is completely different than fishing in the Chitina Subdistrict. He said that Chitina fish are in better condition, fresher from the ocean and they are clustered together. He said that the road accessible areas of the river in the Glennallen Subdistrict are wide; the fish are dispersed and beat up by the time they are available to be harvested in the Glennallen Subdistrict. He stated that it is not efficient to dip net in the Glennallen Subdistrict. While it is expensive to drive to Chitina, Chair Wilson noted that some families pool resources and harvest salmon in the Chitina Subdistrict to share with others. In addition to salmon

and nonsalmon fish, he and his family harvest caribou, moose, berries and other wild resources which they share and exchange with family and neighbors in other communities. His sharing practices extend to relatives in Northway and Tetlin. He said that the U.S. Customs and Border Protection Alcan Port of Entry is not a community but that a few of the people who work there live in nearby communities or along the highway and come from local families. When asked specifically, Chair Wilson said he would not want to exclude the people who live and work at the Border Port of Entry (Wilson 2022, pers. comm.).

Refuge manager Bayless provided the names of two other people who live in the area under consideration, Greg Kumher and Marilyn Paul. Mr. Kumher is a homesteader who moved to the area from Ohio in 1992. He and his wife followed his brother-in-law who had been living on an off-grid homestead since 1979. The Kumher family lives with no electricity and states that they are directly dependent on fish and wildlife harvested for subsistence. In the past, they shared a fish wheel but that is no longer an option and they would like to have the opportunity to subsistence fish for salmon in the Chitina Subdistrict. The Kumher family relies on moose, caribou, berries, nonsalmon fish, plants and wood heat. During good years, the household traps lynx, marten, wolverine and wolf but said that last year was poor for trapping because there was too much snow. Their son and future daughter-in-law trap with them and have provided salmon from other parts of Alaska, depending on where they are working (Bayless 2022, pers. comm.; Kumher 2022, pers. comm.).

Marilyn Paul is a tribal member of Northway Village and a Tetlin National Wildlife Refuge employee originally from the village of Northway. She obtained a Native allotment along the Alaska Highway and now lives there, 30 miles from her home community. She said she would probably not go to Chitina to fish but knows other people who would like to do so. Ms. Paul harvests salmon by sharing sister's fish wheel near Slana. She uses a wide range of wild resources and, like the Kumhers, lives in a home without electricity except during occasional use of a generator. She harvests a wide range of wild resources including moose, caribou, muskrat, berries, firewood and nonsalmon fish. Her family traps for food and fur but she said the heavy snow last season led to poor harvests. She stated it was impossible to get caribou last winter because they were "skinny" and although she and her family harvested and shared a moose, she heard about three moose that had starved to death due to heavy snowfall (Paul 2022, pers. comm.).

### **Eight Factors for Determining Customary and Traditional Use**

A community or area's customary and traditional use is generally exemplified through the eight factors: (1) a long-term, consistent pattern of use, excluding interruptions beyond the control of the community or area; (2) a pattern of use recurring in specific seasons for many years; (3) a pattern of use consisting of methods and means of harvest which are characterized by efficiency and economy of effort and cost, conditioned by local characteristics; (4) the consistent harvest and use of fish or wildlife as related to past methods and means of taking: near, or reasonably accessible from the community or area; (5) a means of handling, preparing, preserving, and storing fish or wildlife which has been traditionally used by past generations, including consideration of alteration of past practices due to recent technological advances, where appropriate; (6) a pattern of use which includes the handing down of knowledge of fishing and hunting skills, values, and lore from generation to generation; (7) a pattern of use in which the harvest is

shared or distributed within a definable community of persons; and (8) a pattern of use which relates to reliance upon a wide diversity of fish and wildlife resources of the area and which provides substantial cultural, economic, social, and nutritional elements to the community or area.

The Board makes customary and traditional use determinations based on a holistic application of these eight factors (50 CFR 100.16(b) and 36 CFR 242.16(b)). In addition, the Board takes into consideration the reports and recommendations of any appropriate Regional Advisory Council regarding customary and traditional use of subsistence resources (50 CFR 100.16(b) and 36 CFR 242.16(b)). The Board makes customary and traditional use determinations for the sole purpose of recognizing the pool of users who generally exhibit some or all of the eight factors. The Board does not use such determinations for resource management or restricting harvest. If a conservation concern exists for a particular population, the Board addresses that concern through the imposition of harvest limits or season restrictions rather than by limiting the customary and traditional use finding.

In 2010, the Secretary of the Interior asked the Board to review, with Regional Advisory Council input, the customary and traditional use determination process and present recommendations for regulatory changes. In June 2016, the Board clarified that the eight-factor analysis applied when considering customary and traditional use determinations is intended to protect subsistence use, rather than limit it. The Board stated that the goal of the customary and traditional use determination analysis process is to recognize customary and traditional uses in the most inclusive manner possible.

The testimony provided by the residents in the area under consideration in this proposal indicates that their subsistence patterns are similar to those in the communities that have a customary and traditional use determination for salmon in the Chitina Subdistrict and that they holistically meet the eight factor criteria for customary and traditional use for two reasons. First, they have chosen to live and subsist outside of community boundaries and closer to, more dependent upon the land. Second, these households are not separate from the communities and areas that are listed in the current customary and traditional use determination. They are situated along the Alaska Highway between these communities and are part of them, connected by geography, kinship and economy.

### **Effects of the Proposal**

If this proposal is adopted, the permanent rural residents that live along the Alaska Highway from the U.S./Canada border to Dot Lake would be added to the customary and traditional use determination for salmon in the Chitina Subdistrict of the Upper Copper River District. This would allow them to harvest salmon under Federal subsistence regulations. If the proposal is rejected, they could continue to fish in the Glennallen Subdistrict under Federal regulations and in the Chitina Subdistrict under State personal use

and sport fishing regulations. Federal regulations, however, provide more flexibility and higher harvest amounts which is supportive of more accessible subsistence harvest opportunity.

## **OSM PRELIMINARY CONCLUSION**

**Support** Proposal FP23-15/16.

### **Justification**

The permanent rural residents who live between communities along the Alaska Highway to Dot Lake are connected to these communities by geography, kinship and economy. Their subsistence salmon harvest patterns are not distinct and should be considered the same as their relatives and neighbors who live in the named communities with a customary and traditional use determination for salmon in the Chitina Subdistrict.

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**WRITTEN PUBLIC COMMENTS**

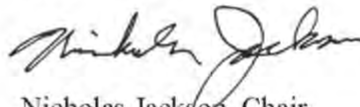
July 22, 2022

Federal Subsistence Board  
Office of Subsistence Management  
(Attn: Theo Matuskowitz)  
1011 E. Tudor Road, MS-121  
Anchorage, Alaska 99503-6199  
Via Email to [subsistence@fws.gov](mailto:subsistence@fws.gov)

Dear Mr. Matuskowitz:

On behalf of the shareholders of Ahtna, Incorporated, we are submitting the enclosed comments on select proposals from the Federal Subsistence Management Program 2023-2025 Fisheries Proposals book.

Respectfully,



Nicholas Jackson, Chair  
Customary & Traditional Committee  
Ahtna, Incorporated

Enclosure as noted

**Comments:**

We oppose FP23-15/16 to allow those individuals that live along the Alaska Highway from the Canadian border to Dot Lake to receive a positive customary and traditional use determination in the Chitina Subdistrict. The resident zone in the Wrangell St. Elias National Park is a different subject matter. Resident zone does not relate to the customary and traditional uses for Salmon in the Copper River that is adjacent to the Wrangell St. Elias National Park & Preserve. And, as explained further below, they do not meet the criteria used in making a positive customary and traditional use determination.

This community has not shown that their handling, methods or means establish a long term, consistent, pattern of use for harvesting salmon in the Chitina Subdistrict, nor have they provided written documentation establishing handing down the knowledge of taking salmon or the passing down of lore's or stories from generation to generation. They cannot prove substantial cultural, economic, social or nutritional subsistence uses of salmon in the Chitina Subdistrict.

Although they may have a positive customary and traditional use determination for the Glennallen Subdistrict, they do not have a consistent reoccurring and seasonal use of salmon in the Chitina Subdistrict.

The five Upper Tanana Villages that currently have positive customary and traditional use determinations went through a significant process including providing written documentation proving their cultural and historical ties to the fisheries in the Upper Copper River District.

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These same requirements should be upheld for any other communities or individuals requesting a positive customary and traditional use determination.

- *Ahtna, Incorporated Customary and Traditional Committee*



## Ahtna Intertribal Resource Commission

PO Box 613 – Glennallen, Alaska 99588      [www.ahtnatribal.org](http://www.ahtnatribal.org)  
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July 25, 2022

Federal Subsistence Board  
Office of Subsistence Management  
(Attn: Theo Matuskowitz)  
1011 E. Tudor Road, MS-121  
Anchorage, Alaska 99503-6199

Dear Chairman Anthony Christianson:

### **Introduction**

The Ahtna Intertribal Resource Commission (AITRC) is an inter-tribal agency serving the 8 Federally recognized tribal governments and 2 Alaska Native Corporation landowners located within the Ahtna Traditional Use Territory. The customary and traditional homelands of the 'Atna' *hwtaene* include the Upper Copper River basin, Upper Susitna River valley, and portions of the Tanana River drainage along the Denali Highway region. The mission of AITRC is to honor and integrate traditional indigenous knowledge and values through innovative stewardship that is respectful of the land for all generations with the vision of exercising tribal sovereign authority and stewardship of cultural and natural resources within our traditional territory to ensure our future self-sustainability.

In 2016, AITRC and its member tribes and corporations entered into an historic agreement with the US Department of the Interior for the purpose of formalizing the subsistence wildlife management partnership and pursue cooperative management of customary and traditional subsistence uses within the Ahtna Traditional Use Territory. Within this agreement, the US Department of the Interior recognized that special circumstances within the Ahtna region have not permitted the 'Atna' *hwtaene* to meet their subsistence needs. Moreover, the Department recognized its obligation to uphold the Federal trust responsibility to Ahtna tribes and the right of rural resident members of Ahtna tribal communities to maintain their cultural identity through opportunities to practice their ancestral customary and traditional ways of life on Federal public lands in a manner that enables them to pass down indigenous knowledge and ancestral customary practices from generation to generation.

In passing ANILCA Title VIII, US Congress invoked its constitutional authority over Native affairs and its constitutional authorities under the property and commerce clauses and found and declared that the "continuation of the opportunity for subsistence uses of resources on public and other lands in Alaska is threatened by the increasing population of Alaska, with resultant pressure on subsistence resources, by sudden declines in the populations of some wildlife species which are crucial subsistence resources, by increased accessibility of remote areas containing subsistence resources, and by taking of fish and wildlife in a manner inconsistent with recognized principles of fish and wildlife management" and called for a federal subsistence management program that requires a meaningful role in the management of fish and wildlife and of subsistence uses by "rural residents who have personal knowledge of local conditions and requirements" (ANILCA Section 801).

**COMMENTS ON  
2023-2025 FEDERAL SUBSISTENCE FISHERIES  
REGULATORY CHANGE PROPOSALS**

**FP23-14/15/16 Expand Federal Customary and Traditional Use Determinations for Additional Communities and Areas**

FP23-14, FP23-15, and FP23-16 all ask to expand the federal customary and traditional use determinations for additional communities and areas both within and outside the Copper River basin, which if passed would increase the number of federally qualified users of our Copper River salmon. As outlined above and in ANILCA Title VIII itself, the continuation of ancestral indigenous customary and traditional uses of fish and wildlife remains under increasing threat by a growing human population, declining ancestral tribal subsistence resource populations, and increasing access to once-remote areas. These three proposals contribute to these ongoing problems and trends, which further disenfranchise the *'Ahtna' hwtaene*, by further expanding the opportunity for others who had not been customary and traditional users or residents of the Ahtna Traditional Use Territory when ANILCA was passed by Congress in 1980.

AITRC and its member tribes and Alaska Native Corporations are opposed to each of these proposals. During recent years of declining Copper River salmon productivity, tribal citizens and other rural residents who customarily, traditionally, and historically fished for salmon in the upper portions of the Glennallen Subdistrict and Batzulnetas Area have experienced significant declines in the availability and efficiency of subsistence salmon fishing activities. A recent historical assessment of catch per unit effort conducted by Wrangell-St. Elias National Park and Preserve staff, and shared with AITRC, suggests that when numbers of salmon passing Miles Lake sonar are less than about 750,000 salmon, subsistence salmon harvest success above the Gakona River, and consequently federal subsistence uses, may be negatively impacted. ADF&G managers respond to these concerns by AITRC and its member tribes by suggesting that Ahtna people aren't putting enough effort into their subsistence fishing activities, in effect, blaming the victim. However, when tribal elders inform fishwheel operators to stop fishing to ensure sufficient salmon pass to reach specific spawning beds, or the costs of keeping the wheel fishing throughout the summer to catch what used to be caught in a single day are prohibitive, many Ahtna tribal citizens and other rural residents simply cannot afford to keep putting in the fishing effort to obtain historic harvest levels and risk compromising indigenous stewardship practices of ensuring sufficient spawners of various specific tributaries. The amount of time needed to invest in harvesting sufficient numbers of salmon to meet previous and ongoing subsistence needs is often so great that many cannot spend that much time a fish camp now given the lack of salmon abundance in the river. In turn, this is having devastating impacts on our abilities to pass on ancestral indigenous knowledge to our children, grandchildren, nieces and nephews.

Most Copper River-bound salmon are harvested by the state-managed commercial fishery before the salmon enter the river. Commercial salmon fishing has long been a challenge to the *'Ahtna' hwtaene* in meeting their ancestral customary and traditional subsistence needs for salmon. In fact, Chief Goodlataw filed a complaint with the US Federal government in 1917 regarding the commercial fishing that had been taking place within Abercrombie Canyon, which was causing the Ahtna people to face starvation.<sup>1</sup>

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<sup>1</sup> Ahtna Subsistence Search Conference: A Conference for the Ahtna People To Plan For the Future of Their Subsistence Resources, Practices and Lifestyle, November 12-13, 2013.

Then, those salmon that escape the commercial fishery at the mouth of the Copper River, our migrating salmon swim up the river and into the Chitina Subdistrict with its ever-expanding number of users participating in the state-managed Personal Use dipnet fishery. This gauntlet fishery continues to be of great concern to AITRC and its member Tribes and Alaska Native Corporations. Efforts to make the canyon more accessible to non-local users and the salmon collapses in other areas of Alaska, like the Yukon and Kuskokwim rivers has contributed to the increased pressure on Copper River salmon stocks and declines in salmon availability in the Glennallen Subdistrict, and especially its uppermost sections where subsistence needs are not being met.

FP23-14, FP23-15, and FP23-16 each asks to expand the federal customary and traditional use determinations for additional Alaska residents within the Chitina Subdistrict, many of whom claim their customary and traditional use eligibility through their prior participation in the nonsubsistence Chitina personal use dipnet fishery. While AITRC and its members recognize and support the importance of the federal subsistence priority over all other uses, afterall there would not be a federal subsistence fishing priority for salmon without the decades long efforts of the *'Atna' hwtæene*, we do not support such determinations that would expand eligibility to additional users just because they have moved to rural areas and now seek to establish new traditions in efforts to mitigate the increasing pressures on Copper River resources by non-local and non-rural Alaska residents long after the passage of ANILCA, especially at the expense of the *'Atna' hwtæene*, the original stewards of the Copper River basin. Finally, these proposals contribute to and expand the threats to the continuation of customary and traditional uses acknowledged by Congress when enacting ANILCA Title VIII as outlined in our introductory comments above.

- *Ahtna Intertribal Resource Commission*

[EXTERNAL] Comment on proposal FP23-15/16

Tom Geyer <tcgeyer@gmail.com>

Mon 7/25/2022 10:58 AM

To: AK Subsistence, FW7 <subsistence@fws.gov>

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

This proposal should also include the village of Dry Creek, a community which has relied heavily on Copper River salmon for subsistence for well over forty years. There was a positive C and T finding in a study conducted by federal subsistence personnel for Dry Creek. It was determined that Copper River salmon made up a significant percentage of food obtained for the subsistence of the village. These salmon have come from both the Glennallen subdistrict and the Chitina subdistrict on the Copper River.

In a meeting with the Eastern Interior Regional Advisory Council several years ago, it was determined that the village of Dry Creek did meet the criteria for subsistence in regards to Copper River salmon, including consistent, long-term pattern of use, sharing salmon with all of the families and Elders in the village, and passing along the knowledge, techniques and lore to the young people in the community.

My suggestion would be to :Add residents along the Alaska Highway between the Canadian Border and the Johnson River to the Customary and Traditional use determination for the Chitina Subdistrict.

Sincerely, Tommy Geyer on behalf of the residents of Dry Creek

<b>FP23–19 Executive Summary</b>	
<b>General Description</b>	FP23-19 requests that the Lower Copper River Area Federal subsistence rod and reel and dip net fishery be rescinded. <i>Submitted by: Ahtna Intertribal Resource Commission.</i>
<b>Proposed Regulation</b>	<i>See pages 188 to 189 of this book for proposed regulations.</i>
<b>OSM Preliminary Conclusion</b>	<b>Oppose</b>
<b>Southcentral Subsistence Regional Advisory Council Recommendation</b>	
<b>Interagency Staff Committee Comments</b>	
<b>ADF&amp;G Comments</b>	
<b>Written Public Comments</b>	<b>5 Oppose, 2 Support</b>

**DRAFT STAFF ANALYSIS  
FP23-19**

**ISSUES**

Proposal FP23-19, submitted by the Ahtna Intertribal Resource Commission (AITRC), requests that the Lower Copper River Area Federal subsistence rod and reel and dip net fishery be rescinded.

**DISCUSSION**

The AITRC is concerned about the lack of salmon harvest opportunity in the uppermost reaches of the Glennallen Subdistrict and at Batzulnetas during years of low salmon escapement in the Copper River. They believe that Copper River salmon were fully allocated prior to the addition of the Lower Copper River salmon fishery and additional harvest from this new fishery will take opportunity away from upriver users, cause escapement goals to be unmet, and contribute to future fishing restrictions for upriver users.

The AITRC also asserts that the staff analysis for FP21-10 failed to consider the following: that the Lower Copper River Area salmon fishery would be open to all rural residents of the Prince William Sound Area, the impacts to the upriver subsistence opportunities, and the ample salmon harvest opportunities already available for the community of Cordova.

**Existing Federal Regulation**

§ \_\_.27(e) *Subsistence taking of fish*

\*\*\*

*(11) Prince William Sound Area. The Prince William Sound Area includes all waters and drainages of Alaska between the longitude of Cape Fairfield and the longitude of Cape Suckling. The Lower Copper River Area includes that portion of the Copper River, from a boundary one-half mile upstream of the Copper River Highway to a boundary extending one-half mile downstream of the Copper River Highway, from the West bank of the river near highway mile 27 to the East bank of the river near highway mile 38.*

\*\*\*

*(iv) In the Copper River drainage, you may take salmon only in the waters of the Upper Copper River District or in the vicinity of the Native Village of Batzulnetas and in the Lower Copper River Area.*

*(v) In the Upper Copper River District, you may take salmon only by fish wheels, rod and reel, or dip nets. In the Lower Copper River Area, you may take salmon*



*only by dip nets and rod and reel. All salmon retained from the Lower Copper River Area must be reported to area managers within 48 hours of harvest.*

*(A) In the Lower Copper River Area, you may not dip net from a boat.*

*(B) In the Lower Copper River Area, the salmon fishery opens on June 1 and closes on September 30.*

\*\*\*

*(xvii) In the Chugach National Forest portion of the Prince William Sound Area, and the Lower Copper River Area, you must possess a Federal subsistence fishing permit to take salmon, trout, whitefish, grayling, Dolly Varden, or char. Permits are available from the Cordova Ranger District.*

*(A) Salmon harvest is not allowed in Eyak Lake and its tributaries, the remainder of the Copper River and its tributaries outside of the Lower Copper River Area, and Eyak River upstream from the Copper River Highway Bridge.*

*(B) You must record on your subsistence permit the number of subsistence fish taken. You must record all harvested fish prior to leaving the fishing site, and return the permit by the due date marked on the permit.*

*(C) You must remove both lobes of the caudal (tail) fin from subsistence-caught salmon before leaving the fishing site.*

*(D) Excluding the areas described above in (A), You may take salmon by rod and reel, dip net, spear, and gaff year-round.*

*(E) For a household with 1 person, 15 salmon (other than pink) may be taken, and 5 cutthroat trout, with only 2 over 20 inches, may be taken; no more than 5 Chinook salmon per household; for pink salmon, see the conditions of the permit*

*(F) For a household with 2 persons, 30 salmon (other than pink) may be taken, plus an additional 10 salmon for each additional person in a household over 2 persons, and 5 cutthroat trout, with only 2 over 20 inches per each household member with a maximum household limit of 30 cutthroat trout may be taken; no more than 5 Chinook salmon per household; for pink salmon, see the conditions of the permit.*

*(G) You may take Dolly Varden, Arctic char, whitefish, and grayling with rod and reel and spear year round and with a gillnet from January 1- April 1. The maximum incidental gillnet harvest of trout is 10.*

*(H) You may take cutthroat trout with rod and reel and spear from June 15 to April 14th and with a gillnet from January 1 to April 1.*

*(I) You may not retain rainbow/steelhead trout for subsistence unless taken incidentally in a subsistence gillnet fishery. Rainbow/steelhead trout must be immediately released from a dip net without harm.*

\*\*\*

### **Proposed Federal Regulation**

§ \_\_.27(e) Subsistence taking of fish

\*\*\*

*(11) Prince William Sound Area. The Prince William Sound Area includes all waters and drainages of Alaska between the longitude of Cape Fairfield and the longitude of Cape Suckling. ~~The Lower Copper River Area includes that portion of the Copper River, from a boundary one half mile upstream of the Copper River Highway to a boundary extending one half mile downstream of the Copper River Highway, from the West bank of the river near highway mile 27 to the East bank of the river near highway mile 38.~~*

\*\*\*

*(iv) In the Copper River drainage, you may take salmon only in the waters of the Upper Copper River District or in the vicinity of the Native Village of Batzulnetas., ~~and in the Lower Copper River Area.~~*

*(v) In the Upper Copper River District, you may take salmon only by fish wheels, rod and reel, or dip nets. ~~In the Lower Copper River Area, you may take salmon only by dip nets and rod and reel. All salmon retained from the Lower Copper River Area must be reported to area managers within 48 hours of harvest.~~*

*~~(A) In the Lower Copper River Area, you may not dip net from a boat.~~*

*~~(B) In the Lower Copper River Area, the salmon fishery opens on June 1 and closes on September 30.~~*

\*\*\*

*(xvii) In the Chugach National Forest portion of the Prince William Sound Area, and the Lower Copper River Area, you must possess a Federal subsistence fishing permit to take salmon, trout, whitefish, grayling, Dolly Varden, or char. Permits are available from the Cordova Ranger District.*

*(A) Salmon harvest is not allowed in Eyak Lake and its tributaries, the ~~remainder of the Copper River and its tributaries outside of the Lower Copper River Area,~~ and Eyak River upstream from the Copper River Highway Bridge.*

*(B) You must record on your subsistence permit the number of subsistence fish taken. You must record all harvested fish prior to leaving the fishing site, and return the permit by the due date marked on the permit.*

*(C) You must remove both lobes of the caudal (tail) fin from subsistence-caught salmon before leaving the fishing site.*

*(D) ~~Excluding the areas described in paragraph (e)(11)(xvii)(A) of this section,~~ You may take salmon by rod and reel, dip net, spear, and gaff year-round.*

*(E) For a household with 1 person, 15 salmon (other than pink) may be taken, and 5 cutthroat trout, with only 2 over 20 inches, may be taken; ~~no more than 5 Chinook salmon per household;~~ for pink salmon, see the conditions of the permit*

*(F) For a household with 2 persons, 30 salmon (other than pink) may be taken, plus an additional 10 salmon for each additional person in a household over 2 persons, and 5 cutthroat trout, with only 2 over 20 inches per each household member with a maximum household limit of 30 cutthroat trout may be taken; ~~no more than 5 Chinook salmon per household;~~ for pink salmon, see the conditions of the permit.*

*(G) You may take Dolly Varden, Arctic char, whitefish, and grayling with rod and reel and spear year round and with a gillnet from January 1-April 1. The maximum incidental gillnet harvest of trout is 10.*

*(H) You may take cutthroat trout with rod and reel and spear from June 15 to April 14th and with a gillnet from January 1 to April 1.*

*(I) You may not retain rainbow/steelhead trout for subsistence unless taken incidentally in a subsistence gillnet fishery. Rainbow/steelhead trout must be immediately released from a dip net without harm.*

## Existing State Regulation

### *5 AAC 01.005. Subsistence fishing permitted*

*Finfish other than salmon, rainbow trout, and steelhead trout may be taken for subsistence purposes at any time in any area of the state by any method unless restricted by the subsistence fishing regulations in this chapter. Salmon may be taken for subsistence purposes only as provided in this chapter.*

### *5 AAC 01.600. Description of the Prince William Sound Area*

*The Prince William Sound Area includes all waters of Alaska between the longitude of Cape Fairfield and the longitude of Caper Suckling south of the Yukon Area described in 5 AAC 05.100, and all waters of the Upper Susitna River drainage upstream of the Susitna River's confluence with the Oshetna River.*

