

SEWARD PENINSULA Subsistence Regional Advisory Council



Carl Johnson

Aerial view of the community of Nome.

Meeting Materials

March 18-19, 2014

Nome

What's Inside

Page

1	Agenda
4	Roster
5	DRAFT fall 2013 meeting minutes
14	WP14-33
39	WP14-35
63	WP14-36
80	WP14-38
104	WP14-39
122	Customary & Traditional Use Determination Briefing
128	ANILCA Section 804 Briefing
130	Customary & Traditional Use - Council Action Summaries
134	Rural Determination Review - Council Action Summaries
142	Fisheries Resource Monitoring Program Briefing
145	Partners Program Briefing
146	News Release and Call for Fisheries Proposals 2015-17
150	Guidance on Annual Reports
152	FY2012 Annual Report Reply with enclosures
162	Draft FY2013 Annual Report
165	Report to Regional Advisory Council on Consultation Policies
167	DRAFT Tribal Consultation Implementation Guidelines
176	DRAFT ANCSA Consultation Policy
179	Nominations Information
182	WIRAC ltr dated 2/12/14 to Sec. DOI re: late appts (w/ encl)

What's Inside (cont.)

Page

- 186 North Slope RAC letter re: OSM staffing
- 189 Fall 2014 Meeting Calendar
- 190 Winter 2015 Meeting Calendar
- 191 2013 Council Charter

SEWARD PENINSULA SUBSISTENCE REGIONAL ADVISORY COUNCIL

Aurora Inn Conference Room, Nome
March 18-19, 2014
8:30 a.m. – 5:00 p.m. daily

PUBLIC COMMENTS: Public comments are welcome for each agenda item and for regional concerns not included on the agenda. The Council appreciates hearing your concerns and knowledge. Please fill out a comment form to be recognized by the Council chair. Time limits may be set to provide opportunity for all to testify and keep the meeting on schedule.

PLEASE NOTE: These are estimated times and the agenda is subject to change.

AGENDA

*Asterisk identifies action item.

- 1. **Roll Call and Establish Quorum** (*Secretary*)..... 4
- 2. **Call to Order** (*Chair*)
- 3. **Welcome and Introductions** (*Chair*)
- 4. **Review and Adopt Agenda*** (*Chair*)..... 1
- 5. **Election of Officers**
 - A. Chair (*DFO*)
 - B. Vice Chair (*Chair*)
 - C. Secretary (*Chair*)
- 6. **Review and Approve Previous Meeting Minutes*** (*Chair*) 5
- 7. **Reports**
 - Council member reports
 - Chair’s report
- 8. **Public and Tribal Comment on Non-Agenda Items** (available each morning)
- 9. **Old Business** (*Chair*)
 - A. 2014-2016 Wildlife Proposals – Muskox (*Chris McKee*)*

WP14-33 – Revise harvest limit and limit number of permits	14
WP14-35 – Revise permit requirement and land manager, limit the number of permits issued	39
WP14-36 – Revise harvest limit and limit number of permits	63
WP14-38 – Revise permit requirements, land manager, limit the number of permits issued	80
WP14-39 – Revise permit requirements, land manager, and limit the number of permits Issued	104
B. Customary & Traditional Use Determination – Update	122
C. Rural Determination Process Review – Update	134
D. Briefing on Fisheries Resource Monitoring Program.....	142
E. Priority Information Needs Development for 2016*	
F. Partner’s Briefing / Preview of Call for Proposals.....	145
10. New Business (Chair)	
A. Call for Federal Fisheries Regulatory Proposals*	146
B. Review and Approve Draft FY2013 Annual Report*	150
C. Tribal Consultation Implementation Guidelines & Draft ANCSA Consultation Policy*	165
D. Nominations	179
11. Agency Reports	
A. Office of Subsistence Management	185
B. U. S. Fish and Wildlife Service	
C. National Park Service	
D. Bureau of Land Management	
E. Alaska Department of Fish and Game	
F. Native Organizations	
1. Nome Eskimo Community	
2. Kawerak, Inc.	
3. Sitnasuak Native Corporation	
12. Future Meeting Dates*	
A. Confirm date and location of fall 2014 meeting	189
B. Select date and location of winter 2015 meeting	190

13. Closing Comments

14. Adjourn (*Chair*)

To teleconference into the meeting, call the toll free number: 1-866-560-5984, then when prompted enter the passcode: 12960066

The U.S. Fish and Wildlife is committed to providing access to this meeting for those with a disability who wish to participate. Please direct all requests for accommodation for a disability to the Office of Subsistence Management at least five business days prior to the meeting.

If you have any questions regarding this agenda or need additional information, please contact Alex Nick, Council Coordinator at 907-543-1037, alex_nick@fws.gov or contact the Office of Subsistence Management at 1-800-478-1456 for general inquiries.

DRAFT

REGION 7—Seward Peninsula Regional Advisory Council

Seat	Yr Apptd <i>Term Expires</i>	Member Name & Address
1	2014 2016	Theodore Katcheak Stebbins
2	1995 2016	Peter Buck White Mountain
3	2010 2016	Louis Green, Jr. Nome
4	2010 2016	Tom Gray Nome
5	2011 2014	Reggie Barr Brevig Mission
6	2014 2014	Scott Lockwood St. Michael
7	2008 2014	Fred Eningowuk Shishmaref
8	1994 2015	Elmer Seetot, Jr. Brevig Mission
9	2012 2015	Charles Saccheus Elim
10	2010 2015	Timothy Smith Nome

Seward Peninsula Subsistence Regional Advisory Council

Meeting Minutes

November 19-20, 2013

Aurora Inn

Nome, Alaska

Meeting was called to order by Mr. Tim Smith

Roll call by Peter G. Buck, Secretary

Members Present

Tim Smith

Peter G. Buck

Elmer K. Seetot Jr.

Reggie K. Barr

Tom L. Gray

Fred D. Eningowuk

Charles F. Saccheus

Members Absent

Louis H. Green, Jr., excused

Meeting Participants

Kathy O'Reilly-Doyle, Carl Johnson, Alex Nick, Jack Lorrigan, Kevin Fox, Karen Hyer (online), OSM; Chuck Wheeler, Fred Tocktoo, Ken Adkisson, NPS; Patricia Petrivelli, BIA; Merben Cebrian, BLM; Daniel Sharp, BLM (online); Drew Crawford, ADF&G (online);

Welcome and Introduction

Tim Smith, acting Chair welcomed Council members and meeting participants and stated is disappointed as usual when there is not many public participation in Council meeting. Only way subsistence resource management would work is when there is good public participation. In 40 years there had been less and less public meeting participation in a meeting like this one.

Ms. Kathy O'Reilly-Doyle thanked Council for quick turnaround on their response to reschedule their fall 2013 meeting. Seward Peninsula Subsistence regional Advisory Council meeting was rescheduled within two days after OSM staff came back to work after Government shutdown.

Review and Adopt Agenda

Council reviewed draft agenda and discussed additional items and added topics to its agenda. Council took official action and approved its agenda

Election of Officers

Election of officers was moved to winter 2014 Council meeting. This item is usually taken up in winter meeting.

Review and Approve Previous Meeting Minutes

Council reviewed draft meeting minutes from March 20-21, 2013. Council discussed the revisions needed in the minutes and took official action to approve meeting minutes from March 20-21, 2013 as revised.

Council Reports

Elmer Seetot, Jr. gave a brief report that there's nothing much happening in the area he represents. Seetot reported a lot of gravel was lost in the area due to a stormy weather. MuskoX permits were available to hunters in Brevig Mission.

Tom Gray reported weather has been wet pretty much all throughout seasons. Everyone harvested some fish and game in the area. People harvested berries in the area. Something the Council may have overlooked is predators affecting the subsistence resources. The Council needs to look at not only the predator control, Council should also take a look at the management of subsistence resources. There is a lot of decision making processes relating to the resources. Whatever is good for other uses of the resources may not be good for subsistence use of same resources. Whenever predators affect resources, maintaining subsistence resources could become difficult.

Peter Buck reported there was wet weather this past summer affecting drying of fish in the racks. People managed to put away about a quarter of what's needed for winter supply. White Mountain is known for bartering dry fish other subsistence processed resources like muktuk with other communities such as Unalakleet and Koyuk in the region. There are hardly any fish to trade with other communities due to wet weather this past summer. A few bears become a problem in White Mountain area and a few of them was harvested by hunters.

Reggie Barr said he is very concerned about subsistence fish and wildlife resources especially management by the State of Alaska. It was wet weather in his area and as a result of that dry fish on fish racks was wasted and dry fish on the racks were not good enough for human consumption. Mr. Barr is concerned about current fisheries management in his area.

Fred Eningowuk reported local people in the area did good hunting seal out in the ocean. They were fortunate the weather was dry and allowed people to dry seal meat for some trade with other communities. However, people experienced a little problem trying to barter dry seal meat for dry fish because rain came and continued well into the month of November. Wet weather affected seal meat trading opportunities with other communities. There were some problems with bears competing harvest of resources in the area.

Charles Saccheus said subsistence is a way of life in his community. Council gets together and takes a look at subsistence fish and wildlife resource status. Weather condition was same as that of other areas in the region. Mr. Saccheus reported on commercial fisheries activities in his area and that Chinook salmon are declining in its numbers. He also reported there is some sea mammal hunting in his area. There is fishery monitoring project in the Tubuluk River. Current plans for possible road connections from Fairbanks area to Nome area in the future could have an effect on subsistence. Should that road is construction become reality it could be viewed as worse than mismanagement of the fish and wildlife resources. That's why the Council needs to be careful on the management decision making for subsistence resources such as sea mammals and migratory birds.

Public and Tribal Comments

Jack Lorrigan, Native Liaison, with the Office of Subsistence Management gave an update on results of Tribal Council and Alaska Native Corporation Settlement Act Corporations consultations on 2014-2016 Federal wildlife regulatory change proposals.

Old business

New Business

2014-2016 Wildlife Regulatory Proposals

WP14-01 Trap marking- Establish a time limit for trap/ snare checks, and require reports

Alaska Department of Fish and Game (ADF&G) oppose the proposal.

Council heard analysis of the Federal regulatory change proposals and deliberated on the proposal. Final result of Council's deliberation and action is to oppose the proposal.

Trappers use multiple land owned by different land owners to access trapping areas. Some of the Village Corporations own up to 316,000 acres of land in the region. The broad area would be unenforceable to require marking traps. It would be cumbersome and extra work for trappers to place a tag in every trap.

Muskox proposals WP14-33, WP14-35, WP14-36, WP14-38, and WP14-39 was deferred until winter 2014 meeting. ANILCA Section 804 analysis will be done on above proposals.

WP14-22 Caribou - Require State registration permits

State's recommendation is to support the proposal.

ADF&G supports the proposal.

Council supported this proposal.

WP14-23 Moose – *Lengthen the season and remove bulls-only restriction*
ADF&G supports the proposal.

Council discussed moose numbers in the proposed area and supported this proposal.

WP14-24/25 Moose – *Revise the hunt descriptor*
ADF&G is neutral on proposal 24/25 because local people are asking to change hunt boundary to make it easier to identify hunt area.

Council supported this proposal with Office of Subsistence Management (OSM) modifications of conclusion.

WP14-26 Caribou – *Require a permit, revise season dates, and grant closure authority to Refuge manager*

ADF&G recommended this proposal should not be adopted. Department supports elements of this proposal but felt elements are best addressed for proposal 14-22.

Council took no action on this proposal.

There exists risk factors for wanton waste should proposal is adopted. Female caribou could be mistaken for a bull in late season.

Amounts Necessary for Subsistence (ANS)

Ms. Nicole Braem, with the Alaska Department of Fish and Game provided information on Alaska Administrative Code relating to the customary and traditional use determinations for finfish. Council previously had some questions about amounts necessary for subsistence (ANS) for Chinook salmon in the region. The answer is ANS for Chinook salmon in the Seward Peninsula region don't exist. Anyone may submit a proposal during the State Board of Fish proposal cycle which is believed to be in 2015 for amounts necessary for Chinook salmon.

Draft 2014 Fisheries Resource Monitoring Plan

Ms. Karen Hyer presented information about 2014 Fisheries Resource Management Program. Council listened and asked questions about proposed fisheries projects in the Northern region. Council took official action and supported Technical Review Committee (TRC) recommendations to fund FRMP Northern regions projects 14-101, 14-103, and 14-104.

Ms. Palma Ingles with OSM provided an overview of the Partners for Fisheries Monitoring Program. The program broadens and strengthens partnerships with rural communities in Alaska. The program has five partners working with five Native organizations.

Rural Determination Review

Carl Johnson with the Office of Subsistence Management provided overview of the Rural Determination Process. He provided background of the process and explained why this is

being done. He referred to year 2010 at which time the Secretaries of the Interior and Agriculture directed the Federal Subsistence Board to conduct a review of the process used to making rural and nonrural determinations. There was much discussion about the process between Council and staff.

Public Comments

Mr. Chuck Wheeler from Nome commented the current rural determinations process should be left alone if it is working as is. In the past everyone worked together to ensure everyone has a customary and traditional uses of the fish and wildlife resources. Eskimo ancestors from the area invited everyone no matter what race they came from and welcomed the Western people to share the land and its resources when they first came to Alaska. Other user groups now just wants more and more uses of the fish and wildlife resources. Rural people move to a hub community sometime or to the lower 48 States to find work and survive because there is not any work available in the rural areas. For example, power cost equalization (PCE) to supplement power costs for people in the villages is not enough to cover the cost of the household electricity.

Council's Comments

Urban areas such as Fairbanks, Anchorage and Ketchikan are well populated in comparison to other areas of the State such as remote/rural areas. Community of Juneau does not have nor it comes close to other areas in terms of the population level. Places like community of Bethel for example, are struggling in terms of community population levels only because of transient residents who come to a community because they need to work for living. When transient workers couldn't survive in place like Bethel, they move back to their villages. Kenai and other communities that are similar should be in a rural status. Population threshold of 7,000 people is way too low. Population threshold should be much more than 7,000 for a community to be considered as nonrural community. Federal Subsistence Board should not make a rural determination using this process. It should be the act of Congress to make rural determinations for communities in consideration for nonrural status

Council discussed population threshold and they concluded that they would be in agreement with a 20,000 population threshold figure because 7,000 population threshold is to low for a fair consideration for a community to be considered as nonrural community

After extensive discussions of the rural determinations process Council made its recommend to the Federal Subsistence Board the population threshold should be raised from 7,000 to 20,000 when communities are being considered to become nonrural.

Customary and Traditional Use Determinations

Public Comments

Mr. Chuck Wheeler from Nome commented the Alaska National Interests Lands Conservation Act (ANILCA) did not satisfy all of the proposed amendments to the legislation the Native community wanted to see pass instead it made it more complex.

There should not be any population threshold to consider unless communities are connected with rail and or a road system. In rural areas, everything is based on the high costs of fuel. Without rail or a road system costs of everything will continue to escalate. Same thing applies to the rural characteristics. Aggregation of communities are an example such as Diomedes, King Island, Bureau of Indian Affairs (BIA) brought up these issues in the 1950s before Statehood and shut down BIA school systems. The small communities mentioned above and other communities were impacted by that. Currently communities of Diomedes, St. Michael, Stebbins and other communities will be impacted by budget cuts and end up sharing schools In the future. Other communities will follow suit later on when they face same problem. Unless some jobs are made available to small communities, some of the local residents will be moving into larger communities like Anchorage, Fairbanks, or Nome. The State of Alaska would like to take back the subsistence resource management from the Federal Subsistence Management Program. The majority of the subsistence users in Alaska are Alaska Natives. Alaska Natives feel the Federal subsistence resource management is better than the State of Alaska in terms of resource management.

Council's Comments

The essence of subsistence activities is you take whatever is available while you hunt or fish in the area you choose to hunt or fish

Customary and traditional use determination is a hair-splitting operation. Example is when the Muskox Customary and Traditional Use Determination(C&T) was first proposed in the area that proposal have failed because the State Board of Game found the area to have negative customary and traditional uses. When customary and traditional use determinations was proposed for a second time the State Board of Game adopted C&T for Muskox based on the same analysis of the previous proposal

If low populations of the subsistence resources are realized for certain species of the resources, customary and traditional uses can be created and Section 804 of Alaska National Interests Lands Conservation Act (ANILCA) would apply. The intent of the customary and traditional use determinations is not understood well enough by the subsistence users. While customary and traditional use determination as a management tool is working, why would management this tool be modified if it works well for the management of the resources? When certain proposal is not well understood by reviewer there would be opposition to it.

Alternative number one would be a good choice for the area. The patterns of use of fish and wildlife resources need to be considered when Section 804 of ANILCA needs to be part of the analysis. Some of the Council members have pattern of uses in certain areas including residents that live in a certain community

Chair's Report

Mr. Tim Smith, Acting Chair reported the he has hard time dealing with resources in the region. When he first moved to the region in 1980, there were abundance of fish and wildlife resources. There were abundant numbers of walrus, reindeer in the region. As for

moose at one time approximately 400 moose was harvested. Last time moose season in the area he hunted lasted only a day and it was closed the same day. There's no caribou in the area. Bears are abundant in the area and there was predator control at one time when good numbers of bears were harvested. Bear numbers currently are healthy. He reported on the status of fish and wildlife resources in the region. He feels the Council needs to get into more active role restoring salmon stocks in the region.

Annual Report Issues

The Council discussed fisheries issues within the Seward Peninsula /Norton Sound area. Council discussed several potential annual report issues relating to management of subsistence fish and wildlife resources. Among potential annual report items discussed were fisheries resource management jurisdictions and extraterritorial jurisdictions of resource management in the region.

Agency Reports

Carl Johnson with the Office of Subsistence Management (OSM) provided Briefing. He provided updates on following:

- Budget trends by fiscal year since 2005 to present
- Staffing changes, arrivals and departures
- Regulatory Cycle Update
- Status of the nominations process

Mr. Johnson reminded Council members with terms ending 2013 to reapply. Mr. Johnson relayed information of the State proposal results forwarded by Mr. George Pappas, State Liaison. Proposals were dealing with subsistence and amounts necessary for subsistence.

Ms. Kathy O'Reilly Doyle provided an update of the Memorandum of Understanding between the State of Alaska and the Federal Subsistence Board. Ms. O'Reilly added a couple more asking Council to assist spreading word via Facebook about rural determinations process. OSM is transitioning from its old website to a new website.

National Park Service (NPS)

Mr. Ken Adkisson with NPS gave Bering Bridge updates some of which are:

- Ms. Jeanette Pomreke, superintendent could not attend
- Budget Update
- Staffing Update
- Brown Bear Project
- Interagency Muskoxen project
- Moose project with FWS

Mr. Adkisson provided other pertinent information about Bering Bridge programs.

Bureau of Land Management (BLM)

Mr. Merben Cebrian with BLM provided updates about:

- UAF Reindeer Research Program

- Federal Moose Hunt FM2201 22A in Unalakleet
- Development of Muskox Permitting Alternatives
- Proposed changes to boundaries

He provided information relating to the boundary changes that may have an effect on BLM jurisdictions.

Alaska Department of Fish and Game (ADF&G)

Drew Crawford with ADF&G informed the Council the only scheduled ADF&G report is a report given by Ms. Nikki Braem. He only provided information about Issue 3 from 2012 Seward Peninsula Annual Report. He explained the annual reply materials provided in annual reply.

Future Meetings

Winter 2014 Meeting

Council discussed and confirmed its winter 2014 winter meeting on March 18-19, 2014 in Nome, Alaska.

Fall 2014 Meeting

Council selected October 7-8, 2014 for its fall 2014 meeting in Nome, Alaska

Closing Comments

- Mr. Elmer K. Seetot, Jr. commented regarding caribou herds in the Seward Peninsula region. He provided information that whenever a wolf is caught, reindeer herders provide a reindeer. He has a permit to harvest muskox but he is waiting for good trail conditions to hunt muskox.
- Tom L. Gray felt this was a good meeting as Council and agency staff brought up issues on the table for discussion. The Fish and Game and Reindeer Industry changed their annual meeting from March to November, he expressed concern about that.
- Peter G. Buck commented there was much rain over the summer that prevented harvested fish to dry. There were problems with bears over the summer in the area. There is a need for cooperation between all agencies and organizations in terms of fish and wildlife resource management. Combining financial resources between the agencies and organizations for funding would make research possible.
- Mr. Reggie K. Barr appreciates the Traditional Ecological Knowledge (TEK) is finally being recognized as part of the decision making process for resource management. Mr. Barr feels this is very good meeting.
- Fred D. Eningowuk felt this is a good meeting. Global warming has an effect on subsistence way of life in the region. Usually by Halloween, people of Shishmaref cross the lagoon by snowmachine but now it is still open water. Mr. Eningowuk

remembers other Council from Kotzebue area asked Councils to put global warming on their agenda. He thought it was not accepted in the past and should be in future agenda as a topic for discussion. There are problems with bears in his area as well. This is a good year for harvest of berries.

- Mr. Charles Saccheus thanked agency staff and commented Council would not be able to change global warming issue as it affects Council's priority item that is subsistence way of life. Saccheus hopes year 2014 will bring better season and he stated that as long as Council and agencies manage fish and wildlife resources things could improve. He is hopeful commercial fishing season will be better next summer.
- Tim Smith commented he is hopeful management agencies understands and will assist Council in the future even Council members expressed some frustration and anger without meaning what they said. Local people are under a lot of stress because there are economic problems in the region, loss of access to the resources they depended on for food for thousands of years contributes to this. There are no answers in terms of research projects due to dwindling budgets agencies are facing these days. He appreciates thoughtfulness of the Council while they participate in the meetings.

Adjournment

Meeting was adjourned at 12:00 p.m. on March 20, 2013

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

Alex Nick, DFO

USFWS Office of Subsistence Management [for SE: USFS only]

Louis Green, Jr., Chair

Seward Peninsula Subsistence Regional Advisory Council

These minutes will be formally considered by the Seward Peninsula Subsistence Regional Advisory Council at its next meeting, and any corrections or notations will be incorporated in the minutes of that meeting.

WP14-33 Executive Summary	
General Description	Proposal WP14-33 requests that the season and harvest limit for muskox in Unit 22D within the Kuzitrin River drainage (Unit 22D Kuzitrin) be changed to eliminate the cow hunt. In addition, the proposal requests that language be added to authorize the Superintendent of the Bering Land Bridge National Preserve to restrict the number of Federal permits to be issued. <i>Submitted by the National Park Service.</i>
Proposed Regulation	<p>Unit 22D—Muskox</p> <p><i>Unit 22D, that portion within the Kuzitrin River drainages—A musk ox bull by Federal permit or State Tier II permit; however, cows may only be taken during the period Jan. 1–Mar. 15. Federal public lands are closed to the taking of musk ox except for Federally qualified subsistence users hunting under these regulations. Annual harvest quotas, the number of Federal permits to be issued, and any needed closures will be announced by the Superintendent of the Bering Land Bridge National Preserve in consultation with ADF&G and BLM.</i></p> <p style="text-align: right;"><i>Aug. 1–Mar. 15</i></p>
OSM Preliminary Conclusion	Support with modification.
Seward Peninsula Regional Council Recommendation	
Interagency Staff Committee Comments	
ADF&G Comments	
Written Public Comments	None

DRAFT STAFF ANALYSIS
WP14-33

ISSUES

Proposal WP14-33, submitted by the National Park Service, requests that the season and harvest limit for muskox in Unit 22D within the Kuzitrin River drainage (Unit 22D Kuzitrin) be changed to eliminate the cow hunt. In addition, the proposal requests that language be added to authorize the Superintendent of the Bering Land Bridge National Preserve to restrict the number of Federal registration permits to be issued.

DISCUSSION

The proponent states that since 2010 conservation concerns prompted by significant declines in several muskox population parameters (e.g., abundance, mature bull to cow ratios, and recruitment) led to major adjustments in hunt management for the 2012/2013 regulatory year. The same concerns are likely to persist for the next several years. Hunt-management adjustments include large reductions in the allowable harvest, the elimination of the cow hunt, and a return to State Tier II hunts in all of the Seward Peninsula muskox hunt areas, except Unit 22E. As a result, the proponent states that the existing Federal regulations no longer match the actual hunt requirements, leading to potential confusion for hunters and difficulties for managers to adapt hunt requirements to the changing biological conditions. The proponent states the proposed changes would reduce confusion and improve management flexibility.

Although it was not requested by the proponent, a Section 804 analysis was developed for this proposal due to the small number of muskox anticipated to be available for harvest and the relatively large number of subsistence users with positive customary and traditional use determinations for muskoxen in the Unit 22D Kuzitrin hunt area (**Map 1**). The customary and traditional use determination for muskoxen in Unit 22D Kuzitrin includes rural residents of Units 22B, 22C, 22D (excluding St. Lawrence Island), and 22E. This Section 804 analysis may help determine which residents of those units would be most eligible to harvest muskox in Unit 22D within the Kuzitrin River drainage.