### *5 AAC 01.605. Description of districts and subdistricts*

*(a) The Upper River Copper District consists of all waters of the mainstem Copper River from the mouth of the Slana River downstream to an east-west line crossing of the Copper River approximately 200 yards upstream of Haley Creek as designated by ADF&G regulatory markers.*

*(1) The Chitina Subdistrict consists of all waters of the Upper Copper River District downstream of the downstream edge of the Chitina-McCarthy Road Bridge.*

*(2) The Glennallen Subdistrict consists of all remaining waters of the Upper Copper River District.*

*(b) Except as specified in (a) of this section, districts are as described in 5 AAC 24.200.*

### *5 AAC 01.625. Waters closed to subsistence fishing*

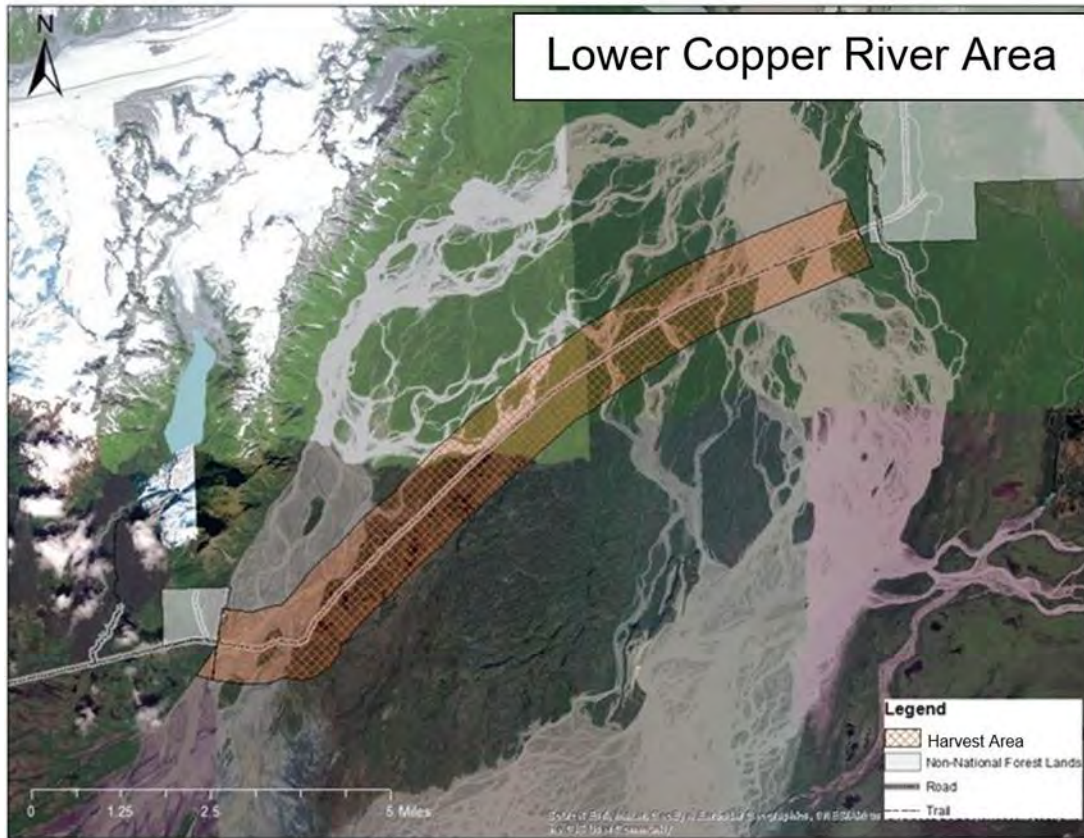
*(a) All tributaries of the Copper River and waters of the Copper River that are not in the Upper Copper River District are closed to the taking of salmon.*

*(b) Salmon may not be taken in any area closed to commercial salmon fishing unless permitted in 5 AAC 01.610 – 5 AAC 01.645.*

## Extent of Federal Public Lands/Waters

For purposes of this discussion, the phrase “Federal public waters” is defined as those waters described under 36 CFR §242.3 and 50 CFR §100.3. Federal public waters under consideration in this analysis include that portion of the Copper River, from a boundary one-half mile upstream of the Copper River

Highway to a boundary one-half mile downstream of the Copper River Highway, from the west bank of the river near highway mile 27 to the east bank of the river near highway mile 38 (**Figure 1**). These waters are within and adjacent to the external boundaries of the Chugach National Forest.



**Figure 1.** The Lower Copper River Area defined as the area from a boundary one-half mile upstream of the Copper River Highway to a boundary extending one-half mile downstream of the Copper River Highway, from the west riverbank near highway mile 27 to the east riverbank near highway mile 38.

### Customary and Traditional Use Determinations

Residents of the Prince William Sound Area have a customary and traditional use determination for salmon in the remainder of the Prince William Sound Area, which includes the area under consideration in this proposal.

### Regulatory History

The Upper Copper River District is separated into two parts: the Chitina Subdistrict and the Glennallen Subdistrict. In the Upper Copper River District, the Federal subsistence season runs from May 15 through September 30. The harvest limits and allowable gear are the same between the two subdistricts (**Table 1**). Subsistence users may obtain permits for both subdistricts, however the harvest limits are not additive. The allowable gear includes rod and reel, dip nets, and fish wheels. The annual harvest limit for a household of one is 30 salmon (including no more than 5 Chinook Salmon by dip net and 5 Chinook

Salmon by rod and reel). Upon request, permits will be issued for up to 200 salmon total (the Chinook Salmon limit does not change). The annual harvest limit for a household of two or more persons is 60 salmon plus 10 salmon for each additional person in a household over two people (including no more than 5 Chinook Salmon by dip net and 5 Chinook Salmon by rod and reel). Upon request, permits will be issued for up to 500 salmon total; the Chinook Salmon limit does not change (FSMP 2021).

The Alaska Department of Fish and Game (ADF&G) manages a personal use fishery in the Chitina Subdistrict and a subsistence fishery in the Glennallen Subdistrict of the Upper Copper River District. State permittees must choose between fisheries (subsistence or personal use) and methods (dip net or fish wheel, if subsistence fishing) when they get their permits. The State Chitina personal use fishery is managed separately from the Glennallen subsistence fishery, with State subsistence receiving priority over personal use (ADF&G 2017B). In the Chitina Subdistrict personal use fishery, dip nets are the only allowable gear, a permit fee is charged, and harvest limits differ from those for the subsistence fisheries.

There are also Federal and State subsistence fisheries in the vicinity of Batzulnetas (**Table 1**), which require a permit from either the National Park Service (Federal) or from the State. Only residents of Dot Lake and Mentasta Lake are eligible for the Federal subsistence fishery at Batzulnetas. This and the fact that Batzulnetas is much more difficult to access by highway than other harvest locations result in relatively low participation and harvest.

Additionally, there is a State subsistence fishing permit that allows for the harvest of salmon in the marine waters of the Copper River District (**Table 1**). The Copper River District includes the Copper River and other marine waters near Cordova (Fall et al. 2018). The legal gear allowed in the Copper River District is drift gillnet, and the harvest limits are 15 salmon for a household of one, 30 salmon for a household of two, and 10 salmon for each additional person in that household. There is also a limit of five Chinook Salmon per household, which is part of the household harvest limit. The season for this State subsistence fishery is May 15–October 31, with fishing periods: (1) from May 15 until two days before the commercial opening of that salmon district, seven days per week; (2) during the commercial salmon season, only during open commercial salmon fishing periods in that district and Saturdays from 6:00 a.m. to 10:00 p.m.; and (3) from two days following the closure of the commercial salmon fishing season in that district through October 31, seven days a week. Subsistence salmon fishing is not allowed 24 hours before open commercial salmon fishing periods in that district (5 AAC 01.610. Fishing seasons).

**Table 1.** Overview of current salmon subsistence and personal use fisheries in waters of the Copper River (ADF&G 2017B; FSMP 2017). Refer to specific regulations for information regarding each fishery. Emergency Orders, Special Actions, and other management actions affect these fisheries by limiting the season or allowable take throughout the year. The bolded row is the fishery requested to be rescinded by FP23-19 and the focus of this analysis.

Jurisdiction	Fishery	Allowable Gear	Season	Salmon Limits
Federal	Upper Copper River District: Glennallen Subdistrict <sup>a</sup>	Fish wheels; Dip nets; Rod and reel	May 15 – Sept 30	1-person <sup>b</sup> : 30 salmon, up to 200 salmon; 2-person or more <sup>b</sup> : 60 salmon, plus 10 for each additional household member, up to 500 salmon
Federal	Upper Copper River District: Chitina Subdistrict <sup>a</sup>	Fish wheels; Dip nets; Rod and reel	May 15 – Sept 30	1-person <sup>b</sup> : 30 salmon, up to 200 salmon; 2-person or more <sup>b</sup> : 60 salmon, plus 10 for each additional household member, up to 500 salmon
Federal	Batzulnetas	Copper River: Fish wheels; Dip nets; rod and reel Tanada Creek: Dip nets; Fyke nets; spears; rod and reel	May 15 – Sept 30	Copper River: no limit  Tanada Creek: no limit for Sockeye taken by dip net, spear, or rod and reel; no (0) Chinook, ≤1,000 Sockeye by Fyke net
<b>Federal</b>	<b>Lower Copper River Area</b>	<b>Dip net; rod and reel No dip netting from a boat</b>	<b>June 1 – Sept 30</b>	<b>1-person: 15 salmon; 2-person or more: 30 salmon, plus 10 for each additional household member; up to 5 of total can be Chinook</b>
State	Upper Copper River District: Glennallen Subdistrict	Fish wheels; Dip nets	June 1 – Sept 30	1-person <sup>b</sup> : 30 salmon, up to 200 salmon; 2-person or more <sup>b</sup> : 60 salmon, plus 10 for each additional household member, up to 500 salmon
State	Batzulnetas	Copper River: Fish wheels; Dip nets Tanada Creek: Dip nets; Spears	June 1 – Sept 30	1-person: 30 salmon, up to 200 salmon; 2-person or more: 60 salmon, plus 10 for each additional household member; no (0) Chinook harvests in this Area
State	Copper River District (flats–marine waters)	Gillnets	May 15 – Oct 31 <sup>c</sup>	1-person: 15 salmon; 2-person or more: 30 salmon, plus 10 for each additional household member; up to 5 of total can be Chinook
State	Upper Copper River District: Chitina Subdistrict	Dip nets	June 7 – Sept 30 <sup>c</sup>	1-person: 25 salmon; plus 10 for each additional household member; up to 1 of total can be Chinook

<sup>a</sup> Total combined harvest; see regulation for details

<sup>b</sup> Per household, a maximum of 5 Chinook by dip net and 5 Chinook by rod-reel can be counted towards the total salmon limit.

<sup>c</sup> See regulations for open period specifications within this season

Federal subsistence fishing permit FFPW01, for the Chugach National Forest portion of the Prince William Sound Area except the Copper River Drainage, allows for the harvest of fish in freshwater with rod and reel, dip net, spear, and gaff year-round, except in Eyak Lake and its tributaries and Eyak River upstream of the Copper River Highway bridge, which are closed to harvest of salmon. Harvest limits for salmon are 15 fish for a household of one, 30 fish for a household of two, and 10 salmon for each additional person in that household. There is a household limit of five Chinook Salmon that may be taken within the total salmon limit on this permit.

Federal subsistence fishing permit FFPW05, allows for harvest of fish only in the Chugach National Forest portion of the Copper River Drainage. Salmon harvest under this permit, which is the subject of this proposal, takes place only in within ½ mile of the Copper River Highway. Salmon harvest is only allowed by dip net and rod and reel, with no dip netting from boats. Harvest limits are the same as for FFPW01. Harvest limits are one combined limit between FFPW01, FFPW05, and the State Copper River District subsistence permit.

Federal subsistence fisheries in the upper Copper River were established shortly after the Federal Subsistence Management Program assumed a greater role in fisheries management in the early 2000s, largely through the adoption of State regulations; while Federal subsistence salmon fishing opportunities in the lower Copper River area were until recently limited to the Prince William Sound/Copper River Delta fishery established in 2005. The remainder of this section summarizes the regulatory history of subsistence salmon harvest opportunities on the Copper River since that time.

Historically, there have been several Board actions on proposals submitted for the harvest of salmon in the Copper River downstream of Haley Creek. In 2006, the Board adopted fisheries proposal FP06-16 to allow the accumulation of harvest limits under State sport fishing regulations and Federal subsistence management regulations in the Copper River Delta/Prince William Sound Area and in the Copper River drainage downstream of Haley Creek, provided that accumulation of harvest limits does not occur during the same day (FSB 2006); however, the Federal subsistence limit cannot be added to the limit for the State Copper River/Bering River/Prince William Sound Area Salmon Subsistence harvest permit.

In 2007, Proposal FP07-14 was submitted requesting that the Copper River waters downstream of the 52-Mile (Million Dollar) bridge be opened to Federal subsistence harvest of salmon using dip nets and rod and reel with bait for the months of May, June, and July (OSM 2007). The Board rejected Proposal FP07-14, despite noting in their decision justification that, at that time, there were no biological concerns and that harvest of salmon is a customary and traditional use in the Copper River (FSB 2007). At that time, the Southcentral Alaska Subsistence Regional Advisory Council (Council) felt that other opportunities for harvesting salmon for subsistence already existed in Cordova and Prince William Sound, both in marine waters with a gillnet and in fresh waters with a dip net (FSB 2007).

The Copper River Chinook Salmon escapement was estimated to be below average from 2009 through 2016 and failed to reach the sustainable escapement goal (SEG) of 24,000 fish mandated in the State's management plan in 2010, 2014, 2016, 2020, and 2021 (ADF&G 2017, 2020d). The 2016 escapement estimate of 16,764 fish was the lowest ever documented (ADF&G 2017). In a cooperative effort, pre-



season management actions were taken in 2017 directed at Chinook Salmon conservation. The State restricted its upriver subsistence fishery and closed both the upriver sport and the Chitina personal use fisheries to the retention of Chinook Salmon (ADF&G 2017). In addition, the Federal in-season manager issued Chinook Salmon emergency special actions in the Upper Copper River District. Federal actions included delaying the season start date for the Federal subsistence fisheries (Special Action SA 11-KS-01-17) and reducing the Federal subsistence Chinook Salmon harvest limit for dip net and rod and reel (Special Action SA 11-KS-02-17), the gear types that would allow selective release of live fish. These early-season 2017 restrictions were rescinded after abundance assessments indicated adequate escapement to meet the SEG.

In 2018, Proposal FP19-13 was submitted by the United States Forest Service, Cordova Ranger District. Proposal FP19-13 requested that conditions for the Federal subsistence permit (FFPW01) for the Prince William Sound Area be placed in Federal subsistence management regulations. This proposal was approved by the Board and moved the seasons, harvest limits, and methods and means of harvest for this fishery to the Federal subsistence management regulations for the Prince William Sound Area under § \_\_.27(e)(11)(xvii).

The 2018 fisheries proposal cycle also included Proposal FP19-14, submitted by the Native Village of Eyak, which proposed to extend the current Federal subsistence salmon fishery opportunity afforded to residents of Prince William Sound Area to specific waters of the lower Copper River beginning one-half mile downstream of the road crossing at Copper River Highway Mile 27 and extending upstream to the Million Dollar Bridge, by dip net and rod and reel. The Native Village of Eyak withdrew Proposal FP19-14 during the first day of the 2018 Southcentral Alaska Regional Advisory Council fall meeting before the Council had an opportunity to take it up and make a recommendation.

During the 2018 season, the Federal in-season manager initially issued a Special Action to delay the Federal subsistence season in the Chitina Subdistrict until June 1, with the intent that the fishery would be open continuously thereafter, instead of the previous practice of aligning the Federal season in the Chitina Subdistrict with harvest windows of the State personal use fishery which is open only during periods announced by emergency order between June 7 and September 30. Around that same time, several Special Action Requests were submitted to close non-Federal fisheries in the Upper Copper River District. No action was taken on the requests; however, after the Federal in-season manager consulted with the State, the State issued a closure of their Glennallen Subdistrict subsistence fishery for the first time. There were also State closures to sport and personal use fisheries in 2018.

A request was submitted to the Board in April 2020 to open a Federal subsistence dip netting season for salmon in the lower Copper River (Fishery Special Action Request FSA20-04), to offset COVID-19 related health and safety issues associated with existing means of harvesting Copper River salmon in the State Copper River District fishery and to address food supply issues in Cordova. This issue generated a large amount of public interest, with 38 written comments supporting and 10 opposed to the measure. In response, the Board issued a delegation of authority letter to the in-season manager giving them the ability to open a fishery after consultation with the State of Alaska Unified Command Mass Care Group. This group stated that there was no food supply issues in Cordova so a fishery was never opened.

In 2020, Proposal FP21-10 was submitted by two residents of Cordova requesting the Board implement a subsistence salmon fishery in the lower Copper River adjacent to the Copper River Highway with the same harvest methods and limits as the Federal fishery in the Chugach National Forest portion of the Prince William Sound Area plus the addition of a limit of 5 Chinook Salmon per household. The harvest limit was not to be additive to the currently existing Federal subsistence permit FFPW01, or the State subsistence fishing permit in the Copper River District. The Southcentral Subsistence Regional Advisory Council provided a recommendation in support of the proposal, while the Eastern Interior Regional Advisory Council provided a comment in opposition.

The Board deferred action on FP21-10 at its January 2021 meeting, requesting the Eastern Interior and Southcentral Subsistence Regional Advisory Councils meet to further discuss the proposal since there was disagreement between the Councils. The Councils met in joint session in March 2022. The Board subsequently adopted the Lower Copper River salmon fishery at its April 2022 meeting, with modification to allow only dip net and rod and reel, delay the start of the fishery until June 1, prohibit dip netting from a boat, and require a 48-hour reporting period (see Existing Federal Regulations section).

### **Current Events**

Poor runs of Copper River Sockeye Salmon prompted concerns in 2018 and 2020 with total Sockeye Salmon run size of less than 1 million in each year (Botz et al. 2021). Sockeye Salmon sustainable escapement goals (SEG) were met in both years, but the 2018 commercial harvest of 40,350 Sockeye Salmon in the Copper River District was the second lowest in the last 100 years (ADF&G 2018) and the 2020 commercial harvest of 102,270 Sockeye Salmon was well below the 10-year average (2010–2019) of over 1 million Sockeye Salmon (Botz et al. 2021). In-river personal use and sport fisheries were restricted in both years and State subsistence fisheries were restricted in 2018. In contrast to 2018 and 2020, the 2019 Copper River Sockeye Salmon total run of 2.42 million was near the recent 10-year (2010–2019) average of 2.44 million Sockeye Salmon, the commercial harvest of 1.28 million Sockeye Salmon was near the recent 10-year average, and the upper Copper River Sockeye Salmon escapement of 719,000 was above the recent 10-year average of 689,000. Chinook Salmon SEGs were met in 2018 and 2019 but missed in 2020 and 2021 when 22,050 and 18,521 Chinook Salmon escaped to spawn, below the SEG of 24,000 and below the recent 10-year average of 27,000 (Botz et al. 2021, Joy et al. 2021a, Joy et al. 2021b).

In 2021, cumulative passage of ~750,000 fish past the Miles Lake Sonar indicate in-river management objectives and SEG were met for Sockeye Salmon. Commercial harvest of about 400,000 Sockeye Salmon in 2021 was considerably below the 10-year average of 1.25 million (ADF&G 2021, Botz et al. 2021). The 2021 commercial harvest of 7,000 Chinook Salmon was below the 10-year average 13,000 fish (ADF&G 2021, Botz et al. 2021). The Native Village of Eyak's estimate of in-river abundance of Chinook Salmon was 21,656 (lower CI = 17,894 and upper CI = 25,417) (Piche et al. 2022).

As of July 28, 2022, 785,509 Sockeye Salmon have been counted at the Miles Lake sonar site. The total Copper River District commercial harvest reported for the season through August 11 is 590,852 Sockeye

Salmon, 11,625 Chinook Salmon, 987 Coho Salmon, 59,068 Pink Salmon, and 13,220 Chum Salmon. (ADF&G 2022). Information on 2022 Chinook Salmon escapement is not yet available.

Due to the unusual timing of Board action on FP21-10, the final rule did not publish in the Federal Register in time for the 2022 fishery. The Office of Subsistence Management submitted Fisheries Special Action FSA22-05 asking the Board to implement the fishery on the June 1 start date and delegate authority to the in-season manager to implement the fishery. The Board adopted this special action at a May 19 session.

A request for reconsideration (RFR) was submitted to the Board by Ahtna, Incorporated in response to Board action on FP21-10. The RFR is currently in the threshold analysis phase of the process. The Board will be presented with a threshold analysis and will decide whether the RFR meets the threshold to be reconsidered.

### **Biological Background**

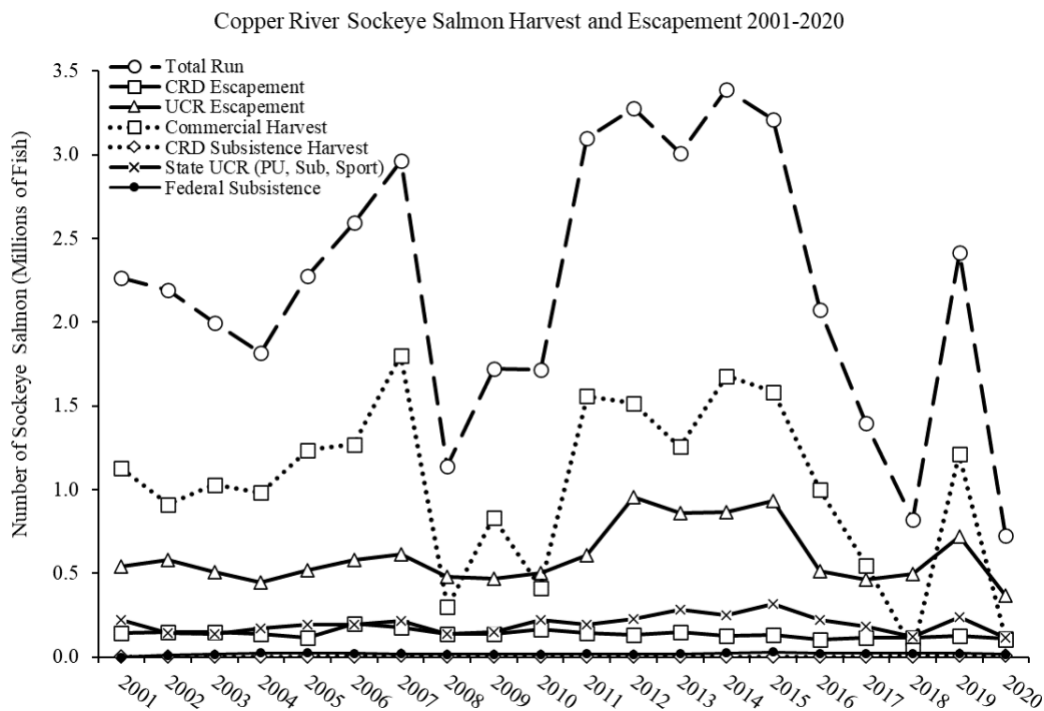
The Alaska Board of Fisheries established management plans designed to provide harvest opportunities while ensuring sustainable numbers of Copper River salmon reach their spawning grounds. These management plans allocate harvest among different fisheries targeting these stocks and are directly based on in-river salmon estimates from the Miles Lake sonar project in the lower river. In-season management actions designed to limit harvest in specific fisheries are used in an attempt to meet escapement goals in years when returns are weak.

The State upper Copper River SEG is 360,000–750,000 Sockeye Salmon, and the Copper River Delta SEG is 55,000–130,000 Sockeye Salmon (Joy et al. 2021a). Since 2001, the ADF&G has successfully met or exceeded the minimum threshold of the SEG range for Sockeye Salmon in the Copper River annually (Joy et al. 2021a; **Table 2**). The recent 10-year average (2011–2020) Copper River Sockeye Salmon total run is 2.34 million fish (Botz et al. 2021). The total estimated runs and fishery type (commercial, sport, and subsistence harvests and escapement information) for Sockeye Salmon in the Copper River system 2001–2020 are displayed in **Figure 2** and **Appendix 1** (Botz et al. 2021).