Existing Federal Regulation

Unit 22D—Muskox

Unit 22D, that portion within the Kuzitrin River drainages—1 musk ox by Federal permit or State permit; however, cows may only be taken during the period Jan. 1–Mar. 15. Federal public lands are closed to the taking of musk ox except for Federally qualified subsistence users hunting under these regulations. Annual harvest quotas and any needed closures will be announced by the Superintendent of the Bering Land Bridge National Preserve in consultation with ADF&G and BLM. Aug. 1–Mar. 15

Proposed Federal Regulation

Unit 22D—Muskox

Unit 22D, that portion within the Kuzitrin River drainages—1 ~~musk ox~~ bull by Federal permit or State Tier II permit; however, cows may only be taken during the period Jan. 1–Mar. 15. Federal public lands are closed to the taking of musk ox except for Federally qualified subsistence users hunting under these regulations. Annual harvest quotas, the number of Federal permits to be issued, and any needed closures will be announced by the Superintendent of the Bering Land Bridge National Preserve in consultation with ADF&G and BLM.

Existing State Regulation

Unit 22D—Muskox

<i>Unit 22D—Kuzitrin River Drainage (includes Kougarok and Pilgrim Rivers)</i>	<i>Residents: One bull by permit</i>	<i>All skulls require trophy destruction subject to permit conditions.</i>	<i>TX102</i>	<i>Jan. 1–Mar. 15</i>
--	--------------------------------------	--	--------------	-----------------------

Extent of Federal Public Lands

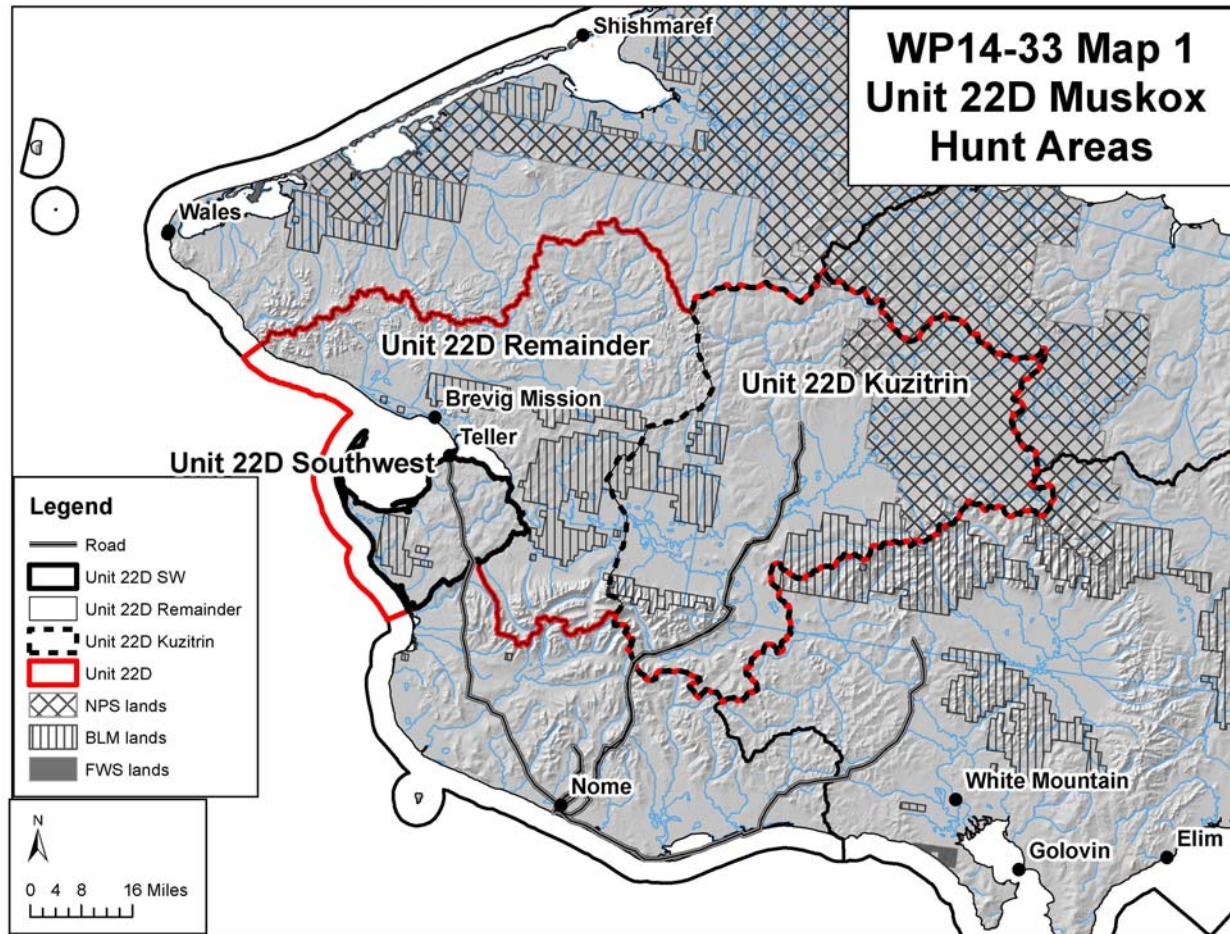
Federal public lands comprise approximately 39% of the portion of Unit 22D within the Kuzitrin River drainage (Unit 22D Kuzitrin), and consist of 28% NPS and 11% BLM managed lands (**Map 1**).

Customary and Traditional Use Determinations

Rural residents of Units 22B, 22C, 22D (excluding St. Lawrence Island), and 22E have a positive customary and traditional use determination to harvest muskox in Unit 22D.

Regulatory History

From 1995 to 2003, the customary and traditional use determination for Unit 22B was for the residents of Unit 22B; for Unit 22C, the residents of Unit 22C; for Unit 22D, the residents of Unit 22D (excluding Saint Lawrence Island); and for Unit 22E, the residents of Unit 22E (excluding Little Diomedé).



In 1995, Proposal 44 requested a Federal registration permit hunt for muskox in Units 22D and 22E. The Federal Subsistence Board (Board) adopted the proposal with modification to include that portion of Unit 23 west of and including the Buckland River drainage with a season from Sept. 1–Jan. 31. Additionally, Federal public lands in Units 22D and 22E were closed to the hunting of muskox, except by Federally qualified subsistence users.

In 1996, Proposal 51 requested an increase in the harvest quota in Unit 22D from 2 to 12 muskoxen. The Board adopted the proposal with modification to change the harvest quota from 2 to 8 muskoxen, which was more in line with the 3% sustainable harvest rate established for muskoxen in other units on the Seward Peninsula.

In 1998, Proposal 89 requested that the muskox season be changed from Sept. 1–Jan. 31 to Aug. 1–Mar. 31 for Units 22D, 22E, and 23 SW, with a harvest limit of one bull by Federal registration permit. The hunt would be closed when 8 bulls were harvested. The proposal was adopted with modification by the Board to close the season on March 15 due to biological concerns that hunting in late March could stress muskox cows shortly before the calving season.

A shared Federal and State permit system for muskox on the Seward Peninsula was supported by the Seward Peninsula and Northwest Arctic Regional Advisory Councils and adopted by the Board in 1998 (see FSB 1998). In January 1998, the Seward Peninsula Muskox Cooperators met to discuss options for a combined Federal and State muskox harvest on the Seward Peninsula. The group reached consensus involving management on a subunit basis, allowing for continued growth of the population and increased harvest opportunities, with the thought that the Muskox Management Plan would be amended in the future to reflect these changes. Declining hunter success rates under the Federal regulations was discussed relative to the long distances traveled to reach Federal public lands and the poor travel and snow conditions present the past several winters. Given these problems with the Federal regulations, six affected villages considered allowing State harvest as a means to increase harvest opportunities. Individual villages made decisions on the percent harvest rate and how the harvest should be divided between the State and Federal systems within their respective subunits. Village recommendations were summarized in a resolution written and passed by the Seward Peninsula Regional Advisory Council in 1998 and subsequently presented to the Alaska Board of Game, which approved a Tier II subsistence muskox hunt for the Seward Peninsula with the assumption that this would be part of a combined Federal/State harvest program. Also in 1998, the Federal Subsistence Board followed the recommendations of the Seward Peninsula and Northwest Arctic Councils and approved a special action (S97-14) establishing regulations for the 1998/99 Federal subsistence muskox season (FSB 1998:24). The Board later followed the Seward Peninsula and Northwest Arctic Regional Advisory Council's recommendations and approved this harvest to go into the permanent regulations in May 1999 (WP99-46) (FSB 1999:36).

In 2000, Proposal 00-56 (deferred Proposal 47 from 1999) requested that the separate Federal harvest permits for BLM and NPS lands for muskox in Unit 22D be eliminated, and that one Federal permit be issued for all Federal public lands within the unit. The proposal was adopted with modification by the Board, eliminating the separate Federal harvest permits and transferring six of the permits into the State Tier II system.

In 2001, Proposal WP01-35 requested establishing a Federal muskox season in Unit 22B, added a cow harvest in several units, and increased the overall harvest quota. The proposal was adopted by the Board.

In 2002, Proposal WP02-37 requested revisions to the Federal subsistence muskox harvest in Units 22B, 22D, 22E, and 23SW, and that the Superintendent of the Western Arctic National Parklands would be authorized to announce annual harvest quotas and any needed closures in consultation with Alaska Department of Fish and Game (ADF&G) and BLM. The proposal was adopted by the Board.

In 2004, the Board adopted the Seward Peninsula Regional Advisory Council's recommended modification of Proposal WP04-71 to change the customary and traditional use determinations in Units 22B and 22D. It divided Unit 22B into Unit 22B west of the Darby Mountains and Unit 22B remainder. In Unit 22B west of the Darby Mountains, the Board added residents of Unit 22C (Nome and Solomon) to the customary and tradition use determination. These residents became eligible to hunt muskoxen in Unit 22B west of the Darby Mountains. The Board divided Unit 22D into Unit 22D within the Kougarok, Kuzitrin, and Pilgrim river drainages and Unit 22D remainder. In Unit 22D within the Kougarok, Kuzitrin, and Pilgrim river

drainages, the Board added residents of Unit 22C (Nome and Solomon) and White Mountain (in Unit 22B) to the customary and traditional use determination.

In 2010, a number of proposals were submitted regarding muskoxen on the Seward Peninsula, including:

- Proposal WP10-73 requested further changes to the customary and traditional use determination for muskoxen in Unit 22D. The Board adopted the Seward Peninsula Regional Advisory Council's recommended modification of Proposal WP10-73. The Board combined the portion of Unit 22D within the Kougarok, Kuzitrin, and Pilgrim river drainages and with the Unit 22D remainder area.. The Board added residents of Unit 22B (White Mountain, Golovin, Elim, Council, and Koyuk) and Unit 22E (Wales and Shishmaref) to the customary and traditional use determination for all of Unit 22D.
- Proposal WP10-74 requested rescinding the closure of Federal public lands to the harvest of muskoxen in Unit 22E, except by Federally qualified subsistence users, and was adopted by the Board.
- Proposal WP10-75 requested the harvest of cow muskoxen be allowed for the entire Aug. 1–Mar. 15 season in Unit 22E, rather than restricting it to Jan. 1–Mar. 15, and was adopted by the Board.
- Proposal WP10-77 requested the Federal hunt areas for muskoxen within Unit 22D remainder be aligned with State regulations by establishing hunts in the Kougarok, Kuzitrin, and Pilgrim river drainages. The Board adopted WP10-77 with modification to establish the current Unit 22D Kuzitrin hunt area, which encompasses the Kougarok and Pilgrim river drainages.
- Proposal WP10-84 requested changes to the State permit requirements, harvest limits, and seasons for muskoxen in Unit 23. The Board adopted WP10-84 with modification to change the permit requirements from a Federal permit or a State Tier II permit to a Federal permit or a State Tier I registration permit, and clarified the harvest limits and season as one bull from Aug. 1–Dec. 31, and one muskox from Jan. 1–Mar. 15.
- Proposal WP10-108 requested rescinding the closure of Federal public lands to the taking of muskoxen, except by Federally qualified subsistence users, in Unit 22D Southwest, and was adopted by the Board.

In 2011, the Alaska Board of Game adopted Proposal A, making the muskox hunting regulation in Unit 22D part of a threshold-based hunt regime conditioned on the harvestable portion available in Units 22B, 22C, and 23SW of the Seward Peninsula population. The regulatory thresholds for this portion of the population define conditions for Tier II hunts, Tier I registration hunts, and registration/drawing hunts. This change was in response to significant population declines, low bull:cow ratios, and high harvest of mature bulls documented by the ADF&G. Based on further population declines revealed in March 2012 population surveys, State Tier II hunts were required in Units 22B, 22C, 22D, and 23 Southwest for 2012-2013 regulatory year because the harvestable portion was below the State's Amounts Necessary for Subsistence.

Biological Background

Muskox management on the Seward Peninsula has been guided by recommendations from the Seward Peninsula Muskox Cooperators Group. The group is composed of staff from ADF&G, NPS, BLM, USFWS, Bering Straits Native Corporation, Kawerak Inc., Reindeer Herders Association, Northwest Alaska Native Association, residents of Seward Peninsula communities, and representatives from other interested groups or organizations. The following management goals form the basis of the cooperative interagency management plan for Seward Peninsula muskoxen developed from 1992 through 1994 (Nelson 1994) and follow the guidelines of the ADF&G Muskox Management Policies (ADF&G 1980):

- Manage population to allow for continued growth and range expansion of the Seward Peninsula Muskox
- Provide for a limited harvest in a manner consistent with the existing State and Federal laws by following the goals/objectives endorsed by the Seward Peninsula Muskox Cooperators Group and the Seward Peninsula Cooperative Muskox Management Plan
- Manage muskoxen along the Nome road systems of Unit 22B and 22C for viewing, education, and other nonconsumptive uses
- Work with local reindeer herding interests to minimize conflicts between reindeer and muskoxen
- Protect and maintain the habitats and other components of the ecosystem upon which muskoxen depend
- Encourage cooperation and sharing of information among agencies and users of the resource in developing and executing management and research programs

Muskoxen were extirpated in Alaska by the late 1800s, and perhaps hundreds of years earlier on the Seward Peninsula. Muskoxen were reintroduced to Units 22C and 22D of the Seward Peninsula in 1970, and have since expanded their range to the north and east. Currently, muskoxen occupy suitable habitat in Units 22A, 22B West, 22C, 22D, 22E, and 23-Southwest.

After reintroduction, the muskox population experienced periods of growth between 1970 and 2000 (14% annual rate of increase) and 2000 and 2010 (3.8% annual rate of increase) (Gorn 2011). However, between 2010 and 2012 the muskox population declined 12.5% annually throughout the Seward Peninsula (Gorn 2012). Aspects of the recent decline are likely related to the high mortality rates of adult cows and declines in the number of short yearlings (10-11 month-old muskoxen) (Gorn 2012). Since 2007, mortality rates of collared adult cows exceeded 20% in the northern and southern portions of the Seward Peninsula (Gorn 2012); however, some caution should be used when interpreting these mortality rates as they are based on a small sample of the population (Gorn 2011). Composition surveys also indicated declines in mature bulls between 2002 and 2010, which prompted changes to the method of determining harvest rates (Gorn 2011). Recent research has suggested that selective harvest of mature bulls on the Seward Peninsula may be a

driver of reduce population growth and that annual harvest be restricted to less than 10% of the estimated number of mature bulls (Schmidt and Gorn 2013).

Muskox abundance within Unit 22D, which includes three Federal hunt areas, was relatively stable between 1998 and 2007, and recently declined between 2010 and 2012 (Figure 1). Composition surveys estimated ratios of at least 36 yearlings:100 cows in 2002 and 2006, which was indicative of population growth (Gorn 2011), but ratios appeared to decline by 2010, based on a more limited composition survey in Unit 22D remainder (**Figure 1**). Mature bull:cow ratios increased in Unit 22D between 2002 and 2010 (**Figure 1**). In Unit 22D Kuzitrin, muskoxen abundance was estimated at 237 (95% CI: 207–285) muskoxen in 2010 and 208 (95% CI: 169–279) muskoxen in 2012 (Gorn 2011, 2012).

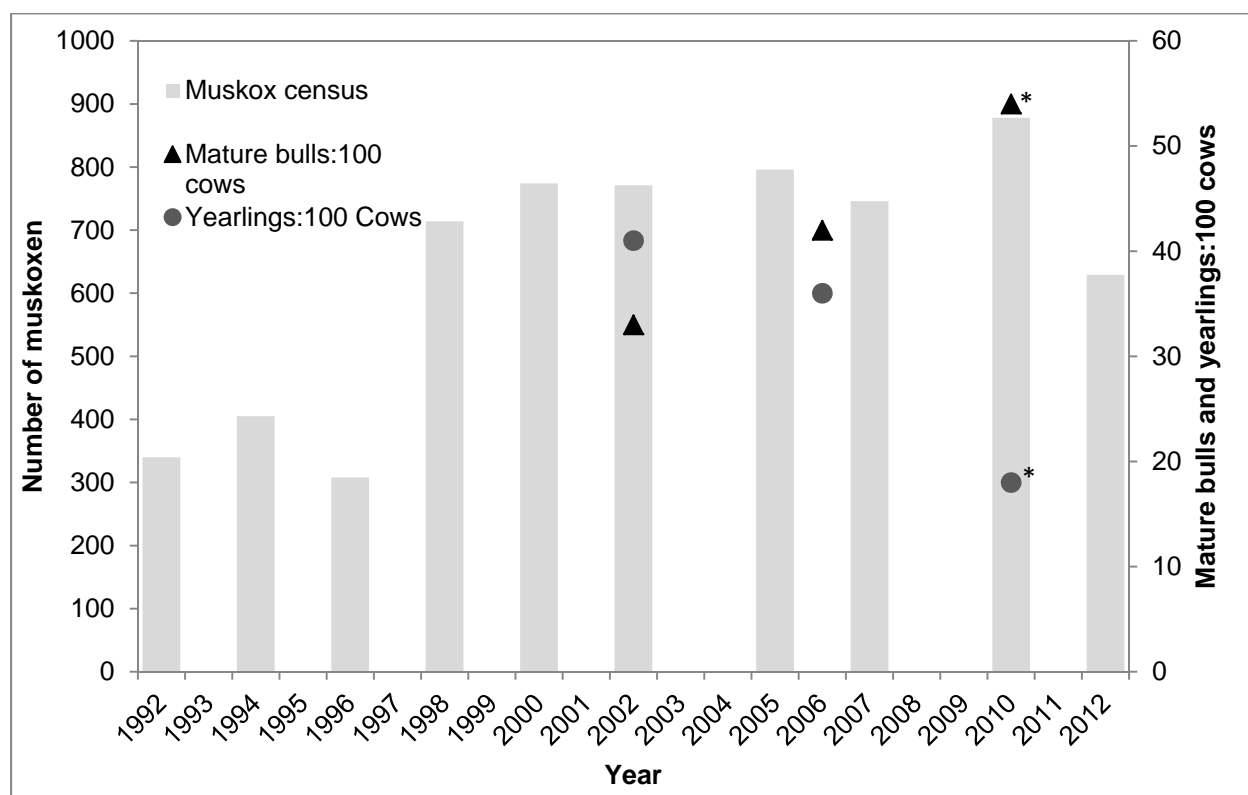


Figure 1. Abundance and composition data for muskoxen in Unit 22D, 1992–2012 (Gorn 2011, 2012). Muskox abundance was determined by minimum counts between 1992 and 2007 via aerial census, and was estimated in 2010 and 2012 via distance sampling. Surveys were flown in late-January through early April. Composition surveys were conducted in February and March and identified age and sex composition of groups of muskoxen. Composition surveys in 2010 (*) were only conducted in the remainder portion of Unit 22D.

Harvest History

Harvest of muskoxen in Unit 22D was originally limited to Federally qualified subsistence users when seasons were established in 1995. As muskox numbers increased, a State Tier II harvest was added in 1998/1999. In January 2008, the Alaska Board of Game ended the Tier II permit hunt in several units on the Seward Peninsula, including Unit 22D and adopted regulatory changes that created a combination of Tier I registration permit and drawing permit hunts (Gorn 2011). State and Federal in-season closures

were necessary in 2010, 2011, and 2012 because the harvest quota was reached or were expected to be reached. The harvest strategy between 1998 and 2011 was based on a percentage of the population (up to 8% in some areas) within a hunt area. The harvest was generally focused on mature bulls, which resulted in heavy exploitation of the mature bull component of the population (Adkisson 2013, pers. comm.).

Between 2001 and 2012, the average muskox harvest in Unit 22D under State regulations was approximately 33 animals, while only 2 muskoxen were reportedly harvested under Federal regulations during the time period (**Table 1**). The Federal registration permit for Unit 22D Kuzitrin has had little use (one issued in 2010, five issued in 2012) and no reported harvest (OSM 2013). The total allowable harvest under State and Federal regulations in Unit 22D Kuzitrin was 11 muskoxen (including up to 4 cows) in 2008, but was reduced to 4 bulls in 2012 (Adkisson 2013, pers. comm.). Under State regulations in 2008 and 2009, a total of 9 muskoxen (7 bulls, 2 cows) and 10 muskoxen (8 bulls, 2 cows) were reportedly harvested in Unit 22D Kuzitrin, respectively (Gorn 2011).

Table 1. State and Federal harvest information for muskoxen in Unit 22D, 2001-2012 (Gorn 2013, pers. comm.; OSM 2013).

Year	Quota		State			Federal			Total Harvest
	Total	Cows	Permits Issued	Harvest		Permits Issued	Harvest		
				Bulls	Cows		Bulls	Cows	
2001	39	16	37	23	6	7	0	0	29
2002	38	15	40	24	3	6	0		27
2003	38	15	40	22	9	6	1	0	32
2004	38	15	45	16	2	6	1	0	19
2005	40	16	50	25	7	6	0	0	32
2006	45	19	66	30	6	6	0	0	36
2007	41	18	72	32	3	6	0	0	35
2008	43	16	-	31	2	21	0	0	33
2009	43	16	-	34	9	8	0	0	43
2010	57	20	-	49	9	0	0	0	58
2011	39	18	-	30	13	0	0	0	43
2012	12	0	12	9*	0	5	0	0	9

*Includes seven muskox that were illegally killed (no permits) near Brevig Mission.

State Tier II Permits

The State issued Tier II permits from 1998 to 2007, and later reestablished a Tier II system for Unit 22D in 2011. From 2008 to 2011, the State Tier II hunts in Unit 22D were replaced with State Tier I registration permit hunts (RX102 and RX103). In 1998, the combined population of Brevig Mission and Teller was approximately 544 people, according to the US Census. Hunters from Brevig Mission and Teller were the only hunters eligible to harvest the allocation of muskoxen that could be taken from Federal public lands in Unit 22D. While some applied for and received Tier II permits, up to 12 Federal permits were also distributed in Brevig Mission and Teller. For the 1999/2000 season, all 24 Tier II permits issued for Unit 22D went to residents of Brevig Mission. It appeared that the State system would provide more harvest opportunity for residents of Brevig Mission and Teller, as long as these local residents were able to get adequate numbers of the Tier II permits. In 2004, approximately 3,700 people (the communities of Nome,

Solomon, and White Mountain) were added to the customary and traditional use determination for muskoxen in Unit 22D. In 2010, approximately 1,500 additional people (Golovin, Elim Council, Koyuk, Wales, and Shishmaref) were added to the customary and traditional use determination for muskoxen in Unit 22D. Currently, almost 6,000 people living in about 1,900 households are residents of communities eligible to harvest muskox in the Kuzitrin drainage (**Table 2**).

Under the Tier I system between 2008 and 2011, any State resident could request and receive a registration permit allowing him or her to hunt muskoxen in Unit 22D. In 2012, all registration permit hunts were closed and replaced with Tier II permit hunts. Very few Tier II permits (less than 20 permits) were available each season. Many residents of Nome who hunted muskox with a State registration permit previously were unable to hunt muskoxen in Unit 22D, because of the limited number of Tier II permits issued in 2012 and 2013. For example, in 2010, 52 Nome residents obtained a State Tier I registration permit to hunt muskoxen in Unit 22D, and 25 muskoxen were harvested. In 2013, over 50 Nome residents applied for a State Tier II permit, but fewer than 10 individuals from Nome actually received permits.

Table 2. Human population of villages in the customary and traditional use determination for muskox in Unit 22D Kuzitrin.

Community	US Census				
	1980	1990	2000	2010	
	Number of People				Number of Households
Elim (22B)	211	264	313	330	89
Golovin (22B)	87	127	144	156	49
Koyuk (22B)	188	231	297	332	89
White Mountain (22B)	125	180	203	190	65
Nome (22C)	2506	3500	3505	3598	1216
Teller (22D)	212	232	268	229	72
Brevig Mission (22D)	138	198	276	388	93
Wales (22E)	133	161	152	145	43
Shishmaref (22E)	394	456	562	563	141

An examination of the State Tier II permit data for muskoxen in Unit 22D Remainder and Unit 22D Kuzitrin shows that in 2013, there were 62 applications received for 11 permits. Among the communities with a customary and traditional determination in Unit 22D Kuzitrin, Nome residents applied for 54 and obtained 6, Brevig Mission applied for 4 and received 3, Teller applied for 2 and received 2, and White Mountain applied for 1 and received 0 permits (ADF&G 2013a).

Section 804 Analysis

A Section 804 analysis was developed for this proposal due to the small number of muskox anticipated to be available for harvest and the relatively large number of subsistence users with a customary and traditional use determination to harvest muskox in the Unit 22D Kuzitrin hunt area. The customary and traditional

use determination for muskoxen in Unit 22D Kuzitrin includes rural residents of Units 22B, 22C, 22D (excluding St. Lawrence Island), and 22E. This 804 analysis may help determine which residents of those units would be most eligible to harvest muskox in Unit 22D within the Kuzitrin River drainage.

Section 804 of ANILCA provides a subsistence priority for the taking of fish and wildlife on Federally administered lands and waters. A subsistence priority will be implemented through appropriate limitations whenever it is necessary to restrict the taking of populations of fish and wildlife on these lands for subsistence uses. These limitations are based on the application of three criteria: 1) customary and direct dependence upon the populations as the mainstay of livelihood; 2) local residency; and 3) the availability of alternative resources. The following section addresses these criteria as they relate to rural residents with a customary and traditional use determination for muskoxen in Unit 22D Kuzitrin.

1. Customary and Direct Dependence upon the Populations as a Mainstay of Livelihood

Local residents depend on a variety of resources as part of a regular pattern of subsistence harvesting (Table 3). Muskoxen have been harvested regularly on the Seward Peninsula since seasons were established in 1995. While muskox is not a major source of food in relation to other subsistence resources, it has become more important within some families.

Table 3 shows the most recent year of subsistence harvest data based on household harvest surveys for use and harvest of large land mammals for those communities with a customary and traditional determination for muskoxen in Unit 22D Kuzitrin, except Nome. In almost every community, more caribou was taken than other land mammals, followed by moose. The per capita harvest of muskoxen ranged from zero to 13 pounds. However, most of the villages had harvested at least one muskox, and almost all had used muskox. While no ADF&G subsistence harvest surveys for land mammals have been conducted in Nome, cumulative permit data for 2001- 2010 in Unit 22D show that Nome hunters took 376 moose and 187 muskoxen (OSM 2013).

Local residents’ dependence on the particular muskox populations in this hunting area are addressed in factor 2, Local Residency.

Table 3. Use and harvest of large land mammals in selected communities with a customary and traditional determination in Unit 22D (ADF&G 2013b).

Species	% used	% attempt	% harvest	# animals	total lbs	lbs per capita
Elim, 2010 (pop. 326)						
Brown bear	5.6	5.6	2.8	2	218	0.7
Caribou	84.5	39.4	28.1	83	11,294	34.6
Moose	70.4	40.8	12.6	11	6,001	18.4
Muskox	7.0	2.8	1.4	1	735	2.3
Golovin, 2010 (pop. 138)						
Brown bear	0	0	0	0	0	0
Caribou	69.7	21.2	12.1	17	2,267	16.4

Table 3 (cont.)		Golovin, 2010 (cont.)				
Species	% used	% attempt	% harvest	# animals	total lbs	lbs per capita
Moose	60.6	18.2	6.6	3	1,630	11.8
Muskox	18.2	6.6	6.6	3	1,797	13.0
Koyuk, 2004 (pop. 377)						
Brown bear	0	1.6	0	0	0	0
Caribou	96.9	76.6	71.9	425	57,737	153.3
Moose	78.1	67.2	28.1	27	15,182	40.3
Muskox	7.8	0	0	0	0	0
White Mountain, 2009 (pop. 195)						
Brown bear	1.6	3.3	1.6	1	92	0.5
Caribou	85.2	45.9	32.7	99	13,477	69.1
Moose	82.0	50.8	23.0	15	8,026	41.2
Muskox	19.7	9.8	9.8	4	2,528	13.0
Brevig Mission, 2005 (pop. 333)						
Brown bear	0	0	0	0	0	0
Caribou	16.1	14.5	14.5	43	5,835	17.5
Moose	9.7	11.3	9.7	8	4,268	12.8
Muskox	3.2	3.2	3.2	2	1,339	4.0
Teller, 2005 (pop. 226)						
Brown bear	1.9	1.9	1.9	1	0	0
Caribou	9.3	0	0	0	0	0
Moose	77.8	20.4	7.4	5	2,440	10.8
Muskox	0	0	0	0	0	0
Shishmaref, 2009 (pop. 567)						
Brown bear	0	0	0	0	0	0
Caribou	71.9	71.9	65.2	339	46,049	81.2
Moose	34.8	34.8	28.1	33	17,845	31.5
Muskox	3.4	3.4	3.4	6	3,278	5.8
Wales, 2010						
Brown bear	0	0	0	0	0	0
Caribou	12.9	0	0	0	0	0
Moose	61.2	12.9	9.7	5	2,551	17.1
Muskox	22.6	3.2	0	0	0	0

2. Local Residency

The customary and traditional use determination for muskoxen in Unit 22D Kuzitrin includes rural residents of Units 22B, 22C, 22D (excluding St. Lawrence Island), and 22E. This includes residents of Council, Elim, Golovin, Koyuk and White Mountain, in Unit 22B; Nome in Unit 22C; Teller and Brevig Mission in Unit 22D; and Wales and Shishmaref in Unit 22E.

From the point of view of geographic proximity, Brevig Mission and Teller, both in Unit 22D, are the closest communities to the Kuzitrin River in Unit 22D, followed by Council and White Mountain in Unit

22B and then Nome in Unit 22C. Nome, Council and Teller hunters have greater ease of access by road at least partway to the hunting area. Shishmaref and Wales, both in Unit 22E, are at the greatest distance from Unit 22D Kuzitrin both in geographic proximity and in terms of access to hunting areas.

Table 4 indicates the number of permits issued and reported harvest from 2001 to 2010 cumulatively by communities with a customary and traditional use determination for muskoxen in Unit 22D. Elim and Golovin residents took almost all their muskoxen from Unit 22B, their subunit of residence; Elim took 2 of 13 (15%), and Golovin took 1 of 23 (4%) in Unit 22B. Council hunters took 1 of 9 muskoxen in Unit 22D. Koyuk residents took none of the 13 muskoxen they harvested from Unit 22D. White Mountain, also located in 22B, took 45 of 70 (64%) of its harvest of muskoxen in 22B, and 22 animals (31%) in 22D. Nome hunters used Unit 22C, their subunit of residence, for 121 (39%) of their total harvest of 310. Their primary hunting area, however, was 22D with 187 (60%) of 310 animals killed. White Mountain and Nome hunters take a significant portion of their harvests of muskoxen from Unit 22D.

Communities located in Unit 22D, Teller and Brevig Mission, took most of their muskox harvest there. Teller hunters took 21 (95%) of their total 22 animals in Unit 22D, while Brevig Mission took 34 of 35 (97%) of animals there.

Table 4. Harvest, by subunit, of muskoxen by communities with a customary and traditional determination in Unit 22D, 2001–2010.

Unit of Harvest	Number of Permits Issued	Number of Hunters	Number of Muskoxen Killed
Council (22B)			
22B	5	5	5
22C	3	3	3
22D	1	1	1
22Z	3	0	0
Total	12	9	9
Elim (22B)			
22B	15	15	11
22D	2	2	2
22Z	19	0	0
Total	36	17	13
Golovin(22B)			
22B	24	24	22
22D	1	1	1
22Z	6	0	0
Total	31	25	23
Koyuk (22B)			
22B	16	16	13
22Z	22	0	0
Total	38	16	13
White Mountain (22B)			
22B	53	53	45
22C	3	3	2
22D	24	24	22
22Z	13	1	1
Total	93	81	70

Table 4 (cont.)			
Unit of Harvest	Number of Permits Issued	Number of Hunters	Number of Muskoxen Killed
Nome (22C)			
20C	1	1	0
22B	16	16	15
22C	173	173	121
22D	286	286	187
22E	34	34	16
22Z	375	6	0
23	1	0	0
Total	893	516	310
Brevig Mission (22D)			
22D	42	42	34
22E	1	1	1
22Z	61	2	0
Total	104	45	35
Teller (22D)			
22D	27	27	21
22E	1	1	1
22Z	58	1	0
Total	86	29	22
Shishmaref (22E)			
22B	1	1	1
22C	1	1	1
22E	97	97	91
22Z	119	10	0
Total	218	109	93
Wales (22E)			
22D	1	1	1
22E	49	49	40
22Z	46	5	3
Total	96	55	44

Shishmaref and Wales, in Unit 22E, also have a customary and traditional determination for muskoxen in Unit 22D. Both communities have harvested muskoxen almost exclusively in Unit 22E, but Wales took 1 (2%) of its total 44 muskoxen in Unit 22D.

As **Table 5** shows, between 2001 and 2010, hunters from Nome took 139 of a total 189 (74%) muskoxen harvested in Unit 22D Kuzitrin. Local resident hunters took 178 of 189, or 94% of the animals. In addition to the Nome harvest, the White Mountain harvest was 34, while Brevig Mission and Teller hunters took two animals each and Golovin residents took one.

Table 5. State and Federal reported harvest of muskoxen in Unit 22D Kuzitrin River drainage, 2001–2010.

Community	Number of Permits	Number of hunters	Number of Muskoxen harvested
Kuzitrin River drainage (FX 2206)			
Unknown	1	1	0
Anchorage	4	4	2
Brevig Mission	2	2	2
Buckland	2	2	2
Eagle River	1	1	1
Fairbanks	1	1	1
Golovin	1	1	1
Juneau	1	1	1
Kotzebue	1	1	0
Noatak	1	1	1
Nome	208	208	139
Non-resident	1	1	1
Teller	2	2	2
Wasilla	4	4	2
White Mountain	35	35	34
Total	265	265	189

3. Availability of Alternative Subsistence Resources

Local residents depend on a variety of resources as part of a regular pattern of subsistence harvesting. Since being re-introduced in 1970, muskoxen have been harvested regularly. While muskox is not a major source of food in relation to other subsistence resources, it has become more important within some families. Dependence could also increase if other resources were to decline.

Some harvest opportunities exist for muskoxen other than those in Unit 22D Kuzitrin. Residents of Unit 22B have a customary and traditional use determination for muskoxen in Unit 22B and Unit 22D.

Residents of Unit 22C have a customary and traditional use determination for muskoxen in Units 22B and 22D. Residents of Unit 22D except St. Lawrence Island have a customary and traditional use determination for muskoxen in other subunits of Unit 22D. Residents of Unit 22E have a customary and traditional use determination for muskoxen in Units 22D and 22E. For some residents of some communities, muskoxen from other areas may not be a viable alternative to hunting muskoxen in Unit 22D Kuzitrin.

If they are unable to hunt muskoxen, residents of these communities have alternative resources in other land mammals, sea mammals, fish, and birds. As discussed above under factor 1, Customary and Direct Dependence, **Table 3** shows the most recent year of subsistence harvest data based on household harvest surveys for use and harvest of large land mammals for those communities with a customary and traditional

determination for muskoxen in Unit 22D Kuzitritin, except Nome. In almost every community, more caribou was taken than other land mammals, followed by moose. The per capita harvest of muskoxen ranged from zero to 13 pounds. However, most of the villages had harvested at least one muskox, and almost all had used muskox.

Table 6. Harvest of birds and eggs in selected years in communities with a customary and traditional determination in Unit 22D (ADF&G 2013b).

Community and date	% used	% attempt	% harvest	Total lbs	Lbs per capita
Elim, 1993 (pop 326)	86.1	77.8	72.2	2,870	10.7
Golovin, 1982 (pop 138)	95.0		85.0		
Koyuk, 1995 (pop 282)			91.9	4,969	17.6
White Mountain, 1995 (pop. 220)			93.1	7,139	32.5
Nome, 1995 (pop 3511)			41.2	18,014	5.1
Brevig Mission, 1984 (pop 194)	96.4		82.1		
Brevig Mission, 1995 (pop 242)			50.0	2,650	11.0
Teller, 1995 (pop 300)			45.0	1,964	6.5
Shishmaref, 1995 (pop 560)	82.2	77.8	77.8	15,481	27.6
Wales, 1993 (pop 152)	59.5	42.9	42.9	1,770	11.6
Buckland, 1996 (pop 379)			67.5	5,787	15.3
Deering, 1994 (pop 148)	83.8	70.3	70.3	3,481	23.5
Deering, 1997 (pop 158)			55.3	1,861	11.8

Table 6 shows the harvest of birds and eggs in baseline years, mainly in 1995, in communities federally eligible to hunt muskoxen in Unit 22D Kuzitritin, including Nome. Nome had the lowest per capita harvest of the communities, at 5.1 pounds, followed by Teller with 6.5. The villages with the highest per capita bird and egg harvests were White Mountain with 32.7 pounds and Shishmaref with 27.6.

Marine mammals and fish made up a larger portion of the subsistence harvests in each of the eligible communities where subsistence harvest surveys have been conducted (**Table 7**). For example, Golovin, Brevig Mission, Shishmaref, and Wales all harvested more than 100 pounds of seal per capita during the study year. The seal harvest per person was 307.3 pounds in Shishmaref and 278.1 pounds in Wales. Beluga, walrus, and bowhead whale were also reported in the subsistence harvest studies. Salmon harvests per capita ranged from 17.3 pounds in Shishmaref in 1989 to 161.2 pounds in Golovin the same year. Non-salmon fish harvests per capita ranged from 20.9 pounds in Wales in 1993 to 104.8 pounds in Brevig Mission in 1989.

Residents of each of the communities also have other subsistence resources available to them, such as sea mammals, other land mammals, or fish, although this access may vary.

Summary of 804 Analysis

The 804 analysis presents the means to distinguish among communities with a customary and traditional determination for muskox in Unit 22D Kuzitritin for subsistence priority. The communities of Elim, Council, Golovin, Koyuk and White Mountain, in Unit 22B; Nome in Unit 22C; and Teller and Brevig Mission in Unit 22D appear eligible to be included in a Section 804 determination, based on their degree of

reliance on the source as the mainstay of livelihood, local residency, and availability of alternative resources. However, Shishmaref and Wales, the two communities at the greatest distance from Unit 22D Kuzitrin, should be excluded in the 804 determination. Between 2001 and 2010, Shishmaref and Wales residents harvested muskoxen almost exclusively in Unit 22E, their subunit. During that period hunters from Wales harvested one of a total 44 muskoxen in Unit 22D. See **Appendix 1** for a summary table of the 804 analyses for all three Unit 22D hunt areas.

Table 7. Use and harvest of key marine mammals and fish in communities with a customary and traditional determination in Unit 22D (ADF&G 2013b).

Species	% used	% attempt	% harvest	# animals	Total lbs	Lbs per capita
Elim: no data available in ADF&G CSIS						
Golovin, 1989 (pop 169)						
Seals	87.9	57.6	57.6	134	18,733	110.8
Beluga	75.8	36.4	15.2	14.0	13,598	80.5
Salmon	100.0	87.9	87.9		27,235	161.2
Non-salmon fish	93.9	90.9	90.9		13802	81.7
Koyuk: no data available in ADF&G CSIS						
White Mountain: no data available in ADF&G CSIS						
Nome: no data available in ADF&G CSIS						
Brevig Mission, 1989 (pop 184)						
Seals	80.0	80.0	66.7	189	24,441	132.8
Walrus	46.7	53.3	46.7	106	35,317	191.9
Salmon	100.0	80.0	80.0		21,638	117.6
Non-salmon fish	100.0	100.0	100.0		19,290	104.8
Teller: no data available in ADF&G CSIS						
Shishmaref, 1989 (pop 472)						
Seals	85.7	57.1	57.1	950	145,044	307.3
Walrus	61.9	33.3	28.6	225	68,145	144.4
Salmon	76.2	42.9	42.9		8161	17.3
Non-salmon fish	85.7	71.4	61.9		20,056	42.5
Shishmaref, 1995 (pop 560)						
Salmon	82.2	68.9	68.9		52,011	92.9
Non-salmon fish	91.1	77.8	77.8		36,205	64.7
Wales, 1993 (pop 152)						
Seals	71.4	50.0	45.2	223	42,274	278.1
Walrus	50.0	42.9	28.6	40	16,042	105.5
Beluga	31.0	16.7	9.5	1	995	6.5
Bowhead whale	73.8	26.2	11.9	1	28,677	188.7
Salmon	85.7	50.0	50.0		11,869	78.1
Non-salmon fish	71.4	54.8	45.2		3,173	20.9

Other Alternative Considered

The proponent requested delegating the authority to restrict the number of Federal permits to issue each year to the Federal manager. Restricting the number of Federal permits reduces opportunity for Federally qualified subsistence users to harvest muskoxen and raises concern about equitable permit allocation. To address allocation concerns, a Federal drawing permit could be used for the Unit 22D Kuzitrin hunt area. A drawing permit would randomly assign available permits to those Federally qualified subsistence users who choose to be considered for the hunt. The pool of Federally qualified subsistence users for the drawing hunt would likely consist of those users who did not receive a State Tier II permit, as the State permits provide more opportunity due to limited amount and remoteness of Federal public land in the hunt area. In addition, Federal regulations allow for the use of State permits on Federal public lands, which are closed to non-Federally qualified subsistence users, and the Federal muskox season (Aug. 1–Mar. 15) is significantly longer than the State season (Jan. 1–Mar. 15) in Unit 22D Kuzitrin. Potential allocation strategies include a random drawing permit, issuing permits on a first-come first-serve basis, or allocating among communities on a rotating schedule.

The disadvantage of this alternative is that if the Board delegates management authority, the Federal manager should be able to choose the allocation method that best suits the situation in the hunt area, including the use of a drawing permit. Establishing a Federal drawing permit in the hunt area would reduce management flexibility and would require a future proposal to change the permit requirement.

Effects of the Proposal

If this proposal is adopted, it would eliminate cow muskox harvest under Federal regulations. In addition, it would add specific language that would authorize the Superintendent of the Bering Land Bridge National Preserve to restrict the number of Federal permits to be issued. Eliminating the cow season will likely help the Seward Peninsula muskox population recover by increasing the reproductive capacity of the herd.

Allowing the Superintendent of the Bering Land Bridge National Preserve to restrict the number of Federal permits to be issued will help prevent the overharvest of the declining muskox population. By controlling the number of permits to be issued, land managers would be able to restrict the number of hunters as the quota changes. In 2012 and 2013, a more conservative harvest strategy was initiated in order to help rebuild the mature bull-to-cow ratios. The modified strategy is based on potentially harvesting 10% of mature bulls from a hunt area, and results in a 2% harvest rate of the harvestable population in the core area (excluding Units 22A and 23–Southeast) (Adkisson 2013, pers. comm.).

The proponent also requested that the permit requirements be clarified to state that Federally qualified subsistence users can harvest a muskox on Federal public lands with a State Tier II permit. Clarifying the regulatory language could reduce confusion regarding permit requirements. However, changing the language would require future regulatory proposals to update the regulation if the State moves to a State Tier I or registration permit.

OSM PRELIMINARY CONCLUSION

Support Proposal WP14-31 **with modification** to remove reference to the State Tier II permit; remove the regulatory language referencing harvest quotas and closures found in the Unit 22D Kuzitrin muskox regulations; and delegate authority to close the season, determine annual quotas, the number of permits to be issued, and the method of permit allocation via a delegation of authority letter only (**Appendix 2**).

The modified regulation should read:

Unit 22D—Muskox

Unit 22D, that portion within the Kuzitrin River drainages—1 musk ox bull by Federal permit or State permit; however, cows may only be taken during the period Jan. 1–Mar. 15. Federal public lands are closed to the taking of musk ox except for Federally qualified subsistence users hunting under these regulations. Annual harvest quotas and any needed closures will be announced by the Superintendent of the Bering Land Bridge National Preserve in consultation with ADF&G and BLM. Aug. 1–Mar. 15

Justification

The muskox population within the Seward Peninsula, including Unit 22D Kuzitrin, has significantly declined since 2010. Adult cow mortality has been high and elimination of the cow harvest will help the population recover by protecting the reproductive component of the population. Allowing the Federal manager to limit the number of permits to be issued will help protect the Seward Peninsula muskox population from overharvest. The allowable harvest on the Seward Peninsula is very low, and harvest could easily exceed the quota under certain hunt conditions if an unlimited number of permits were issued. Limiting the number of permits will allow managers to reduce the number of mature bulls harvested, which should improve the mature bull:cow ratio.

Creation of a delegation of authority letter for the Superintendent of the Bering Land Bridge National Preserve will serve to clarify regulations and allow for hunt management flexibility through in-season adjustment of hunt parameters. Deleting the requested reference of the State Tier II permit from regulation will also allow for regulatory flexibility, as a proposal will not be needed to change Federal regulations if the State changes to a Tier I or other registration permit.

Allowing the Federal manager to limit the number of Federal permits in the Unit 22D Kuzitrin hunt area could lead to issues regarding the equitable allocation of permits among Federally qualified subsistence users. Federally qualified subsistence users are provided more harvest opportunity through State Tier II permits which are valid on Federal public lands, including those Federal lands closed to non-Federally qualified subsistence users. However, Federal permits can provide opportunity for Federally qualified subsistence users that did not receive a State Tier II permit to harvest a muskox. The Federal land manager should develop an equitable, transparent means of allocating available permits among Federally qualified subsistence users. The Section 804 analysis presented the means to establish a priority among rural

residents with a customary and traditional use determination for muskoxen in Unit 22D Kuzitrin. The results suggest limiting the harvest to residents of Elim, Council, Golovin, Koyuk, White Mountain, Nome, Teller and Brevig Mission. The Board could recommend an allocation strategy to the Superintendent of the Bering Land Bridge National Preserve, such as working with the communities for an equitable distribution or a drawing permit.

LITERATURE CITED

ADF&G. 2013a. Tier 2 Results, Unit 22B (TX105). Unit 22D Remainder and K&P (TX102); Unit 22D Southwest (TX103).

ADF&G. 2013b. Community Subsistence Harvest Information System.

ADF&G. 1980. Muskox management policies. Pages X-1-X-4 *in* Alaska Wildlife Management Plans: Species Management Policies. Alaska Department of Fish and Game. Federal Aid in Wildlife Restoration Miscellaneous Report. Project W-20-2. Juneau, AK.

Adkisson, K. 2013. Subsistence Program Manager. Personal communication: email and phone. National Park Service. Nome, AK.

FSB. 1998. Transcripts of Federal Subsistence Board proceedings, May 4, 1998. Office of Subsistence Management, FWS. Anchorage, AK.

FSB. 1999. Transcripts of Federal Subsistence Board proceedings, May 3, 1999. Office of Subsistence Management, FWS. Anchorage, AK.

Gorn, T. 2011. Unit 22 muskox. Pages 16–47 *in* P. Harper, editor. Muskox management report of survey and inventory activities 1 July 2008–30 June 2010. ADF&G. Project 16.0. Juneau, AK.

Gorn, T. 2012. 2012 muskox survey results memorandum. Alaska Department of Fish and Game. Nome, AK.

Gorn, T. 2013. Wildlife Biologist. Personal communication: email. Alaska Department of Fish and Game. Nome, AK.

Nelson, R. 1994. Seward Peninsula cooperative muskox management plan. Unpublished report. Nome, AK.

OSM. 2013. Federal subsistence permit database. Microcomputer database, accessed May 2013.

Schmidt, J.H. and T.S. Gorn. 2013. Possible secondary population-level effects of selective harvest of adult male muskoxen. *PLoS ONE* 8(6): e67493.doi:10.1371/journal.pone.0067493.

WP14-33, 35 AND 38 – SUMMARY OF THE ANILCA SECTION 804 ANALYSIS

The proposals request that Federal land managers be authorized to restrict the number of Federal permits issued to hunt muskoxen in three parts of Unit 22D. Unit 22D (Kuzitrin), Unit 22D (Southwest), and Unit 22D (Remainder).