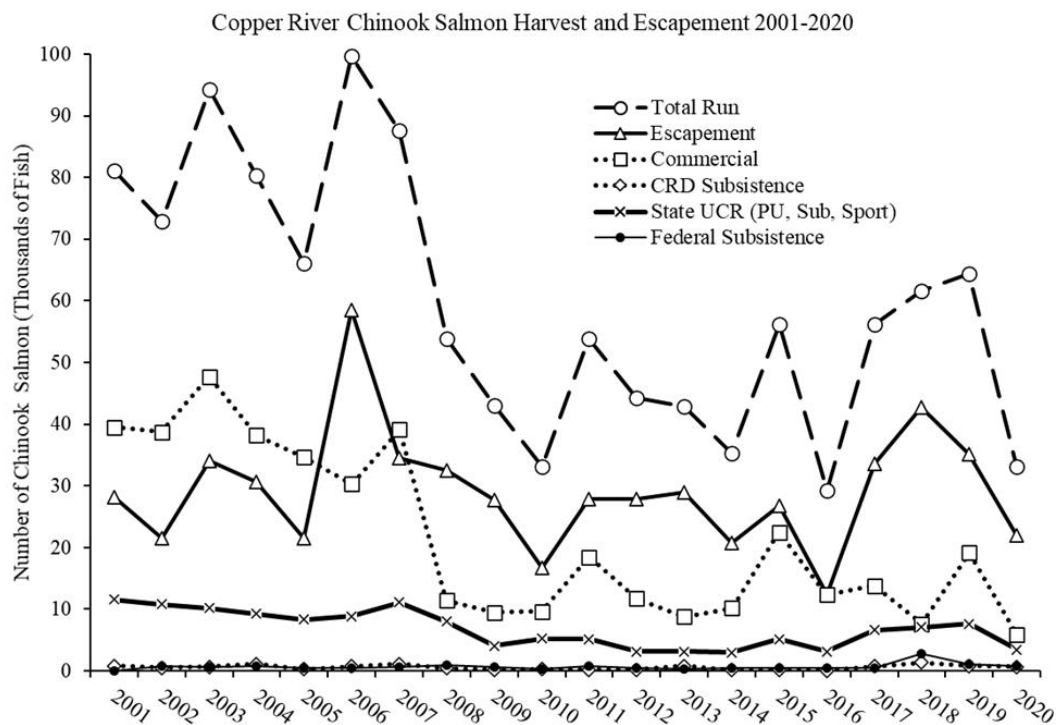
The Copper River Chinook Salmon lower bound SEG of 24,000 was not achieved in four years between 2011–2021. The recent 10-year average (2011–2020) Copper River Chinook Salmon total run is 47,700 fish (**Table 2**, Botz et al. 2021). The Alaska Board of Fisheries recently adjusted the Chinook Salmon SEG from 24,000 to 21,000-31,000 based on a space-state spawner-recruit model (Joy et al. 2021b). Estimated total run, harvests, and escapements (commercial, sport and subsistence harvests and escapement information) for Chinook Salmon in the Copper River system for 2001–2020 are displayed in **Figure 3** and **Appendix 2** (Joy et al. 2021a, Joy et al. 2021b, Botz et al. 2021).

**Table 2.** Estimated Sockeye and Chinook salmon returns and spawning escapements for the Copper River, 2010–2020, and the previous 5-year and 10-year averages (Botz et al. 2021).

Year	Sockeye Salmon Total Run	Upper Copper River Sockeye Salmon Spawning Escapement	Chinook Salmon Total Run	Chinook Salmon Spawning Escapement
2010	991,791	502,403	33,181	16,753
2011	2,004,078	607,142	53,889	27,936
2012	2,503,278	953,502	44,312	27,922
2013	2,224,817	860,258	42,885	29,013
2014	2,633,272	864,131	35,322	20,689
2015	2,679,815	930,145	56,174	26,751
2016	1,608,098	513,126	29,243	12,430
2017	1,115,036	461,268	56,133	33,644
2018	629,071	478,760	61,663	42,678
2019	2,067,914	718,876	64,443	35,080
2020	561,298	364,928	33,069	22,054
Average 2016–2020	1,196,283	507,392	48,910	29,177
Average 2011–2020	1,802,668	675,214	47,713	27,820



**Figure 2.** Copper River Sockeye Salmon total run, escapements, and harvests 2001–2020. Data from Botz et al. 2021.



**Figure 3.** Copper River Chinook Salmon total run, escapements, and harvests 2001–2020. Data from Botz et al. 2021.

Coho, Chum, and Pink salmon are not expected to be significantly impacted by the Lower Copper River fishery, though some incidental take may occur. The existing recreational Coho Salmon fishery in the Lower Copper River Area is minimal. The State has a SEG of 32,000–67,000 for Copper River Delta Coho Salmon (Haught et al. 2017). Few Chum Salmon use the Copper River and have not historically been targeted by recreational or subsistence fishers, but some have been taken incidentally to other salmon species (Miller and Stratton 2001). The State has not established an escapement goal for Chum Salmon in the Copper River drainage. Few Pink Salmon migrate up the Copper River, and those that do enter the drainage are only found in the very lower reaches of clear water tributaries.

There are populations of unknown size of Rainbow Trout/steelhead that migrate up the Copper River. Current Federal subsistence management regulations require the immediate release of Rainbow Trout/steelhead unharmed unless taken incidentally in a fish wheel. Consequently, elimination of the lower Copper River fishery, which only allows salmon harvest by dip net and rod and reel, should not impact Rainbow Trout/steelhead populations.

**Cultural Knowledge & Traditional Practices**

Salmon and marine resources have always been critical to the people who live in the area now known as the Copper River delta (near the current town of Cordova). This area is the traditional territory of the Eyak dAXunhyuu, Native Village of Eyak (Kukkonen and Johnson 2016:186). At the time of contact with Europeans, multiple Eyak communities were present in the vicinity of the Copper River delta

including the communities of Eyak and Alaganik (Sherman 2012; Kukkonen and Johnson 2016:186). This area is in proximity to the traditional territories of the Ahtna, Chugach, and Tlingit peoples (Sherman 2012; Kukkonen and Johnson 2016:186).

In 1933, two anthropologists, Kaj Birket-Smith and Frederica DeLaguna, conducted field work in Cordova to document Eyak culture. They wrote that salmon is "...the most important source of food in the Eyak economy" (Birket-Smith and De Laguna 1938: 113). They observed that salmon were harvested with a variety of methods and means including spears, harpoons, bow and arrow, fish trap, and dip net (Birket-Smith and DeLaguna 1938: 115-118). The construction and use of this fishing equipment, including the application of traditional knowledge, is described in detail in their report (Birket-Smith and DeLaguna 1938: 115-119). The use of the dip net to harvest salmon appears in traditional Eyak stories about "Salmon Boy" which include beliefs about salmon and how humans should interact with them (Birket-Smith and DeLaguna 1938: 272, 274).

Like much of Alaska, the town of Cordova has a boom-and-bust economy with commercial and subsistence fisheries as the constant (Sherman 2012). In the late nineteenth and early twentieth centuries, there was a huge salmon packing boom in the Cordova area (Sherman 2012: 22-23, 49, 76). The effects of this boom are described in the 2003 report, *Patterns and Trends in the Subsistence Salmon Fishery of the Upper Copper River, Alaska*:

In 1915 commercial fish traps were introduced into the river, and a year later a cannery was constructed at Abercrombie, located at Mile 55 on the Copper River and Northwestern Railroad. Fishermen, using dip nets and gill nets, from this and several Cordova canneries, were stationed in Abercrombie Canyon and at Miles Lake (Thompson 1964:7). As a result, the commercial harvest jumped to 653,402 in 1915, and rose to 1,253,129 by 1919 (Gilbert 1921:1). There was an almost immediate effect on salmon abundance upriver, and by 1916 the situation for Ahtna fishermen was critical (Thompson 1964:8). According to reports from the Copper Basin, the local population faced starvation because of the depleted runs (Bourke 1917, Miller 1916). In addition, the health of the runs themselves was in danger from over harvest. (Gilbert 1921:2) (Thompson 1964, Gilbert 1921, Bourke 1917, Miller 1916 in Simeone and Fall 2003: 14,16)

Although commercial fish traps were abolished in 1960 after Alaska became a state in 1959, the competition for Copper River salmon has not decreased but has intensified with the increasing popularity of the Chitina personal use dip net fishery, the successful marketing of Copper River salmon and diminishing salmon returns due to climate change (Colt 2000; Medred 2022, 2017).

In 2015, the importance of subsistence harvests, including salmon, to the people of Cordova was studied by the ADF&G Division of Subsistence. ADF&G conducted comprehensive subsistence harvest surveys with a random sample of 184 households, approximately 19% of 950 households in Cordova (Kukkonen and Johnson 2016: 187, 189). The household surveys provided data for ADF&G to estimate the amount and variety of subsistence resources harvested by the entire community of Cordova during the 2014

calendar year. The estimated population of Cordova in 2014 was 2,602 people (Kukkonen and Johnson 2016: 187). The 2020 U.S. Census estimated the current population of Cordova at 2,609 people. The 2015 research shows that in 2014, approximately 77% of residents participated in the subsistence harvest of wild resources with an estimated community subsistence harvest of 302,404 pounds and an average harvest of 116 pounds per person (Kukkonen and Johnson 2016: 201, 205-206). Salmon was the most harvested subsistence resource and comprised 38% of the estimated community harvest, which was 114,031 pounds with an average harvest of 44 pounds per person (Kukkonen and Johnson 2016: 205). Salmon was used by 92% of the surveyed households in Cordova (Kukkonen and Johnson 2016: 204). Sockeye salmon was used by approximately 73% of surveyed Cordova households, more than any other type of salmon, with an estimated community subsistence harvest of 49,364 pounds or 19 pounds per person, followed by Coho salmon which was used by 71% of surveyed households with an estimated community subsistence harvest of 40,947 pounds or 16 pounds per person. Finally, Chinook salmon was used by 63% of households with an estimated community subsistence harvest of 21,235 pounds or 8 pounds per person. (Kukkonen and Johnson 2016: 207, 218).

The 2015 study provided insights into the factors that affect subsistence salmon fishing in Cordova. One of the conclusions researchers drew from the 2015 study is, "...the overall sentiment in the community is that current [subsistence] fishing regulations are not working and that more subsistence opportunity, separate from the commercial opportunity, is needed" (Kukkonen and Johnson 2016: 222).

The 2015 study identified issues that contribute to the "sentiment" that the subsistence fishing regulations were/are not working in Cordova. One of these, described by Cordova residents in 2015, is access to the State subsistence fishery that occurs in marine waters. This fishery requires a marine-worthy boat to participate. Residents lacking a boat are excluded from this fishery (Kukkonen and Johnson 2016: 219, 222). The Native Village of Eyak provides a captain and a boat to tribal members who do not have boats, many of whom proxy fish for elders.

Cordova residents with boats described obstacles to their participation in the State subsistence fishery. In 2014, State commercial and subsistence fishery openings conflicted which prevented some commercial fishers from subsistence fishery participation (Kukkonen and Johnson 2016: 220). These schedules have been adjusted to minimize overlap (see Regulatory History section of this analysis). Another factor in the 2015 study is the required use of different gear for each fishery and changing gear requires "...a minimum of boating 2 or more hours round trip from a commercial fishing location back to the harbor and out again before being able to participate in subsistence fishing" (Kukkonen and Johnson 2016: 219, 261). The frequent lack of alignment of weather and tides during subsistence openings and increasing fuel and boat maintenance costs are limiting factors for subsistence harvesters (Kukkonen and Johnson 2016: 220, 222).

It is important to note that the 2015 study documented a shift in the makeup Cordova subsistence salmon harvest:

Whereas the salmon harvest for all species combined is proportionally steady compared to the overall harvest, the composition of the salmon harvest has changed. This is seen in

the rise of Sockeye Salmon harvests, which people are becoming more dependent upon to meet their [subsistence] harvesting needs. For instance, 2014 was the first year in which Sockeye Salmon was the top harvested salmon species as measured in pounds usable weight, replacing Coho or Chinook salmon as the top harvested salmon species in previous study years. (Kukkonen and Johnson 2016: 261)

This is significant because the majority, 43%, of the subsistence salmon harvest is “home pack”, commercially harvested salmon retained for home use (Kukkonen and Johnson 2016: 261). The bulk of the home pack harvest is Sockeye Salmon, which is taking the place of Coho and Chinook salmon that provided higher amounts, by weight, of the subsistence salmon harvests documented in past ADF&G studies in 2003, 1997, 1993, 1992, 1991, 1988 and 1985 (ADF&G 2022; Kukkonen and Johnson 2016: 261). This practice of using Sockeye Salmon as home pack, the authors note, “occurs at the expense of the households’ direct cash income” (Kukkonen and Johnson 2016: 220, 261).

Cordova residents provided context for the decreases in their subsistence Chinook and Coho salmon harvests. Reasons cited for the decline in subsistence Chinook Salmon harvests were the general decline (both in number and size) of Chinook Salmon across the state and, in particular, concerns about abuse of and lack of enforcement of regulations at the Chitina personal use dip net fishery (Kukkonen and Johnson 2016: 222, 261). Coho Salmon subsistence harvest declines were attributed to competition with sport fishers. Coho Salmon is highly important to Cordova subsistence harvesters because it is one of the few species of salmon that can be harvested from streams, primarily Ibeck Creek, accessible by road without a boat. Coho Salmon is primarily harvested by rod and reel under State sport fishing regulations and Federal subsistence regulations.

In 2014, Cordova residents harvested approximately 5,523 Coho salmon with rod and reel (ADF&G 2022). After home pack, rod and reel was the gear type most used for the subsistence harvest of salmon in 2014 (Kukkonen and Johnson 2016: 220). This reflects a high amount of effort by Cordova residents, some of whom do not have access to the State subsistence fishery in marine waters (Kukkonen and Johnson 2016: 220, 222). The Federal subsistence rod and reel salmon fishery at Ibeck Creek occurs at the same time and place as the State sport fishery for Coho Salmon. Cordova residents stated that they have faced increased competition for Coho Salmon at Ibeck Creek as the popularity of the State sport fishery rises (Kukkonen and Johnson 2016: 222).

## **Harvest History**

Salmon fisheries in the Copper River primarily harvest Chinook, Sockeye, and to a much lower extent, Coho salmon. These salmon stocks are harvested in multiple fisheries, including commercial and State subsistence gillnet fisheries in marine waters near the mouth of the Copper River, personal use dip net and Federal subsistence fisheries in the Chitina Subdistrict of the Upper Copper River District, subsistence fisheries in the Glennallen Subdistrict of the Upper Copper River District, Federal and State subsistence fisheries in the vicinity of Batzulnetas, and sport fisheries that occur in various tributaries. State subsistence fishing for Copper River stocks is restricted to three areas (**Table 1**): 1) the Copper River District marine waters; 2) the Glennallen Subdistrict within the Upper Copper River District; and 3) the Batzulnetas vicinity. Of the three State subsistence areas, the Glennallen Subdistrict has the highest use



and harvest (Botz and Somerville 2017). Federal subsistence fisheries occur at: 1) the Upper Copper River District (both the Glennallen and Chitina Subdistricts) 2) the Batzulnetas vicinity, and 3) the Lower Copper River Area.

The estimated annual salmon harvest by State subsistence permit holders in the Copper River District (Copper River Flats) of the Prince William Sound Area averaged 3,674 Sockeye Salmon and 530 Chinook Salmon for the previous 10-year period (2011–2020, Botz et al. 2021, **Appendix 1 and 2**). For the three State subsistence fishery districts in the Prince William Sound Area, the Copper River District near the community of Cordova accounts for most of the subsistence salmon harvested, with 91% of the total harvests in 2015 (Fall et al. 2018). However, subsistence harvest data for the Eastern and Southwest Districts are likely to be consistently underestimated (Ashe et al. 2005).

The estimated annual salmon harvest by State subsistence salmon permit holders in the Upper Copper River District (Glennallen Subdistrict) averaged 60,348 Sockeye Salmon and 2,533 Chinook Salmon for the previous 10-year period (2011–2020). During this time dipnet permits composed about 70% of State Glennallen subsistence permits issued (2011-2020, Botz et al., Somerville and Hanson 2021, **Appendix 1 and 2**). The Chitina Subdistrict personal use fishery, averaged harvests of 142,400 Sockeye Salmon and 1,197 Chinook Salmon from 2011–2020 (Somerville and Hanson 2021).

The yearly Federal subsistence harvests for the Upper Copper River District (Chitina and Glennallen Subdistricts combined) averaged 21,011 Sockeye Salmon and 809 Chinook Salmon from 2011–2020 (**Table 3**).

The Federal subsistence fishing permit FFPW01 for the Copper River Delta (CRD)/ Prince William Sound Area allows for the harvest of fish in fresh waters (not including the Copper River drainage waters) with harvest limits for salmon as described earlier. Under this permit, over 95% of the harvest by Federally qualified subsistence users occurs in three river systems: Ibeck Creek, Eyak River, and Alaganik Slough (USFWS 2018). On average, 90 households fished under a Federal subsistence permit and harvested an annual average of 629 salmon from 2011–2021, approximately 80% of which were Coho Salmon (**Table 4**). Rod and reel is overwhelmingly the most common harvest method under this permit as relatively clear waters from the Alaganik and Eyak systems negatively impact dip net success (Burcham 2018, pers. comm.). Very few Chinook Salmon, on average one per year, have been reported as harvested under the Copper River Delta/Prince William Sound Area Federal subsistence permit since its inception in 2005 (USFWS 2018; Table 4). While permit FFPW01 is available to both Tatitlek and Chenega, no qualifying households outside of Cordova have requested or been issued this fishery permit.

As of August 12, 69 permits had been issued for the new Federal subsistence fishery in the lower Copper River for the 2022 season and a total of 104 Sockeye and 3 Chinook salmon have been reported harvested. No harvest has been reported after June 28. All permit holders are residents of Cordova.

Sport fishing is very popular in the Prince William Sound Area, especially along the road accessible systems. The Copper River drainage is the only major producer of Chinook Salmon in the Prince William Sound Area. Although allowed, a sport fishery for salmon or trout in the area created by FP21-10 has not developed, primarily because of the high turbidity of the Copper River. Additionally, Bridge No. 339 was

closed in August 2011 after sustaining substantial damage from a washout event that prevented vehicle access on the Copper River Highway beyond Mile 36 and limiting fishing opportunities for a large area of the Copper River Delta. The bait restriction from April 15 through June 14 to protect spawning trout also reduces the chances of harvesting Chinook Salmon migrating through the lower Copper River. Sockeye Salmon do not readily take bait or lures and are not often pursued in the turbid Copper River with rod and reel. Outside of the Copper River, the sport fishery for Chinook Salmon in Prince William Sound Area is supported almost entirely by hatchery-produced fish that are harvested in marine waters of the Cordova terminal harvest area (Thalhauser 2014).

**Table 3.** Estimated harvest of Sockeye, Chinook, and Coho salmon by Federally qualified subsistence users in the Upper Copper River District, as reported for the Glennallen and Chitina Subdistricts, 2002–2021 (Sarafin 2022, pers. comm.).

**Glennallen Subdistrict Federal Reported and Expanded Subsistence Fishery Harvests<sup>1</sup>**

Year	Permits Issued	Percentage of Permits Reported	Sockeye		Chinook		Coho		Steelhead/Rainbow Trout		Other Species		All Species	
			Reported Harvest	Harvest Estimate <sup>2</sup>	Reported Harvest	Harvest Estimate <sup>2</sup>	Reported Harvest	Harvest Estimate <sup>2</sup>	Reported Harvest	Harvest Estimate <sup>2</sup>	Reported Harvest	Harvest Estimate <sup>2</sup>	Reported Harvest	Harvest Estimate <sup>2</sup>
2002	201	80.6	7,944	9,856	564	700	81	100	62	77	35	43	10,777	
2003	221	83.3	13,616	16,346	554	665	152	182	13	16	20	24	17,233	
2004	261	78.9	17,704	22,439	636	806	152	193	12	15	12	15	23,468	
2005	267	85.8	19,973	23,279	331	386	47	55	6	7	32	37	23,763	
2006	254	87.4	16,711	19,120	430	492	28	32	15	17	32	37	19,698	
2007	281	84.3	15,225	18,060	569	675	34	40	6	7	21	25	18,808	
2008	269	81.4	11,347	13,940	705	866	148	182	17	21	44	54	15,063	
2009	274	85.0	11,836	13,925	494	581	34	40	19	22	31	36	14,605	
2010	269	87.7	12,849	14,651	300	342	64	73	39	44	22	25	15,136	
2011	277	87.7	14,163	16,145	701	799	53	60	5	6	248	283	17,293	
2012	275	92.0	14,461	15,718	371	403	78	85	40	43	104	113	16,363	
2013	273	89.0	15,834	17,789	331	372	24	27	6	7	62	70	18,264	
2014	315	90.5	21,603	23,877	399	441	23	25	10	11	52	57	24,412	
2015	325	92.3	24,695	26,753	384	416	13	14	7	8	201	218	27,408	
2016	320	82.8	15,884	19,181	369	446	9	11	5	6	332	401	20,044	
2017	338	85.2	15,691	18,415	399	468	1	1	7	8	468	549	19,442	
2018	335	91.3	15,287	16,736	2,432	2,662	0	0	4	4	41	45	19,448	
2019	343	89.8	15,873	17,677	849	945	0	0	3	3	53	59	18,685	
2020	376	89.9	11,456	12,744	682	759	0	0	6	7	54	60	13,569	
2021	355	85.1	12,632	14,849	419	493	0	0	5	6	28	33	15,380	

5-yr. Avg. 2016	342	87.8	14,838	16,950	946	1,056	2	2	5	6	190	223	18,238
10-yr. Avg. 2011	318	89.1	16,495	18,503	692	771	20	22	9	10	162	185	19,493
2020	-	-	-	-	-	-	-	-	-	-	-	-	-

**Table 3 cont.**

**Chitina Subdistrict Federal Reported and Expanded Subsistence Fishery Harvests<sup>1</sup>**

Year	Permits Issued	Percentage of Permits Reported	Sockeye		Chinook		Coho		Steelhead / Rainbow Trout		Other Species		All Species	
			Reported Harvest	Harvest Estimate <sup>2</sup>	Reported Harvest	Harvest Estimate <sup>2</sup>	Reported Harvest	Harvest Estimate <sup>2</sup>	Reported Harvest	Harvest Estimate <sup>2</sup>	Reported Harvest	Harvest Estimate <sup>2</sup>	Reported Harvest	Harvest Estimate <sup>2</sup>
2002	122	73.0	575	788	33	45	0	0	0	0	0	N.A.	N.A.	833
2003	100	82.0	717	874	18	22	70	85	0	0	0	N.A.	N.A.	982
2004	109	76.1	1,215	1,597	7	9	18	24	0	0	0	N.A.	N.A.	1,629
2005	76	84.2	1,265	1,502	22	26	0	0	0	0	0	0	0	1,529
2006	75	85.3	1,379	1,617	13	15	20	23	0	0	0	0	0	1,655
2007	98	88.8	929	1,046	26	29	40	45	0	0	0	0	0	1,120
2008	82	85.4	789	924	22	26	74	87	0	0	0	0	0	1,036
2009	68	91.2	817	896	8	9	11	12	0	0	0	0	0	917
2010	92	85.9	2,061	2,399	17	20	33	38	1	1	0	0	0	2,459
2011	85	85.9	1,766	2,056	13	15	8	9	0	0	0	0	0	2,081
2012	89	93.3	1,332	1,427	6	6	8	9	1	1	0	0	0	1,443
2013	99	90.9	1,999	2,199	17	19	8	9	1	1	10	11	11	2,239
2014	113	94.7	1,549	1,636	14	15	68	72	3	3	0	0	0	1,726

2015	111	92.8	2,231	2,404	13	14	14	14	15	7	8	0	0	0	2,441
2016	128	80.5	1,549	1,925	16	20	33	41	41	0	0	4	5	1,991	
2017	132	79.5	1,454	1,828	12	15	7	9	9	0	0	0	0	1,852	
2018	132	91.7	3,144	3,430	92	100	28	31	31	0	0	0	0	3,561	
2019	181	90.1	4,053	4,501	75	83	20	22	22	0	0	0	0	4,606	
2020	216	88.4	3,249	3,674	76	86	23	26	26	0	0	0	0	3,786	
2021	194	90.2	4,765	5,282	99	110	3	3	3	0	0	0	0	5,395	
5-yr. Avg.	2016	86.0	2,690	3,072	54	61	22	26	26	0	0	1	1	3,159	
10-yr. Avg.	2011	88.8	2,233	2,508	33	37	22	24	24	1	1	1	2	2,572	

<sup>1</sup> This table reflects entries to the online database from 2011 through **06/15/2022**. Data prior to 2011 relies on NPS records. Data for all years subject to changes resulting from entry error corrections.

<sup>2</sup> Expanded Harvest estimate derived from a basic, direct ratio expansion based on the percentage of permits that reported.

**Table 4.** Federal subsistence permit activity and harvest of salmon, within the Chugach National Forest portion of the Prince William Sound Area (not including waters of the Copper River), 2011–2021.