Factor/Proposal	WP14-33	WP14-35	WP14-38
Portion of Unit 22D	Unit 22D (Kuzitrin)	Unit 22D (Southwest)	Unit 22D (Remainder)
Customary and Traditional Determination (all of Unit 22D)	Rural residents of Units 22B, 22C, 22D (excluding St. Lawrence Island), and 22E are eligible to hunt muskoxen in Unit 22D. Communities included are Elim, Council, Golovin, Koyuk and White Mountain in Unit 22B; Nome in Unit 22C; Teller and Brevig Mission in Unit 22D; and Wales and Shishmaref in Unit 22E.		
Federal Land Manager	NPS	BLM	BLM
1) Customary and Direct Dependence	Local residents depend on a variety of resources as part of a regular pattern of subsistence harvesting. Based on the most recent year of subsistence harvest data for large land mammals, the per capita harvest of muskoxen in communities eligible to harvest in Unit 22(D) ranged from 0 to 13 pounds. In almost every community, more caribou was taken than other land mammals, followed by moose.		
2) Local Residency	In linear distance, Brevig Mission and Teller, both in Unit 22D, are the closest communities to Unit 22D (Kuzitrin), followed by Council and White Mountain in Unit 22B and then Nome in Unit 22C. Nome, Council and Teller hunters have greater ease of access by road at least partway to the hunting area. Shishmaref and Wales, both in Unit 22E, are at the greatest distance from Unit 22D (Kuzitrin) both in geographic proximity and in terms of access to hunting areas.	In linear distance, Brevig Mission and Teller, both in Unit 22D, are the closest communities to the hunting areas, followed by Nome in Unit 22C. Nome and Council hunters have access by road at least part way to hunting areas in Unit 22D (Southwest). Wales hunters are geographically more proximate to Unit 22D (Southwest) than some other eligible communities, although they and Shishmaref hunters may be at a greater distance in terms of ease of access.	In linear distance, Brevig Mission and Teller, both in Unit 22D, are the closest communities to the hunting areas. Nome and Council hunters from Unit 22C have better access to the area because they can travel at least part of the way by road. Wales hunters are geographically more proximate to Unit 22D (Remainder) than some other eligible communities, although they and Shishmaref hunters may be at a greater distance in terms of ease of access.
Factor/Proposal	WP14-33	WP14-35	WP14-38
3) Alternative Resources	Local residents depend on a variety of resources as part of a regular pattern of subsistence harvesting. While muskox is not a major source of food in relation to other subsistence resources, it has become more important within some families. Dependence could also increase if other resources were to decline. Some harvest opportunities exist for muskoxen other than those in Unit 22D. Residents of each of the communities also have other subsistence resources available to them, such as sea mammals, other land mammals, or fish, although this access may vary from year to year and among		

	communities.		
State Permit system	In Unit 22D (Remainder) and Unit 22D (Kuzitrin) in 2013, there were 62 applications for 11 State Tier II permits received. Among the communities with a customary and traditional determination in Unit 22D (Kuzitrin), Nome residents applied for 54 and obtained 6, Brevig Mission applied for 4 and received 3, Teller applied for 2 and received 2, and White Mountain applied for 1 and received 0.	In Unit 22D (Southwest) in 2013, there were 32 applications for only 1 permit received. Among the communities with a customary and traditional determination in Unit 22D (Southwest), Nome residents applied for 28 and obtained 0, and Teller applied for 2 and received 0. The only Tier II permit for muskoxen received in 2013 for this subunit went to a Unalakleet resident (ADF&G 2013).	In Unit 22D (Remainder) and Unit 22D (Kuzitrin) in 2013, there were 62 applications for 11 State Tier II permits received. Among the communities with a customary and traditional determination in Unit 22D (Remainder), Nome residents applied for 54 and obtained 6, Brevig Mission applied for 4 and received 3, Teller applied for 2 and received 2, and White Mountain applied for 1 and received 0.
Summary	The 804 analysis does not present the means to distinguish among most of the communities with a customary and traditional determination for muskox in Unit 22D for subsistence priority. These include Elim, Council, Golovin, Koyuk and White Mountain, in Unit 22B; Nome in Unit 22C; and Teller and Brevig Mission in Unit 22D. All these communities appear eligible to be included in a Section 804 determination, based on their degree of reliance on the source as the mainstay of livelihood, local residency, and availability of alternative resources. Shishmaref and Wales, the two communities at the greatest distance from all parts of Unit 22D in terms of ease of access for hunting, and at the greatest geographical distance from Unit 22D Kuzitrin, should be excluded in the 804 determination. Between 2001 and 2010, both communities harvested muskoxen almost exclusively in Unit 22E, their subunit. During that period hunters from Wales harvested one of a total 44 muskoxen in Unit 22D.		

Superintendent
Bering Land Bridge National Preserve
P.O. Box 220
Nome, Alaska 99762

Dear Superintendent:

This letter delegates specific regulatory authority from the Federal Subsistence Board (Board) to the Superintendent of the Bering Land Bridge National Preserve, as approved by the Board, to issue emergency special actions if necessary to ensure the continued viability of a wildlife population, to continue subsistence uses of wildlife, or for reasons of public safety; or temporary special actions if the proposed temporary change will not interfere with the conservation of healthy wildlife populations, will not be detrimental to the long-term subsistence use of wildlife resources, and is not an unnecessary restriction on non-subsistence users. This delegation only applies to the Federal public lands subject to ANILCA Title VIII within Unit 22E and that portion within the Kuzitrin River drainages of Unit 22D as it applies to muskox on these lands.

It is the intent of the Board that actions related to management of muskox by Federal officials be coordinated, prior to implementation, with the Alaska Department of Fish and Game (ADF&G), the Bureau of Land Management (Field Manager of the Anchorage Field Office), and the Chair of the Seward Peninsula Subsistence Regional Advisory Council (Council) to the extent possible. Federal managers are expected to work with State and Federal managers and the Chair and applicable members of the Council to minimize disruption to resource users and existing agency programs, consistent with the need for special action.

DELEGATION OF AUTHORITY

- 1. Delegation:** The Superintendent of the Bering Land Bridge National Preserve is hereby delegated authority to issue emergency or temporary special actions affecting muskox on Federal lands as outlined under the Scope of Delegation of this section. Any action greater than 60 days in length (temporary special action) requires a public hearing before implementation. Special actions are governed by Federal regulation at 36 CFR 242.19 and 50 CFR 100.19.
- 2. Authority:** This delegation of authority is established pursuant to 36 CFR 242.10(d)(6) and 50 CFR 100.10(d)(6), which states: “The Board may delegate to agency field officials the authority to set harvest and possession limits, define harvest areas, specify methods or means of harvest, specify permit requirements, and open or close specific fish or wildlife harvest seasons within frameworks established by the Board.”
- 3. Scope of Delegation:** The regulatory authority hereby delegated is limited to the following authorities within the limits set by regulation at 36 CFR 242.26 and 50 CFR 100.26:

- To set a harvest quota, the number of permits issued, and the season opening and closing dates for the muskox on Federal public lands in Unit 22E and that portion within the Kuzitrin River drainages of Unit 22D.

This delegation may be exercised only when it is necessary to conserve the muskox population or to continue subsistence uses.

All other proposed changes to codified regulations, such as customary and traditional use determinations, adjustments to methods and means of take, or closures to only non-Federally qualified users shall be directed to the Federal Subsistence Board.

The Federal public lands subject to this delegated authority are those within Unit 22E and that portion within the Kuzitrin River drainages of Unit 22D.

4. Effective Period: This delegation of authority is effective from the date of this letter and continues until superseded or rescinded.

5. Guidelines for Delegation: You will become familiar with the management history of the wildlife species relevant to this delegation in the region, with current State and Federal regulations and management plans, and be up-to-date on population and harvest status information. You will review special action requests or situations that may require a special action and all supporting information to determine (1) consistency with 36 CFR 242.19, (2) if the request/situation falls within the scope of authority, (3) if significant conservation problems or subsistence harvest concerns are indicated, and (4) what the consequences of taking an action or no action may be on potentially affected subsistence users and non-Federally qualified users. Requests not within your delegated authority will be forwarded to the Federal Subsistence Board for consideration. You will maintain a record of all special action requests and rationale for your decision. A copy of this record will be provided to the Administrative Records Specialist in the Office of Subsistence Management no later than sixty days after development of the document.

You will notify the Office of Subsistence Management and coordinate with local ADF&G managers, the Bureau of Land Management (Field Manager of the Anchorage Field Office), and the Chair of the Seward Peninsula Subsistence Regional Advisory Council regarding special actions under consideration. You will issue decisions in a timely manner. Before the effective date of any decision, reasonable efforts will be made to notify the public, the Office of Subsistence Management, affected State and Federal managers, law enforcement personnel, and Council representatives. If an action is to supersede a State action not yet in effect, the decision will be communicated to the public, the Office of Subsistence Management, affected State and Federal Managers, and the local Council representatives at least 24 hours before the State action would be effective. If a decision to take no action is made, you will notify the proponent of the request immediately.

You may defer a special action request, otherwise covered by this delegation of authority, to the Federal Subsistence Board in instances when the proposed management action will have a significant impact on a large number of Federal subsistence users or is particularly controversial. This option should be exercised judiciously and may be initiated only when sufficient time allows for it. Such deferrals should not be considered when immediate management actions are necessary for conservation purposes. The Federal Subsistence Board may determine that a special action request may best be handled by the Board, subsequently rescinding the delegated regulatory authority for the specific action only.

6. Support Services: Administrative support for regulatory actions will be provided by the Office of Subsistence Management, U.S. Fish & Wildlife Service, Department of the Interior.

Sincerely,

Tim Towarak
Chair, Federal Subsistence Board

cc: Assistants to the Board
Interagency Staff Committee
Chair, Seward Peninsula Subsistence Regional Advisory Council
Commissioner, Alaska Department of Fish and Game
Coordinator, Seward Peninsula Subsistence Regional Advisory Council
Subsistence Liaison, Alaska Department of Fish and Game
ARD, Office of Subsistence Management
Administrative Record

WP14-35 Executive Summary	
General Description	Proposal WP14-35 requests that the season and harvest limit for muskox in Unit 22D west of the Tisuk River drainage and Canyon Creek (Unit 22D Southwest) be changed to eliminate the cow hunt. In addition, the proposal requests that BLM Anchorage Field Manager be specified as the Federal manager, and that language be added to authorize the Federal manager to restrict the number of Federal permits to be issued. <i>Submitted by the Bureau of Land Management.</i>
Proposed Regulation	<p>Unit 22D—Muskox</p> <p><i>Unit 22D—that portion west of the Tisuk River drainage and Canyon Creek—1 musk ox bull by Federal permit or State Tier II permit (TX103); however, cows may only be taken during the period Jan. 1–Mar. 15. Annual harvest quotas, the number of permits to be issued, and any needed closures will be announced by the Superintendent of the Western Arctic National Parklands BLM Anchorage Field Manager in consultation with NPS and ADF&G and BLM.</i> <i>Sept. 1–Mar. 15</i></p>
OSM Preliminary Conclusion	Support with modification.
Seward Peninsula Regional Council Recommendation	
Interagency Staff Committee Comments	
ADF&G Comments	
Written Public Comments	None

DRAFT STAFF ANALYSIS
WP14-35

ISSUES

Proposal WP14-35, submitted by the Bureau of Land Management, requests that the season and harvest limit for muskox in Unit 22D west of the Tisuk River drainage and Canyon Creek (Unit 22D Southwest) be changed to eliminate the cow hunt. In addition, the proposal requests that BLM Anchorage Field Manager be specified as the Federal manager, and that language be added to authorize the Federal manager to restrict the number of Federal permits to be issued.

DISCUSSION

The proponent states the 2012 Unit 22 muskox survey indicated that the overall Seward Peninsula muskox population experienced a significant decline since 2010. The changes in the overall population estimate have resulted in large reductions in allowable harvest, the elimination of the cow season, and the return to State Tier II hunts in all but one (Unit 22E) of the Seward Peninsula Game Management subunits. The proposed regulatory changes include a change in the relevant land manager to reflect the current lands status in the area, and a mechanism to limit the number of permits issued.

The proponent states that, in a collaborative effort between Federal and State agencies to reverse the apparent decline in muskox population, these regulatory changes represent a conservative harvest-management approach for muskox in Unit 22. The changes in regulation will likely have a positive effect on muskox recruitment. The elimination of the cow season will allow for the muskox population to rebuild. Limiting the number of permits will also reduce the take of mature bulls, allowing those of breeding age to contribute to muskox reproduction. And clarifying who the relevant land manager is will streamline regulatory oversight for future management action.

Although it was not requested by the proponent, a Section 804 analysis was developed for this proposal due to the small number of muskox anticipated to be available for harvest and the relatively large number of subsistence users with positive customary and traditional use determinations for muskoxen in the Unit 22D Southwest hunt area (**Map 1**). The customary and traditional use determination for muskoxen in Unit 22D Southwest includes rural residents of Units 22B, 22C, 22D (excluding St. Lawrence Island), and 22E. This Section 804 analysis may help determine which residents of those units would be most eligible to harvest muskox in Unit 22D Southwest.

Existing Federal Regulation

Unit 22D—Muskox

Unit 22D—that portion west of the Tisuk River drainage and Canyon Creek—1 musk ox by Federal permit or State permit; however, cows

Sept. 1–Mar. 15

may only be taken during the period Jan. 1–Mar. 15. Annual harvest quotas and any needed closures will be announced by the Superintendent of the Western Arctic National Parklands in consultation with ADF&G and BLM.

Proposed Federal Regulation

Unit 22D—Muskox

Unit 22D—that portion west of the Tisuk River drainage and Canyon Creek—1 muskox bull by Federal permit or State Tier II permit (TX103); however, cows may only be taken during the period Jan. 1–Mar. 15. Annual harvest quotas, the number of permits to be issued, and any needed closures will be announced by the Superintendent of the Western Arctic National Parklands BLM Anchorage Field Manager in consultation with NPS and ADF&G and BLM. Sept. 1–Mar. 15

Existing State Regulation

Unit 22D—Muskox

<i>Unit 22D—Southwest area located west of Tisuk River drainage, west of the west bank of Canyon Creek beginning at McAdam’s Creek continuing to Tuksuk Channel.</i>	<i>Residents: One bull by permit</i>	<i>All skulls require trophy destruction subject to permit conditions.</i>	<i>TX103</i>	<i>Jan. 1–Mar. 15</i>
--	--------------------------------------	--	--------------	-----------------------

Extent of Federal Public Lands

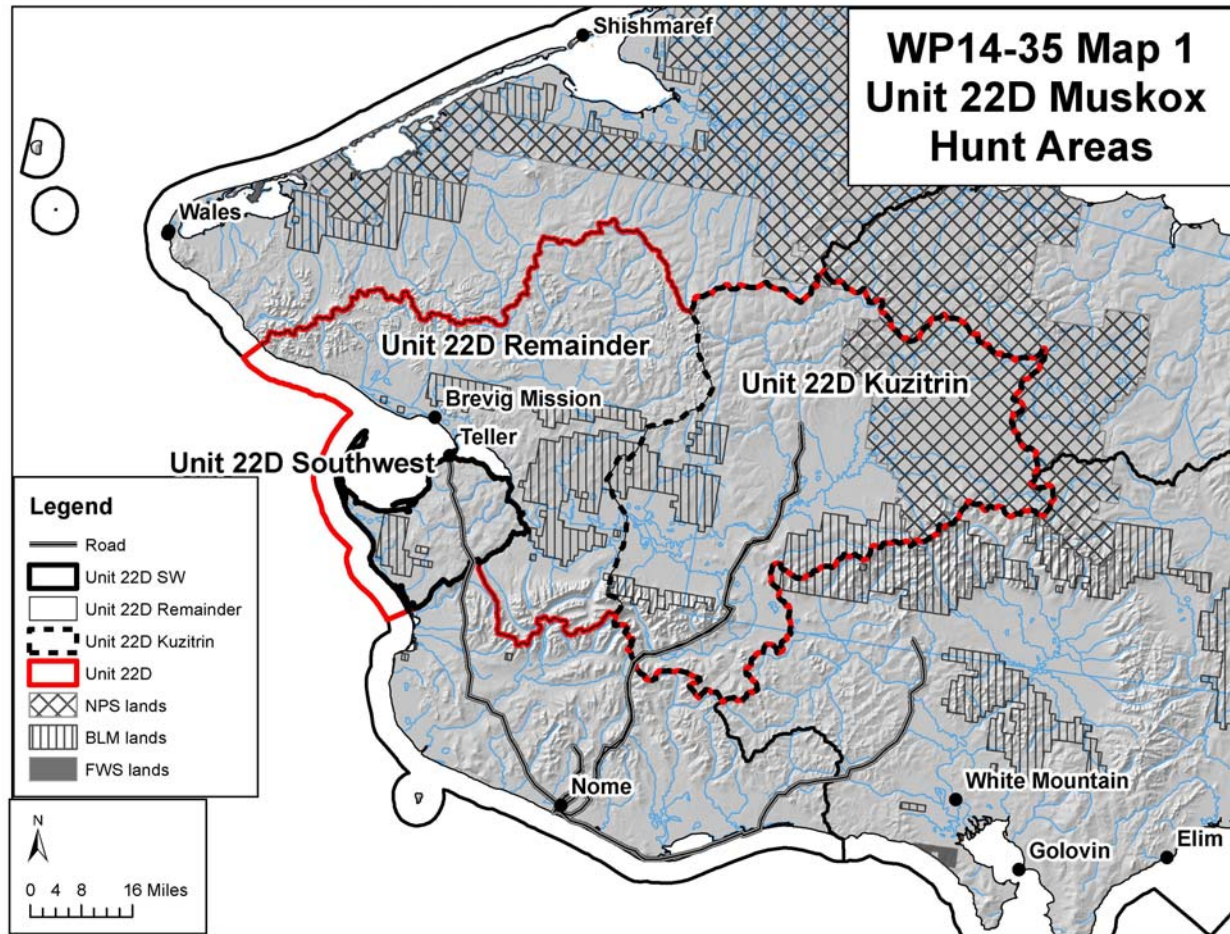
Federal public lands comprise approximately 12% of the hunt area in Unit 22D Southwest, and consist of 12% BLM managed lands (Map 1).

Customary and Traditional Use Determinations

Rural residents of Units 22B, 22C, 22D (excluding St. Lawrence Island), and 22E are eligible to harvest muskox in Unit 22D.

Regulatory History

See WP14-33 for regulatory history.



Biological Background

Muskox management on the Seward Peninsula has been guided by recommendations from the Seward Peninsula Muskox Cooperators Group. The group is composed of staff from ADF&G, NPS, BLM, USFWS, Bering Straits Native Corporation, Kawerak Inc., Reindeer Herders Association, Northwest Alaska Native Association, residents of Seward Peninsula communities, and representatives from other interested groups or organizations. The following management goals form the basis of the cooperative interagency management plan for Seward Peninsula muskoxen developed from 1992 through 1994 (Nelson 1994) and follow the guidelines of the ADF&G Muskox Management Policies (ADF&G 1980):

- Manage population to allow for continued growth and range expansion of the Seward Peninsula Muskox
- Provide for a limited harvest in a manner consistent with the existing State and Federal laws by following the goals/objectives endorsed by the Seward Peninsula Muskox Cooperators Group and the Seward Peninsula Cooperative Muskox Management Plan
- Manage muskoxen along the Nome road systems of Unit 22B and 22C for viewing, education, and other nonconsumptive uses

- Work with local reindeer herding interests to minimize conflicts between reindeer and muskoxen
- Protect and maintain the habitats and other components of the ecosystem upon which muskoxen depend
- Encourage cooperation and sharing of information among agencies and users of the resource in developing and executing management and research programs

Muskoxen were extirpated in Alaska by the late 1800s and perhaps hundreds of years earlier on the Seward Peninsula. Muskoxen were reintroduced to Units 22C and 22D of the Seward Peninsula in 1970, and have since expanded their range to the north and east. Currently, muskoxen occupy suitable habitat in Units 22A, 22B West, 22C, 22D, 22E, and 23-Southwest.

After reintroduction, the muskox population experienced periods of growth between 1970 and 2000 (14% annual rate of increase) and 2000 and 2010 (3.8% annual rate of increase) (Gorn 2011). However, between 2010 and 2012 the muskox population declined 12.5% annually throughout the Seward Peninsula (Gorn 2012). Aspects of the recent decline are likely related to the high mortality rates of adult cows and declines in the number of short yearlings (10-11 month-old muskoxen) (Gorn 2012). Since 2007, mortality rates of collared adult cows exceeded 20% in the northern and southern portions of the Seward Peninsula (Gorn 2012); however, some caution should be used when interpreting these mortality rates as they are based on a small sample of the population (Gorn 2011). Composition surveys also indicated declines in mature bulls between 2002 and 2010, which prompted changes to the method of determining harvest rates (Gorn 2011). Recent research has suggested that selective harvest of mature bulls on the Seward Peninsula may be a driver of reduce population growth and that annual harvest be restricted to less than 10% of the estimated number of mature bulls (Schmidt and Gorn 2013).

Muskox abundance within Unit 22D, which includes three Federal hunt areas, was relatively stable between 1998 and 2007, and recently declined between 2010 and 2012 (**Figure 1**). Composition surveys estimated ratios of at least 36 yearlings:100 cows in 2002 and 2006, which was indicative of population growth (Gorn 2011), but ratios appeared to decline by 2010, based on a more limited composition survey in Unit 22D remainder (**Figure 1**). Mature bull:cow ratios increased in Unit 22D between 2002 and 2010 (**Figure 1**). In Unit 22D Southwest, muskoxen abundance was estimated at 160 (95% CI: 135–191) muskoxen in 2010 and 77 (95% CI: 58–108) muskoxen in 2012; which represented a 52% decline (Gorn 2011, 2012).

Harvest History

Harvest of muskoxen in Unit 22D was originally limited to Federally qualified subsistence users when season were established in 1995. As muskox numbers increased, a State Tier II harvest was added in 1998/1999. In January 2008, the Alaska Board of Game ended the Tier II permit hunt in several units on the Seward Peninsula, including Unit 22D, and adopted regulatory changes that created a combination of Tier I registration permit and drawing permit hunts (Gorn 2011). The State issued an emergency order on January 29, 2012 to close the muskox harvest under State registration permit RX099 in Unit 22D Southwest because the harvest quota was reached or expected to be reached. The harvest strategy between 1998 and 2011 was based on a percentage of the population (up to 8% in some areas) within a hunt area. The harvest

was generally focused on mature bulls, which resulted in heavy exploitation of the mature bull component of the population (Adkisson 2013, pers. comm.).

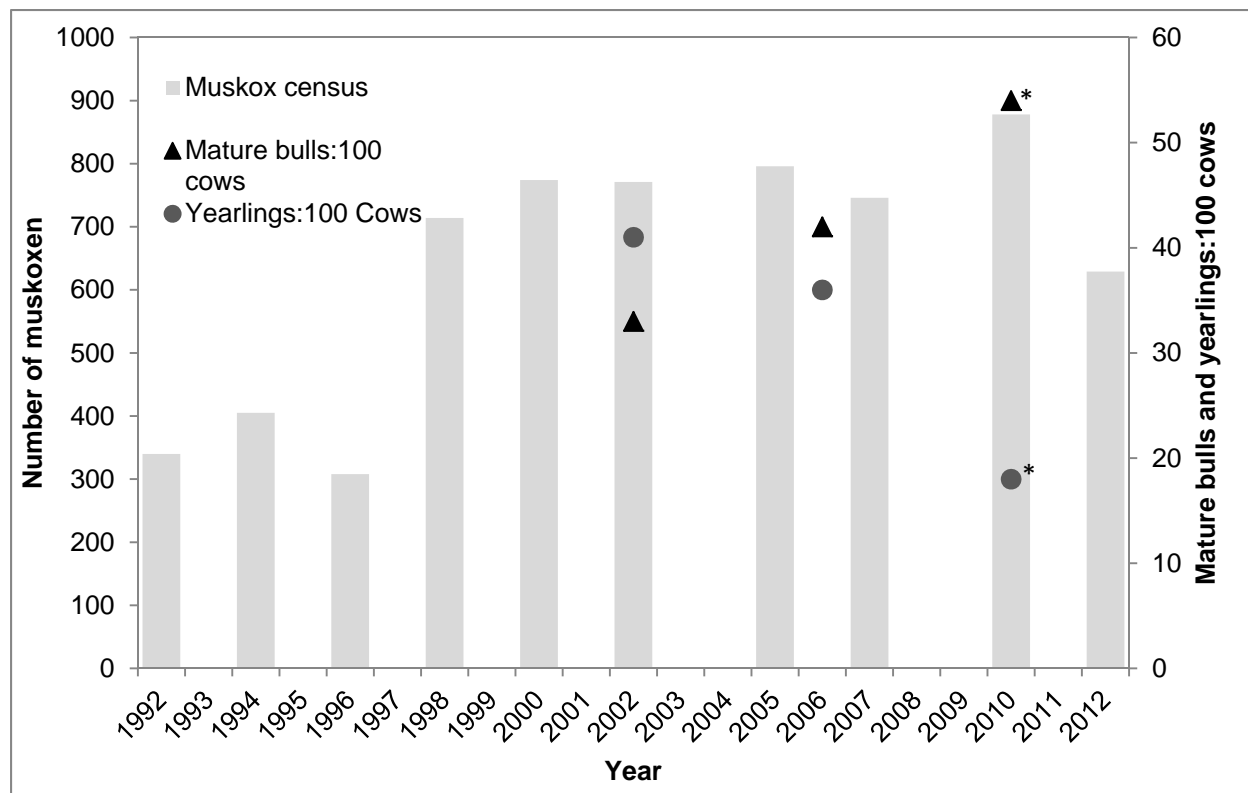


Figure 1. Abundance and composition data for muskoxen in Unit 22D, 1992–2012 (Gorn 2011, 2012). Muskox abundance was determined by minimum counts between 1992 and 2007 via aerial census, and was estimated in 2010 and 2012 via distance sampling. Surveys were flown in late-January through early April. Composition surveys were conducted in February and March and identified age and sex composition of groups of muskoxen. Composition surveys in 2010 (*) were only conducted in the remainder portion of Unit 22D.

Between 2001 and 2012, the average muskox harvest in Unit 22D under State regulations was approximately 33 animals, while the annual Federal harvest did not exceed 1 muskox during the time period (Table 1). No Federal registration permits were issued for the portion of Unit 22D Southwest between 2002 and 2012 (OSM 2013). The State issued an average of 13 Tier II permits (range = 7–21 permits) for muskox in Unit 22D Southwest between 2001 and 2007, and 1 permit in 2012 (Cebrian 2013, pers. comm.). The total allowable harvest under State and Federal regulations in Unit 22D Southwest was 7 muskoxen (including up to 5 cows) in 2008, but was reduced to 1 bull in 2012 (Adkisson 2013, pers. comm.). The 2013 muskox quota for Unit 22D Southwest is 1 bull. Under State regulations in 2008 and 2009, a total of 6 bulls and 13 muskoxen (7 bulls, 6 cows) were reportedly harvested in Unit 22D Southwest, respectively (Gorn 2011). No muskox were harvested in Unit 22D Southwest under State or Federal regulations in 2012 (Cebrian 2013, pers. comm.).

Table 1. State and Federal harvest information for muskoxen in Unit 22D, 2001-2012 (Gorn 2013, pers. comm.; OSM 2013).

Year	Quota		State			Federal			Total Harvest
	Total	Cows	Permits Issued	Harvest		Permits Issued	Harvest		
				Bulls	Cows		Bulls	Cows	
2001	39	16	37	23	6	7	0	0	29
2002	38	15	40	24	3	6	0		27
2003	38	15	40	22	9	6	1	0	32
2004	38	15	45	16	2	6	1	0	19
2005	40	16	50	25	7	6	0	0	32
2006	45	19	66	30	6	6	0	0	36
2007	41	18	72	32	3	6	0	0	35
2008	43	16	-	31	2	21	0	0	33
2009	43	16	-	34	9	8	0	0	43
2010	57	20	-	49	9	0	0	0	58
2011	39	18	-	30	13	0	0	0	43
2012	12	0	12	9*	0	5	0	0	9

*Includes seven muskox that were illegally killed (no permits) near Brevig Mission.

State Tier II Permits

The State issued Tier II permits from 1998 to 2007, and later reestablished a Tier II system for Unit 22D in 2011. From 2008 to 2011, the State Tier II hunts in Unit 22D were replaced with State registration permit hunts (RX102 and RX103). In 1998, the combined population of Brevig Mission and Teller was approximately 544 people, according to the US Census. Hunters from Brevig Mission and Teller were the only hunters eligible to harvest the allocation of muskoxen that could be taken from Federal public lands in Unit 22D. While some applied for and received Tier II permits, up to 12 Federal permits were also distributed in Brevig Mission and Teller. For the 1999/2000 season, all 24 Tier II permits issued for Unit 22D went to residents of Brevig Mission. At the time, Federal qualified hunters included residents of only Brevig Mission and Teller. It appeared that the State system may provide a higher harvest opportunity for residents of Brevig Mission and Teller, as long as these local residents were able to get adequate numbers of the Tier II permits. In 2010, over 5,000 people (the communities of Elim, Golovin, Koyuk, Nome, Shishmaref, Wales, and White Mountain) were added to the customary and traditional use determination and became eligible to receive Federal muskoxen permits to hunt in Unit 22D. Currently, almost 6,000 people living in about 1,900 households are residents of communities eligible to harvest muskoxen in the remainder area of Unit 22D (**Table 2**).

Under the Tier I system between 2008 and 2011, any State resident could request and receive a registration permit allowing him or her to hunt muskoxen in Unit 22D. In 2012, all registration permit hunts were closed and replaced with Tier II permit hunts. Very few Tier II permits (less than 20 permits) were available each season. Many residents of Nome who hunted muskoxen with a State registration permit previously were unable to hunt muskoxen in Unit 22D, because of the limited number of Tier II permits issued in 2012

and 2013. For example, in 2010, 52 Nome residents obtained a State registration permit to hunt muskoxen in Unit 22D and 25 muskoxen were harvested. In 2013, over 50 Nome residents applied for a State Tier II permit, but fewer than 10 individuals from Nome actually received permits.

Table 2. Human population of villages in the customary and traditional use determination for muskox in Unit 22D Southwest.

Community	US Census				
	1980	1990	2000	2010	
	Number of People				Number of Households
Elim (22B)	211	264	313	330	89
Golovin (22B)	87	127	144	156	49
Koyuk (22B)	188	231	297	332	89
White Mountain (22B)	125	180	203	190	65
Nome (22C)	2506	3500	3505	3598	1216
Teller (22D)	212	232	268	229	72
Brevig Mission (22D)	138	198	276	388	93
Wales (22E)	133	161	152	145	43
Shishmaref (22E)	394	456	562	563	141

An examination of the State Tier II permits (TX203) for muskoxen in Unit 22D Southwest shows that in 2013, there were 32 applications for only 1 permit received. Among the communities with a customary and traditional determination in Unit 22D Southwest, Nome residents applied for 28 permits and obtained 0 permits, and Teller applied for 2 permits and received 0 permits. The only Tier II permit for muskoxen received in 2013 for this subunit went to a Unalakleet resident (ADF&G 2013a).

Section 804 Analysis

A Section 804 analysis was developed for this proposal due to the small number of muskox anticipated to be available for harvest and the relatively large number of subsistence users with a customary and traditional use determination to harvest muskox in the Unit 22D Southwest hunt area. The customary and traditional use determination in Unit 22D Southwest includes residents of Elim, Golovin, Koyuk and White Mountain, in Unit 22B; Nome in Unit 22C; Teller and Brevig Mission in Unit 22D; and Wales and Shishmaref in Unit 22E (**Table 2**). This 804 analysis may help to determine which residents of those units would be eligible to harvest muskox on Federal public lands in Unit 22D Southwest. However, in general, a Section 804 analysis is conducted only after Federal public land have been closed except to rural residents having customary and traditional use of that resource. The proposal has not requested to close Federal public lands in Unit 22D Southwest. The proposal would need to be modified to include the closure before any consideration of the Section 804 determination.

Section 804 of ANILCA provides a subsistence priority for the taking of fish and wildlife on Federally administered lands and waters. A subsistence priority will be implemented through appropriate limitations whenever it is necessary to restrict the taking of populations of fish and wildlife on these lands for subsistence uses. These limitations are based on the application of three criteria: 1) customary and direct dependence upon the populations as the mainstay of livelihood; 2) local residency; and 3) the availability of alternative resources. The following section addresses these criteria as they relate to rural residents with a customary and traditional use determination for muskoxen in Unit 22D Southwest.

1. Customary and Direct Dependence upon the Populations as a Mainstay of Livelihood

Local residents depend on a variety of resources as part of a regular pattern of subsistence harvesting. Muskoxen have been harvested regularly on the Seward Peninsula since seasons were established in 1995. While muskox is not a major source of food in relation to other subsistence resources, it has become more important within some families. Dependence could also increase if other resources were to decline.

Table 3 shows the most recent year of subsistence harvest data based on household harvest surveys for use and harvest of large land mammals for those communities with a customary and traditional determination for muskoxen in Unit 22D Southwest, except Nome. In almost every community, more caribou was taken than other land mammals, followed by moose. However, most of the villages had harvested at least one muskox, and almost all had used muskox. While no ADF&G subsistence harvest surveys for land mammals have been conducted in Nome, cumulative permit data for 2001- 2010 in Unit 22D show that Nome hunters took 376 moose and 187 muskoxen (OSM 2013).

Local residents' dependence on the particular muskox populations in this hunting area are addressed in factor 2, Local Residency.

Table 3. Use and harvest of large land mammals in selected communities with a customary and traditional determination in Unit 22D (ADF&G 2013b).

Species	% used	% attempt	% harvest	# animals	total lbs	lbs per capita
Elim, 2010 (pop. 326)						
Brown bear	5.6	5.6	2.8	2	218	0.7
Caribou	84.5	39.4	28.1	83	11,294	34.6
Moose	70.4	40.8	12.6	11	6001	18.4
Muskox	7.0	2.8	1.4	1	735	2.3
Golovin, 2010 (pop. 138)						
Brown bear	0	0	0	0	0	0
Caribou	69.7	21.2	12.1	17	2267	16.4
Moose	60.6	18.2	6.6	3	1630	11.8
Muskox	18.2	6.6	6.6	3	1797	13.0
Koyuk, 2004 (pop. 377)						
Brown bear	0	1.6	0	0	0	0
Caribou	96.9	76.6	71.9	425	57,737	153.3
Moose	78.1	67.2	28.1	27	15,182	40.3
Muskox	7.8	0	0	0	0	0

Table 3 (cont.)						
Species	% used	% attempt	% harvest	# animals	total lbs	lbs per capita
White Mountain, 2009 (pop. 195)						
Brown bear	1.6	3.3	1.6	1	92	0.5
Caribou	85.2	45.9	32.7	99	13,477	69.1
Moose	82.0	50.8	23.0	15	8026	41.2
Muskox	19.7	9.8	9.8	4	2528	13.0
Brevig Mission, 2005 (pop. 333)						
Brown bear	0	0	0	0	0	0
Caribou	16.1	14.5	14.5	43	5835	17.5
Moose	9.7	11.3	9.7	8	4268	12.8
Muskox	3.2	3.2	3.2	2	1339	4.0
Teller, 2005 (pop. 226)						
Brown bear	1.9	1.9	1.9	1	0	0
Caribou	9.3	0	0	0	0	0
Moose	77.8	20.4	7.4	5	2440	10.8
Muskox	0	0	0	0	0	0
Shishmaref, 2009 (pop. 567)						
Brown bear	0	0	0	0	0	0
Caribou	71.9	71.9	65.2	339	46,049	81.2
Moose	34.8	34.8	28.1	33	17,845	31.5
Muskox	3.4	3.4	3.4	6	3278	5.8
Wales, 2010						
Brown bear	0	0	0	0	0	0
Caribou	12.9	0	0	0	0	0
Moose	61.2	12.9	9.7	5	2551	17.1
Muskox	22.6	3.2	0	0	0	0

2. Local Residency

The customary and traditional use determination for muskoxen in Unit 22D Southwest includes rural residents of Units 22B, 22C, 22D (excluding St. Lawrence Island), and 22E. This includes residents of Council, Elim, Golovin, Koyuk and White Mountain, in Unit 22B; Nome in Unit 22C; Teller and Brevig Mission in Unit 22D; and Wales and Shishmaref in Unit 22E. From the point of view of geographic proximity, Brevig Mission and Teller, both in Unit 22D Southwest, are the closest communities, followed by Nome in Unit 22C. Nome and Council hunters also have access by road at least part of the way to hunting areas in Unit 22D Southwest.

Table 4 indicates the number of permits issued and reported harvest from 2001 to 2010 cumulatively by communities with a customary and traditional use determination for muskoxen in Unit 22D. Elim and Golovin residents took almost all their muskoxen from Unit 22B, their subunit of residence; Elim took 2 of 13 (15%), and Golovin took 1 of 23 (4%) in Unit 22B. Council hunters took 1 of 9 muskoxen in Unit 22D. Koyuk residents took none of the 13 muskoxen they harvested from Unit 22D. White Mountain, also

located in 22B, took 45 of 70 (64%) of its harvest of muskoxen in 22B, and 22 animals (31%) in 22D. Nome hunters used Unit 22C, their subunit of residence, for 121 (39%) of their total harvest of 310. Their primary hunting area, however, was 22D with 187 (60%) of 310 animals killed. There is a road system that provides access to hunting areas in Unit 22D Southwest from Nome. White Mountain and Nome hunters take a significant portion of their harvests of muskoxen from Unit 22D.

Communities located in Unit 22D, Teller and Brevig Mission, took most of their muskox harvest there. Teller hunters took 21 (95%) of their total 22 animals in Unit 22D, while Brevig Mission took 34 of 35 (97%) of animals there.

Shishmaref and Wales, in Unit 22E, also have a customary and traditional determination for muskoxen in Unit 22D. Both communities have harvested muskoxen almost exclusively in Unit 22E, but Wales took 1 (2%) of its total 44 muskoxen in Unit 22D. While they may not be the furthest communities from Unit 22D Southwest in linear distance, these communities are at a great distance from Unit 22D Southwest in terms of transportation to hunting areas.

Table 4. Harvest, by subunit, of muskoxen by communities with a customary and traditional determination in Unit 22D, 2010-2010.

Unit of Harvest	Number of Permits Issued	Number of Hunters	Number of Muskoxen Killed
Council (22B)			
22B	5	5	5
22C	3	3	3
22D	1	1	1
22Z	3	0	0
Total	12	9	9
Elim (22B)			
22B	15	15	11
22D	2	2	2
22Z	19	0	0
Total	36	17	13
Golovin(22B)			
22B	24	24	22
22D	1	1	1
22Z	6	0	0
Total	31	25	23
Koyuk (22B)			
22B	16	16	13
22Z	22	0	0
Total	38	16	13
White Mountain (22B)			
22B	53	53	45
22C	3	3	2
22D	24	24	22
22Z	13	1	1
Total	93	81	70
Nome (22C)			
20C	1	1	0

Table 4 (cont).		Nome (cont.)		
Unit of Harvest	Number of Permits Issued	Number of Hunters	Number of Muskoxen Killed	
22B	16	16	15	
22C	173	173	121	
22D	286	286	187	
22E	34	34	16	
22Z	375	6	0	
23	1	0	0	
Total	893	516	310	
Teller (22D)				
22D	27	27	21	
22E	1	1	1	
22Z	58	1	0	
Total	86	29	22	
Brevig Mission (22D)				
22D	42	42	34	
22E	1	1	1	
22Z	61	2	0	
Total	104	45	35	
Shishmaref (22E)				
22B	1	1	1	
22C	1	1	1	
22E	97	97	91	
22Z	119	10	0	
Total	218	109	93	
Wales (22E)				
22D	1	1	1	
22E	49	49	40	
22Z	46	5	3	
Total	96	55	44	

As **Table 5** shows, hunters from Brevig Mission took none of the total 69 muskoxen harvested in Unit 22D Southwest between 2001 and 2010. Hunters from Nome took 29 (42%), and hunters from Teller took 18 (26%). One hunter from Council took a muskox in Unit 22D Southwest. No other local resident communities in Unit 22B, 22C, 22D, or 22E took any muskoxen in Unit 22D Southwest; this may be an artifact of the greater proximity and ease of access of Nome, Brevig Mission, Teller, and Council residents to the hunting area in question. Local resident hunters took 48 or 70% of the total 69 animals.

3. Availability of Alternative Subsistence Resources

Local residents depend on a variety of resources as part of a regular pattern of subsistence harvesting. Since being re-introduced in 1970, muskoxen have been harvested regularly. While muskox is not a major source of food in relation to other subsistence resources, it has become more important within some families. Dependence could also increase if other resources were to decline.

Some harvest opportunities exist for muskoxen other than those in Unit 22D Southwest. Residents of Unit 22B have a customary and traditional use determination for muskoxen in Unit 22B and Unit 22D. Residents of Unit 22C have a customary and traditional use determination for muskoxen in Units 22B and

22D. Residents of Unit 22D except St. Lawrence Island have a customary and traditional use determination for muskoxen in other subunits of Unit 22D. Residents of Unit 22E have a customary and traditional use determination for muskoxen in Units 22D and 22E. For some residents of some communities, muskoxen from other areas may not be a viable alternative to hunting muskoxen in Unit 22D Kuzitrin.

Table 5. State and Federal reported harvest of muskoxen in Unit 22D west of the Tisuk River drainage, 2001-2010.

Community	Number of Permits	Number of hunters	Number of Muskoxen harvested
Anchorage	5	5	5
Chugiak	1	1	1
Council	1	1	1
Fairbanks	1	1	1
Nome	32	32	29
Non-resident	2	2	2
Seward	1	1	0
Teller	18	18	18
Unalakleet	10	10	10
Valdez	2	2	2
Total	73	73	69

If they are unable to hunt muskoxen, residents of these communities have alternative resources in other land mammals, sea mammals, fish, and birds. As discussed above under factor 1, Customary and Direct Dependence, **Table 3** shows the most recent year of subsistence harvest data based on household harvest surveys for use and harvest of large land mammals for those communities with a customary and traditional determination for muskoxen in Unit 22D Southwest, except Nome. In almost every community, more caribou was taken than other land mammals, followed by moose. The per capita harvest of muskoxen ranged from zero to 13 pounds. However, most of the villages had harvested at least one muskox, and almost all had used muskox.

Table 6 shows the harvest of birds and eggs in baseline years, mainly in 1995, in communities federally eligible to hunt muskoxen in Unit 22D Kuzitrin, including Nome. Nome had the lowest per capita harvest of the communities, at 5.1 pounds, followed by Teller with 6.5 pounds. The villages with the highest per capita bird and egg harvests were White Mountain with 32.7 pounds, Shishmaref with 27.6 pounds, and Deering with 23.5 pounds.

Marine mammals and fish made up a larger portion of the subsistence harvests in each of the eligible communities where subsistence harvest surveys have been conducted (**Table 7**). For example, Golovin, Brevig Mission, Shishmaref, and Wales all harvested more than 100 pounds of seal per capita during the study year. The seal harvest per person was 307.3 pounds in Shishmaref and 278.1 pounds in Wales. Beluga, walrus, and bowhead whale were also reported in the subsistence harvest studies. Salmon harvests

per capita ranged from 17.3 pounds in Shishmaref in 1989 to 161.2 pounds in Golovin the same year. Non-salmon fish harvests per capita ranged from 20.9 pounds in Wales in 1993 to 104.8 pounds in Brevig Mission in 1989.

Residents of each of the communities also have other subsistence resources available to them, such as sea mammals, other land mammals, or fish, although this access may vary.

Table 6. Harvest of birds and eggs in selected years in communities with a customary and traditional determination in Unit 22D (ADF&G Community Subsistence Harvest Information System).

Community and date	% used	% attempt	% harvest	Total lbs	Lbs per capita
Elim, 1993 (pop 326)	86.1	77.8	72.2	2,870	10.7
Golovin, 1982 (pop 138)	95.0		85.0		
Koyuk, 1995 (pop 282)			91.9	4,969	17.6
White Mountain, 1995 (pop. 220)			93.1	7,139	32.5
Nome, 1995 (pop 3511)			41.2	18,014	5.1
Brevig Mission, 1984 (pop 194)	96.4		82.1		
Brevig Mission, 1995 (pop 242)			50.0	2,650	11.0
Teller, 1995 (pop 300)			45.0	1,964	6.5
Shishmaref, 1995 (pop 560)	82.2	77.8	77.8	15,481	27.6
Wales, 1993 (pop 152)	59.5	42.9	42.9	1,770	11.6
Buckland, 1996 (pop 379)			67.5	5,787	15.3
Deering, 1994 (pop 148)	83.8	70.3	70.3	3,481	23.5
Deering, 1997 (pop 158)			55.3	1,861	11.8

Table 7. Use and harvest of key marine mammals and fish in communities with a customary and traditional determination in Unit 22D (ADF&G 2013b).

Species	% used	% attempt	% harvest	# animals	total lbs	lbs per capita
Elim: no data available in ADF&G CSIS						
Golovin, 1989 (pop 169)						
Seals	87.9	57.6	57.6	134	18,733	110.8
Beluga	75.8	36.4	15.2	14.0	13,598	80.5
Salmon	100.0	87.9	87.9		27,235	161.2
Non-salmon fish	93.9	90.9	90.9		13,802	81.7
Koyuk: no data available in ADF&G CSIS						
White Mountain: no data available in ADF&G CSIS						
Nome: no data available in ADF&G CSIS						
Brevig Mission, 1989 (pop 184)						
Seals	80.0	80.0	66.7	189	24,441	132.8
Walrus	46.7	53.3	46.7	106	35,317	191.9
Salmon	100.0	80.0	80.0		21,638	117.6
Non-salmon fish	100.0	100.0	100.0		19,290	104.8
Teller: no data available in ADF&G CSIS						

Table 7 (cont.).						
Species	% used	% attempt	% harvest	# animals	total lbs	lbs per capita
Shishmaref, 1989 (pop 472)						
Seals	85.7	57.1	57.1	950	145,044	307.3
Walrus	61.9	33.3	28.6	225	68,145	144.4
Salmon	76.2	42.9	42.9		8,161	17.3
Non-salmon fish	85.7	71.4	61/9		20,056	42.5
Shishmaref, 1995 (pop 560)						
Salmon	82.2	68.9	68.9		52,011	92.9
Non-salmon fish	91.1	77.8	77.8		36,205	64.7
Wales, 1993 (pop 152)						
Seals	71.4	50.0	45.2	223	42,274	278.1
Walrus	50.0	42.9	28.6	40	16,042	105.5
Beluga	31.0	16.7	9.5	1	995	6.5
Bowhead whale	73.8	26.2	11.9	1	28,677	188.7
Salmon	85.7	50.0	50.0		11,869	78.1
Non-salmon fish	71.4	54.8	45.2		3,173	20.9

Summary of 804 Analysis

The 804 analysis presents the means to distinguish among communities with a customary and traditional determination for muskox in Unit 22D Southwest for subsistence priority. The communities of Elim, Council, Golovin, Koyuk and White Mountain, in Unit 22B; Nome in Unit 22C; and Teller and Brevig Mission in Unit 22D appear eligible to be included in a Section 804 determination, based on their degree of reliance on the source as the mainstay of livelihood, local residency, and availability of alternative resources. However, Shishmaref and Wales, two communities with difficult access to Unit 22D Southwest, should be excluded in the 804 determination. Between 2001 and 2010, both communities harvested muskoxen almost exclusively in Unit 22E, their subunit. During that period hunters from Wales harvested one of a total 44 muskoxen in Unit 22D. See **Appendix 1** for a summary table of the 804 analyses for all three Unit 22D hunt areas.

Other Alternative Considered

The proponent requested delegating the authority to restrict the number of Federal permits to issue each year to the Federal manager. Restricting the number of Federal permits reduces opportunity for Federally qualified subsistence users to harvest muskoxen and raises concern about equitable permit allocation. To address allocation concerns, a Federal drawing permit could be used for the Unit 22D Southwest hunt area. A drawing permit would randomly assign available permits to those Federally qualified subsistence users who choose to be considered for the hunt. The pool of Federally qualified subsistence users for the drawing hunt would likely consist of those users who did not receive a State Tier II permit, as the State

permits provide more opportunity due to limited amount and remoteness of Federal public land in the hunt area. In addition, Federal regulations allow for the use of State permits on Federal public lands, and the Federal muskox season (Aug. 1–Mar. 15) is significantly longer than the State season (Jan. 1–Mar. 15) in Unit 22D Southwest. Potential allocation strategies include a random drawing permit, issuing permits on a first-come first-serve basis, or allocating among communities on a rotating schedule.

The disadvantage of this alternative is that if the Board delegates management authority, the Federal manager should be able to choose the allocation method that best suits the situation in the hunt area, including the use of a drawing permit. Establishing a Federal drawing permit in the hunt area would reduce management flexibility and would require a future proposal to change the permit requirement.

As the harvestable surplus of muskoxen is low and the proposal is requesting authority to limit the number Federal registration permits to issue to Federally qualified subsistence users, closing Federal public lands to the take of muskox except by Federally qualified subsistence users was considered. Section §815(3) of ANILCA states:

Nothing in this title shall be construed as – (3) authorizing a restriction on the taking of fish and wildlife for nonsubsistence uses on the public lands (other than national parks and monuments) unless necessary for the conservation of healthy populations of fish and wildlife, for the reasons set forth in 816, to continue subsistence uses of such populations, or pursuant to other applicable law;

The low muskox numbers and the continuance of current and future subsistence uses meet the criteria of Section 815(3) to close Federal public lands to nonsubsistence users. In addition, the closure of Federal public lands is necessary to implement the Section 804 analysis to prioritize among communities with customary and traditional use determinations in the hunt area.

Effects of the Proposal

If this proposal is adopted, it would eliminate cow muskox harvest under Federal regulations. In addition, it would add specific language that would authorize the BLM Anchorage Field Manager to restrict the number of Federal permits to be issued. Eliminating the cow season will help the Seward Peninsula muskox population recover by increasing the reproductive capacity of the herd.

Allowing either Federal manager to restrict the number of Federal permits to be issued will help prevent the overharvest of the declining muskox population. By controlling the number of permits to be issued, land managers would be able to restrict the number of hunters as the quota changes. In 2012 and 2013, a more conservative harvest strategy was initiated in order to help rebuild the mature bull-to-cow ratios. The modified strategy is based on potentially harvesting 10% of mature bulls from a hunt area, and results in a 2% harvest rate of the harvestable population in the core area (excluding Units 22A and 23-Southeast) (Adkisson 2013, pers. comm.).

The proponent also requested that the permit requirements be clarified to state that Federally qualified subsistence users can harvest a muskox on Federal public lands with a State Tier II permit. Clarifying the

regulatory language could reduce confusion regarding permit requirements. However, changing the language would require future regulatory proposals to update the regulation if the State moves to a State Tier I or registration permit.

OSM PRELIMINARY CONCLUSION

Support Proposal WP14-35 **with modification** to remove reference to the State Tier II permit; remove the regulatory language referencing harvest quotas and closures found in the Unit 22D Southwest muskox regulations; delegate authority to close the season, determine annual quotas, and the number of permits to be issued via a delegation of authority letter only (**Appendix 2**); and to close Federal public lands to the harvest of muskox, except by Federally qualified subsistence users.

The modified regulation should read:

Unit 22D—Muskox

Unit22D—that portion west of the Tisuk River drainage and Canyon Creek—1 musk-ox bull by Federal permit or State permit; however, cows may only be taken during the period Jan. 1–Mar. 15. Annual harvest quotas and any needed closures will be announced by the Superintendent of the Western Arctic National Parklands in consultation with ADF&G and BLM. Sept. 1–Mar. 15

Federal public lands are closed to the harvest of muskox except by Federally qualified subsistence users.