Year	Permits Issued	Permits Returned	Permits Fished	Permits Not Fished <sup>a</sup>	Harvest Chinook	Harvest Sockeye	Harvest Coho	Harvest Total
2011	110	96	73	23	0	35	542	577
2012	102	85	69	16	0	83	428	511
2013	101	97	45	52	0	120	329	461
2014	164	148	117	31	0	76	610	699
2015	179	149	131	18	0	150	893	1068
2016	182	165	123	42	0	219	555	824
2017	155	140	102	38	0	127	514	689
2018	136	131	79	52	3	96	255	362

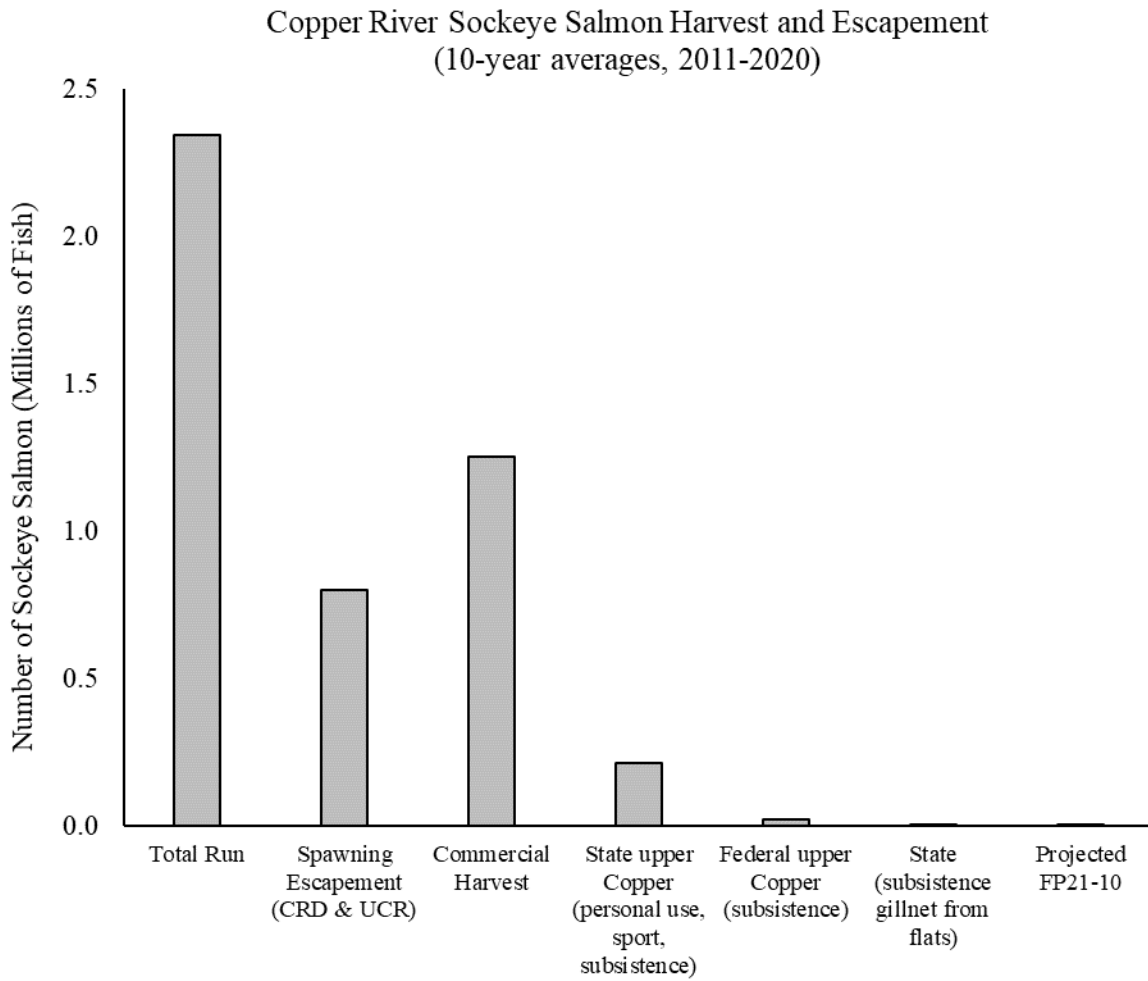
Year	Permits Issued	Permits Returned	Permits Fished	Permits Not Fished <sup>a</sup>	Harvest Chinook	Harvest Sockeye	Harvest Coho	Harvest Total
2019	172	155	104	51	6	116	671	815
2020	135	88	70	18	0	41	373	434
2021	121	112	75	37	0	19	459	482
Average	142	124	90	34	1	98	512	629

<sup>a</sup> as reported on returned permits

## Effects of the Proposal

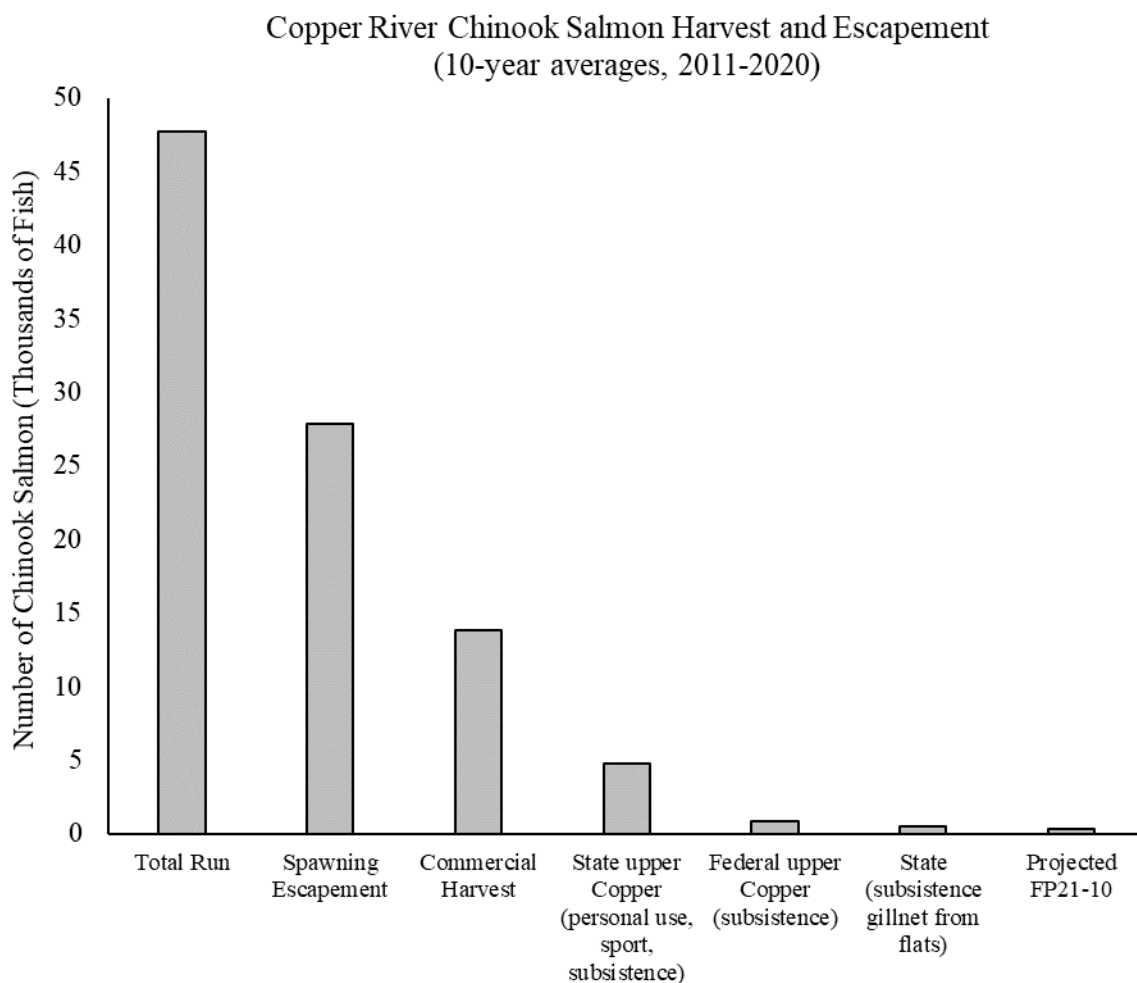
This proposal would rescind the recently created Lower Copper River Area subsistence salmon fishery, reducing opportunity for Federally qualified subsistence users in the Prince William Sound Area, primarily those residing in Cordova. Federally qualified subsistence users in the Cordova area historically concentrate their salmon harvest efforts through Federal fisheries in Ibeck Creek, Eyak River, and Alaganik Slough, or through the State subsistence fishery in the marine waters of the Copper River Flats. Most of the Federal subsistence harvest efforts focus on the fall Coho Salmon return across the Copper River Delta. State subsistence regulations only allow for the harvest of salmon in the marine waters of the Copper River District, which requires access to a suitable boat and the approved gear type (i.e., relatively expensive gillnets). In contrast, most of the State subsistence harvest efforts are focused on the early summer Sockeye Salmon returns to the Copper River District. This proposal would reduce access and methods for rural residents without boats capable of accessing marine waters to participate in the harvest of salmon. The total salmon harvest limit permitted per household would not change so effort may shift back to Ibeck Creek, Eyak River, and Alaganik Slough, or through the State subsistence fishery in the marine waters adjacent to the Copper River.

The proposed regulatory change is not likely to have significant biological effects on fish stocks or to significantly increase the subsistence, personal use, or sport harvests in the Upper Copper River District or Batzulnetas. The projected harvest is the smallest of any user group in the Copper River system, about 2,000 Sockeye Salmon and 300 Chinook Salmon annually (**Figures 4 and 5**), and actual harvest this season has fallen far below these projections. Sockeye Salmon runs to the upper Copper River have consistently exceeded the minimum bound of the SEG range (360,000) for wild stocks in all years (**Appendix 1**). Impacts to Chinook Salmon stocks by eliminating this fishery would be negligible since the harvest of Chinook Salmon is limited to no more than 5 per household.



**Figure 4.** Comparison of ten-year average run size, escapement, and harvest of Sockeye Salmon in the Copper River by user group. The FP21-10 Lower Copper River Area is projected to harvest up to 2,000 Sockeye Salmon annually.





**Figure 5.** Comparison of ten-year average run size, escapement, and harvest of Chinook Salmon in the Copper River by user group. The FP21-10 Lower Copper River Area is projected to harvest up to 300 Chinook Salmon annually.

**OSM PRELIMINARY CONCLUSION**

**Oppose** Proposal FP23-19.

**Justification**

Harvest and escapement information indicate that sufficient salmon are present to continue the Federal subsistence fishery in the Lower Copper River Area without creating a conservation concern or significantly affecting upriver fisheries. The fishery provides an opportunity to harvest Sockeye and Chinook salmon in the lower Copper River for Federally qualified subsistence users of Cordova and the Prince William Sound Area, many of whom do not have access to a saltwater capable boat and drift gillnet gear. Projected harvest is anticipated to be very small in comparison with other user groups and harvest from the 2022 fishery supports this. Title VIII of ANILCA mandates that Federally qualified subsistence users have priority for consumptive uses of fish and wildlife on Federal public lands and

waters. During times of conservation concern other uses should be curtailed before restricting Federally qualified subsistence users.

Commercial harvest is the largest component of harvest in the Copper River system, accounting for about 84% of the total harvest (**Figures 2-5**). The Copper River District Salmon Management Plan (5 AAC 24.360) was adopted in 1980 and directs ADF&G to manage the Copper River District commercial fishery to achieve both annual escapement goals and the in-river goal for salmon (Botz and Somerville 2021). The in-river goal includes escapement needs as well as in-river harvest needs and is measured at the Miles Lake sonar, located at the outlet of Miles Lake, 11 miles upstream of the lower river dip net fishery.

Maximum likely dip net harvests of 2,000 Sockeye Salmon and 300 Chinook Salmon over the course of a season are very minimal relative to the overall error of the Miles Lake sonar system where it is estimated that 14.7% of fish on the north bank of the river and 3.7% fish on the south bank of the river migrate outside of sonar range and are not enumerated (Maxwell et al. 2013). The lower Copper River fishery represents such a low proportion of the run to the Copper River relative to current management tools that it is unlikely to be a factor in management decision making. The primary management tool controlling in-river abundance in the Copper River is the commercial fishery. In times of conservation concern, restrictions to time and area available for commercial harvest is the most effective tool available.

Maximum anticipated harvest from the lower Copper River Federal subsistence fishery is likely to be about 0.08% of the average total annual Copper River Sockeye Salmon run and about 1% of the total annual Copper River Chinook Salmon run. Such low harvest levels are unlikely to have a significant impact on the overall in-river salmon abundance relative to other existing fisheries, particularly because they are occurring downstream of the sonar, the primary assessment tool for management. Given the small harvest potential of the lower river fishery (less than one tenth of one percent of the overall Sockeye Salmon run), and the sonar and in-river goal-based management of Copper River fisheries which explicitly provide for upriver harvest and have a long track record of meeting or exceeding goals, it is very unlikely that lower river subsistence harvests will take opportunity away from upriver users, cause escapement goals to be unmet, or contribute to future restrictions upriver.

The FP21-10 staff analysis acknowledged that the proposal would provide access for rural residents without boats capable of accessing marine waters. Access to the lower river fishery via the Copper River highway by residents of communities other than Cordova such as Tatitlek and Chenega would require a ferry or other boat trip to Cordova, then access to a highway vehicle once in Cordova. With the costs associated with such a trip and the expected low catch rate of the lower Copper River fishery, it is likely that participation by rural residents of Prince William Sound outside of Cordova will be minimal. Those rural residents of Prince William Sound with boat access would have greater opportunity for subsistence harvest through participation in the state subsistence gillnet fishery in the Copper River District or other Prince William Sound districts. It is unlikely that a significant number of other Federally qualified subsistence users in the Prince William Sound Area will utilize this fishery. As of August 12, 2022 all 69 permit holders are residents of Cordova.

The Federal in-season fisheries manager has authority to manage the fishery based on near real-time harvest (based on the 48-hour reporting requirement) and escapement information (from the Miles Lake sonar). The impacts of this fishery to other user groups should be minimal due to the projected small size of the harvest relative to harvest by other user groups and the magnitude of the Copper River salmon runs and fisheries other than subsistence fisheries should be limited at times of conservation concern. The FP21-10 staff analysis evaluated existing Copper River fisheries histories and harvests and concluded that the likely harvest potential of a lower river Federal subsistence fishery was so small that it could not measurably impact upriver salmon abundance or harvest opportunity.

The FP21-10 staff analysis considered salmon harvest opportunities available in Cordova including the existing Federal subsistence fishery (FFPW01), state subsistence gillnet fishery, and sport fisheries. Historical harvest information from these fisheries was also included and showed that existing subsistence opportunities were limited for Sockeye and Chinook salmon. The existing Federal subsistence fishery primarily targets small Coho Salmon streams (2012-2021 average annual harvest of 105 Sockeye Salmon and 1 Chinook Salmon, **Table 4**) and the State subsistence fishery requires a saltwater capable boat and drift gillnet gear.

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**WRITTEN PUBLIC COMMENTS**


July 22, 2022

Federal Subsistence Board  
Office of Subsistence Management  
(Attn: Theo Matuskowitz)  
1011 E. Tudor Road, MS-121  
Anchorage, Alaska 99503-6199  
*Via Email to [subsistence@fwfws.gov](mailto:subsistence@fwfws.gov)*

Dear Mr. Matuskowitz:

On behalf of the shareholders of Ahtna, Incorporated, we are submitting the enclosed comments on select proposals from the Federal Subsistence Management Program 2023-2025 Fisheries Proposals book.

Respectfully,



Nicholas Jackson, Chair  
Customary & Traditional Committee  
Ahtna, Incorporated

Enclosure as noted

## 2023-2025 Federal Fisheries Proposals

### FP23-14

Submitted by Serendipity Subdivision residents: Allison Sayer, Heather Shiness, Derek Galbraith, Matthew Kress, Leigh Lubin, Phil Plunkett, Laurie Brown, Gareth Brown, Jon Ethers, Laura Deatherage, Jesse Maddox.

Point of contact/preparer: Allison Sayer, (907)822-4101, allisonmeridithsayer@gmail.com

We, the rural residents of the Richardson Highway who live between mile 45 and 47, would like a Customary and Traditional Use Determination for the Chitina Subdistrict of the Upper Copper River District for subsistence salmon fishing for the Richardson Highway Corridor from 45 mile north to the Chitina/Kenny Lake cutoff.

We are eligible for federal subsistence fishing rights in accordance with the law. However, we have been lumped into a fishery that we have no practical means to access. We would like to rectify this situation by having our determination reflect the closest and most accessible fishery to our homes, where we have already been fishing for decades.

The Richardson Highway corridor is inhabited by residents who are not part of any specific village, city, or township. However area residents have long accessed local subsistence resources including the closest and most accessible area for dipnet fishing. While residents of our community have received federal subsistence fishing permits for the Chitina Subdistrict in the past, more recently we have only been found eligible to participate in the Glennallen Subdistrict Federal Subsistence Fishery. Limited public access points and the lack of fishwheels or appropriate boats in our community make it excessively difficult for us to access that fishery.

We have a history of shore-based dipnet fishing in the Chitina Subdistrict. In past years, multiple residents have been issued permits for either the Glennallen Subdistrict, the Chitina Subdistrict, or both when applying for permits at the Wrangell St Elias National Park office in Copper Center.

In 2021, one resident actually received a Chitina Subdistrict permit and then was told she was not in fact eligible for the Chitina Subdistrict after she had already fished.

We also have a history of harvesting salmon in the Chitina Subdistrict as part of the State of Alaska Personal Use Fishery, as this is the most accessible place for members of our community to catch fish. We live an hour's drive from Chitina. However rural residents from much farther away, including communities such as Chickaloon and McCarthy, have a federal subsistence determination for the Chitina subdistrict that we do not.

The Richardson Highway corridor is not specifically demarcated by highway mile in the Prince William Sound Area Subsistence Fishing Customary and Traditional Use Determinations in the Federal Subsistence Management Regulations for the Harvest of Fish and Shellfish on Federal Public Lands and Waters in Alaska. It appears our area is lumped in with the "Prince William Sound Area."



Prince William Sound Area We are on the other side of the mountains from Prince William Sound. We are in the Copper Basin. We participate in the Copper Basin economy through our employment, as contractors, and as consumers. Our climate, our economy, and our lifestyle are more consistent with that of our northern neighbors than our southern ones. We would like our Customary and Traditional Use Determination to reflect our actual fishing practices, and to be eligible to receive federal subsistence permits for the Chitina subdistrict. Thank you for your consideration of this proposal.

**Comments:**

We oppose FP 23-14. The Serendipity Subdivision Residents are not eligible for a positive customary and traditional use determination in the Chitina Subdistrict. As explained further below, they do not meet the criteria used in making a positive customary and traditional use determination.

This subdivision has not shown that their handling, methods or means establish a long term, consistent, pattern of use for harvesting salmon in the Chitina Subdistrict, nor have they provided written documentation establishing handing down the knowledge of taking salmon or the passing down of lore's or stories from generation to generation. They cannot prove substantial cultural, economic, social or nutritional subsistence uses of salmon in the Chitina Subdistrict.

Although they may have a positive customary and traditional use determination for the Glennallen Subdistrict, they do not have a consistent reoccurring and seasonal use of salmon in the Chitina Subdistrict.

All other communities or individuals that currently have positive customary and traditional use determinations went through a significant review process including providing written documentation proving their cultural and historical ties to the fisheries in the Upper Copper River District. These same requirements should be upheld for any other communities or individuals requesting a positive customary and traditional use determination.

**FP23-15/16**

Proposal to correct FP02-16 Customary and Traditional Use Determination for the Chitina Subdistrict of the Upper Copper River for subsistence fishing.

Proposed by: Upper Tanana/40 Mile Advisory Committee (UT40 AC)

Proposed regulation:

Area:	Species	Determinations
Chitina Subdistrict of the Upper Copper River District	Salmon	Residents of Cantwell, Chickaloon, Chisana, Chistochina, Chitina, Copper Center, Dot Lake, Gakona, Gakona Junction, Glenallen, Gulkana, Healy Lake, Kenny Lake, Lower Tonsina, McCarthy, Mentasta Lake, Nabesna, Northway, Paxson-Sourdough, Slana, Tanacross, Tazlina, Tetlin, Tok, and Tonsina, and those individuals living along the Tok Cut-off from Tok to Mentasta Pass, the Alaska Highway from Canada to Dot Lake, and along the Nabesna Road.

Explanation of Proposal:

This proposal’s purpose is to address an apparent shortcoming in a previous proposal (FP02-16) submitted by the Wrangell/St. Elias SRC and eventually approved by the Federal Subsistence Board to include Upper Tanana residents in the Glenallen and Chitina sub-districts for salmon. The proposal for the Glenallen sub-district included the residents living along the length of the Alaska Highway from Canada to Dot Lake, but the proposal for the Chitina sub-district did not with the exception of a small length of the Alaska Highway near Northway. Consequently, an unknown number of rural residents in the Upper Tanana Region are restricted to the Glenallen sub-district for subsistence fishing.

The Wrangell/St Elias SRC submitted a proposal (FP2002-16) to adjust the C/T determination for the Chitina sub-district, initially stating “The following communities also have a customary and traditional use of salmon in the Chitina Sub-district of the Upper Copper River District which should be recognized by the Board: Chisana, Gakona Junction, Glennallen, Kenny Lake, Lower Tonsina, McCarthy, Nabesna, Slana, Tok, Tonsina, Tetlin, Dot Lake, Northway, Tanacross, Healy Lake, and those individuals that live along the Alaska Highway from the Canadian border to Dot Lake, along the Tok cutoff from Tok to Mentasta Pass, and along the Nabesna Road (emphasis added). Interestingly, many residents along the Alaska Highway were excluded in the proposal (items 2 and 6) and, when asked for clarification by the OSM staff, the NPS intentionally excluded the residents along the Alaska Highway except those living near Northway, to wit: “Staff members of the Wrangell St. Elias National Park who assisted the Commission in submitting the proposal, were contacted as to the intent of the proposal. It was determined that the omission was intentional and that the Commission was not requesting a positive customary and traditional use by those individuals that live “along the Alaska Highway from the Canadian border to Dot Lake”. No additional explanation why residents living along the Alaska Highway (including native and non-native Alaskans) were the only Upper Tanana rural residents excluded was provided in the proposal or the subsequent analysis.

However, UT40 AC investigated and determined the Park's reasoning may have been informed from an Environmental Assessment (1998), titled Add the Villages of Northway, Tetlin, Tanacross and Dot Lake to the Resident Zone for Wrangell-St. Elias National Park. In that EA, the Park selected Alternative B which determined '...the communities of Northway, Tetlin, Tanacross, and Dot Lake should be established as resident zones'. An additional alternative (which was rejected) would have designated the entire Upper Tanana (From Canada along the Alaska Highway to Dot Lake and south on the Tok Cutoff to Mentasta Pass). The Park's reasoning for the rejection, and our comments (in red) for each follow:

1) 'This alternative was rejected because of the vast areas along the Alaska Highway and the Tok Cut-off that have been subject to significant development and consequent increased population numbers in the past. The potential for similar development in the future and an increase of individuals and households that lack a customary and traditional pattern of use of local resources is great'.

Since 1998 there have been few, if any 'significant developments and increase of individuals and households'. In fact, US Censuses of the Census Designated Areas (CDA) since 1998 in the Upper Tanana (Dot Lake, Tok, Northway, Tetlin, Alcan Port of Entry, Mentasta and Tanacross) suggests the opposite is the case in 2022, to wit: Of the 7 CDAs in the Upper Tanana, only 3 have increased in population: Tetlin (+8%), Alcan Port (+33%) and Tanacross (+3%). It is important to note that two of the three currently enjoy Resident Zone status (Tetlin and Tanacross). Additionally, it is important to point out the Alcan Port CDA (arguably the most remote CDA in the Upper Tanana) currently includes only 36 individuals. Finally, the population of all CDAs in the Upper Tanana has declined 9% since the EA was published.

2) 'When the Alaska highway was built in the 1940s and in the 1970s when the Trans-Alaska oil pipeline was under construction a considerable number of people remained in the Copper River/Upper Tanana region as these projects were completed. Highway access to Anchorage and Fairbanks make this area appealing to people looking to relocate to a more rural setting but still retain access to the city'. If ease of highway access to cities (Fairbanks and Anchorage in this case) is a consideration for the purposes of Title VIII C/T eligibility, then the vast majority of current Resident Zone Communities for Wrangell-St. Elias should no longer be considered eligible.

3) 'In addition both federal and state land disposals could potentially give rise to new settlements or developments. There are two places in the Copper River/Upper Tanana region where this has already occurred: 1) Slana Homestead, a 1983 federal land disposal along the Nabesna Road, and 2) Dry Creek, a circa 1974 state land disposal northeast of Dot Lake.' Since the EA was published in 1998, the population of Slana has declined -6% and the population of Dry Creek has declined by -43%.

4) 'Given the past history of settlement in this region and the potential for future growth, NPS felt it was prudent to more narrowly define any new communities that were added to the resident zone. Boundaries identifying the "significant concentration" of subsistence users may preclude frequent re-evaluation of the communities subsistence uses of park lands should

populations of non-local residents in the region substantially increase'. **All three UT40AC responses are relevant.**

At the May 2, 2022 AC meeting, NPS staff noted that C/T for the resource (in this case subsistence fishing below the Chitina bridge) is restricted to those who can show traditional and cultural use of a resource. In the case of the Upper Tanana for the Chitina dipnet fishery, very few, if any, had customary and traditional use of that area until after the highway(s) were constructed and opened to the public (1948 and 1946 for the Alcan and Tok Cutoff, resp). At that time the villages in the Upper Tanana, including Tok, **and everyone living along the Alaska Highway and the Tok Cutoff** enjoyed equal access to that fishery, including the Port of Entry staff who, at the time, lived and worked in Tok. In 1971 the Port of Entry and staff moved roughly 90 miles east to the border.