Justification

The muskox population within the Seward Peninsula, including Unit 22D Southwest, has significantly declined since 2010. Adult cow mortality has been high and elimination of the cow harvest will help the population recover by protecting the reproductive component of the population. Allowing the Federal manager to limit the number of permits to be issued will help protect the Seward Peninsula muskox population from overharvest. The allowable harvest on the Seward Peninsula is very low, and harvest could easily exceed the quota under certain hunt conditions if an unlimited number of permits were issued. Limiting the number of permits will allow managers to reduce the number of mature bulls harvested, which should improve the mature bull:cow ratio.

Creation of a delegation of authority letter for the BLM Anchorage Field Manager will serve to clarify regulations and allow for hunt management flexibility through in-season adjustment of hunt parameters. Deleting the requested reference of the State Tier II permit from regulation will also allow for regulatory flexibility, as a proposal will not be needed to change Federal regulations if the State changes to a Tier I or other registration permit.

Allowing the Federal manager to limit the number of Federal permits in the Unit 22D Southwest hunt area could lead to issues regarding the equitable allocation of permits among Federally qualified subsistence users. Federally qualified subsistence users are provided more harvest opportunity through State Tier II permits which are valid on Federal public lands. However, Federal permits can provide opportunity for Federally qualified subsistence users that did not receive a State Tier II permit to harvest a muskox. The Federal land manager should develop an equitable, transparent means of allocating available permits among Federally qualified subsistence users. The Section 804 presented the means to establish a priority among the communities with customary and traditional determination for muskox in Unit 22D Southwest. The results suggested limiting the harvest to residents of Elim, Council, Golovin, Koyuk, White Mountain, Nome, Teller, and Brevig Mission. The Board could recommend an allocation strategy to the BLM Anchorage Field Manager, such as working with the communities for an equitable distribution or a drawing permit.

Due to the limited amount of permits available to Federally qualified subsistence users, including through the State Tier II system, Federal public lands should be closed in the Unit 22D Southwest. Federal public lands make up a small portion of the hunt area (12%), but Federally qualified subsistence users could face competition from non-Federally qualified users that are able to get a permit. The total allowable harvest under State and Federal regulations in Unit 22D Southwest is very low, with the 2013 muskox quota for Unit 22D Southwest being 1 bull. The closure of Federal public land in the area meets the criteria in Section 815(3) and would be consistent other hunt areas in Units 22B and 22D.

LITERATURE CITED

ADF&G. 2013a. Tier II Results, Unit 22B (TX105); Unit 22D Remainder and K&P (TX102); Unit 22D Southwest (TX103).

ADF&G. 2013b. Community Subsistence Harvest Information System.

ADF&G. 1980. Muskox management policies. Pages X-1-X-4 in *Alaska Wildlife Management Plans: Species Management Policies*. Alaska Department of Fish and Game. Federal Aid in Wildlife Restoration Miscellaneous Report. Project W-20-2. Juneau, AK.

Adkisson, K. 2013. Subsistence Program Manager. Personal communication: email and phone. National Park Service. Nome, AK.

Cebrian, M.R. 2013. Subsistence Biologist. Personal communication: email and phone. Bureau of Land Management. Anchorage, AK.

FSB. 1998. Transcripts of Federal Subsistence Board proceedings, May 4, 1998. Office of Subsistence Management, FWS. Anchorage, AK

FSB. 1999. Transcripts of Federal Subsistence Board proceedings, May 3, 1999. Office of Subsistence Management, FWS. Anchorage, AK.

FWS. 2000. Staff analysis WP00-56. Pages 41–50, Seward Peninsula Section, in Federal Subsistence Board Meeting Materials, May 2, 3, and 4, 2000. Office of Subsistence Management, FWS. Anchorage.

Gorn, T. 2011. Unit 22 muskox. Pages 16–47 *in* P. Harper, editor. Muskox management report of survey and inventory activities 1 July 2008–30 June 2010. ADF&G. Project 16.0. Juneau, AK.

Gorn, T. 2012. 2012 muskox survey results memorandum. Alaska Department of Fish and Game. Nome, AK.

Gorn, T. 2013. Wildlife Biologist. Personal communication: email. Alaska Department of Fish and Game. Nome, AK.

Nelson, R. 1994. Seward Peninsula cooperative muskox management plan. Unpublished report. Nome, AK.

OSM. 2013. Federal subsistence permit database. Microcomputer database, accessed May 2013.

Schmidt, J.H. and T.S. Gorn. 2013. Possible secondary population-level effects of selective harvest of adult male muskoxen. PLoS ONE 8(6): e67493.doi:10.1371/journal.pone.0067493.

WP14-33, 35 AND 38 – SUMMARY OF THE ANILCA SECTION 804 ANALYSIS

The proposals request that Federal land managers be authorized to restrict the number of Federal permits issued to hunt muskoxen in three parts of Unit 22D. Unit 22D (Kuzitrin), Unit 22D (Southwest), and Unit 22D (Remainder).

Factor/Proposal	WP14-33	WP14-35	WP14-38
Portion of Unit 22D	Unit 22D (Kuzitrin)	Unit 22D (Southwest)	Unit 22D (Remainder)
Customary and Traditional Determination (all of Unit 22D)	Rural residents of Units 22B, 22C, 22D (excluding St. Lawrence Island), and 22E are eligible to hunt muskoxen in Unit 22D. Communities included are Elim, Council, Golovin, Koyuk and White Mountain in Unit 22B; Nome in Unit 22C; Teller and Brevig Mission in Unit 22D; and Wales and Shishmaref in Unit 22E.		
Federal Land Manager	NPS	BLM	BLM
1) Customary and Direct Dependence	Local residents depend on a variety of resources as part of a regular pattern of subsistence harvesting. Based on the most recent year of subsistence harvest data for large land mammals, the per capita harvest of muskoxen in communities eligible to harvest in Unit 22(D) ranged from 0 to 13 pounds. In almost every community, more caribou was taken than other land mammals, followed by moose.		
2) Local Residency	In linear distance, Brevig Mission and Teller, both in Unit 22D, are the closest communities to Unit 22D (Kuzitrin), followed by Council and White Mountain in Unit 22B and then Nome in Unit 22C. Nome, Council and Teller hunters have greater ease of access by road at least partway to the hunting area. Shishmaref and Wales, both in Unit 22E, are at the greatest distance from Unit 22D (Kuzitrin) both in geographic proximity and in terms of access to hunting areas.	In linear distance, Brevig Mission and Teller, both in Unit 22D, are the closest communities to the hunting areas, followed by Nome in Unit 22C. Nome and Council hunters have access by road at least part way to hunting areas in Unit 22D (Southwest). Wales hunters are geographically more proximate to Unit 22D (Southwest) than some other eligible communities, although they and Shishmaref hunters may be at a greater distance in terms of ease of access.	In linear distance, Brevig Mission and Teller, both in Unit 22D, are the closest communities to the hunting areas. Nome and Council hunters from Unit 22C have better access to the area because they can travel at least part of the way by road. Wales hunters are geographically more proximate to Unit 22D (Remainder) than some other eligible communities, although they and Shishmaref hunters may be at a greater distance in terms of ease of access.

Factor/Proposal	WP14-33	WP14-35	WP14-38
3) Alternative Resources	Local residents depend on a variety of resources as part of a regular pattern of subsistence harvesting. While muskox is not a major source of food in relation to other subsistence resources, it has become more important within some families. Dependence could also increase if other resources were to decline. Some harvest opportunities exist for muskoxen other than those in Unit 22D. Residents of each of the communities also have other subsistence resources available to them, such as sea mammals, other land mammals, or fish, although this access may vary from year to year and among communities.		
State Permit system	In Unit 22D (Remainder) and Unit 22D (Kuzitrin) in 2013, there were 62 applications for 11 State Tier II permits received. Among the communities with a customary and traditional determination in Unit 22D (Kuzitrin), Nome residents applied for 54 and obtained 6, Brevig Mission applied for 4 and received 3, Teller applied for 2 and received 2, and White Mountain applied for 1 and received 0.	In Unit 22D (Southwest) in 2013, there were 32 applications for only 1 permit received. Among the communities with a customary and traditional determination in Unit 22D (Southwest), Nome residents applied for 28 and obtained 0, and Teller applied for 2 and received 0. The only Tier II permit for muskoxen received in 2013 for this subunit went to a Unalakleet resident (ADF&G 2013).	In Unit 22D (Remainder) and Unit 22D (Kuzitrin) in 2013, there were 62 applications for 11 State Tier II permits received. Among the communities with a customary and traditional determination in Unit 22D (Remainder), Nome residents applied for 54 and obtained 6, Brevig Mission applied for 4 and received 3, Teller applied for 2 and received 2, and White Mountain applied for 1 and received 0.
Summary	The 804 analysis does not present the means to distinguish among most of the communities with a customary and traditional determination for muskox in Unit 22D for subsistence priority. These include Elim, Council, Golovin, Koyuk and White Mountain, in Unit 22B; Nome in Unit 22C; and Teller and Brevig Mission in Unit 22D. All these communities appear eligible to be included in a Section 804 determination, based on their degree of reliance on the source as the mainstay of livelihood, local residency, and availability of alternative resources. Shishmaref and Wales, the two communities at the greatest distance from all parts of Unit 22D in terms of ease of access for hunting, and at the greatest geographical distance from Unit 22D Kuzitrin, should be excluded in the 804 determination. Between 2001 and 2010, both communities harvested muskoxen almost exclusively in Unit 22E, their subunit. During that period hunters from Wales harvested one of a total 44 muskoxen in Unit 22D.		

Field Manager
BLM Anchorage Field Office
4700 BLM Road
Anchorage, Alaska 99507

Dear Field Manager:

This letter delegates specific regulatory authority from the Federal Subsistence Board (Board) to the Field Manager of the Bureau of Land Management Anchorage Field Office, as approved by the Board, to issue emergency special actions if necessary to ensure the continued viability of a wildlife population, to continue subsistence uses of wildlife, or for reasons of public safety; or temporary special actions if the proposed temporary change will not interfere with the conservation of healthy wildlife populations, will not be detrimental to the long-term subsistence use of wildlife resources, and is not an unnecessary restriction on non-subsistence users. This delegation only applies to the Federal public lands subject to ANILCA Title VIII within Unit 22B, that portion of Unit 22D west of the Tisuk River drainage and Canyon Creek, and Unit 22D remainder as it applies to muskox on these lands.

It is the intent of the Board that actions related to management of muskox by Federal officials be coordinated, prior to implementation, with the Alaska Department of Fish and Game (ADF&G), the National Park Service (Superintendent of the Bering Land Bridge National Preserve), and the Chair of the Seward Peninsula Subsistence Regional Advisory Council (Council) to the extent possible. Federal managers are expected to work with State and Federal managers and the Chair and applicable members of the Council to minimize disruption to resource users and existing agency programs, consistent with the need for special action.

DELEGATION OF AUTHORITY

- 1. Delegation:** The Field Manager of the BLM Anchorage Field Office is hereby delegated authority to issue emergency or temporary special actions affecting muskox on Federal lands as outlined under the Scope of Delegation of this section. Any action greater than 60 days in length (temporary special action) requires a public hearing before implementation. Special actions are governed by Federal regulation at 36 CFR 242.19 and 50 CFR 100.19.
- 2. Authority:** This delegation of authority is established pursuant to 36 CFR 242.10(d)(6) and 50 CFR 100.10(d)(6), which states: “The Board may delegate to agency field officials the authority to set harvest and possession limits, define harvest areas, specify methods or means of harvest, specify permit requirements, and open or close specific fish or wildlife harvest seasons within frameworks established by the Board.”
- 3. Scope of Delegation:** The regulatory authority hereby delegated is limited to the following authorities within the limits set by regulation at 36 CFR 242.26 and 50 CFR 100.26:

- To set a harvest quota, the number of permits issued, and the season opening and closing dates for the muskox on Federal public lands in Unit 22B, that portion of Unit 22D west of the Tisuk River drainage and Canyon Creek, and Unit 22D remainder as it applies to muskox on these lands.

This delegation may be exercised only when it is necessary to conserve the muskox population or to continue subsistence uses.

All other proposed changes to codified regulations, such as customary and traditional use determinations, adjustments to methods and means of take, or closures to only non-Federally qualified users shall be directed to the Federal Subsistence Board.

The Federal public lands subject to this delegated authority are those within Unit 22B, that portion of Unit 22D west of the Tisuk River drainage and Canyon Creek, and Unit 22D remainder as it applies to muskox on these lands.

4. Effective Period: This delegation of authority is effective from the date of this letter and continues until superseded or rescinded.

5. Guidelines for Delegation: You will become familiar with the management history of the wildlife species relevant to this delegation in the region, with current State and Federal regulations and management plans, and be up-to-date on population and harvest status information. You will review special action requests or situations that may require a special action and all supporting information to determine (1) consistency with 36 CFR 242.19, (2) if the request/situation falls within the scope of authority, (3) if significant conservation problems or subsistence harvest concerns are indicated, and (4) what the consequences of taking an action or no action may be on potentially affected subsistence users and non-Federally qualified users. Requests not within your delegated authority will be forwarded to the Federal Subsistence Board for consideration. You will maintain a record of all special action requests and rationale for your decision. A copy of this record will be provided to the Administrative Records Specialist in the Office of Subsistence Management no later than sixty days after development of the document.

You will notify the Office of Subsistence Management and coordinate with local ADF&G managers, the National Park Service (Superintendent of the Bering Land Bridge National Preserve), and the Chair of the Seward Peninsula Subsistence Regional Advisory Council regarding special actions under consideration. You will issue decisions in a timely manner. Before the effective date of any decision, reasonable efforts will be made to notify the public, the Office of Subsistence Management, affected State and Federal managers, law enforcement personnel, and Council representatives. If an action is to supersede a State action not yet in effect, the decision will be communicated to the public, the Office of Subsistence Management, affected State and Federal Managers, and the local Council representatives at least 24 hours before the State action would be effective. If a decision to take no action is made, you will notify the proponent of the request immediately.

You may defer a special action request, otherwise covered by this delegation of authority, to the Federal Subsistence Board in instances when the proposed management action will have a significant impact on a

large number of Federal subsistence users or is particularly controversial. This option should be exercised judiciously and may be initiated only when sufficient time allows for it. Such deferrals should not be considered when immediate management actions are necessary for conservation purposes. The Federal Subsistence Board may determine that a special action request may best be handled by the Board, subsequently rescinding the delegated regulatory authority for the specific action only.

6. Support Services: Administrative support for regulatory actions will be provided by the Office of Subsistence Management, U.S. Fish & Wildlife Service, Department of the Interior.

Sincerely,

Tim Towarak
Chair, Federal Subsistence Board

cc: Assistants to the Board
Interagency Staff Committee
Chair, Seward Peninsula Subsistence Regional Advisory Council
Commissioner, Alaska Department of Fish and Game
Coordinator, Seward Peninsula Subsistence Regional Advisory Council
Subsistence Liaison, Alaska Department of Fish and Game
ARD, Office of Subsistence Management
Administrative Record

WP14-36 Executive Summary	
General Description	Proposal WP14-36 requests that the season and harvest limit for muskox in Unit 22E be changed to eliminate the cow hunt. In addition, the proposal requests that language be added to authorize the Superintendent of the Bering Land Bridge National Preserve to restrict the number of Federal permits to be issued. <i>Submitted by the National Park Service.</i>
Proposed Regulation	<p>Unit 22E-Muskox</p> <p><i>Unit 22E-1 musk-ox bull by Federal permit or State permit (RX104). Annual harvest quotas, the number of federal permits to be issued, and any needed closures will be announced by the Superintendent of the Western Arctic National Parklands Bering Land Bridge National Preserve in consultation with ADF&G and BLM.</i></p> <p style="text-align: right;"><i>Aug. 1-Mar. 15</i></p>
OSM Preliminary Conclusion	Support with modification.
Seward Peninsula Regional Council Recommendation	
Interagency Staff Committee Comments	
ADF&G Comments	
Written Public Comments	None

DRAFT STAFF ANALYSIS
WP14-36

ISSUES

Proposal WP14-36, submitted by the National Park Service, requests that the season and harvest limit for muskox in Unit 22E be changed to eliminate the cow hunt. In addition, the proposal requests that language be added to authorize the Superintendent of the Bering Land Bridge National Preserve to restrict the number of Federal permits to be issued.

DISCUSSION

The proponent states that emerging conservation concerns since 2010 were prompted by significant declines in several muskox population parameters (abundance, mature bull to cow ratios, and recruitment), which led to major adjustments in hunt management for the 2012/2013 regulatory year. These concerns are likely to persist for the next several years. Hunt-management adjustments include large reductions in the allowable harvest, the elimination of the cow hunt, and a return to State Tier II hunts in all but Unit 22E. The proponent states the proposed changes would reduce confusion and improve management flexibility.

Although it was not requested by the proponent, a Section 804 analysis was developed for this proposal due to the small number of muskox anticipated to be available for harvest and the relatively large number of subsistence users with positive customary and traditional use determinations for muskoxen in the Unit 22E. The customary and traditional use determination for muskoxen in Unit 22E includes rural residents of Unit 22E. This Section 804 analysis may help determine which residents of those communities would be most eligible to harvest muskox in Unit 22E.

Existing Federal Regulation**Unit 22E—Muskox**

Unit 22E—1 musk ox by Federal permit or State permit. Annual harvest quotas and any needed closures will be announced by the Superintendent of the Western Arctic National Parklands in consultation with ADF&G and BLM. Aug. 1–Mar. 15

Proposed Federal Regulation**Unit 22E—Muskox**

*Unit 22E—1 ~~musk ox~~ bull by Federal permit or State permit (RX104). Annual harvest quotas, **the number of federal permits to be issued**, and any needed closures will be announced by the Superintendent of the Aug. 1–Mar. 15*

Western Arctic National Parklands Bering Land Bridge National Preserve in consultation with ADF&G and BLM.

Existing State Regulation

Unit 22E—Muskox

<i>Unit 22E</i>	<i>Residents:</i>	<i>All skulls</i>	<i>TX103</i>	<i>Jan. 1–Mar. 15</i>
	<i>One bull by permit available in person at license vendors in Unit 22E</i>	<i>require trophy destruction subject to permit conditions.</i>		

Extent of Federal Public Lands

Federal public lands comprise approximately 60% of Unit 22E, and consist of 54% NPS, 6% BLM, and a trace of FWS managed lands (**Unit 22 Map**).

Customary and Traditional Use Determinations

Rural residents of Unit 22E, excluding Little Diomed Island, are eligible to harvest muskox in Unit 22E.

Regulatory History

See WP14-33 for regulatory history.

Biological Background

Muskox management on the Seward Peninsula has been guided by recommendations from the Seward Peninsula Muskox Cooperators Group. The group is composed of staff from ADF&G, NPS, BLM, USFWS, Bering Straits Native Corporation, Kawerak Inc., Reindeer Herders Association, Northwest Alaska Native Association, residents of Seward Peninsula communities, and representatives from other interested groups or organizations. The following management goals form the basis of the cooperative interagency management plan for Seward Peninsula muskoxen developed from 1992 through 1994 (Nelson 1994) and follow the guidelines of the ADF&G Muskox Management Policies (ADF&G 1980):

- Manage population to allow for continued growth and range expansion of the Seward Peninsula Muskox

- Provide for a limited harvest in a manner consistent with the existing State and Federal laws by following the goals/objectives endorsed by the Seward Peninsula Muskox Cooperators Group and the Seward Peninsula Cooperative Muskox Management Plan
- Manage muskoxen along the Nome road systems of Unit 22B and 22C for viewing, education, and other nonconsumptive uses
- Work with local reindeer herding interests to minimize conflicts between reindeer and muskoxen
- Protect and maintain the habitats and other components of the ecosystem upon which muskoxen depend
- Encourage cooperation and sharing of information among agencies and users of the resource in developing and executing management and research programs

Muskoxen were extirpated in Alaska by the late 1800s, and perhaps hundreds of years earlier on the Seward Peninsula. Muskoxen were reintroduced to Units 22C and 22D of the Seward Peninsula in 1970, and have since expanded their range to the north and east. Currently, muskoxen occupy suitable habitat in Units 22A, 22B West, 22C, 22D, 22E, and 23–Southwest.

After reintroduction, the muskox population experienced periods of growth between 1970 and 2000 (14% annual rate of increase) and 2000 and 2010 (3.8% annual rate of increase) (Gorn 2011). However, between 2010 and 2012 the muskox population declined 12.5% annually throughout the Seward Peninsula (Gorn 2012). Aspects of the recent decline are likely related to the high mortality rates of adult cows and declines in the number of short yearlings (10-11 month-old muskoxen) (Gorn 2012). Since 2007, mortality rates of collared adult cows exceeded 20% in the northern and southern portions of the Seward Peninsula (Gorn 2012); however, some caution should be used when interpreting these mortality rates as they are based on a small sample of the population (Gorn 2011). Composition surveys also indicated declines in mature bulls between 2002 and 2010, which prompted changes to the method of determining harvest rates (Gorn 2011). Recent research has suggested that selective harvest of mature bulls on the Seward Peninsula may be a driver of reduce population growth and that annual harvest be restricted to less than 10% of the estimated number of mature bulls (Schmidt and Gorn 2013).

Unit 22E has the largest number and highest density of muskox of areas on the Seward Peninsula. The number of muskoxen increased annually by 11% between 2002 and 2010, peaking at 949 muskoxen in 2007 (Gorn 2011) (**Figure 1**). However, between 2010 and 2012, the population experienced a 51% decline in abundance (Gorn 2012). Composition surveys have shown variability in the mature bull:cow ratio and a general decline in the yearling:cow ratio (**Figure 1**).

Harvest History

Harvest of muskoxen in Unit 22E was originally limited to Federally qualified subsistence users when seasons were established in 1995. As muskox numbers increased, a State Tier II harvest was added in 1998/1999. In January 2008, the Alaska Board of Game ended the Tier II permit hunt in several units on

the Seward Peninsula, including Unit 22E and adopted regulatory changes that created a combination of Tier I registration permit and drawing permit hunts (Gorn 2011). The harvest strategy between 1998 and 2011 was based on a percentage of the population (up to 8% in some areas) within a hunt area. The harvest was generally focused on mature bulls, which resulted in heavy exploitation of the mature bull component of the population (Adkisson 2013, pers. comm.).

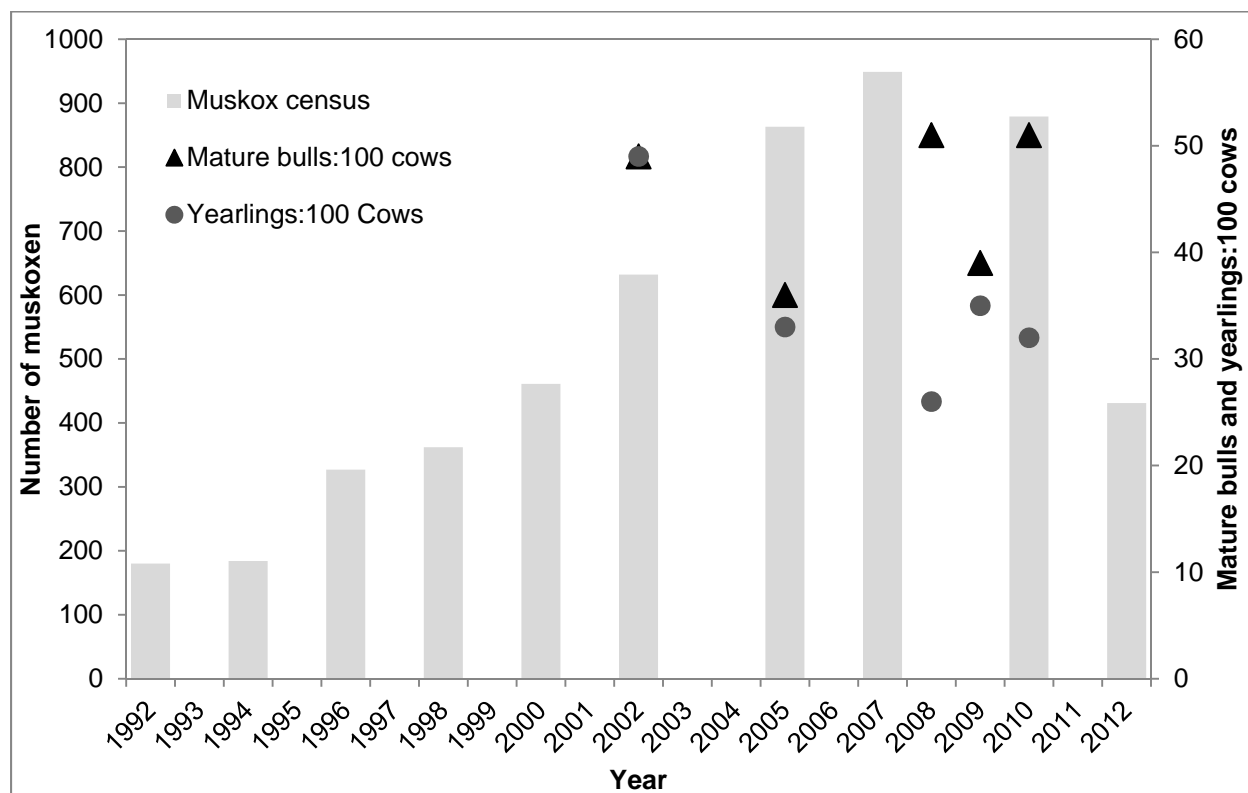


Figure 1. Abundance and composition data for muskoxen in Unit 22E, 1992 – 2012 (Gorn 2011, 2012). Muskox abundance was determined by minimum counts between 1992 and 2007 via aerial census, and was estimated in 2010 and 2012 via distance sampling. Surveys were flown in late-January through early April. Composition surveys were conducted in February and March and identified age and sex composition of groups of muskoxen.

Between 2001 and 2012, the average muskox harvest in Unit 22E under State regulations was approximately 25 animals, while the annual Federal harvest averaged approximately 3 muskoxen during the time period (**Table 1**). Total harvest levels peaked in 2009, when 42 bulls, 4 cows, and 1 unknown muskox of unknown sex were harvested, primarily under State harvest regulations (**Table 1**). The total allowable harvest under State and Federal regulations in Unit 22E was 83 muskoxen (including 31 cows) in 2008, but was reduced to 10 bulls in 2012 (Adkisson 2013, pers. comm.).

Table 1. State and Federal harvest information for muskoxen in Unit 22E, 2001-2012 (Gorn 2013, pers. comm.; OSM 2013).

Year	Quota		State				Federal			Total Harvest
	Total	Cows	Permits Issued	Harvest			Permits Issued	Harvest		
				Bulls	Cows	Unknown		Bulls	Cows	
2001	23	9	15	6	7	0	15	2	5	20
2002	51	25	28	10	4	0	30	5	2	21
2003	51	25	33	11	5	0	29	4	2	22
2004	58	25	48	23	2	0	34	2	0	27
2005	76	35	57	25	9	0	35	3	3	40
2006	69	35	35	17	1	0	12	2	4	24
2007	89	34	78	37	6	0	18	2	0	45
2008	83	31	-	35	1	0	12	0	0	36
2009	83	31	-	40	4	1	18	2	0	47
2010	66	44	-	22	1	1	0	0	0	24
2011	55	28	-	27	4	0	0	0	0	31
2012	10	0	10	5	0	0	0	0	0	5

Section 804 Analysis

A Section 804 analysis was developed for this proposal due to the small number of muskox anticipated to be available for harvest and the relatively large number of subsistence users with a customary and traditional use determination to harvest muskox in the hunt area, Unit 22E. The customary and traditional use determination for muskoxen in Unit 22E is for rural residents of Unit 22E except for Little Diomed. This includes residents of Wales and Shishmaref. **Table 2** shows the populations of the villages. This 804 analysis would determine which residents of Unit 22E would be most eligible to harvest muskoxen on Federal public lands in Unit 22E. However, in general, a Section 804 analysis is conducted only after Federal public land have been closed except to rural residents having customary and traditional use of that resource. The proposal has not requested to close Federal public lands in Unit 22E. The proposal would need to be modified to include the closure before any consideration of the Section 804 determination.

Table 2. Human population of villages in the customary and traditional use determination for muskox in Unit 22E

Community	US Census				
	1980	1990	2000	2010	
	Number of People				Number of Households
Shishmaref (22E)	394	456	562	563	141
Wales (22E)	133	161	152	145	43

Section 804 of ANILCA provides a subsistence priority for the taking of fish and wildlife on Federally administered lands and waters. A subsistence priority will be implemented through appropriate limitations

whenever it is necessary to restrict the taking of populations of fish and wildlife on these lands for subsistence uses. These limitations are based on the application of three criteria: 1) customary and direct dependence upon the populations as the mainstay of livelihood; 2) local residency; and 3) the availability of alternative resources. The following section addresses these criteria as they relate to rural residents with a positive customary and traditional use determination for muskoxen in Unit 22E.

1. Customary and Direct Dependence upon the Populations as a Mainstay of Livelihood

Muskoxen have been harvested regularly on the Seward Peninsula since seasons were established in 1995. While muskox is not a major source of food in relation to other subsistence resources, it has become more important within some families. Dependence could also increase if other resources were to decline.

Table 3 shows subsistence harvest data for Shishmaref and Wales residents’ use and harvest of large land mammals. The villages show a very different caribou harvest in 2009; that year Shishmaref hunters took 339 caribou, but Wales hunters took none. Wales also had a smaller harvest of moose per capita than Shishmaref. Shishmaref hunters took 6 muskoxen; Wales hunters took none, but 22.6 % of households used muskox.

Local residents’ dependence on the particular muskox populations in this hunting area are addressed in factor 2, Local Residency.

Table 3. Use and harvest of large land mammals in selected communities with a customary and traditional determination in Unit 22E (ADF&G 2013).

Species	% used	% attempt	% harvest	# animals	total lbs	lbs per capita
Shishmaref, 2009 (pop. 567)						
Brown bear	0	0	0	0	0	0
Caribou	71.9	71.9	65.2	339	46,049	81.2
Moose	34.8	34.8	28.1	33	17,845	31.5
Muskox	3.4	3.4	3.4	6	3,278	5.8
Wales, 2010						
Brown bear	0	0	0	0	0	0
Caribou	12.9	0	0	0	0	0
Moose	61.2	12.9	9.7	5	2,551	17.1
Muskox	22.6	3.2	0	0	0	0

2. Local Residency

Rural residents of Units 22E, excluding Little Diomed Island, have a customary and traditional use determination to harvest muskox in Unit 22E. Communities in Unit 22E excluding Diomed Island are Shishmaref and Wales. Residents of both of these communities may be considered to have local residency.

Table 4 indicates the number of permits issued and harvest for communities with a customary and traditional determination in Unit 22E. Shishmaref hunters took 91(98%) of a total 93 muskoxen in Unit

22E; they also took 1 muskox in Unit 22B and one in 22C. Wales hunters took 40 (89%) of 45 muskoxen in Unit 22 E; they also took 1 muskox in Unit 22D.

Table 4. Harvest, by subunit, of muskoxen by communities with a customary and traditional determination in Unit 22E, 2001-2010.

Unit of Harvest	Number of Permits Issued	Number of Hunters	Number of Muskoxen Killed
Shishmaref (22E)			
22B	1	1	1
22C	1	1	1
22E	97	97	91
22Z	119	10	0
Total	218	109	93
Wales (22E)			
22D	1	1	1
22E	49	49	40
22Z	46	5	3
Total	96	55	44

As **Table 5** shows, between 2001 and 2010, hunters from Shishmaref took 91 of a total 301 (30%) of muskoxen harvested in Unit 22E, while hunters from Wales took 40 or 13%. Together, the two local resident communities took 131 or 44% of the total 301 animals taken.

Table 5. State and Federal reported harvest of muskoxen in Unit 22E, 2001 to 2010.

Community	Number of Permits	Number of Hunters	Number of Muskoxen Harvested
Unknown	2	2	1
Anchorage	47	47	41
Big Lake	2	2	2
Brevig Mission	1	1	1
Chugiak	8	8	7
Cordova	1	1	1
Deering	1	1	1
Eagle River	9	9	8
Ester	1	1	1
Fairbanks	15	15	15
Fort Greely	1	1	1
Glennallen	2	2	2
Gustavus	1	1	1
Healy	1	1	1
Homer	5	5	4
Juneau	5	5	5
Kenai	1	1	1

Table 5 (cont.)			
Community	Number of Permits	Number of Hunters	Number of Muskoxen Harvested
Kodiak	4	4	4
Kotzebue	2	2	2
Marshall	1	1	1
Nenana	1	1	1
Nome	34	34	16
Non-Resident	7	7	7
North Pole	3	3	2
Palmer	5	5	3
Petersburg	3	3	3
Residency Unknown	2	2	2
Seward	4	4	4
Shishmaref	97	97	91
Sitka	3	3	3
Soldotna	7	7	7
Stebbins	3	3	3
Sterling	1	1	1
Talkeetna	1	1	0
Tazlina	1	1	1
Teller	1	1	1
Thorne Bay	1	1	1
Valdez	1	1	1
Wales	49	49	40
Wasilla	17	17	12
Yakutat	1	1	1
TOTAL	353	353	301

3. Availability of Alternative Subsistence Resources

Local residents depend on a variety of resources as part of a regular pattern of subsistence harvesting. Since being re-introduced in 1970, muskoxen have been harvested regularly. While muskox is not a major source of food in relation to other subsistence resources, it has become more important within some families. Dependence could also increase if other resources were to decline.

Some harvest opportunities exist for muskoxen other than those in Unit 22E. Residents of Unit 22E have a customary and traditional use determination for muskoxen in Unit 22D. For some residents of Shishmaref and Wales, hunting muskoxen from other areas may not be a viable alternative to hunting muskoxen in Unit 22E.

If they are unable to hunt muskoxen, residents of these communities have alternative resources in other land mammals, sea mammals, fish, and birds. As discussed above under factor 1, Customary and Direct Dependence , **Table 3** shows the most recent year of subsistence harvest data based on household harvest surveys for use and harvest of large land mammals for Shishmaref and Wales. In Shishmaref, in 2009, more caribou was taken than other land mammals, followed by moose. Hunters from that community took 6 muskoxen that year. In 2010, Wales hunters took 5 moose, but no caribou or muskoxen.

Marine mammals made up the largest portion of subsistence harvests in both Shishmaref and Wales (**Table 6**). The seal harvest per person was 307.3 pounds in Shishmaref and 278.1 pounds in Wales. Beluga, walrus, and bowhead whale were also reported in the subsistence harvest studies. Salmon harvests varied greatly, with 17.3 pounds per capita in 1989 and 92.9 pounds in 1995 in Shishmaref. Wales residents harvested 78.1 pounds of salmon per person in 1993. Non-salmon fish harvests per capita were 42.5 pounds in 1989 and 64.7 pounds in 1995 in Shishmaref , and 20.9 pounds in Wales in 1993.

Table 6. Use and harvest of key marine mammals and fish in communities with a customary and traditional determination in Unit 22E (ADF&G 2013).

Species	% used	% attempt	% harvest	# animals	total lbs	lbs per capita
Shishmaref, 1989 (pop 472)						
Seals	85.7	57.1	57.1	950	145,044	307.3
Walrus	61.9	33.3	28.6	225	68,145	144.4
Salmon	76.2	42.9	42.9		8,161	17.3
Non-salmon fish	85.7	71.4	61.9		20,056	42.5
Shishmaref, 1995 (pop 560)						
Salmon	82.2	68.9	68.9		52,011	92.9
Non-salmon fish	91.1	77.8	77.8		36,205	64.7
Wales, 1993 (pop 152)						
Seals	71.4	50.0	45.2	223	42,274	278.1
Walrus	50.0	42.9	28.6	40	16,042	105.5
Beluga	31.0	16.7	9.5	1	995	6.5
Bowhead whale	73.8	26.2	11.9	1	28,677	188.7
Salmon	85.7	50.0	50.0		11,869	78.1
Non-salmon fish	71.4	54.8	45.2		3,173	20.9

Residents of each of the communities also have other subsistence resources available to them, such as sea mammals, other land mammals, or fish, although this access may vary. Wales and Shishmaref are equally situated in regard to access to subsistence resources.

Summary of 804 Analysis

The 804 analysis indicates that the two communities are equally well situated for subsistence priority for harvesting muskoxen in Unit 22E. The recommendation is to follow the decisions of the communities as to how they want to distribute the permits.

Other Alternative Considered

The proponent requested delegating the authority to restrict the number of Federal permits to issue each year to the Federal manager. Restricting the number of Federal permits reduces opportunity for Federally qualified subsistence users to harvest muskoxen and raises concern about equitable permit allocation. To address allocation concerns, a Federal drawing permit could be used for the Unit 22E hunt area. A drawing permit would randomly assign available permits to those Federally qualified subsistence users who choose to be considered for the hunt. The pool of Federally qualified subsistence users for the drawing hunt would likely consist of those users were not able to get a State Tier I permit (RX104), as those the State permits provide more opportunity due to limited amount and remoteness of Federal public land in the hunt area. In addition, Federal regulations allow for the use of State permits on Federal public lands in Unit 22E. Potential allocation strategies include a random drawing permit, issuing permits on a first-come first-serve basis, or allocating among communities on a rotating schedule.

The disadvantage of this alternative is that if the Board delegates management authority, the Federal manager should be able to choose the allocation method that best suits the situation in the hunt area, including the use of a drawing permit. Establishing a Federal drawing permit in the hunt area would reduce management flexibility and would require a future proposal to change the permit requirement.

As the harvestable surplus of muskoxen is low and the proposal is requesting authority to limit the number Federal registration permits to issue to Federally qualified subsistence users, closing Federal public lands to the take of muskox except by Federally qualified subsistence users was considered. Section §815(3) of ANILCA states:

Nothing in this title shall be construed as – (3) authorizing a restriction on the taking of fish and wildlife for nonsubsistence uses on the public lands (other than national parks and monuments) unless necessary for the conservation of healthy populations of fish and wildlife, for the reasons set forth in 816, to continue subsistence uses of such populations, or pursuant to other applicable law;

The low muskox numbers and the continuance of current and future subsistence uses meet the criteria of Section 815(3) to close Federal public lands to nonsubsistence users. In addition, the closure of Federal public lands is necessary to implement the Section 804 analysis to prioritize among communities with customary and traditional use determinations in the hunt area.

Effects of the Proposal

If this proposal is adopted, it would eliminate cow muskox harvest under Federal regulations. In addition, it would add specific language that would authorize the Superintendent of the Bering Land Bridge National Preserve to restrict the number of Federal permits to be issued. Eliminating the cow season will help the Seward Peninsula muskox population recover by increasing the reproductive capacity of the herd.

Allowing the Superintendent of the Bering Land Bridge National Preserve to restrict the number of Federal permits to be issued will help prevent the overharvest of the declining muskox population. By controlling

the number of permits to be issued, land managers would be able to restrict the number of hunters as the quota changes. In 2012 and 2013, a more conservative harvest strategy was initiated in order to help rebuild the mature bull-to-cow ratios. The modified strategy is based on potentially harvesting 10% of mature bulls from a hunt area, and results in a 2% harvest rate of the harvestable population in the core area (excluding Units 22A and 23-Southeast) (Adkisson 2013, pers. comm.).

The proponent also requested that the permit requirements be clarified to state that Federally qualified subsistence users can harvest a muskox on Federal public lands with a State Tier I permit (RX104). Clarifying the regulatory language could reduce confusion regarding permit requirements. However, changing the language would require future regulatory proposals to update the regulation if the State moves to a State Tier II or other registration permit.

OSM PRELIMINARY CONCLUSION

If Federal lands are closed, **support** Proposal WP14-36 **with modification** to remove reference to State permit RX104; remove the regulatory language referencing harvest quotas and closures found in the Unit 22E muskox regulations; delegate authority to close the season, determine annual quotas, and the number of permits to be issued via a delegation of authority letter only (**Appendix 1**); and close Federal public lands to the harvest of muskox, except by Federally qualified subsistence users.

The modified regulation should read:

Unit 22E—Muskox

Unit 22E—1 ~~musk ox~~ bull by Federal permit or State permit. ~~Annual~~ Aug. 1–Mar. 15 harvest quotas and any needed closures will be announced by the Superintendent of the Western Arctic National Parklands in consultation with ADF&G and BLM.

Federal public lands are closed to the harvest of muskox except by Federally qualified subsistence users.

Justification

The muskox population within the Seward Peninsula, including abundance within Unit 22E, has significantly declined since 2010. Adult cow mortality has been high and elimination of the cow harvest will help the population recover by protecting part of the reproductive component of the population. Allowing the Federal manager to limit the number of permits to be issued will help protect the Seward Peninsula muskox population from overharvest. The allowable harvest on the Seward Peninsula is very low, and harvest could easily exceed the quota under certain hunt conditions if an unlimited number of permits were issued. Limiting the number of permits will allow managers to reduce the number of mature bulls harvested, which should improve the mature bull:cow ratio.

Creation of a delegation of authority letter for the Superintendent of the Bering Land Bridge National Preserve will serve to clarify regulations and allow for hunt management flexibility through in-season adjustment of hunt parameters. Deleting the requested reference of the specific State permit (RX104) from regulation will also allow for regulatory flexibility, as a proposal will not be needed to change Federal regulations if the State changes to a Tier II or other registration permit.

Allowing the Federal manager to limit the number of Federal permits in the Unit 22E hunt area could lead to issues regarding the equitable allocation of permits among Federally qualified subsistence users. Federally qualified subsistence users are provided more harvest opportunity through State Tier I permit (RX104) which is valid on Federal public lands. However, Federal permits can provide opportunity for Federally qualified subsistence users that did not receive a State permit to harvest a muskox, as a limited number is available to all residents of the State. The Federal land manager should develop an equitable, transparent means of allocating available permits among Federally qualified subsistence users. The Section 804 does not present the means to distinguish among the communities with customary and traditional determination for muskox in Unit 22E for subsistence priority, so permits will need to be allocated among all Federally qualified subsistence users. The Board could recommend an allocation strategy to the Superintendent of the Bering Land Bridge National Preserve, such as working with the communities for an equitable distribution or a drawing permit.

Due to the limited amount of permits available to Federally qualified subsistence users, including through the limit number of State Tier I permits, Federal public lands should be closed in the Unit 22E. Federal public lands make up approximately 60% of the hunt area, but these lands are located away from Wales and Shishmaref. Federally qualified subsistence users could face competition from non-Federally qualified users when attempting to harvest muskoxen on Federal public lands. The total allowable harvest under State and Federal regulations has decreased from 83 muskoxen in 2008 to 10 bulls in 2012. The closure of Federal public land in the area meets the criteria in Section 815(3) and would be consistent other hunt areas in Units 22B and 22D.

LITERATURE CITED

ADF&G. 2013. Community Subsistence Harvest Information System.

ADF&G. 1980. Muskox management policies. Pages X-1-X-4 in *Alaska Wildlife Management Plans: Species Management Policies*. Alaska Department of Fish and Game. Federal Aid in Wildlife Restoration Miscellaneous Report. Project W-20-2. Juneau, AK.

Adkisson, K. 2013. Subsistence Program Manager. Personal communication: email and phone. National Park Service. Nome, AK.

FSB. 1998. Transcripts of Federal Subsistence Board proceedings, May 4, 1998. Office of Subsistence Management, FWS. Anchorage, AK

FSB. 1999. Transcripts of Federal Subsistence Board proceedings, May 3, 1999. Office of Subsistence Management, FWS. Anchorage, AK.

- FWS. 2000. Staff analysis WP00-56. Pages 41–50, Seward Peninsula Section, in Federal Subsistence Board Meeting Materials, May 2, 3, and 4, 2000. Office of Subsistence Management, FWS. Anchorage.
- Gorn, T. 2011. Unit 22 muskox. Pages 16–47 in P. Harper, editor. Muskox management report of survey and inventory activities 1 July 2008–30 June 2010. Alaska Department of Fish and Game ADF&G. Project 16.0. Juneau, AK.
- Gorn, T. 2012. 2012 muskox survey results memorandum. Alaska Department of Fish and Game. Nome, AK.
- Gorn, T. 2013. Wildlife Biologist. Personal communication: email. Alaska Department of Fish and Game. Nome, AK.
- Nelson, R. 1994. Seward Peninsula cooperative muskox management plan. Unpublished report. Nome, AK.
- OSM. 2013. Federal subsistence permit database. Microcomputer database, accessed May 2013.
- Schmidt, J.H. and T.S. Gorn. 2013. Possible secondary population-level effects of selective harvest of adult male muskoxen. PLoS ONE 8(6): e67493.doi:10.1371/journal.pone.0067493.

Superintendent
Bering Land Bridge National Preserve
P.O. Box 220
Nome, Alaska 99762

Dear Superintendent:

This letter delegates specific regulatory authority from the Federal Subsistence Board (Board) to the Superintendent of the Bering Land Bridge National Preserve, as approved by the Board, to issue emergency special actions if necessary to ensure the continued viability of a wildlife population, to continue subsistence uses of wildlife, or for reasons of public safety; or temporary special actions if the proposed temporary change will not interfere with the conservation of healthy wildlife populations, will not be detrimental to the long-term subsistence use of wildlife resources, and is not an unnecessary restriction on non-subsistence users. This delegation only applies to the Federal public lands subject to ANILCA Title VIII within Unit 22E and that portion within the Kuzitrin River drainages of Unit 22D as it applies to muskox on these lands.

It is the intent of the Board that actions related to management of muskox by Federal officials be coordinated, prior to implementation, with the Alaska Department of Fish and Game (ADF&G), the Bureau of Land Management (Field Manager of the Anchorage Field Office), and the Chair of the Seward Peninsula Subsistence Regional Advisory Council (Council) to the extent possible. Federal managers are expected to work with State and Federal managers and the Chair and applicable members of the Council to minimize disruption to resource users and existing agency programs, consistent with the need for special action.

DELEGATION OF AUTHORITY

- 1. Delegation:** The Superintendent of the Bering Land Bridge National Preserve is hereby delegated authority to issue emergency or temporary special actions affecting muskox on Federal lands as outlined under the Scope of Delegation of this section. Any action greater than 60 days in length (temporary special action) requires a public hearing before implementation. Special actions are governed by Federal regulation at 36 CFR 242.19 and 50 CFR 100.19.
- 2. Authority:** This delegation of authority is established pursuant to 36 CFR 242.10(d)(6) and 50 CFR 100.10(d)(6), which states: “The Board may delegate to agency field officials the authority to set harvest and possession limits, define harvest areas, specify methods or means of harvest, specify permit requirements, and open or close specific fish or wildlife harvest seasons within frameworks established by the Board.”
- 3. Scope of Delegation:** The regulatory authority hereby delegated is limited to the following authorities within the limits set by regulation at 36 CFR 242.26 and 50 CFR 100.26:

- To set a harvest quota, the number of permits issued, and the season opening and closing dates for the muskox on Federal public lands in Unit 22E and that portion within the Kuzitrin River drainages of Unit 22D.

This delegation may be exercised only when it is necessary to conserve the muskox population or to continue subsistence uses.

All other proposed changes to codified regulations, such as customary and traditional use determinations, adjustments to methods and means of take, or closures to only non-Federally qualified users shall be directed to the Federal Subsistence Board.

The Federal public lands subject to this delegated authority are those within Unit 22E and that portion within the Kuzitrin River drainages of Unit 22D.

4. Effective Period: This delegation of authority is effective from the date of this letter and continues until superseded or rescinded.

5. Guidelines for Delegation: You will become familiar with the management history of the wildlife species relevant to this delegation in the region, with current State and Federal regulations and management plans, and be up-to-date on population and harvest status information. You will review special action requests or situations that may require a special action and all supporting information to determine (1) consistency with 36 CFR 242.19, (2) if the request/situation falls within the scope of authority, (3) if significant conservation problems or subsistence harvest concerns are indicated, and (4) what the consequences of taking an action or no action may be on potentially affected subsistence users and non-Federally qualified users. Requests not within your delegated authority will be forwarded to the Federal Subsistence Board for consideration. You will maintain a record of all special action requests and rationale for your decision. A copy of this record will be provided to the Administrative Records Specialist in the Office of Subsistence Management no later than sixty days after development of the document.

You will notify the Office of Subsistence Management and coordinate with local ADF&G managers, the Bureau of Land Management (Field Manager of the Anchorage Field Office), and the Chair of the Seward Peninsula Subsistence Regional Advisory Council regarding special actions under consideration. You will issue decisions in a timely manner. Before the effective date of any decision, reasonable efforts will be made to notify the public, the Office of Subsistence Management, affected State and Federal managers, law enforcement personnel, and Council representatives. If an action is to supersede a State action not yet in effect, the decision will be communicated to the public, the Office of Subsistence Management, affected State and Federal Managers, and the local Council representatives at least 24 hours before the State action would be effective. If a decision to take no action is made, you will notify the proponent of the request immediately.

You may defer a special action request, otherwise covered by this delegation of authority, to the Federal Subsistence Board in instances when the proposed management action will have a significant impact on a large number of Federal subsistence users or is particularly controversial. This option should be exercised

judiciously and may be initiated only when sufficient time allows for it. Such deferrals should not be considered when immediate management actions are necessary for conservation purposes. The Federal Subsistence Board may determine that a special action request may best be handled by the Board, subsequently rescinding the delegated regulatory authority for the specific action only.

6. Support Services: Administrative support for regulatory actions will be provided by the Office of Subsistence Management, U.S. Fish & Wildlife Service, Department of the Interior.