Potential Concerns: None

Effects on Subsistence Users:

This proposal, if approved, will provide additional subsistence fishery resources to residents living along the Alaska Highway from Canada to Dot Lake who were unfairly excluded by regulation, solely because they live outside of, or between two Census Designated Places which were approved by the Board in 2002. It will also eliminate confusion, frustration and potential violation of federal law by those residents who believe they were unfairly excluded in the earlier C/T determination for the Chitina sub-district.

#### **Comments:**

We oppose FP23-15/16 to allow those individuals that live along the Alaska Highway from the Canadian border to Dot Lake to receive a positive customary and traditional use determination in the Chitina Subdistrict. The resident zone in the Wrangell St. Elias National Park is a different subject matter. Resident zone does not relate to the customary and traditional uses for Salmon in the Copper River that is adjacent to the Wrangell St. Elias National Park & Preserve. And, as explained further below, they do not meet the criteria used in making a positive customary and traditional use determination.

This community has not shown that their handling, methods or means establish a long term, consistent, pattern of use for harvesting salmon in the Chitina Subdistrict, nor have they provided written documentation establishing handing down the knowledge of taking salmon or the passing down of lore's or stories from generation to generation. They cannot prove substantial cultural, economic, social or nutritional subsistence uses of salmon in the Chitina Subdistrict.

Although they may have a positive customary and traditional use determination for the Glennallen Subdistrict, they do not have a consistent reoccurring and seasonal use of salmon in the Chitina Subdistrict.

The five Upper Tanana Villages that currently have positive customary and traditional use determinations went through a significant process including providing written documentation proving their cultural and historical ties to the fisheries in the Upper Copper River District.

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These same requirements should be upheld for any other communities or individuals requesting a positive customary and traditional use determination.

**FP23-17/18**

Name, address, telephone number of requestor: Ahtna Intertribal Resource Commission (AITRC) Attn: Karen Linnell, Executive Director PO Box 613, Mile 187 Glenn Hwy Glennallen, Alaska 99588 (907) 822-4466

The issue we would like addressed:

Delay the start date for the federal subsistence fishery in the Glennallen Subdistrict from May 15 to June 1 to provide for increased conservation of upriver Copper River Chinook salmon and sockeye salmon stocks' escapement needs and better support customary and traditional subsistence salmon harvest needs in the Tonsina-Gakona and Gakona-Slana and Batzulnetas subsistence fisheries areas. Existing Federal Regulation we wish to change:

50 CFR § 100.27(e)(11)(ix):

“You may take salmon in the Upper Copper River District from May 15 through September 30 only.”

The new regulations would be: 50 CFR § 100.27(e)(11)(ix): “You may take salmon in the Upper Copper River District from June 1 through September 30 only.”

Why is the proposed change needed? The Ahtna Intertribal Resource Commission (AITRC) remains concerned about the lack of subsistence salmon harvest opportunity in the uppermost reaches of the Glennallen Sub-district and the Batzulnetas fisheries areas. Subsistence salmon harvest levels continue to be depressed in these reaches of the Copper River, except during high salmon passage years when the in-river run counts at the Miles Lake sonar exceed 750,000 salmon.

Furthermore, Chinook salmon escapement goals are increasingly going unmet and sockeye escapement appear to be declining in numbers near the bottom end of the escapement goal range. In addition, there are documented reports of both species size decline that have not been accounted for in the current escapement goals. Smaller fish produce fewer eggs and therefore more fish are required to meet future escapement goals.

It has also been documented that the uppermost stocks in the Copper River are the earliest salmon to return. Delaying the start date will allow for these fish to pass unmolested. State and Federal fisheries managers suggest that depressed harvest is due to less fishing effort in these areas. However, application of traditional stewardship principles and indigenous knowledge from Ahtna elders has resulted in self-imposed conservation measures throughout much of the Glennallen Sub-district and Batzulnetas area. These conservation measures are largely unnoticed by State and Federal managers and are discounted as a lack of effort. Ahtna fishing households

have been taught to fish less in times of low return to ensure adequate salmon spawning escapement is achieved. Some Ahtna fishing households have not fished at all to conserve Copper River salmon and rebuild the runs. This indigenous stewardship, which is applied voluntarily and informally among certain Ahtna fishing households, is not sufficient to resolve the problems in reaching Copper River salmon escapement goals.

Therefore, AITRC is seeking to more formally recognize Ahtna tribal stewardship principles to ensure the availability of healthy Copper River salmon stocks for future generations by aligning this subsistence salmon fishery start date with the State of Alaska Copper River subsistence fishery. The delay of the federal subsistence salmon fisheries start date in the Chitina Sub-district to June 1st will allow additional time for the early salmon runs to pass upriver and provide adequate salmon escapement to spawning grounds. This action will perpetuate subsistence salmon fishing opportunities in the Glennallen Subdistrict and Batzulnetas areas.

**Comments:**

We oppose FP23-17/ 18 to change the fishing season in the Glennallen Subdistrict and Chitina Subdistrict of the Upper Copper River from May 15th to June 1st. An early season was allowed so that federally qualified Subsistence Users could harvest salmon before the state Subsistence Users and Personal Use fisheries. ANILCA was created to allow more opportunities to fish, hunt, or trap than state regulations allow.

Federally qualified Subsistence Users only take 1% of the fish, they should have an opportunity to have a longer fishing season. Federally qualified Subsistence Users should not be burdened with a shortened fishing season due to delayed or low runs. State fisheries in the Copper River and commercial fisheries should be restricted or closed before changing to a shorter fishing season for the federally qualified subsistence fisheries.

Federally qualified subsistence fisheries should not be on equal footing as state fisheries. ANILCA was fought for by Alaska Natives to provide for a priority to use the natural resources. Federally qualified subsistence fisheries should never give up their rights to allow more opportunity to harvest salmon or any other subsistence resources.

Additionally, the Superintendent of Wrangell St. Elias National Park & Preserve (WRST) has Delegation of Authority in the Copper River. If there is a low run or delayed run of salmon, the Superintendent may take actions to close or restrict the fisheries in the Copper River.

Due to climate change the Copper River has been affected by delayed runs. This is recurring and is becoming a pattern in the Copper River. If Personal Use fisheries and state subsistence fisheries are both opened June 7th and June 1st, then changing the federal fishing season to match the state regulations will not have a positive effect on salmon returning to spawning grounds, it will have a negative effect. If both the state and federal fisheries' season dates were to open on June 7th and June 1st, state and federal fisheries would be harvesting the first wild stock migrating up to spawning grounds. Less salmon would be migrating to spawn. We would all be fishing at the same time and competing with one another to harvest salmon.

In addition, more dip netters are changing to a subsistence fishery under state regulations to dip net in the Upper Copper River District to harvest salmon. Changing dates will not be effective; it will only add a new regulatory burden to the federally qualified subsistence fisheries.

**FP23-19**

Name, address, telephone number of requestor:

Ahtna Intertribal Resource Commission (AITRC) Attn: Karen Linnell, Executive Director PO Box 613, Mile 187 Glenn Hwy Glennallen, Alaska 99588 (907) 822-4466

The issue we would like addressed:

Repeal the newly created federal subsistence salmon dipnet fishery in the Lower Copper River area.

Existing Federal Regulation we wish to change: 50 CFR § 100.27(e)(11):

Repeal the regulatory language creating the new Lower Copper River federal subsistence salmon dipnet fishery.

The new regulations would be: 50 CFR § 100.27(e)(11):

Revert back to existing regulations prior to the Federal Subsistence Board's adoption of FP21-10 in April 2022.

Why is the proposed change needed?

The Ahtna Intertribal Resource Commission (AITRC) remains concerned about the lack of subsistence salmon harvest opportunity in the uppermost reaches of the Glennallen Sub-district and the Batzulnetas fisheries areas. Subsistence salmon harvest levels continue to be depressed in these reaches of the Copper River, except during high salmon passage years when the in-river run counts at the Miles Lake sonar exceed 750,000 salmon.

Furthermore, Chinook salmon escapement goals are increasingly going unmet and sockeye escapement appear to be declining in numbers near the bottom end of the escapement goal range. In addition, there are documented reports of both species size decline that have not been accounted for in the current escapement goals. Smaller fish produce fewer eggs and therefore more fish are required to meet future escapement goals.

Historically, the Copper River salmon fisheries have been fully allocated and perhaps over-allocated in recent years given the number of years where Chinook salmon escapement has not been achieved and sockeye salmon escapement approaching the lower limits of the escapement goal range. Adding additional salmon harvest opportunities only serve to increase the probability of additional future State and Federal subsistence salmon fishing restrictions.

The FP21-10 federal staff analyses focused solely upon serving the federally qualified rural residents of Cordova, who have other opportunities to provide for their subsistence needs. What this analysis failed to consider is that this new fishery will be open to all rural residents of the entire Prince William Sound fisheries management area. It also failed to consider the impacts to the subsistence harvest opportunities in the upper Copper River – the only source of salmon for Copper Basin communities.

Finally, the analysis does not include the available subsistence harvest information for the Cordova community, which shows there is no lack of subsistence opportunities for Cordova households. According to the most recent household survey (2014), 69% of Cordova households harvest salmon themselves, while 92% use the resource. This demonstrates that there is widespread access to salmon in the community.

**Comments:**


We support FP23-19. In addition to our comments below, we have attached (and incorporate by reference) our Request for Reconsideration of FP21-10, sent to the Federal Subsistence Board on May 17, 2022.

The Native Village of Eyak, both Southcentral and Eastern Interior Subsistence Regional Advisory Councils (RAC), and the Wrangell St. Elias National Park Subsistence Resource Commission (SRC) were and are opposed to the Lower Copper River fisheries on the Copper River in Cordova, Alaska. Members of the Federal Subsistence Board should have heard the message by all Upper Copper River users, RACs and SRC members. They should have also deferred to both Southcentral & Eastern Interior RACs on this fishery.

New information could have been heard if the Federal Subsistence Board would have allowed it to be presented. The Alaska Department of Fish & Game knew runs for Sockeye may have been met at the lower Sustainable Escapement Goal (“SEG”), they also had information that SEG for King Salmon would not be met for the 2022 fishing season.

Additionally, the information presented on the uses of salmon by Cordova residents was presented with data taken from only one year. Further research by the Office of Subsistence Management could have provided data from more years which would have produced results showing more uses of salmon harvested by Cordova residents.

Respectfully,



Nicholas Jackson, Chair  
Customary & Traditional Committee  
Ahtna, Incorporated

Attachment as noted

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*Our Culture Unites Us; Our Land Sustains Us; Our People are Prosperous*

May 17, 2022

Federal Subsistence Board  
Office of Subsistence Management  
U.S. Fish and Wildlife Service  
1011 E. Tudor Road, Mail Stop 121  
Anchorage, AK 99503

Via email to [Subsistence@fws.gov](mailto:Subsistence@fws.gov) and [Robbin\\_Lavine@fws.gov](mailto:Robbin_Lavine@fws.gov):  
original mailed

RE: **Request for Reconsideration of FP21-10**

Dear Board Members,

Ahtna, Incorporated ("Ahtna") requests reconsideration of the Federal Subsistence Board's decision approving FP21-10. Ahtna is an Alaska Native Regional Corporation formed under the Alaska Native Claims Settlement Act ("ANCSA"). Ahtna's more than 2,000 Ahtna Athabascan shareholders include many residents and tribal members from eight villages in the South Central and Interior regions of Alaska, centered on the Copper River Basin. These Native Village residents continue to live a customary and traditional hunting and fishing way of life.

On April 15, 2022, the Board voted to allow a subsistence dipnet fishery on the Lower Copper River for qualified residents of Cordova, Alaska. Under 50 C.F.R. Part 100, the Board will accept a request for reconsideration (1) if it is based on information not previously considered by the Board, (2) if it demonstrates that information used by the Board was incorrect, or (3) if it demonstrates that the Board's interpretation of information, applicable law, or regulation is in error or contrary to existing law.<sup>1</sup> Here, the Board should grant reconsideration on the basis of each of those criteria.

- 1. The Board's misinterpretation of its authority to take actions necessary to provide ANILCA's subsistence priority warrants reconsideration.**

While deliberating FP21-10, the Board failed to acknowledge and use its authority to help alleviate the allocation crisis on the Copper River. When it originally considered FP21-10 in 2020, the Board acknowledged that both the Eastern Interior and South Central regions and

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<sup>1</sup> 50 C.F.R. § 100.20(D).

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communities within those regions were already faced with a greatly diminished fisheries resource from which to meet their subsistence needs.<sup>2</sup> When the Board again considered FP21-10 in 2022, the Board identified state commercial fisheries as the cause of in-river abundance concerns and suggested that it lacked the authority to address the negative effects of those commercial fisheries on federal subsistence fisheries. But it failed to even consider taking action to address the cause of the diminished resource. Instead, the Board established another subsistence fishery in the Lower Copper River.

This is an egregious failure to acknowledge and understand the Board's scope of authority under applicable regulations to protect the subsistence priority. The Board is fully authorized to "evaluate whether ...fishing...which occurs on lands or waters in Alaska other than public lands interfere[s] with subsistence fishing on the public lands to such an extent as to result in a failure to provide the subsistence priority, and after appropriate consultation with the State, the RACs, and other federal agencies, may make a recommendation to the Secretaries for action."<sup>3</sup> The Board had both the authority and the opportunity to take action to address the negative effects of the state commercial fishery on Upper Copper River subsistence users when it considered FP21-10, such as considering a recommendation to the Secretaries to exert extraterritorial jurisdiction over the state commercial fisheries at the mouth of the Copper River that available information obviously confirms as the primary source of the lack of fish in the Upper Copper River. The Board failed to do so. Instead, the Board created a new Lower Copper River subsistence fishery without any meaningful mechanism for protecting existing Upper Copper River subsistence uses. Thus, federally qualified users located in the Upper Copper River will bear the weight of the Board's failure to act. This warrants reconsideration.

**2. When it approved FP21-10, the Board did not consider information demonstrating that federally qualified users along the Upper Copper River have failed to meet their subsistence needs and do not have sufficient alternative methods to meet those needs.<sup>4</sup>**

The Board failed to consider information demonstrating that federally qualified users who participate in Upper Copper River subsistence fisheries are failing to catch enough salmon – and enough sockeye, in particular – to meet their subsistence needs. ADF&G has established an ANS range of 61,000-82,500 sockeye for Upper Copper River subsistence uses.<sup>5</sup> This ANS range is broken down into subareas within the Glennallen subdistricts of the Upper Copper River. For the subarea from the downstream edge of the Chitina-McCarthy Road Bridge to the mouth of the Tonsina River, the ANS is 25,500-39,000 salmon.<sup>6</sup> For the subarea from the mouth of the Tonsina River upstream to the mouth of the Gakona River, the ANS is 23,500-31,000 salmon.<sup>7</sup> And, for the

<sup>2</sup> See transcript from RAC meeting on March 16, 2022, p. 33.

<sup>3</sup> 50 C.F.R. § 100.10(4)(xviii).

<sup>4</sup> 50 C.F.R. § 100.20(d).

<sup>5</sup> *Id.*; see 5 AAC 24.360(b).

<sup>6</sup> 5 AAC 01.616(b)(1)(A).

<sup>7</sup> 5 AAC 01.616(b)(1)(B).

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subarea from the mouth of the Gakona River upstream to the mouth of the Slana River, the ANS is 12,000-12,500 salmon.<sup>8</sup>

In contrast to the harvest of sockeye in excess of applicable ANS ranges on the Lower Copper River (ANS ranges which apply to all species of salmon, not just sockeye), ADF&G reports documenting the harvest of all salmon in Upper Copper River state and federal subsistence fisheries show that since 2002, participants in the state subsistence fishery in the Glennallen subdistrict have failed to meet the lower bound of the combined ANS eight times, including two of the last five years (2018 and 2020).<sup>9</sup>

ADF&G harvest reports for subsistence uses on the Upper Copper River also demonstrate that the operation of the federal subsistence fisheries on the Upper Copper River are insufficient to provide a reasonable opportunity. These reports demonstrate that between 2003 and 2020, far fewer federal subsistence fishery permits were issued than state subsistence fishery permits, by an almost 1:5 ratio (one federal permit to every 5 state permits).<sup>10</sup> These reports also demonstrate that for this same period, the average harvest from federal subsistence fisheries did not come close to meeting the lower bounds of the applicable ANS range – by tens of thousands of fish.

While the Glenallen subdistrict subsistence dipnet and fishwheel fisheries and the Chitina subdistrict personal use dipnet fishery both provide federally qualified users additional opportunities to harvest fish under the State's subsistence management structure, these are not meaningful opportunities. Subsistence users can only participate in the subsistence dipnet/fishwheel fishery *or* the personal use fishery – they cannot participate in both. And both of those fisheries are open to all Alaskans and do not provide a preference for rural residents who have a documented cultural, traditional and nutritional dependence upon salmon. Federally qualified users who participate in the state subsistence dipnet and personal use fishery have to compete with other Alaskans for space on the riverbank, and the geography of the area provides limited locations to safely fish from shore. Federally qualified users who participate in the state dipnet and fishwheel subsistence fisheries must operate those fishwheels upriver from the state personal use fishery – a fishery that has a 10-year harvest average of 143,121 salmon.<sup>11</sup> The subsistence users are the users who depend on the resource the most, but who have the least meaningful access to that resource.

The Lower Copper River state commercial and subsistence fisheries occur pre-sonar where there is little to no information about the health or strength of the sockeye and Chinook runs. By the time there is reliable information about the health and strength of the runs, those fisheries have already been prosecuted; if a closure is necessary, it falls on federally qualified

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<sup>8</sup> 5 AAC 01.616(b)(1)(C).

<sup>9</sup> See ADF&G Special Publication No. 21-08, p. 32; *see also* Fishery Management Report (FMR) No. 21-07, p. 60.

<sup>10</sup> ADF&G Special Publication No. 21-08, p. 38.

<sup>11</sup> See FMR No. 21-07, p. 59.

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users in the Upper Copper River to shoulder the burden of that closure. FP21-10 only exacerbates this issue. While the Board amended FP21-10 to include a 48-hour reporting requirement, FP21-10 lacks a meaningful method to enforce this requirement. Moreover, the Board failed to articulate how any information received through reporting will be used to ensure that FP21-10 has as minimal an impact as possible upon federally qualified users in the Upper Copper River region. The expedited reporting requirement is meaningless.

Significant existing pressures currently prevent federally qualified subsistence users on the Upper Copper River from meeting their subsistence needs. On the rare occasion when state subsistence and personal use fisheries are closed to better enable federally qualified users in the Upper Copper River to meet their subsistence needs, harvest from the federal fisheries alone is insufficient to meet those needs.<sup>12</sup> And, when state subsistence and personal use fisheries are open, the opportunity provided to federally qualified users is not meaningful, as they are required to compete with other Alaskans from outside of the region, similar to the levels of competition faced by federally qualified users of moose and caribou within Game Management Unit 13 with respect to hunters from other regions. The Board did not consider the continual failure of Upper Copper River federally qualified users to meet their ANS, and the competition presented by non-federally qualified users who participate in the state subsistence and personal use fisheries, when it deliberated and approved FP21-10. This information clearly demonstrates the potentially negative consequences of FP21-10 on Upper Copper River federally qualified users and warrants reconsideration of that determination.

Further, the Board failed to consider that, unlike federally qualified users along the Lower Copper River, there are significantly fewer opportunities to harvest salmon for federally qualified users along the Upper Copper River. As outlined above, in the Upper Copper River there are state and federal subsistence fisheries, state sport fisheries, and state personal use fisheries, all of which are accessible by road, and all of which are available to any and all Alaskan residents regardless of where they live. There are no commercial fisheries – and no opportunities for using homepack to supplement subsistence needs – on the Upper Copper River. There are also heftier potential restrictions on federally qualified users who turn to state subsistence fisheries or the state personal use fishery to meet their ANS in years with a weak salmon run (e.g., Upper Copper River subsistence and personal use closures in 2018 and 2020) because of the federal subsistence fishery locations up-river.

Finally, the Board failed to consult with all the impacted Tribes prior to approving FP21-10. We feel that the Upper Copper River Tribes have not been heard on the impact this fishery may have on their customary and traditional practices.

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<sup>12</sup> ADF&G Special Publication No. 21-08, p. 38.

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**3. The Board failed to consider information demonstrating that federally qualified users in the Lower Copper River are meeting their subsistence needs without the addition of another road-accessible federal subsistence fishery.**

The Board did not consider information demonstrating that federally qualified users in Cordova are meeting subsistence needs with existing subsistence and commercial fisheries. The proponents' rationale for submitting this proposal was to improve access to Copper River salmon by providing Cordova residents a road accessible harvest area in addition to the three road accessible federal subsistence dipnet fisheries currently open in the Copper River Delta.<sup>13</sup> The Board failed to consider information that clearly demonstrates that, through their participation in the subsistence drift gillnet fishery in the Copper River District and commercial homepack, Lower Copper River federally qualified users are exceeding their ANS and do not require a new federal subsistence fishery to access sufficient fish or to meet their subsistence needs.

The State of Alaska has established two different ANS ranges for subsistence users in Cordova. When ADF&G predicts a harvestable surplus that will allow for a commercial fishery, the ANS range is 3,000-5,000 salmon.<sup>14</sup> In a year when there is no commercial fishery, the ANS range is 19,000-32,000 salmon.<sup>15</sup> As these numbers demonstrate, Cordova residents rely upon commercial homepack to meet their subsistence needs. But for at least the past 10 years, the State of Alaska has always prosecuted a commercial fishery at the mouth of the Copper River – which has thus provided Cordova residents the opportunity to both participate in the Copper River District subsistence drift gillnet fishery *and* use commercial homepack to meet their subsistence needs.

ADF&G harvest reports demonstrate that since 2010, a harvestable surplus has been consistently predicted to allow a commercial fishery in the Copper River Delta, making the applicable ANS for Cordova residents for this period of time 3,000-5,000 salmon. ADF&G reports also demonstrate that between 2010 and 2019, the 10-year average sockeye harvest from the Copper River District subsistence drift gillnet fishery alone – i.e., without considering commercial homepack, and without considering any other species of salmon harvested – is 3,163 sockeye,<sup>16</sup> a number which is within the applicable ANS range. The 10-year average sockeye commercial homepack for this same period of time – exclusive of harvest from the subsistence drift gillnet fishery, and exclusive of harvest of other species of salmon – is 8,368 sockeye.<sup>17</sup> The combination of the 10-year averages for both the subsistence drift gillnet fishery and commercial homepack is approximately 11,500 salmon, exceeding the upper bounds of the applicable ANS range by more

<sup>13</sup> See transcript from FSB Meeting, January 27, 2021, starting at page 174 of Vol. 2, available at [https://www.doi.gov/sites/doi.gov/files/fsb-mtg-26-jan-2021-vol-2-508\\_0.pdf](https://www.doi.gov/sites/doi.gov/files/fsb-mtg-26-jan-2021-vol-2-508_0.pdf)

<sup>14</sup> 5 AAC 01.616(b)(2)(A).

<sup>15</sup> 5 AAC 01.616(b)(2)(B).

<sup>16</sup> ADF&G Special Publication No. 21-08, Management of Salmon Stocks in the Copper River, 2018-2020: A Report to the Alaska Board of Fisheries, page 32.

<sup>17</sup> *Id.*

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than 6,000 salmon. This information demonstrates that Cordova residents are exceeding the upper bound of the 3,000-5,000 ANS range by thousands of fish and confirms that subsistence needs are being met without the addition of another subsistence fishery on the Copper River. The Board should have, but failed to, consider this information when it deliberated FP21-10.

**4. The Board's interpretation of and reliance upon information suggesting that the subsistence fishery created by FP21-10 will have a minimal impact upon in-river returns and Upper Copper River subsistence harvest was in error.**

The Board based its approval of FP21-10 on an erroneous interpretation of information regarding the estimated impact and popularity of a new federal subsistence fishery. OSM's Staff Analysis projected that participation in the fishery would be minimal and that the harvest of sockeye and Chinook salmon from the Lower Copper River dipnet fishery created by FP21-10 would also be minimal – no more than 2,000 fish.<sup>18</sup> These projections are based upon faulty assumptions that limited participation in and access to a subsistence fishery (that participation in nonetheless met subsistence needs) would translate into a similarly limited participation in – and limited harvest of sockeye and Chinook salmon from – a new subsistence fishery.

OSM's Staff Analysis admitted that the harvest estimate was based at least in part upon the "annual State subsistence gillnet harvest in the Copper River District."<sup>19</sup> But this analysis noted that current participation in the state subsistence drift gillnet fishery, prosecuted in marine waters of the Copper River Flats, "requires access to a suitable boat and the approved gear type (i.e., relatively expensive gillnets),"<sup>20</sup> suggesting that participation in the fishery was limited because of gear and methods and means barriers that prevented more participation. This "low participation in an existing fishery = low participation in and impact from a new fishery" theme was also emphasized in FP21-10 and public testimony,<sup>21</sup> which reiterated that a primary reason supporting the need for FP21-10 was the inability of federally qualified users to access the subsistence drift gillnet fishery because participation required a boat that was suitable for marine waters.

In other words, the Board was told that the rate of participation in and level of harvest from the drift gillnet fishery was so low that it both required the creation of a new fishery to accommodate other federally qualified users who were not able to meet their subsistence needs and would not affect other federally qualified users – namely, those who harvest salmon along the Upper Copper River.

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<sup>18</sup> OSM Staff Analysis, p. 26.

<sup>19</sup> OSM Staff Analysis, p. 26.

<sup>20</sup> OSM Staff Analysis, p. 25.

<sup>21</sup> See OSM Staff Analysis, p. 17 ("I am writing to express my support for FP21-10... Currently, opportunities to harvest Copper River salmon for subsistence are limited to a State subsistence gillnet fishery on the Copper River flats which requires a boat to access the fishery, and is only open 3 periods/week...").

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The Staff Analysis falsely assumes low participation in a dipnet subsistence fishery based upon currently low participation in a drift gillnet subsistence fishery that requires more expensive gear. It is illogical to assume that the level of participation in a fishery that few people can allegedly afford to access, i.e., the drift gillnet fishery, would suggest similar levels of limited participation in a fishery that is designed to provide easier access and for which the required gear is more affordable. The fishery created by FP21-10 is intentionally designed to be more accessible simply by virtue of the fact that users can access it by the road. And the fishery created by FP21-10 is intentionally designed to be cheaper to participate in – the cost of a dipnet is significantly lower than the cost of a drift gillnet, and does not require a boat to operate.

It is true that the frequency of openers in the State’s drift gillnet fishery is conditioned upon the timing of federal openers.<sup>22</sup> But, unlike the drift gillnet fishery, the fishery created by FP21-10 will not be contingent upon or subject to state commercial fishing times – which will allow for more fishing time, more harvest, and more of an impact upon a fully allocated and diminished resource.

5. **The Board failed to accord sufficient deference to RAC recommendations and comments demonstrating that the fishery proposed by FP21-10 would be detrimental to the satisfaction of subsistence needs of Upper Copper River federally qualified users.**

The Board is required to defer to RAC recommendations unless they are not supported by substantial evidence, violate principles of wildlife conservation, or are detrimental to the satisfaction of subsistence needs.<sup>23</sup> In March, 2022, the South Central and Eastern Interior RACs met and recommended that the Board not approve FP21-10 because the proposal would be detrimental to the satisfaction of the subsistence needs of federally qualified users within the Upper Copper River region. The Board failed to accord sufficient deference to these recommendations.

When the Board deliberated FP21-10, it did not defer to the RACs’ recommendation that the proposal would be detrimental to the satisfaction of subsistence needs of federally qualified users in the Upper Copper River. Consideration of FP21-10 occurred through a highly irregular regulatory process. The Board emphasized the importance of RAC input on FP21-10 but then, when the South Central RAC and Eastern Interior RAC issued recommendations on the proposal that were at odds with one another, the Board took the highly unusual step of referring FP21-10 back to the South Central RAC and the Eastern Interior RAC and demanding that the RACs come up with a “compromise solution” with respect to their competing positions on the proposal. Subsequently, when the RACs met in March, 2022 and voted to provide the Board with an additional recommendation against approval of FP21-10, a primary concern underscoring the

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<sup>22</sup> 5 AAC 01.610(g).

<sup>23</sup> 50 C.F.R. § 100.10(e)(1).

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discussion both RACs engaged in prior to issuing their recommendations was the effect FP21-10 would have on Upper Copper River subsistence users. The RACs' comments clearly articulated that FP21-10, if passed, would be detrimental to the satisfaction of the subsistence needs of federally qualified users within the Upper Copper River region. When it deliberated FP21-10, the Board should have deferred to the RACs' recommendation and should not have approved FP21-10.

The Board also failed to correctly interpret and apply relevant facts to its decision when it acknowledged extraordinary pressure on Copper River sockeye, acknowledged the diminution of the resource, but then took action that applied additional pressure on that resource. As discussed above, the Board failed to consider relevant information demonstrating that federally qualified users in Cordova have ample opportunity to meet subsistence needs, and also failed to consider the failure of Upper Copper River subsistence users to meet their subsistence needs. The Board should not have established a new federal dipnet fishery for people who have no documented inability to harvest enough salmon to meet their subsistence needs, a fishery which would be accessible by road and located below sonar critical for counting in-river run strength of salmon.

**Conclusion**

Because the Board failed to consider important information, misinterpreted available information, and failed to provide the required deference to RAC advice, the Board's decision adopting FP21-10 should be reconsidered.

Respectfully submitted,



Michelle Anderson, President  
Ahtna, Incorporated





## Ahtna Intertribal Resource Commission

PO Box 613 – Glennallen, Alaska 99588      www.ahtnatribal.org  
Phone: (907) 822-4466      Fax: (907) 822-4406      connect@ahtnatribal.org

July 25, 2022

Federal Subsistence Board  
Office of Subsistence Management  
(Attn: Theo Matuskowitz)  
1011 E. Tudor Road, MS-121  
Anchorage, Alaska 99503-6199

Dear Chairman Anthony Christianson:

### Introduction

The Ahtna Intertribal Resource Commission (AITRC) is an inter-tribal agency serving the 8 Federally recognized tribal governments and 2 Alaska Native Corporation landowners located within the Ahtna Traditional Use Territory. The customary and traditional homelands of the 'Ahtna' *hwtaene* include the Upper Copper River basin, Upper Susitna River valley, and portions of the Tanana River drainage along the Denali Highway region. The mission of AITRC is to honor and integrate traditional indigenous knowledge and values through innovative stewardship that is respectful of the land for all generations with the vision of exercising tribal sovereign authority and stewardship of cultural and natural resources within our traditional territory to ensure our future self-sustainability.

In 2016, AITRC and its member tribes and corporations entered into an historic agreement with the US Department of the Interior for the purpose of formalizing the subsistence wildlife management partnership and pursue cooperative management of customary and traditional subsistence uses within the Ahtna Traditional Use Territory. Within this agreement, the US Department of the Interior recognized that special circumstances within the Ahtna region have not permitted the 'Ahtna' *hwtaene* to meet their subsistence needs. Moreover, the Department recognized its obligation to uphold the Federal trust responsibility to Ahtna tribes and the right of rural resident members of Ahtna tribal communities to maintain their cultural identity through opportunities to practice their ancestral customary and traditional ways of life on Federal public lands in a manner that enables them to pass down indigenous knowledge and ancestral customary practices from generation to generation.

In passing ANILCA Title VIII, US Congress invoked its constitutional authority over Native affairs and its constitutional authorities under the property and commerce clauses and found and declared that the "continuation of the opportunity for subsistence uses of resources on public and other lands in Alaska is threatened by the increasing population of Alaska, with resultant pressure on subsistence resources, by sudden declines in the populations of some wildlife species which are crucial subsistence resources, by increased accessibility of remote areas containing subsistence resources, and by taking of fish and wildlife in a manner inconsistent with recognized principles of fish and wildlife management" and called for a federal subsistence management program that requires a meaningful role in the management of fish and wildlife and of subsistence uses by "rural residents who have personal knowledge of local conditions and requirements" (ANILCA Section 801).

*Tsin'aen*

**COMMENTS ON  
2023-2025 FEDERAL SUBSISTENCE FISHERIES  
REGULATORY CHANGE PROPOSALS**

**FP23-14/15/16 Expand Federal Customary and Traditional Use Determinations for Additional Communities and Areas**

FP23-14, FP23-15, and FP23-16 all ask to expand the federal customary and traditional use determinations for additional communities and areas both within and outside the Copper River basin, which if passed would increase the number of federally qualified users of our Copper River salmon. As outlined above and in ANILCA Title VIII itself, the continuation of ancestral indigenous customary and traditional uses of fish and wildlife remains under increasing threat by a growing human population, declining ancestral tribal subsistence resource populations, and increasing access to once-remote areas. These three proposals contribute to these ongoing problems and trends, which further disenfranchise the *'Ahtna' hwtæene*, by further expanding the opportunity for others who had not been customary and traditional users or residents of the Ahtna Traditional Use Territory when ANILCA was passed by Congress in 1980.

AITRC and its member tribes and Alaska Native Corporations are opposed to each of these proposals. During recent years of declining Copper River salmon productivity, tribal citizens and other rural residents who customarily, traditionally, and historically fished for salmon in the upper portions of the Glennallen Subdistrict and Batzulnetas Area have experienced significant declines in the availability and efficiency of subsistence salmon fishing activities. A recent historical assessment of catch per unit effort conducted by Wrangell-St. Elias National Park and Preserve staff, and shared with AITRC, suggests that when numbers of salmon passing Miles Lake sonar are less than about 750,000 salmon, subsistence salmon harvest success above the Gakona River, and consequently federal subsistence uses, may be negatively impacted. ADF&G managers respond to these concerns by AITRC and its member tribes by suggesting that Ahtna people aren't putting enough effort into their subsistence fishing activities, in effect, blaming the victim. However, when tribal elders inform fishwheel operators to stop fishing to ensure sufficient salmon pass to reach specific spawning beds, or the costs of keeping the wheel fishing throughout the summer to catch what used to be caught in a single day are prohibitive, many Ahtna tribal citizens and other rural residents simply cannot afford to keep putting in the fishing effort to obtain historic harvest levels and risk compromising indigenous stewardship practices of ensuring sufficient spawners of various specific tributaries. The amount of time needed to invest in harvesting sufficient numbers of salmon to meet previous and ongoing subsistence needs is often so great that many cannot spend that much time a fish camp now given the lack of salmon abundance in the river. In turn, this is having devastating impacts on our abilities to pass on ancestral indigenous knowledge to our children, grandchildren, nieces and nephews.

Most Copper River-bound salmon are harvested by the state-managed commercial fishery before the salmon enter the river. Commercial salmon fishing has long been a challenge to the *'Ahtna' hwtæene* in meeting their ancestral customary and traditional subsistence needs for salmon. In fact, Chief Goodlataw filed a complaint with the US Federal government in 1917 regarding the commercial fishing that had been taking place within Abercrombie Canyon, which was causing the Ahtna people to face starvation.<sup>1</sup>

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<sup>1</sup> Ahtna Subsistence Search Conference: A Conference for the Ahtna People To Plan For the Future of Their Subsistence Resources, Practices and Lifestyle, November 12-13, 2013.

Then, those salmon that escape the commercial fishery at the mouth of the Copper River, our migrating salmon swim up the river and into the Chitina Subdistrict with its ever-expanding number of users participating in the state-managed Personal Use dipnet fishery. This gauntlet fishery continues to be of great concern to AITRC and its member Tribes and Alaska Native Corporations. Efforts to make the canyon more accessible to non-local users and the salmon collapses in other areas of Alaska, like the Yukon and Kuskokwim rivers has contributed to the increased pressure on Copper River salmon stocks and declines in salmon availability in the Glennallen Subdistrict, and especially its uppermost sections where subsistence needs are not being met.

FP23-14, FP23-15, and FP23-16 each asks to expand the federal customary and traditional use determinations for additional Alaska residents within the Chitina Subdistrict, many of whom claim their customary and traditional use eligibility through their prior participation in the nonsubsistence Chitina personal use dipnet fishery. While AITRC and its members recognize and support the importance of the federal subsistence priority over all other uses, after all there would not be a federal subsistence fishing priority for salmon without the decades long efforts of the *'Atna' hwtaene*, we do not support such determinations that would expand eligibility to additional users just because they have moved to rural areas and now seek to establish new traditions in efforts to mitigate the increasing pressures on Copper River resources by non-local and non-rural Alaska residents long after the passage of ANILCA, especially at the expense of the *'Atna' hwtaene*, the original stewards of the Copper River basin. Finally, these proposals contribute to and expand the threats to the continuation of customary and traditional uses acknowledged by Congress when enacting ANILCA Title VIII as outlined in our introductory comments above.

#### **FP23-17 and FP23-18 Delay the Federal Subsistence Fishing Start Dates in the Upper Copper River District**

AITRC submitted FP23-17 to delay the start date of the federal subsistence fishery in the Glennallen Subdistrict from May 15 to June 1. AITRC also submitted FP23-18 to delay the start date of the federal subsistence fishery in the Chitina Subdistrict from May 15 to June 1. AITRC submitted these two proposals because of our concerns regarding the inability of federally qualified users in meeting their subsistence needs in the upper portions of the Glennallen Subdistrict and the Batzulnetas Area. We also submitted these proposals because of our concerns regarding the quality of escapement of Chinook salmon and sockeye salmon given the recent challenges in meeting the Chinook salmon escapement goal and the challenges faced by the Gulkana fisheries enhancement program to obtain sufficient broodstock. AITRC felt that delaying the fishing start date may serve to ensure that those salmon bound for the uppermost reaches of the drainage have the opportunity to pass unmolested.

However, after much discussion among AITRC and its member Tribes and Alaska Native Corporations, we are requesting that the Federal Subsistence Board take no action on these two proposals. Our request to rescind FP23-17 and FP23-18 is not because conditions have changed, and our concerns outlined in the proposals remain. However, AITRC and its members recognize that federally qualified users should not bear the burden of conservation alone and that other changes to the Copper River salmon management regime and management plans should first be addressed prior to imposing further restrictions on the federal subsistence fishing opportunities.

**FP23-19 Repeal the new Federal Lower Copper River Subsistence Fishery for Cordova Residents**

AITRC submitted federal fisheries proposal FP23-19 to eliminate the new federal subsistence salmon fishery proposal adopted by the Federal Subsistence Board in April 2022 and subsequently implemented through Federal Special Action. Our reasons for opposing this new fishery are outlined in detail in the proposal itself as well as the Request for Reconsideration submitted by AITRC.

Tsin'aen,

  
Karen Linnell  
Executive Director

Native Village of Eyak

110 Nicholoff Way  
P.O. Box 1388  
Cordova, Alaska 99574-1388  
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10,000 years in our Traditional Homeland, Prince William Sound, the Copper River Delta, and the Gulf of Alaska

Federal Subsistence Board  
Attn: Theo Matuskowitz  
Office of Subsistence Management  
1011 E. Tudor Rd. M/S 121  
Anchorage, AK 99503-6199

Re: Oppose FP23-19  
To the members of the Federal Subsistence Board,

The lower Copper River dipnet fishery initiated through FP21-10 has been the source of much debate both for the Board, and for the community of Cordova, Alaska. After exhaustive discussions between the Southcentral and Eastern Interior RACs and deliberation by the Board, the fishery has opened in Cordova.

The Native Village of Eyak submitted comments in opposition to FP21-10 after providing the opportunity for our Tribal Members to inform the Tribe's position, settling on the position that no new harvests should be added until there is additional enforcement, stock-specific management, and an in-season inriver estimate for Chinook salmon. Our opposition was not universal, and many members have had positive feedback on this fishery both in our discussions, and moreso following the fishery's opening.

Because of this, the Native Village of Eyak opposes FP23-19, which would close this new fishery. While we may be amenable to closure at some point in the future, now that the fishery is open, we wish to evaluate the fishery before supporting a closure.

It is our sincere hope that this proposal is considered and acted on with the same alacrity that is the norm for the Board. We urge there to be no exchange between RACs, tabling, or otherwise pushing forward the decision before you. Rather, please consider the proposal before you, the comments submitted, the Office of Subsistence Management's analysis, and the recommendation of the SCRAC and make a determination at your first opportunity.

We thank you for the opportunity to provide a comment on this proposal and look forward to your timely decision.

Respectfully,

Mark Hoover  
Tribal Council Chairman  
Native Village of Eyak

Regarding Proposal FP-2319 which seeks to "repeal the newly created federal subsistence salmon dipnet fishery in the Lower Copper River area".

Dear South Central Regional Advisory Council of the Federal Subsistence Board,

I am NOT in favor of Proposal FP-2319 which seeks to "repeal the newly created federal subsistence salmon dipnet fishery in the Lower Copper River area".

Like the Ahtna Intertribal Resource Commission (AITRC), I too am concerned about the future of the red and king salmon runs in the Copper River and other places. AITRC specifically brought up decreasing run sizes and decreased average size of individual fish as concerns. However, the implication that this small dip net fishery is going to have significant impact (or any impact) on these concerns is not sound. I would like to respectfully remind the board that the newly established Lower Copper River federal subsistence salmon dip net fishery did not create any new federally qualified subsistence users or increase the household limits beyond what was already in place. It simply added some flexibility to how some already federally qualified users can obtain some salmon. Previously, federally qualified subsistence users in this area had no subsistence fishery in the only large river that can be driven to from Cordova.

I participated in the Lower Copper River fishery this year with a newly purchased dip net, and it seems the fishery, as others predicted, is insignificant. Due to most of the salmon migration occurring in the eastern channels of the river, I could only find one accessible back eddy that produced fish in the open area by car/walking without using a boat. People had varying success, personally I averaged 1 red every 4 hours. My total catch was 4 reds during four separate 70 mile round trip drives out the Copper River Highway to the river. Others did better and averaged closer to 1 salmon every half hour, but this level of productivity seemed to be sporadic and short in duration. This part of the river has several major channels and the fish migration is not concentrated to two banks the way it is in many places further up river where the water (and the fish) is all in one channel. I did not explore other potential fishing areas on the other side of the washed out bridge that would require a boat to access. There are potentially more productive areas there, but adding a boat to the process adds another layer of logistics. Also, I had hoped to use rod and reel methods to participate, but the area opened for this fishery did not include any areas suitable for this method.

AITRC also included this in their proposal: "According to the most recent household survey (2014), 69% of Cordova households harvest salmon themselves, while 92% use the resource. This demonstrates that there is widespread access to salmon in the community." Using these statistics to justify shutting rural Cordova residents out of dip net fishing in the only major river they have access to is inappropriate. These statistics do show that salmon is important to Cordovans, but it does not take into consideration the difficulty of participating in the local subsistence fisheries. Please keep in mind that Cordova is not only rural, but off the road system as well. Recently I talked to two different Cordova residents who previously lived on the road system. They expressed being appalled upon discovering that despite being very close to the Copper River in Cordova, that they had less access to Copper River salmon than when

they lived in Anchorage or Fairbanks. Places much further away from the Copper River, but on the road system.

Below I have included a letter I submitted previously in 2021 in support of creating the Lower Copper River dip net fishery because I feel parts of it are still relevant and may be of use as you consider proposal FP-2319, which again, I am NOT in support of. Thank you for considering my thoughts as to why proposal FP-2319 should be disregarded..

Sincerely,

Lance Westing

PO BOX 1045  
798 Chase Avenue  
Cordova, AK 99574

The following is from 2021:

RE: FP21-10

Dear Mr. Greg Encelewski and the South Central Regional Advisory Council,

I am in favor of FP21-10 which allows for a limited dipnet subsistence salmon fishery for federally qualified users on the Copper River.

These are my reasons:

- 1) There are Cordova residents that do not have the opportunity to participate in the state subsistence gillnet fishery on the Copper River flats due to time and cost restraints. Having a dip net fishery would make access to the resource more equitable for federally qualified subsistence users in the area.
- 2) The existing dip net fisheries on the smaller streams like the Alaganik and Eyak are inappropriate and should have never been implemented on such small streams with relatively fragile runs compared to the Copper River. These rivers were also already used by rod and reel "sport" fishermen who in reality are fulfilling subsistence needs. It seems like a recipe for conflict in the future if more people start taking advantage of the ability to dip net on these little systems.
- 3) Opening this fishery could potentially result in overall LESS dead Copper River red and king salmon. While there may be some new subsistence users of the resource who did not previously have access, most of the effect will be to shift the effort from ocean gillnetting to river dip netting. There will be fewer dead salmon for two reasons. The first is that seals stealing from *dip* nets is presumably far less likely to happen than from *gill* nets in the ocean where it *is* a problem. It seems reasonable to assume that seals eat more salmon than normal when they can easily steal them from a gill net, and less when they have to hunt naturally. Secondly, fewer salmon would be lost due to dropping out of

gill nets. Salmon that have already been killed or injured by a gill net commonly drop out of the net in the process of hauling them aboard... There would be less of this if people shifted from gill netting to dip netting. Kings seem especially prone to dropping out due to the small required mesh size.

- 4) Personally, I do not own a working gill net or a dip net, and I would take advantage of being able to use a rod and reel to subsistence fish for Copper River red salmon. This method allows me to target just male reds since females can usually be released without the kind of harm that would keep them from successfully spawning. This is even more true when small circle hooks are used. Currently only three reds per day are allowed to be taken this way. On the days I am lucky enough to be on the river when sufficient numbers of fish are passing to make this method effective. I would like to be able to put them on my subsistence permit so that I'm not limited to three. The three reds per day sportfish limit seems arbitrary anyway since the limit is six reds per day above the Million Dollar Bridge. (Please note that the area open for this fishery did not end up including any areas that are productive for rod and reel fishing. This note was added 7/2022)
- 5) It does not seem plausible that this proposal could open the door to a crazy mouth of the Kenai River or Chitna like dip netting situation, even if the state at some point followed suit and implemented a personal use dipnetting fishery on the lower Copper River. The logistics of a trip from the road system to Cordova for a dip netting trip would just be too much for most people. Even if some people started coming to Cordova instead of the upriver areas...we could use a little more economic diversity.

Here are some changes the council may want to consider making to the proposal.

- 1) Require the immediate release of any king salmon.
- 2) Eliminate the "gaff" and "spear" wording from the proposal since the Copper River is heavily glacial and species identification before spearing or gaffing would be unlikely. Plus, it seems unnecessary while also likely to result in maimed fish that get away.
- 3) Include all waters of the Copper River downstream of the Million Dollar Bridge, but within the current east/west confines as proposed. This would spread out the effort if this option becomes popular.

What follows is some contextual information:

As a 32 year resident of Alaska I have been blessed with the opportunity to participate in subsistence fishing opportunities in Kodiak, King Cove, Dillingham, Kotzebue, and here in Cordova, where I have resided for the past 7 years. Upon learning the ins and outs of the subsistence salmon fishing opportunities in the Cordova area, I was dismayed to discover how difficult and expensive it is to obtain the 20 or so Copper River red salmon our family would like to use in a year. Especially considering we have a major salmon producing river right in our backyard. Note that we are a family of four and would be allowed 50, but given the wide variety of protein sources available in Alaska, we prefer variety at the table.

The state subsistence gillnet fishery at the mouth of the Copper River works well for users who also participate in the commercial fishery or have bought a boat similar to those used in the



fishery. The rest of us use less than ideal boats and end up mostly fishing the western part of the district (closest to Cordova) where smaller streams like the Alaganik and Eyak are located. While we certainly catch some fish headed for the Copper River itself, this part of the district has a larger portion of the drier tasting "delta" reds that come from the relatively small systems previously mentioned. This is compared to reds caught in the parts of the district closer to the mouth of the Copper River. A red that comes from a short-run Copper River Delta stream tastes much drier than from a Copper River Red that has a long spawning run ahead.

The state subsistence gillnet fishery on the Copper River Delta is difficult for some of the users. Assuming someone has procured a gillnet and boat, it is about a 1 to 1.5 hour skiff run from town to the edge of the most productive fishing areas. It is shorter via jet boat down the Eyak River, but then you are in a too small boat for the sea conditions on many days. Once on the grounds we start making sets, and unlike subsistence gill netting I have experienced in other places around the state, we go long stretches of time with no fish in the net. Then, if we manage to find a spot that is putting an appreciable number of fish in the net, we are likely to start getting corked-off by commercial nets, which are three times as long. There are also the ever present seals and sea lions that of course take a share directly out of the net.

On my only subsistence gill netting trip this summer, two of us fished an entire 12 hour opening for a total of 19 reds split between our two households. We lost at least three from seals taking fish directly out of the net. We headed back to town happy since it is common to put in all that effort and catch far fewer fish, and sometimes the seals get a much higher proportion. This was on an opening that was subsistence only, and there was no competition from commercial boats.

Cordova residents need another option, and this proposal could lead to more fish up river. It is a win for everyone to meet our needs with fewer gill nets in the water.

Thank you for considering my thoughts regarding proposal FP21-10.

Sincerely,

Lance Westing

PO BOX 1045  
798 Chase Avenue  
Cordova, AK 99574

Milo Burcham  
P.O. Box 2511  
Cordova, AK 99574

I would like to express my opposition to proposal FP23-19 which would remove the newly established salmon dip net fishery in the Lower Copper River.

First, it is unfortunate that Federally qualified subsistence users of Cordova, and Federally qualified subsistence users of the upper Copper River, including Ahtna, are not on the same team. Both groups should have the highest preference for Copper River salmon as intended by ANILCA Title VIII, and account for just a tiny fraction of the total harvest of Copper River Salmon.

We all have an interest in healthy Copper River salmon runs. That said, the health of this fishery lies in the hands of two State managed fisheries: the commercial fishery at the river's mouth and State personal use, sport, and subsistence that take place in the upper Copper River. These fisheries, which are lower priority uses according to ANILCA, yet account for roughly 98% of Copper River Sockeye harvest and 93% of the King Salmon harvest. In short, the health of the Copper River lies in the management of those fisheries.

The newly established dip net fishery in the Lower Copper was anticipated to take no more than 2,000 Sockeye and 300 Kings. In its first season it took far fewer; just over 100 Sockeye and 3 Kings were harvested. Even as knowledge and effort expand in future years, it is unlikely that the total harvest will ever come close to the anticipated maximum harvest.

And while the harvest was modest, it was meaningful to those that did participate. For the first time, several Cordova residents were able to harvest Copper River Salmon for the very first time.

This fishery presents no conservation concern to Copper River salmon runs, yet provides a meaningful subsistence fishery, mainly for rural residents of Cordova.

Jesse Carter  
P.O. Box 2771  
Cordova, AK 99574

I strongly oppose proposal FP23-19 which would remove the salmon dip net fishery in the lower Copper River.

This is a new fishery that was just put in place for rural Cordova residents so they can have access to some of the healthy Copper River salmon runs. Subsistence fisheries should have the highest priority over commercial and sport fisheries. When proposal FP-21 was being put forth, it was carefully looked at for what type of impact it may have on the Copper River salmon run before moving forward with it, and the prediction was very little to no impact. Now that we have had our first season dip netting the lower Copper River, we will see data from the numbers that will confirm the impact prediction to be even lower than anticipated. I find this troubling that we are being targeted by special interest groups over less than one percent of the Copper River salmon run and especially when harvest numbers will confirm the impact assessment will likely never even be reached.

Sincerely,  
Jesse Carter

I would like to express my opposition to proposal FP23-19 which would remove the newly established salmon dip net fishery on the lower Copper River.

First, I would like to thank the board for opening the fishery the residents of Cordova. As the only true rural community of the Copper River this fishery will make a difference in many Cordovans life by supplying their families with the enriched fish of the Copper River. We have no road access like the upper river users have and just like everyone else in this state our grocery bills keep growing, but unlike the upper river users we are not able to drive to Costco or Walmart to get our cheaper grocery's.

I am disappointed that a corporation would want to take access to this fishery away after just receiving it. I would just like to point out to the board that this fishery took less than 125 fish this year. Now I know that this fishery will grow and most likely hit the estimate that is anticipated of 2000 fish.

Let say we do hit the 2000 estimate and take the low count in the proposal of 750,000 fish that pass the Mile Lake sonar. That equates to .0027 amount of the fish for this fishery. I do not believe that you could find any biologist to state that this will decimate that Copper River fishery. And again these 2000 fish are going to the only rural community on this river.

I believe that the Ahtna Corporation should focus their frustration in this fishery to the folks who have harmed this fishery. The Upper Copper River Users. Many who use guides to gather their fish! The fishery based in Cordova is well managed. While the upper river users can gather 50 fish per person our fishery would need a family of 4 to achieve this. As we only allow 15 fish per head of household 15 for spouse and 10 for each dependent.

I would again like to thank each and everyone of you who votes this fishery in. Please do not allow a corporation take away the natural resource that is meant for Rural Alaskans like the good folks of Cordova.

Robert Jewell  
P.O. Box 2173  
Cordova, AK. 99574  
Rural Subsistence Resident

APPENDIX 1

Total estimated Sockeye Salmon runs to the Copper River by end user or destination with previous 10-year average, 2010-2020 (Botz et al. 2021)

End User or Destination	Year 2010	Year 2011	Year 2012	Year 2013	Year 2014	Year 2015	Year 2016	Year 2017	Year 2018	Year 2019	Year 2020	Average, 2010-2019
Commercial harvest <sup>e</sup>	636,214	2,052,432	1,866,541	1,608,117	2,050,007	1,750,762	1,175,100	586,079	46,524	1,283,736	102,269	1,305,551
Commercial, homepack <sup>a</sup>	7,064	9,070	7,985	9,448	12,072	10,590	9,598	8,289	1,545	8,016	1,455	8,368
Commercial, donated <sup>a</sup>	0	0	0	0	0	0	0	0	0	0	0	0
Educational drift gillnet permit <sup>a</sup>	61	23	200	152	186	91	203	217	6	18	7	116
State Subsistence (Cordova, drift gillnet) <sup>b</sup>	1,980	1,783	4,270	5,639	1,675	1,403	1,075	2,448	5,189	6,163	7,091	3,163
Federal Subsistence (PWS/Chugach Nat'l Forest, dip net, spear, rod and reel) <sup>b</sup>	36	35	64	102	76	152	234	127	96	70	98	99
Federal Subsistence (Batzulnetas, dip net, fish wheel or spear) <sup>b</sup>	106	9	101	862	146	0	0	254	468	209	67	216
State Subsistence (Glennallen Subdistrict, dip net or fish wheel) <sup>c</sup>	70,719	59,622	76,305	73,728	75,501	81,800	62,474	41,570	39,359	60,257	34,577	64,134
Federal Subsistence (Glennallen subdistrict, dip net, fish wheel or rod and reel) <sup>d</sup>	14,651	16,145	15,718	17,789	23,889	26,753	19,181	18,415	16,736	17,718	11,234	18,700
Personal Use Reported (Chitina Subdistrict, dip net) <sup>c</sup>	138,487	128,052	127,143	180,663	157,215	223,080	148,982	132,694	77,051	171,203	78,022	148,457

End User or Destination	Year 2010	Year 2011	Year 2012	Year 2013	Year 2014	Year 2015	Year 2016	Year 2017	Year 2018	Year 2019	Year 2020	Average, 2010–2019
Federal Subsistence (Chitina subdistrict, dip net) <sup>d</sup>	2,399	2,056	1,427	2,199	1,636	2,404	1,925	1,828	3,430	4,479	3,406	2,378
Upriver sport harvest <sup>e</sup>	14,743	7,727	23,404	26,611	18,005	9,489	7,555	9,589	2,943	7,346	1,000	12,741
Delta sport harvest <sup>e</sup>	1,342	838	764	386	87	130	246	200	58	168	142	422
Upriver spawning escapement <sup>f</sup>	502,403	607,142	953,502	860,258	864,131	930,145	513,126	461,268	478,760	718,876	364,928	688,961
Delta spawning escapement <sup>g</sup>	167,810	153,014	133,700	151,410	128,410	132,390	103,100	113,900	116,940	122,930	111,240	132,360
Hatchery broodstock/Excess <sup>h</sup>	157,980	59,589	65,348	72,369	53,737	40,123	32,341	17,083	30,306	15,552	10,786	54,443
Total estimated sockeye salmon run size	1,715,995	3,097,537	3,276,472	3,009,733	3,386,773	3,209,312	2,075,140	1,393,961	819,411	2,416,741	726,322	2,440,108

<sup>a</sup>Numbers are from fish ticket data. Homepack numbers for Sockeye Salmon are voluntarily reported, but are legally required.

<sup>b</sup>Data are reported harvest from returned state and federal subsistence permits.

<sup>c</sup>Data are expanded harvest from returned state and federal subsistence permits.

<sup>d</sup>Data are reported harvest, 2002–2004, and expanded harvest, 2005–2017, from returned state and federal subsistence permits.

<sup>e</sup>Upriver and Copper River Delta sport harvest data are from statewide sportfish harvest surveys.

<sup>f</sup>Beginning in 1999 Sockeye Salmon spawning escapement is based on the total number of fish past the Miles Lake sonar minus the Chinook Salmon inriver midpoint abundance estimate, upriver subsistence, personal use, sport, hatchery broodstock and onsite hatchery surplus. Prior to 1999, upriver spawning escapement was based on the Miles Lake sonar passage (sockeye salmon only) minus upriver subsistence, personal use, sport, hatchery broodstock, and onsite hatchery surplus. The number of Sockeye Salmon past the Miles Lake sonar was determined by multiplying the total number of fish past the sonar by the percentage of Sockeye Salmon in the total upriver subsistence and personal use fisheries.

<sup>g</sup>Delta spawning escapement estimated by doubling the peak aerial survey index.

<sup>h</sup>Hatchery broodstock and onsite excess are from the PWSAC annual reports.

## APPENDIX 2

Total estimated Chinook Salmon run to the Copper River by end user or destination and the previous 10-year average, 2010–2020 (Botz et al. 2021).

End user or Destination	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	Average (2010–2019)
Commercial harvest <sup>a</sup>	9,645	18,500	11,764	8,826	10,207	22,506	12,348	13,834	7,618	19,148	5,880	13,440
Commercial, homepack <sup>a</sup>	906	1,282	853	564	768	1,145	727	744	85	742	225	782



# Fisheries Resource Monitoring Program (FRMP) 2024 Overview

## Quick Info

- Established in 2000
- Focuses on subsistence fisheries in Federal public waters in Alaska
- Solicits proposals every two years
- Projects may be awarded up to four years of funding
- See <https://www.doi.gov/subsistence/frmp> for more information

## What is the FRMP?

The Office of Subsistence Management (OSM) funds research to provide information that can help manage subsistence fisheries in Federal public waters in Alaska. *Projects are required to focus on harvest monitoring, traditional ecological knowledge (TEK), and stock status and trends.* Proposals are evaluated based on strategic priority, scientific merit, investigator ability and resources, cost/benefit, and the extent to which they meaningfully involve Alaska Native and rural organizations (partnerships and capacity building). Projects may be led by Alaska Native and rural organizations, universities, government agencies, or private contractors.

## Priority Information Needs (PINs)

PINs are research needs that could be addressed through FRMP projects. Federal Subsistence Regional Advisory Council (Council) members help develop potential PINs throughout the summer before an FRMP cycle. Potential PINs are then discussed and finalized during the fall Council meetings. Finalized PINs are included in the FRMP project solicitations and ultimately influence the direction of the Monitoring Program.

## FRMP Timeline

March–November 2022: Council members develop potential 2024 priority information needs and finalize them at fall Council meetings

December 2022: OSM publishes Notice of Funding Opportunity

February–May 2023: OSM reviews proposals

June 2023: Technical Review Committee evaluates and scores proposals

September–November 2023: Councils and Interagency Staff Committee comment on proposals

January 2024: Federal Subsistence Board provides recommendation on the draft Monitoring Plan that includes proposals recommended for funding

February 2024: Assistant Regional Director for OSM approves Monitoring Plan and notification letters are sent to applicants

May–July 2024: Projects begin



## Yukon Region FRMP Projects Since 2000

Project Number	Project Title	Investigators
<b>Salmon Projects</b>		
00-003	Effects of <i>Ichthyophonus</i> on Chinook Salmon	UW
00-005	Tanana Upper Kantishna River Fish Wheel	NPS
00-018	Pilot Station Sonar Upgrade	ADF&G
00-022	Hooper Bay Test Fishing	ADF&G, NVHB
00-024	Pilot Station Sonar Technician Support	AVCP
00-025	Henshaw Creek Salmon Weir	USFWS
00-026	Circle and Eagle Salmon and Other Fish TEK	NVE
01-014	Yukon River Salmon Management Teleconferences	YRDFA
01-015	Yukon River Salmon TEK	YRDFA
01-018	Pilot Station Sonar Technician Support	AVCP
01-026	East Fork Andreafski River Salmon Weir	BSFA
01-029	Nulato River Salmon Weir	BSFA
01-032	Rampart Rapids Tagging Study	USFWS
01-038	Kateel River Salmon Weir	USFWS
01-048	Innoko River Drainage Weir Survey	USFWS
01-050	Kaltag Chinook Salmon Age-Sex-Length Sampling	COK
01-058	East Fork Andreafsky Weir Panel Replacement	USFWS
01-122	Lower Yukon River Salmon Drift Test Fishing	ADF&G, EMV
01-141	Holitna River Chinook, Chum and Coho Telemetry	ADF&G
01-177	Rampart Rapids Extension	USFWS
01-197	Rampart Rapids Summer CPUE Video	SZ
01-199	Tanana Fisheries Conservation Outreach	TTC
01-200	Effects of <i>Ichthyophonus</i> on Chinook Salmon	USGS
01-211	Upper Yukon, Porcupine, & Black River Salmon TEK	CATG
02-009	Pilot Station Sonar Technician Support	AVCP
02-011	Rampart Rapids Fall Chum Handling/mortality	USFWS
02-097	Kuskokwim & Yukon Rivers Sex-ratios of Juvenile & Adult Chinook	USFWS
02-121	Yukon River Chinook Salmon Genetics	USFWS, ADF&G, DFO
02-122	Yukon River Chinook & Chum Salmon In-season Subsistence	USFWS
03-009	Tozitna River Salmon Weir	BLM
03-013	Gisasa River Salmon Weir	USFWS
03-015	Phenotypic Characterization of Chinook Salmon Subsistence Harvests	YRDFA, USFWS
03-034	East Fork Andreafsky River Salmon Weir	USFWS
03-038	Yukon River Sub-district 5-A Test Fishwheel	BF
04-206	Tozitna River Salmon Weir	BLM
04-208	East Fork Andreafsky River Salmon Weir	USFWS
04-209	Gisasa River Salmon Weir	USFWS
04-211	Henshaw Creek Salmon Weir	USFWS

Project Number	Project Title	Investigators
04-217	Rampart Rapids Fall Chum Salmon Abundance	USFWS
04-228	Yukon River Chum Salmon Genetic Stock Identification	USFWS
04-229	Lower Yukon River Salmon Drift Test Fishing	ADF&G
04-231	Yukon River Chinook Salmon Telemetry	ADF&G
04-234	Kaltag Chinook Salmon Age-Sex-Length Sampling	COK
04-251	Fort Yukon Traditional Ecological Knowledge Camp	TCC,CATG, ADF&G
04-255	Yukon River Salmon Fishery Traditional Ecological Knowledge	NPS
04-256	Tanana Conservation Outreach	TTC, USFWS
04-263	Yukon River Salmon Management Teleconferences	YRDFA
04-265	Yukon River TEK of Customary Trade of Subsistence Fish	YRDFA
04-268	Hooper Bay Subsistence Monitoring	ADF&G, HBTC
05-203	Yukon River Coho Salmon Genetics	USFWS
05-208	Anvik River Salmon Sonar Enumeration	ADF&G
05-210	Tanana River Fall Chum Salmon Abundance	ADF&G
05-211	Henshaw Creek Salmon Weir	TCC, USFWS
05-254	Yukon River Salmon Inseason Subsistence Harvest Monitoring	USFWS
06-205	Yukon River Chum Salmon Mixed Stock Analysis	USFWS
07-202	East Fork Andreafsky River Salmon Weir	USFWS
07-204	Lower Yukon River Salmon Drift Test Fishing	ADF&G
07-207	Gisasa River Salmon Weir	USFWS
07-208	Tozitna River Salmon Weir	BLM
07-209	Yukon River Salmon Management Teleconferences	YRDFA
07-210	Validation of DNA Gender Test Chinook Salmon	USFWS
07-211	Kaltag Chinook Salmon Age-Sex-Length Sampling	COK
07-253	Yukon River Salmon Harvest Patterns	RWA, AC
08-200	Kaltag Chinook Salmon Age-Sex-Length Sampling	COK
08-201	Henshaw Creek Salmon Weir	TCC
08-202	Anvik River Chum Salmon Sonar Enumeration	ADF&G
08-253	Yukon River Teleconferences and Inseason Management	YRDFA
10-200	Yukon River Chinook Salmon Run Reconstruction	BUE
10-205	Yukon River Chum Salmon Mixed-stock Analysis	USFWS
10-206	Nulato River Salmon Assessment	TCC
10-207	Gisasa River Chinook and Summer Chum Salmon Assessment	USFWS
12-202	Henshaw Creek Abundance and run timing of adult salmon	TCC
12-204	Anvik River Sonar Project	ADF&G
12-205	Kaltag Chinook Salmon Sampling Project	KAL
12-251	In-season Salmon Teleconferences and Interviews	YRDFA
14-201	Gisasa R Salmon Video	USFWS
14-202	E Fork Andreafsky Salmon	USFWS
14-203	Gisasa R Salmon	USFWS
14-206	Yukon R Coho Salmon	USFWS
14-207	Yukon R Chum Salmon	USFWS

Project Number	Project Title	Investigators
14-208	Koyukuk R Chum Salmon	USFWS
14-209	Henshaw Crk Salmon	TCC
16-204	Henshaw Creek Abundance and run timing of adult salmon.	TCC
16-251	Seasonal habitats, migratory timing and spawning populations of mainstem Yukon River Burbot	ADF&G
16-255	Yukon River In-Season Community Surveyor Program	YRDFA, USFWS
16-256	In Season Salmon Management Teleconferences	YRDFA
18-201	East Fork Andraefsky River Chinook and summer Chum Salmon abundance and run timing, Yukon Deltan National Wildlife Refuge	USFWS
18-202	Gisasa River Chinook and summer Chum Salmon abundance and run timing assessment, Koyukuk National Wildlife Refuge, Alaska	USFWS
18-250	Documentation of salmon spawning and rearing in the Upper Tanana River Drainage	ADF&G
18-251 <sup>a</sup>	Traditional knowledge of anadromous fish in the Yukon Flats with a focus on the Draanjik Basin	TCC
18-252	Subsistence salmon networks in Yukon River communities	ADF&G
20-200 <sup>a</sup>	Yukon River Coho Salmon Radio Telemetry	ADF&G, USFWS
20-201 <sup>a</sup>	Application of mixed-stock analysis for Yukon River chum salmon	USFWS
20-204 <sup>a</sup>	Abundance and Run Timing of Adult Salmon in Henshaw Creek, Kanuti National Wildlife Refuge, Alaska	TCC
20-251 <sup>a</sup>	In-season Yukon River Subsistence Salmon Survey Program	YRDFA, USFWS
20-252 <sup>a</sup>	Customary Trade in the Lower and Middle Yukon River	ADF&G
20-256 <sup>a</sup>	Yukon River In-Season Salmon Management Teleconferences	YRDFA
22-201 <sup>a</sup>	East Fork Andraefsky River Chinook and summer Chum Salmon Abundance and Run Timing, Yukon Delta National Wildlife Refuge, Alaska	USFWS
22-202 <sup>a</sup>	Gisasa River Chinook and Summer Chum Salmon Abundance and Run Timing Assessment, Koyukuk National Wildlife Refuge, Alaska.	USFWS
22-204 <sup>a</sup>	Western Alaska Coho Salmon Genetic Baseline Development	ADF&G
22-251 <sup>a</sup>	The Presence and Use of Salmon in the Pastolik and Pastoliak Rivers	ADF&G
<b>Nonsalmon Fish Projects</b>		
00-004	Humpback Whitefish/Beaver Interactions	USFWS, CATG
00-006	Traditional Ecological Knowledge Beaver/Whitefish Interactions	ADF&G, CATG
00-021	Dall River Northern Pike	ADF&G, SV
00-023	Upper Tanana River Humpback Whitefish	USFWS
01-003	Old John Lake TEK of Subsistence Harvests and Fish	ADF&G, AV, USFWS
01-011	Arctic Village Freshwater Fish Subsistence Survey	ADF&G, AV, USFWS
01-100	Koyukuk Non-salmon Fish TEK and Subsistence Uses	ADF&G, TCC
01-140	Yukon Flats Northern Pike	ADF&G, SV
01-238	GASH Working Group	USFWS
02-006	Arctic Village Freshwater Fish Subsistence	ADF&G, NVV
02-037	Lower Yukon River Non-salmon Harvest Monitoring	ADF&G, TCC
02-084	Old John Lake Oral History and TEK of Subsistence	USFWS, AV, ADF&G

Project Number	Project Title	Investigators
04-253	Upper Tanana Subsistence Fisheries Traditional Ecological Knowledge	USFWS,UAF, ADF&G
04-269	Kanuti NWR Whitefish TEK and Radio Telemetry	USFWS, RN
06-252	Yukon Flats Non-salmon Traditional Ecological Knowledge	ADF&G, BLM, USFWS, CATG
06-253	Middle Yukon River Non-salmon TEK and Harvest	ADF&G, LTC
07-206	Innoko River Inconnu Radio Telemetry	USFWS, ADF&G
08-206	Yukon and Kuskokwim Coregonid Strategic Plan	USFWS, ADF&G
08-250	Use of Subsistence Fish to Feed Sled Dogs	RN, AC
10-209	Yukon Delta Bering Cisco Mixed-stock Analysis	USFWS
10-250	Yukon Climate Change Impacts on Subsistence Fisheries	RN
12-200	Alatna River Inconnu Population Structure	USFWS
12-207	Yukon Bering Cisco Spawning Origins Telemetry	USFWS
14-252	Lower Yukon Whitefish	ADF&G
14-253	Upper Yukon Customary Trade	YRDFA
16-203	Bering Cisco Spawning Abundance in the Upper Yukon Flats, 2016-2017	ADF&G, USFWS
16-205 <sup>a</sup>	Burbot Population Assessments in lakes of the Upper Tanana and Upper Yukon River Drainages	NPS
20-202 <sup>a</sup>	Evaluating dart and telemetry tags in an effort to track run timing and migration patterns of Yukon River Arctic lamprey	USFWS, UAF, ADF&G
22-252 <sup>a</sup>	Combining Traditional Ecological Knowledge & Biological Sampling to Enhance Understanding of Humpback Whitefish and other Non-Salmon Fishes in the Upper Koyukuk Region	ADF&G, TCC, USFWS

<sup>a</sup>= Ongoing projects.

Abbreviations: **AC** = Alaskan Connections, **ADF&G** = Alaska Department of Fish and Game, **AVCP** = Association of Village Council Presidents, **AV** = Arctic Village, **BF** = Bill Fliris, **BUE** = Bue Consulting, **BLM** = Bureau of Land Management, **BSFA** = Bering Sea Fisherman's Association, **CATG** = Council of Athabascan Tribal Governments, **COK** = City of Kaltag, **DFO** = Department of Fisheries and Oceans, **EMV** = Emmonak Village Council, **KAL** = City of Kaltag, **NPS** = National Park Service, **LTC** = Loudon Tribal Council, **NVE** = Native Village of Eagle, **NVHB** = Native Village of Hooper Bay, **NVV** = Native Village of Venetie, **RN** = Research North, **RW** = Robert Wolfe and Associates, **SVNRC** = Stevens Village, **SZ**=Stan Zuray, **TCC** = Tanana Chiefs Conference, **TTC** = Tanana Tribal Council, **UAF** = University of Alaska Fairbanks, **USFWS** = U.S. Fish and Wildlife Service, **USGS** = U.S. Geological Survey, **UW** = University of Washington, and **YRDFA** = Yukon River Drainage Fisheries Association.

## **Partners for Fisheries Monitoring Program Notice of Funding Opportunity**

The Office of Subsistence Management is seeking proposals for the Partners for Fisheries Monitoring Program to strengthen Alaska Native and rural involvement in Federal subsistence management. The Partners for Fisheries Monitoring Program is a competitive grant program that provides funding for biologist/social scientist/educator positions in Alaska Native and rural nonprofit organizations with the intent of increasing the organizations' ability to participate in Federal subsistence management. In addition, the program supports a variety of opportunities for rural students to learn about subsistence resource monitoring and management through science camps and paid internships.

More information about the Partners for Fisheries Monitoring Program Notice of Funding Opportunity can be found in *GrantSolutions.gov*, *Grants.gov*, or on the Office of Subsistence Management Website <https://www.doi.gov/subsistence/partners>, or by contacting Karen Hyer at [Karen\\_Hyer@fws.gov](mailto:Karen_Hyer@fws.gov), 907-786-3689.



McLees Lake Weir, Unalaska Island. Photograph by Jenny Renee.



# 2023 NORTH AMERICAN CARIBOU WORKSHOP & ARCTIC UNGULATE CONFERENCE

Anchorage, Alaska ■ May 8-12, 2023

Come to the conference to share your knowledge and learn from others! Join an international group of managers, biologists, Indigenous and Local Knowledge holders, and others to share knowledge of caribou, muskoxen, Dall's sheep, moose, and reindeer. The meeting will provide opportunities for exchanging viewpoints, concerns, and recommendations regarding the health, stewardship, use, and study of these important species.

The theme for the joint meeting is *Crossing Boundaries*. Arctic ungulates regularly cross landscape boundaries, connecting ecosystems and peoples, necessitating partnerships and collaboration across management and political boundaries. A critical component of such partnerships involves crossing the boundaries of Western science and Indigenous knowledges to identify creative opportunities to sustain Arctic ungulate populations in a changing world. We will explore these themes across four days of research talks, storytelling, workshops and panel discussions. Join us!

For more information visit [www.nacw-auc-2023.org](http://www.nacw-auc-2023.org) or e-mail [info@nacw-auc-2023.org](mailto:info@nacw-auc-2023.org).



## **ANNUAL REPORTS**

### **Background**

ANILCA established the Annual Reports as the way to bring regional subsistence uses and needs to the Secretaries' attention. The Secretaries delegated this responsibility to the Board. Section 805(c) deference includes matters brought forward in the Annual Report.

The Annual Report provides the Councils an opportunity to address the directors of each of the four Department of Interior agencies and the Department of Agriculture Forest Service in their capacity as members of the Federal Subsistence Board. The Board is required to discuss and reply to each issue in every Annual Report and to take action when within the Board's authority. In many cases, if the issue is outside of the Board's authority, the Board will provide information to the Council on how to contact personnel at the correct agency. As agency directors, the Board members have authority to implement most of the actions which would effect the changes recommended by the Councils, even those not covered in Section 805(c). The Councils are strongly encouraged to take advantage of this opportunity.

### **Report Content**

Both Title VIII Section 805 and 50 CFR §100.11 (Subpart B of the regulations) describe what may be contained in an Annual Report from the councils to the Board. This description includes issues that are not generally addressed by the normal regulatory process:

- an identification of current and anticipated subsistence uses of fish and wildlife populations within the region;
- an evaluation of current and anticipated subsistence needs for fish and wildlife populations from the public lands within the region;
- a recommended strategy for the management of fish and wildlife populations within the region to accommodate such subsistence uses and needs related to the public lands; and
- recommendations concerning policies, standards, guidelines, and regulations to implement the strategy.

Please avoid filler or fluff language that does not specifically raise an issue of concern or information to the Board.

### **Report Clarity**

In order for the Board to adequately respond to each Council's annual report, it is important for the annual report itself to state issues clearly.

- If addressing an existing Board policy, Councils should please state whether there is something unclear about the policy, if there is uncertainty about the reason for the policy, or if the Council needs information on how the policy is applied.
- Council members should discuss in detail at Council meetings the issues for the annual report and assist the Council Coordinator in understanding and stating the issues clearly.

- Council Coordinators and OSM staff should assist the Council members during the meeting in ensuring that the issue is stated clearly.

Thus, if the Councils can be clear about their issues of concern and ensure that the Council Coordinator is relaying them sufficiently, then the Board and OSM staff will endeavor to provide as concise and responsive of a reply as is possible.

### **Report Format**

While no particular format is necessary for the Annual Reports, the report must clearly state the following for each item the Council wants the Board to address:

1. Numbering of the issues,
2. A description of each issue,
3. Whether the Council seeks Board action on the matter and, if so, what action the Council recommends, and
4. As much evidence or explanation as necessary to support the Council's request or statements relating to the item of interest.



## **Denali National Park and Preserve Wildlife Updates August 2022**

**Bear Monitoring** – The long running bear movements study is winding down. There are currently no functioning collars deployed on bears at this time. Data will continue to be analyzed and work on the final report will begin.

The park road will be closed for at least the next two years due to a landslide at approximately mile 45. In an effort to determine the effect of no traffic/traffic on bears, a project has been proposed to radio collar up to 20 bears along the closed portion of the park road corridor for the next four years. The project is currently pending final plans and scheduled to begin in Spring 2023.

**Bear Management** - Denali's Wildlife Management program strives to educate visitors about how to recreate in areas where bears are present. Tracking interactions between bears and people is organized in the Bear Human Incident Management System (BHIMS). This system provides a way for people to report their interactions with bears and for wildlife staff to rate the severity of those interactions and track patterns. Interactions are divided into back- and front-country locations and fall into three basic categories: observation (seeing a bear), encounter (close proximity, bear aware of people), and incident (bear charge, physical contact with person or property, bear getting human food).

During the 2021 season, Denali's wildlife management team responded to many human-wildlife conflict situations. Although the wildlife management team spends time working on human conflict with all wildlife, much like the primary focus of the wildlife management team the primary focus of this report is human-bear conflict. During the 2021 season, 121 BHIMS forms were collected and analyzed. BHIMS reports were collected from both backcountry and frontcountry users. Reports were used to determine bear behavior in human-bear interaction events, and management ratings were assigned to each report. The wildlife management team spent a significant amount of time during the 2021 season working on specific human-bear conflict situations with bears that were habituated to humans both in and around developed areas. The wildlife management team recommended and marked area closures around kill sites and in areas where human-bear conflict was actively occurring. The first bear-caused human injury in five years occurred during the 2021 season.

The full 2021 Denali National Park & Preserve Wildlife Management Report 2021 is available upon request.

**Moose Monitoring** - Moose monitoring surveys are on hold indefinitely. Evaluation of protocol is ongoing.

Due to extraordinary snow and rain fall in the area in late December, over-winter mortality seemed high and spring calf survival seemed low.

**Caribou Monitoring** –

Highlights from 2022 research on caribou include:

- 13 caribou collared/re-collared
- Pregnancy rate for adult cows was 83.7%, slightly above the 35-year average of 78%
- Post-calving ratio of calves to cows was 23:100, below the 35-year average of 29:100

Composition surveys will be conducted in late September and provide final calf survival estimates and fall population size estimates.

**Sheep Surveys** –Ground based surveys were conducted in June as was an informal aerial overflight assessing lamb:ewe ratios. Data from the overflight counted 141 ewes and 13 lambs for a lamb:ewe ratio of 9 lambs:100 ewes. Data from the ground-based survey counted 12 groups with 34 ewe-like and 10 lambs for a lamb:ewe ratio of 29 lambs:100 ewes. There is considerable variation between these two estimates and a more rigorous aerial survey will be conducted starting August 12<sup>th</sup>, 2022 and provide a more reliable estimate of productivity.

**Wolf Monitoring** – Den activity and pup productivity have been monitored through radio tracking flights as well as data received remotely from Iridium radio collars all season. As pups are beginning to become more active and move away from den sites, pup numbers will be determined.

Highlights from 2022 research on wolves on include:

- 11 wolves collared and re-collared
- Spring count of 97 wolves in 13 packs, with a mean pack size of 7. The largest pack was Grant Creek pack with 18 wolves. It appears that all 13 packs denned.

**Alpine Wildlife Project** - Field work continued in 2022 with a graduate student and 3 technicians. The Denali Alpine Wildlife Crew conducted field research in the eastern section of the park between June 1<sup>st</sup> and August 12<sup>th</sup>, hiking over 250 km in the backcountry. Researchers placed 10 motion-triggered cameras and 20 temperature loggers in talus patches to record collared pika activity patterns. Additionally, they visited 30 sites, conducted 23 field surveys (9 in tundra and 14 in talus), and recorded 233 additional visual and acoustic observations of key alpine wildlife- Arctic ground squirrels, collared pika, and hoary marmots- throughout Denali National Park and Preserve. Graduate student, Jennifer Wall, presented on the project for the Denali Summer Speaker Series at the Murie Science and Learning Center on August 5<sup>th</sup>, 2022.

Researchers also continued the Denali Alpine Wildlife citizen science project this year, maintaining the Denali Alpine Wildlife Instagram account (@denalialpinewildlife, >65 posts, >140 followers, started in November 2020) and posting over 20 posters throughout Denali National Park and Preserve (i.e. Denali Visitor Center, Backcountry Information Desk, and the Murie Science and Learning Center, among others). To date, 53 people submitted observations in 2022, including a total of 84 submissions through iNaturalist: 45 Arctic ground squirrel, 11 collared pika, 11 hoary marmots, and 17 Dall sheep.

### **Avian Projects –**

- Golden eagles – Nest occupancy surveys were conducted in April and productivity surveys were conducted in July. Occupancy of known nesting territories was high. Reproductive success in terms of females that laid eggs or pairs that raised young was low. This is a factor of low prey abundance and lack of snowshoe hares due to a low in their cycle.
- On-road Breeding Bird surveys were conducted in June. The number of bird species as well as number of individuals detected was as expected. Anecdotal reports from areas to the south indicate an influx of woodpecker species, nuthatches, and brown creepers. This is very likely due to the spread of spruce bark beetles.
- A nest predation study was conducted by a crew from USGS. Camera traps and site visits were utilized to detect nest predation rates and document nest predation events in a wide variety of avian species. Preliminary results are expected to be presented in September.

Please contact Carol McIntyre, Denali wildlife biologist, if you have any questions about any avian programs, projects, or studies. [carol\\_mcintyre@nps.gov](mailto:carol_mcintyre@nps.gov), 907-455-0671.

Please contact Pat Owen, Denali wildlife biologist, if you have any questions about any wildlife programs, projects, or studies. [pat\\_owen@nps.gov](mailto:pat_owen@nps.gov), 907-683-9547.

# Winter 2023 Regional Advisory Council Meeting Calendar

*Last updated 03/28/2022*

Due to travel budget limitations placed by Department of the Interior on the U.S. Fish and Wildlife Service and the Office of Subsistence Management, the dates and locations of these meetings will be subject to change

Sunday	Monday	Tuesday	Wednesday-	Thursday	Friday	Saturday
<i>Feb. 19</i>	<b>Feb. 20 PRESIDENTS DAY HOLIDAY</b>	<i>Feb. 21</i> <i>Window Opens</i>	<i>Feb. 22</i>	<i>Feb. 23</i> <b>NSRAC (Kaktovik)</b>	<i>Feb. 24</i>	<i>Feb. 25</i>
			<b>KARAC (TBD)</b>			
<i>Feb. 26</i>	<i>Feb. 27</i>	<i>Feb. 28</i>	<i>Mar. 1</i>	<i>Mar. 2</i>	<i>Mar. 3</i>	<i>Mar. 4</i>
		<b>SEARAC (Juneau)</b>				
			<b>EIRAC (Arctic Village or Fairbanks)</b>			
<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>
	<b>NWARAC (TBD)</b>					
<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>
		<b>BBRAC (Dillingham)</b>		<b>SCRAC (Anchorage)</b>		
<i>Mar. 19</i>	<i>Mar. 20</i>	<i>Mar. 21</i>	<i>Mar. 22</i>	<i>Mar. 23</i>	<i>Mar. 24</i>	<i>Mar. 25</i>
			<b>SPRAC (Nome)</b>			
<i>Mar. 26</i>	<i>Mar. 27</i>	<i>Mar. 28</i>	<i>Mar. 29</i>	<i>Mar. 30</i>	<i>Mar. 31</i>	<i>Apr. 1</i>
<i>Apr. 2</i>	<i>Apr. 3</i>	<i>Apr. 4</i>	<i>Apr. 5</i>	<i>Apr. 6</i>	<i>Apr. 7</i> <i>Window Closes</i>	<i>Apr. 8</i>
	<b>YKDRAC (Alakanuk)</b>					
		<b>WIRAC (Aniak)</b>				

# Fall 2023 Regional Advisory Council Meeting Calendar

*Last updated 08/1/2022*

Due to travel budget limitations placed by Department of the Interior on the U.S. Fish and Wildlife Service and the Office of Subsistence Management, the dates and locations of these meetings will be subject to change

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Aug. 13	Aug. 14 <b>Window Opens</b>	Aug. 15	Aug. 16	Aug. 17	Aug. 18	Aug. 19
Aug. 20	Aug. 21	Aug. 22	Aug. 23	Aug. 24	Aug. 25	Aug. 26
Aug. 27	Aug. 28	Aug. 29	Aug. 30	Aug. 31	Sep. 1	Sep. 2
Sep. 3	Sep. 4 <b>Labor Day Holiday</b>	Sep. 5	Sep. 6	Sep. 7	Sep. 8	Sep. 9
Sep. 10	Sep. 11	Sep. 12	Sep. 13	Sep. 14	Sep. 15	Sep. 16
Sep. 17	Sep. 18	Sep. 19	Sep. 20	Sep. 21	Sep. 22	Sep. 23
Sep. 24	Sep. 25	Sep. 26	Sep. 27	Sep. 28	Sep. 29	Sep. 30
Oct. 1	Oct. 2	Oct. 3	Oct. 4	Oct. 5	Oct. 6	Oct. 7
Oct. 8	Oct. 9 <b>Columbus Day Holiday</b>	Oct. 10	Oct. 11	Oct. 12	Oct. 13	Oct. 14
Oct. 15	Oct. 16	Oct. 17	Oct. 18	Oct. 19	Oct. 20	Oct. 21
Oct. 22	Oct. 23	Oct. 24	Oct. 25	Oct. 26	Oct. 27	Oct. 28
Oct. 29	Oct. 30	Oct. 31	Nov. 1	Nov. 2	Nov. 3 <b>Window Closes</b>	Nov. 4

## **Subsistence Regional Advisory Council Correspondence Policy**

The Federal Subsistence Board (Board) recognizes the value of the Regional Advisory Councils' role in the Federal Subsistence Management Program. The Board realizes that the Councils must interact with fish and wildlife resource agencies, organizations, and the public as part of their official duties, and that this interaction may include correspondence. Since the beginning of the Federal Subsistence Program, Regional Advisory Councils have prepared correspondence to entities other than the Board. Informally, Councils were asked to provide drafts of correspondence to the Office of Subsistence Management (OSM) for review prior to mailing. Recently, the Board was asked to clarify its position regarding Council correspondence. This policy is intended to formalize guidance from the Board to the Regional Advisory Councils in preparing correspondence.

The Board is mindful of its obligation to provide the Regional Advisory Councils with clear operating guidelines and policies, and has approved the correspondence policy set out below. The intent of the Regional Advisory Council correspondence policy is to ensure that Councils are able to correspond appropriately with other entities. In addition, the correspondence policy will assist Councils in directing their concerns to others most effectively and forestall any breach of department policy.

The Alaska National Interest Lands Conservation Act, Title VIII required the creation of Alaska's Subsistence Regional Advisory Councils to serve as advisors to the Secretary of the Interior and the Secretary of Agriculture and to provide meaningful local participation in the management of fish and wildlife resources on Federal public lands. Within the framework of Title VIII and the Federal Advisory Committee Act, Congress assigned specific powers and duties to the Regional Advisory Councils. These are also reflected in the Councils' charters. (*Reference: ANILCA Title VIII §805, §808, and §810; Implementing regulations for Title VIII, 50 CFR 100 \_\_.11 and 36 CFR 242 \_\_.11; Implementing regulations for FACA, 41 CFR Part 102-3.70 and 3.75*)

The Secretaries of Interior and Agriculture created the Federal Subsistence Board and delegated to it the responsibility for managing fish and wildlife resources on Federal public lands. The Board was also given the duty of establishing rules and procedures for the operation of the Regional Advisory Councils. The Office of Subsistence Management was established within the Federal Subsistence Management Program's lead agency, the U.S. Fish and Wildlife Service, to administer the Program. (*Reference: 36 CFR Part 242 and 50 CFR Part 100 Subparts C and D*)

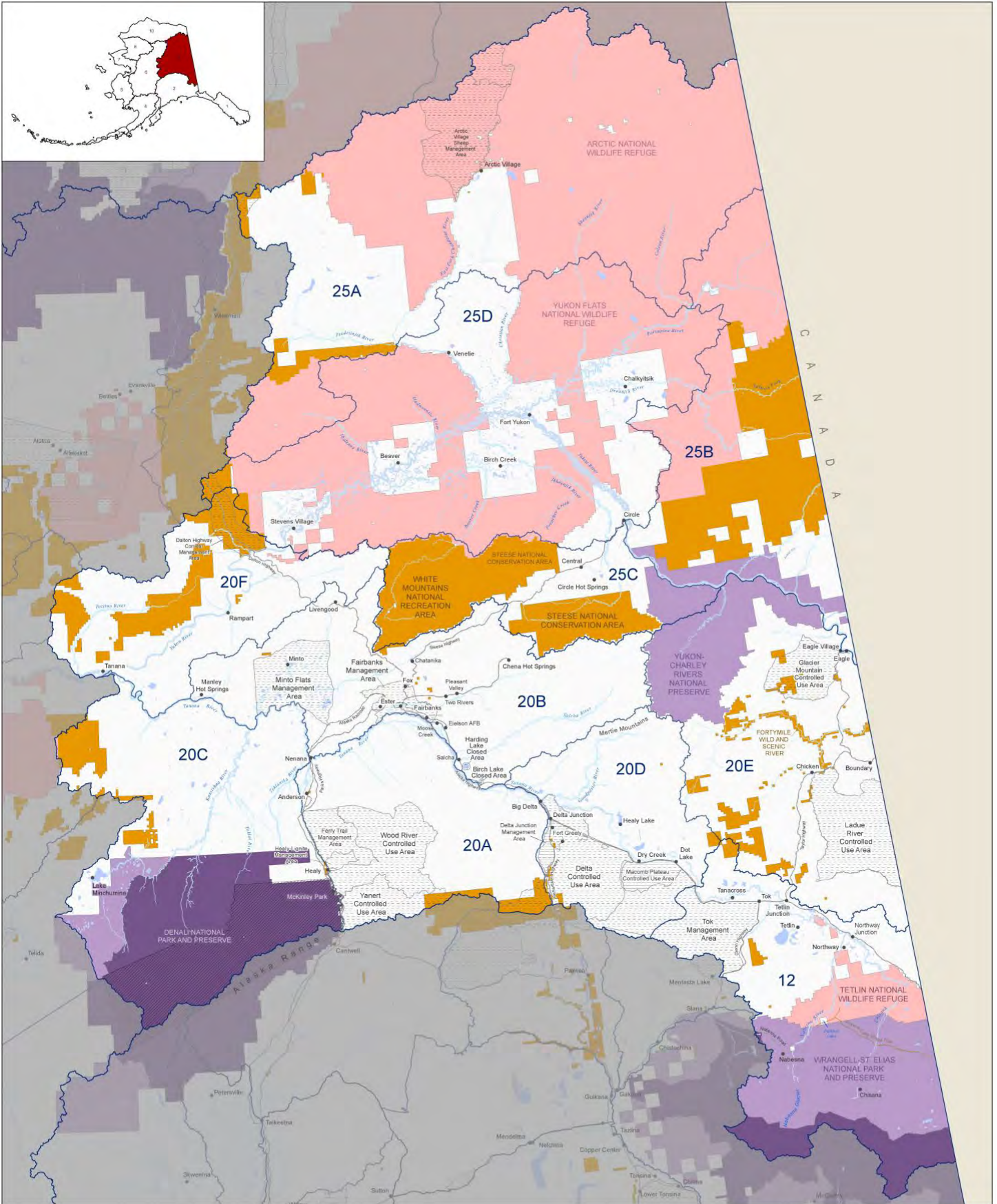
### **Policy**

1. The subject matter of Council correspondence shall be limited to matters over which the Council has authority under §805(a)(3), §808, §810 of Title VIII, Subpart B §\_\_\_.11(c) of regulation, and as described in the Council charters.
2. Councils may, and are encouraged to, correspond directly with the Board. The Councils are advisors to the Board.
3. Councils are urged to also make use of the annual report process to bring matters to the Board's attention.

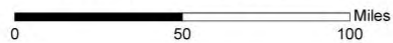
4. As a general rule, Councils discuss and agree upon proposed correspondence during a public meeting. Occasionally, a Council chair may be requested to write a letter when it is not feasible to wait until a public Council meeting. In such cases, the content of the letter shall be limited to the known position of the Council as discussed in previous Council meetings.
5. Except as noted in Items 6, 7, and 8 of this policy, Councils will transmit all correspondence to the Assistant Regional Director (ARD) of OSM for review prior to mailing. This includes, but is not limited to, letters of support, resolutions, letters offering comment or recommendations, and any other correspondence to any government agency or any tribal or private organization or individual.
  - a. Recognizing that such correspondence is the result of an official Council action and may be urgent, the ARD will respond in a timely manner.
  - b. Modifications identified as necessary by the ARD will be discussed with the Council chair. Councils will make the modifications before sending out the correspondence.
6. Councils may submit written comments requested by Federal land management agencies under ANILCA §810 or requested by regional Subsistence Resource Commissions (SRC) under §808 directly to the requesting agency. Section 808 correspondence includes comments and information solicited by the SRCs and notification of appointment by the Council to an SRC.
7. Councils may submit proposed regulatory changes or written comments regarding proposed regulatory changes affecting subsistence uses within their regions to the Alaska Board of Fisheries or the Alaska Board of Game directly. A copy of any comments or proposals will be forwarded to the ARD when the original is submitted.
8. Administrative correspondence such as letters of appreciation, requests for agency reports at Council meetings, and cover letters for meeting agendas will go through the Council's regional coordinator to the appropriate OSM division chief for review.
9. Councils will submit copies of all correspondence generated by and received by them to OSM to be filed in the administrative record system.
10. Except as noted in Items 6, 7, and 8, Councils or individual Council members acting on behalf of or as representative of the Council may not, through correspondence or any other means of communication, attempt to persuade any elected or appointed political officials, any government agency, or any tribal or private organization or individual to take a particular action on an issue. This does not prohibit Council members from acting in their capacity as private citizens or through other organizations with which they are affiliated.

Approved by the Federal Subsistence Board on June 15, 2004.

Region 9 - Eastern Interior Region Map



**Region 9**  
Eastern Interior Region



**Federal Public Lands Open to Subsistence Use**

	Unit Boundaries		NPS Administered Preserves
	Special Use Areas		USFWS Administered Lands
	Closed to Subsistence		BLM Administered Lands
	NPS Administered Parks		USFS Administered Lands

Source: 2008 10/20/11  
For reference purposes only. Not to be used for navigation.



**Department of the Interior  
U. S. Fish and Wildlife Service**

**Eastern Interior Alaska Subsistence Regional Advisory Council**

**Charter**

1. **Committee's Official Designation.** The Council's official designation is the Eastern Interior Alaska Subsistence Regional Advisory Council (Council).
2. **Authority.** The Council is renewed by virtue of the authority set out in the Alaska National Interest Lands Conservation Act (ANILCA) (16 U.S.C. 3115 (1988)) Title VIII, and under the authority of the Secretary of the Interior, in furtherance of 16 U.S.C. 410hh-2. The Council is regulated by the Federal Advisory Committee Act (FACA), as amended, (5 U.S.C., Appendix 2).
3. **Objectives and Scope of Activities.** The objective of the Council is to provide a forum for the residents of the Region with personal knowledge of local conditions and resource requirements to have a meaningful role in the subsistence management of fish and wildlife on Federal lands and waters in the Region.
4. **Description of Duties.** Council duties and responsibilities, where applicable, are as follows:
  - a. Recommend the initiation, review, and evaluate of 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; and

- (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 and one member to the Denali National Park Subsistence Resource Commission in accordance with section 808 of the ANILCA.
    - f. Make recommendations on determinations of customary and traditional use of subsistence resources.
    - g. Make recommendations on determinations of rural status.
    - h. Provide recommendations on the establishment and membership of Federal local advisory committees.
5. **Agency or Official to Whom the Council Reports.** The Council reports to the Federal Subsistence Board Chair, who is appointed by the Secretary of the Interior with the concurrence of the Secretary of Agriculture.
6. **Support.** The U.S. Fish and Wildlife Service will provide administrative support for the activities of the Council through the Office of Subsistence Management.
7. **Estimated Annual Operating Costs and Staff Years.** The annual operating costs associated with supporting the Council's functions are estimated to be \$175,000, including all direct and indirect expenses and 1.15 Federal staff years.
8. **Designated Federal Officer.** The DFO is the Subsistence Council Coordinator for the Region or such other Federal employee as may be designated by the Assistant Regional Director – Subsistence, Region 11, U.S. Fish and Wildlife Service. The DFO is a full-time Federal employee appointed in accordance with Agency procedures. The DFO will:
  - (a) Approve or call all Council and subcommittee meetings;
  - (b) Prepare and approve all meeting agendas;
  - (c) Attend all committee and subcommittee meetings;
  - (d) Adjourn any meeting when the DFO determines adjournment to be in the public interest; and

(e) Chair meetings when directed to do so by the official to whom the advisory committee reports.

**9. Estimated Number and Frequency of Meetings.** The Council will meet 1-2 times per year, and at such times as designated by the Federal Subsistence Board Chair or the DFO.

**10. Duration.** Continuing.

**11. Termination.** The Council will be inactive 2 years from the date the charter is filed, unless prior to that date, the charter is renewed in accordance with provisions of section 14 of the FACA. The Council will not meet or take any action without a valid current charter.

**12. Membership and Designation.** The Council's membership is composed of representative members as follows:

Ten members who are knowledgeable and experienced in matters relating to subsistence uses of fish and wildlife and who are residents of the region represented by the Council.

To ensure that each Council represents a diversity of interests, the Federal Subsistence Board in their nomination recommendations to the Secretary will strive to ensure that seven of the members (70 percent) represent subsistence interests within the region and three of the members (30 percent) represent commercial and sport interests within the region. The portion of membership representing commercial and sport interests must include, where possible, at least one representative from the sport community and one representative from the commercial community.

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

Members will be appointed for 3-year terms. Members serve at the discretion of the Secretary.

If appointments for a given year have not yet been announced, a member may continue to serve on the Council following the expiration of his or her term until such appointments have been made. Unless reappointed, the member's service ends on the date of announcement even if that member's specific seat remains unfilled.

Alternate members may be appointed to the Council to fill vacancies if they occur out of cycle. An alternate member must be approved and appointed by the Secretary before attending the meeting as a representative. The term for an appointed alternate member will be the same as the term of the member whose vacancy is being filled.

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

Members of the Council will serve without compensation. However, while away from their homes or regular places of business, Council and subcommittee members engaged in Council, or subcommittee business, approved by the DFO, may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in Government service under Section 5703 of title 5 of the United States Code.

13. **Ethics Responsibilities of Members.** No Council or subcommittee member will participate in any Council or subcommittee deliberations or votes relating to a specific party matter before the Department or its bureaus and offices including a lease, license, permit, contract, grant, claim, agreement, or litigation in which the member or the entity the member represents has a direct financial interest.
14. **Subcommittees.** Subject to the DFO's approval, subcommittees may be formed for the purpose of compiling information or conducting research. However, such subcommittees must act only under the direction of the DFO and must report their recommendations to the full Council for consideration. Subcommittees must not provide advice or work products directly to the Agency. Subcommittees will meet as necessary to accomplish their assignments, subject to the approval of the DFO and the availability of resources.
15. **Recordkeeping.** The Records of the Council, and formally and informally established subcommittees or other subgroups of the Council, must be handled in accordance with General Records Schedule 6.2, and other approved Agency records disposition schedules. These records must be available for public inspection and copying, subject to the Freedom of Information Act (5 U.S.C. 552).

                  /signature on the filed original/                    
Secretary of the Interior

                  Dec. 10, 2021                    
Date Signed

                  Dec. 13, 2021                    
Date Filed



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