Sincerely,

Tim Towarak
Chair, Federal Subsistence Board

cc: Assistants to the Board
Interagency Staff Committee
Chair, Seward Peninsula Subsistence Regional Advisory Council
Commissioner, Alaska Department of Fish and Game
Coordinator, Seward Peninsula Subsistence Regional Advisory Council
Subsistence Liaison, Alaska Department of Fish and Game
ARD, Office of Subsistence Management
Administrative Record

WP14-38 Executive Summary	
General Description	Proposal WP14-38 requests that the season and harvest limit for muskox in Unit 22D remainder be changed to eliminate the cow hunt. In addition, the proposal requests that BLM Anchorage Field Manager be specified as the Federal manager, and that language be added to authorize the Federal manager to restrict the number of Federal permits to be issued. <i>Submitted by the Bureau of Land Management.</i>
Proposed Regulation	<p>Unit 22D-Muskox</p> <p><i>Unit 22D, remainder—1 musk ox bull by Federal permit or State Tier II permit (TX102); however, cows may only be taken during the period Jan. 1= Mar. 15. Federal public lands are closed to the taking of musk ox except by Federally qualified subsistence users hunting under these regulations. Annual harvest quotas, the number of permits to be issued, and any needed closures will be announced by the Superintendent of the Western Arctic National Parklands BLM Anchorage Field Manager in consultation with NPS and ADF&G and BLM.</i></p> <p style="text-align: right;"><i>Aug. 1-Mar. 15</i></p>
OSM Preliminary Conclusion	Support with modification.
Seward Peninsula Regional Council Recommendation	
Interagency Staff Committee Comments	
ADF&G Comments	
Written Public Comments	1 Oppose

WRITTEN PUBLIC COMMENTS

Oppose Proposals 14-38, 14-39, and 14-41: There are many ways to regulate harvest without moving into Tier II regulation – shorter seasons, antler restriction, and harvest quota restrictions. Tier II regulation opens up a huge issue of traditional use that does not serve the people equally.

Donald Woodruff, Eagle

DRAFT STAFF ANALYSIS
WP14-38

ISSUES

Proposal WP14-38, submitted by the Bureau of Land Management, requests that the season and harvest limit for muskox in Unit 22D Remainder be changed to eliminate the cow hunt. In addition, the proposal requests that BLM Anchorage Field Manager be specified as the Federal manager, and that language be added to authorize the Federal manager to restrict the number of Federal permits to be issued.

DISCUSSION

The proponent states the 2012 Unit 22 muskox survey indicated that the overall Seward Peninsula muskox population experienced a significant decline since 2010. The changes in the overall population estimate have resulted in large reductions in allowable harvest, the elimination of the cow season, and the return to State Tier II hunts in all but one (Unit 22E) of the Seward Peninsula management subunits. The proposed regulatory changes include a change in the relevant land manager to reflect the current lands status in the area, and a mechanism to limit the number of permits issued.

The proponent states that, in a collaborative effort between Federal and State agencies to reverse the apparent decline in muskox population, these regulatory changes represent a conservative harvest management approach for muskox in Unit 22. The changes in regulation will likely have a positive effect on muskox recruitment. The elimination of the cow season will allow for the muskox population to rebuild. Limiting the number of permits will also reduce the take of mature bulls, allowing those of breeding age to contribute to muskox reproduction. And clarifying who the relevant land manager is will streamline regulatory oversight for future management action.

Although it was not requested by the proponent, a Section 804 analysis was developed for this proposal due to the small number of muskox anticipated to be available for harvest and the relatively large number of subsistence users with positive customary and traditional use determinations for muskoxen in the Unit 22D remainder hunt area (**Map 1**). The customary and traditional use determination for muskoxen in Unit 22D remainder includes rural residents of Units 22B, 22C, 22D (excluding St. Lawrence Island), and 22E. This Section 804 analysis may help determine which residents of those communities would be most eligible to harvest muskox in Unit 22D remainder.

Existing Federal Regulation**Unit 22D—Muskox**

*Unit 22D, remainder—1 musk ox by Federal permit or State permit; Aug. 1–Mar. 15
however, cows may only be taken during the period Jan. 1–Mar. 15.
Federal public lands are closed to the taking of musk ox except by*

Federally qualified subsistence users hunting under these regulations. Annual harvest quotas and any needed closures will be announced by the Superintendent of the Western Arctic National Parklands in consultation with ADF&G and BLM.

Proposed Federal Regulation

Unit 22D—Muskox

*Unit 22D, remainder—1 muskox bull by Federal permit or State **Tier II** Aug. 1–Mar. 15 permit (TX102); however, cows may only be taken during the period Jan. 1–Mar. 15. Federal public lands are closed to the taking of muskox except by Federally qualified subsistence users hunting under these regulations. Annual harvest quotas, **the number of permits to be issued**, and any needed closures will be announced by the Superintendent of the Western Arctic National Parklands **BLM Anchorage Field Manager** in consultation with **NPS and ADF&G and BLM.***

Existing State Regulation

Unit 22D—Muskox

<i>Unit 22D remainder</i>	<i>Residents: One bull by permit</i>	<i>All skulls require trophy destruction subject to permit conditions.</i>	<i>TX102</i>	<i>Aug. 1–Mar. 15</i>
---------------------------	--	--	--------------	-----------------------

Extent of Federal Public Lands

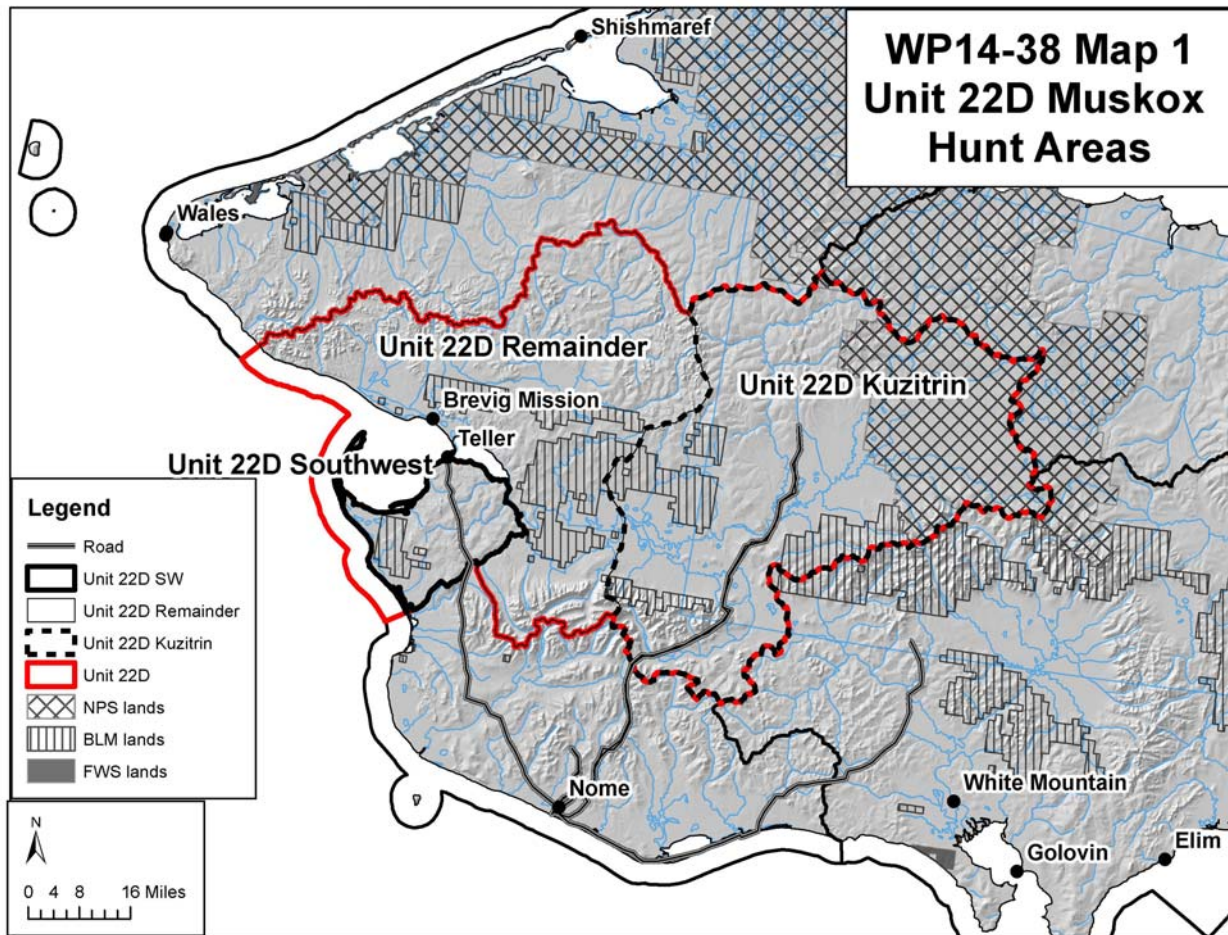
Federal public lands comprise approximately 19% of the Unit 22D remainder hunt area, and consist of 19% BLM managed lands (**Map 1**).

Customary and Traditional Use Determinations

Rural residents of Units 22B, 22C, 22D (excluding St. Lawrence Island), and 22E are eligible to harvest muskox in Unit 22D.

Regulatory History

See WP14-33 for Regulatory History.



Biological Background

Muskox management on the Seward Peninsula has been guided by recommendations from the Seward Peninsula Muskox Cooperators Group. The group is composed of staff from ADF&G, NPS, BLM, USFWS, Bering Straits Native Corporation, Kawerak Inc., Reindeer Herders Association, Northwest Alaska Native Association, residents of Seward Peninsula communities, and representatives from other interested groups or organizations. The following management goals form the basis of the cooperative interagency management plan for Seward Peninsula muskoxen developed from 1992 through 1994 (Nelson 1994) and follow the guidelines of the ADF&G Muskox Management Policies (ADF&G 1980):

- Manage population to allow for continued growth and range expansion of the Seward Peninsula Muskox

- Provide for a limited harvest in a manner consistent with the existing State and Federal laws by following the goals/objectives endorsed by the Seward Peninsula Muskox Cooperators Group and the Seward Peninsula Cooperative Muskox Management Plan
- Manage muskoxen along the Nome road systems of Unit 22B and 22C for viewing, education, and other nonconsumptive uses
- Work with local reindeer herding interests to minimize conflicts between reindeer and muskoxen
- Protect and maintain the habitats and other components of the ecosystem upon which muskoxen depend
- Encourage cooperation and sharing of information among agencies and users of the resource in developing and executing management and research programs

Muskoxen were extirpated in Alaska by the late 1800s, and potentially hundreds of years earlier on the Seward Peninsula. Muskoxen were reintroduced to Units 22C and 22D of the Seward Peninsula in 1970, and have since expanded their range to the north and east. Currently, muskoxen occupy suitable habitat in Units 22A, 22B West, 22C, 22D, 22E, and 23-Southwest.

After reintroduction, the muskox population experienced periods of growth between 1970 and 2000 (14% annual rate of increase) and 2000 and 2010 (3.8% annual rate of increase) (Gorn 2011). However, between 2010 and 2012 the muskox population declined 12.5% annually throughout the Seward Peninsula (Gorn 2012). Aspects of the recent decline are likely related to the high mortality rates of adult cows and declines in the number of short yearlings (10-11 month-old muskoxen) (Gorn 2012). Since 2007, mortality rates of collared adult cows exceeded 20% in the northern and southern portions of the Seward Peninsula (Gorn 2012); however, some caution should be used when interpreting these mortality rates as they are based on a small sample of the population (Gorn 2011). Composition surveys also indicated declines in mature bulls between 2002 and 2010, which prompted changes to the method of determining harvest rates (Gorn 2011). Recent research has suggested that selective harvest of mature bulls on the Seward Peninsula may be a driver of reduced population growth and that annual harvest be restricted to less than 10% of the estimated number of mature bulls (Schmidt and Gorn 2013).

Muskox abundance within Unit 22D, which includes three Federal hunt areas, was relatively stable between 1998 and 2007, and recently declined between 2010 and 2012 (**Figure 1**). Composition surveys estimated at least 36 yearlings:100 cows in 2002 and 2006, which was indicative of population growth (Gorn 2011); however, based on a more limited composition survey in Unit 22D Remainder, the ratios appeared to decline during 2010 (**Figure 1**). Mature bull:cow ratios increased in Unit 22D between 2002 and 2010 (**Figure 1**). In Unit 22D Remainder, abundance was estimated at 481 (95% CI: 433–546) muskoxen and 344 (95% CI: 298–414) in 2010 and 2012, respectively; which represented a 28% decline (Gorn 2011, 2012).

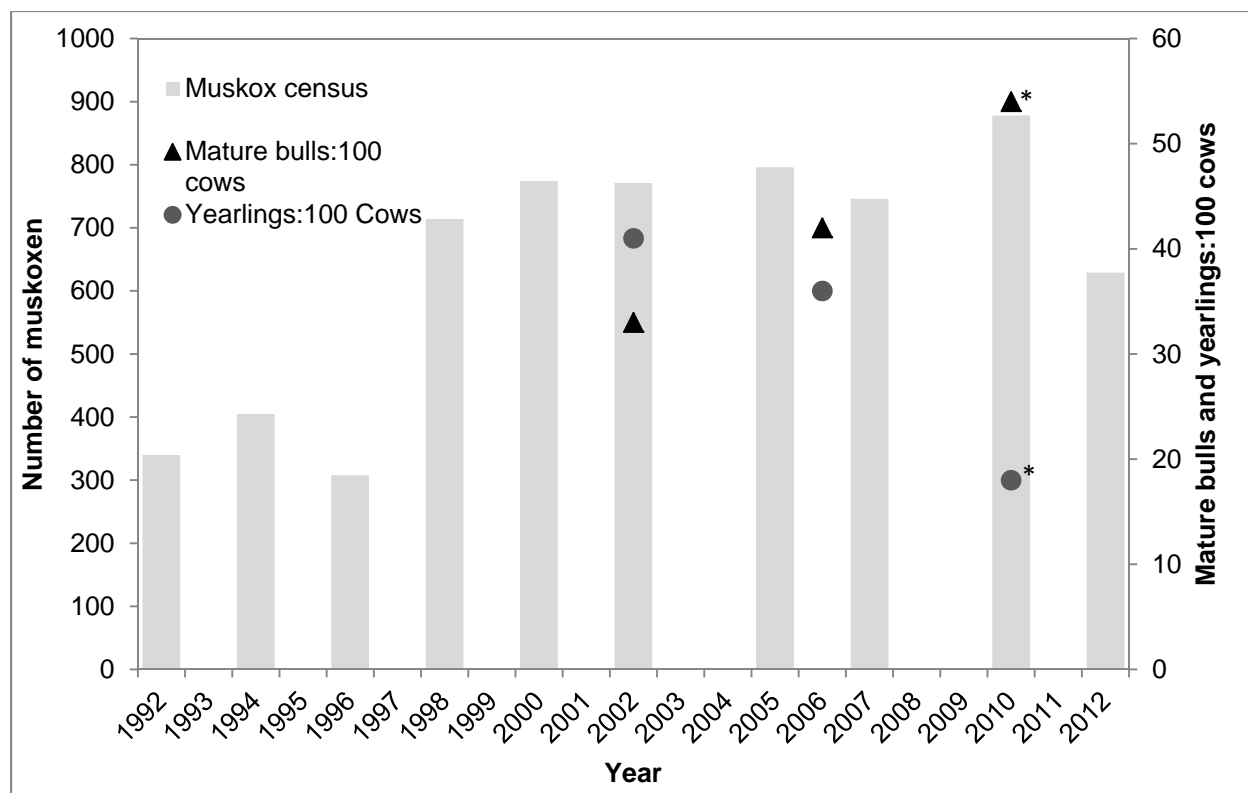


Figure 1. Abundance and composition data for muskoxen in Unit 22D, 1992–2012 (Gorn 2011, 2012). Muskox abundance was determined by minimum counts between 1992 and 2007 via aerial census, and was estimated in 2010 and 2012 via distance sampling. Surveys were flown in late-January through early April. Composition surveys were conducted in February and March and identified age and sex composition of groups of muskoxen. Composition surveys in 2010 (*) were only conducted in the remainder portion of Unit 22D.

Harvest History

Harvest of muskoxen in Unit 22D was originally limited to Federally qualified subsistence users when seasons were established in 1995. As muskox numbers increased, a State Tier II harvest was added in 1998/1999. In January 2008, the Alaska Board of Game ended the Tier II permit hunt in several units on the Seward Peninsula, including Unit 22D and adopted regulatory changes that created a combination of Tier I registration permit and drawing permit hunts (Gorn 2011). The Unit 22D Remainder muskox season was closed by in-season action on Oct. 9-10, 2012 under State and Federal regulations because the harvest quota was exceeded by illegal harvest. The harvest strategy between 1998 and 2011 was based on a percentage of the population (up to 8% in some areas) within a hunt area. The harvest was generally focused on mature bulls, which resulted in heavy exploitation of the mature bull component of the population (Adkisson 2013, pers. comm.).

Between 2001 and 2012, the average muskox harvest in Unit 22D under State regulations was approximately 33 animals, while the annual Federal harvest did not exceed 1 muskox during the time period (Table 1). No Federal registration permits for Unit 22D Remainder were issued between 2010 and 2012 (OSM 2013). The State issued an average of 26 Tier II permits (range 11–36 permits) for muskox in Unit 22D Remainder between 1998 and 2007 (OSM 2013). Between 2008 and 2010, seven State drawing

permits were issued for Unit 22D Remainder. In addition, 68 State Tier I permits were issued between 2009 and 2010, with a reported harvest of 29 and 39 muskoxen in Unit 22D Remainder, respectively (OSM 2013). The total allowable harvest under State and Federal regulations in Unit 22D Remainder was 16 muskoxen (including up to 7 cows) in 2008, but was reduced to 7 bulls in 2012 (Adkisson 2013, pers. comm.). The 2013 muskox quota for Unit 22D Remainder is seven bulls. Under State regulations in 2008 and 2009, a total of 18 bulls and 20 muskoxen (19 bulls, 1 cow), respectively, were reportedly harvested in Unit 22D Remainder (Gorn 2011). No muskoxen were harvested in Unit 22D Remainder in 2012 (Cebrian 2013, pers. comm.). However, seven muskoxen were illegally taken (no permits) near the village of Brevig Mission (Gorn 2013, pers. comm.). The seven illegally taken muskoxen were included in the harvest record for Unit 22D Remainder.

Table 1. State and Federal harvest information for muskoxen in Unit 22D, 2001-2012 (Gorn 2013, pers. comm.; OSM 2013).

Year	Quota		State			Federal			Total Harvest
	Total	Cows	Permits Issued	Bulls	Cows	Permits Issued	Bulls	Cows	
2001	39	16	37	23	6	7	0	0	29
2002	38	15	40	24	3	6	0		27
2003	38	15	40	22	9	6	1	0	32
2004	38	15	45	16	2	6	1	0	19
2005	40	16	50	25	7	6	0	0	32
2006	45	19	66	30	6	6	0	0	36
2007	41	18	72	32	3	6	0	0	35
2008	43	16	-	31	2	21	0	0	33
2009	43	16	-	34	9	8	0	0	43
2010	57	20	-	49	9	0	0	0	58
2011	39	18	-	30	13	0	0	0	43
2012	12	0	12	9*	0	5	0	0	9

* Included in harvest were seven muskox that were illegally killed (no permits) near Brevig Mission.

State Tier II Permits

The State issued Tier II permits from 1998 to 2007, and later reestablished a Tier II system for Unit 22D in 2011. From 2008 to 2011, the State Tier II hunts in Unit 22D were replaced with State registration permit hunts (RX102 and RX103). In 1998, the combined population of Brevig Mission and Teller was approximately 544 people, according to the US Census. Hunters from Brevig Mission and Teller were the only hunters eligible to harvest the allocation of muskoxen that could be taken from Federal public lands in Unit 22D. While some applied for and received Tier II permits, up to 12 Federal permits were also distributed in Brevig Mission and Teller. For the 1999/2000 season, all 24 Tier II permits issued for Unit 22D went to residents of Brevig Mission. At the time, Federal qualified hunters included residents of only Brevig Mission and Teller. It appeared that the State system may provide a higher harvest opportunity for residents of Brevig Mission and Teller, as long as these local residents were able to get adequate numbers of the Tier II permits. In 2004, approximately 3,700 people (the communities of Nome, Solomon, and White

Mountain) were added to the customary and traditional use determination and became eligible to receive Federal muskoxen permits to hunt in Unit 22D. In 2010, approximately 1,500 people (Golovin, Elim Council, Koyuk, Wales, and Shishmaref) were added to the customary and traditional use determination for muskoxen in Unit 22D. Currently, over 5,000 people living in about 1,900 households are residents of communities eligible to harvest muskoxen in the remainder area of Unit 22D (**Table 2**). Various methods have been used to distribute Federal permits, including with the help of tribal authorities in villages and on a first-come first-serve basis in Nome.

An examination of the State Tier II permit data (TX102) for muskoxen in Unit 22D Remainder and Unit 22D Kuzitrin shows that in 2013, there were 62 applications for 11 permits received. Among the communities with a customary and traditional determination in Unit 22D Kuzitrin, Nome residents applied for 54 and obtained 6, Brevig Mission applied for 4 and received 3, Teller applied for 2 and received 2, and White Mountain applied for 1 and received 0 (ADF&G 2013a). The Tier II permitting system appears to be functioning effectively to distribute a limited number of permits.

Table 2. Human population of villages in the customary and traditional use determination for muskox in Unit 22D Remainder.

Community	US Census				
	1980	1990	2000	2010	
	Number of People				Number of Households
Elim (22B)	211	264	313	330	89
Golovin (22B)	87	127	144	156	49
Koyuk (22B)	188	231	297	332	89
White Mountain (22B)	125	180	203	190	65
Nome (22C)	2506	3500	3505	3598	1216
Teller (22D)	212	232	268	229	72
Brevig Mission (22D)	138	198	276	388	93
Wales (22E)	133	161	152	145	43
Shishmaref (22E)	394	456	562	563	141

Section 804 Analysis

A Section 804 analysis was developed for this proposal due to the small number of muskox anticipated to be available for harvest and the relatively large number of subsistence users with a customary and traditional use determination to harvest muskox in the Unit 22D remainder hunt area. The customary and traditional use determination for muskoxen in Unit 22D Remainder includes rural residents of Units 22B, 22C, 22D (excluding St. Lawrence Island), and 22E. This 804 analysis would determine which residents of those units would be most eligible to harvest muskox in Unit 22D Remainder.

Section 804 of ANILCA provides a subsistence priority for the taking of fish and wildlife on Federally administered lands and waters. A subsistence priority will be implemented through appropriate limitations whenever it is necessary to restrict the taking of populations of fish and wildlife on these lands for subsistence uses. These limitations are based on the application of three criteria: 1) customary and direct dependence upon the populations as the mainstay of livelihood; 2) local residency; and 3) the availability of alternative resources. The following section addresses these criteria as they relate to rural residents with a positive customary and traditional use determination for muskoxen in Unit 22D Remainder.

1. Customary and Direct Dependence upon the Populations as a Mainstay of Livelihood

Local residents depend on a variety of resources as part of a regular pattern of subsistence harvesting. Muskoxen have been harvested regularly on the Seward Peninsula since seasons were established in 1995. While muskox is not a major source of food in relation to other subsistence resources, it has become more important within some families.

Table 3 shows the most recent year of subsistence harvest data based on household harvest surveys for use and harvest of large land mammals for those communities with a customary and traditional determination for muskoxen in Unit 22D Remainder, except Nome. In almost every community, more caribou was taken than other land mammals, followed by moose. However, most of the villages had harvested at least one muskox, and almost all had used muskox. While no ADF&G subsistence harvest surveys for land mammals have been conducted in Nome, cumulative permit data for 2001-2010 in Unit 22D show that Nome hunters took 376 moose and 187 muskoxen (OSM 2013).

Local residents' dependence on the particular muskox populations in this hunting area are addressed in factor 2, Local Residency.

Table 3. Use and harvest of large land mammals in selected communities with a positive customary and traditional determination in Unit 22D (ADF&G 2013b).

Species	% used	% attempt	% harvest	# animals	Total lbs	Lbs per capita
Elim, 2010 (pop. 326)						
Brown bear	5.6	5.6	2.8	2	218	0.7
Caribou	84.5	39.4	28.1	83	11,294	34.6
Moose	70.4	40.8	12.6	11	6,001	18.4
Muskox	7.0	2.8	1.4	1	735	2.3
Golovin, 2010 (pop. 138)						
Brown bear	0	0	0	0	0	0
Caribou	69.7	21.2	12.1	17	2,267	16.4
Moose	60.6	18.2	6.6	3	1,630	11.8
Muskox	18.2	6.6	6.6	3	1,797	13.0
Koyuk, 2004 (pop. 377)						
Brown bear	0	1.6	0	0	0	0
Table 3 (cont.) Koyuk, 2004 (cont.)						

Species	% used	% attempt	% harvest	# animals	total lbs	lbs per capita
Caribou	96.9	76.6	71.9	425	57,737	153.3
Moose	78.1	67.2	28.1	27	15,182	40.3
Muskox	7.8	0	0	0	0	0
White Mountain, 2009 (pop. 195)						
Brown bear	1.6	3.3	1.6	1	92	0.5
Caribou	85.2	45.9	32.7	99	13,477	69.1
Moose	82.0	50.8	23.0	15	8,026	41.2
Muskox	19.7	9.8	9.8	4	2,528	13.0
Brevig Mission, 2005 (pop. 333)						
Brown bear	0	0	0	0	0	0
Caribou	16.1	14.5	14.5	43	5,835	17.5
Moose	9.7	11.3	9.7	8	4,268	12.8
Muskox	3.2	3.2	3.2	2	1,339	4.0
Teller, 2005 (pop. 226)						
Brown bear	1.9	1.9	1.9	1	0	0
Caribou	9.3	0	0	0	0	0
Moose	77.8	20.4	7.4	5	2,440	10.8
Muskox	0	0	0	0	0	0
Shishmaref, 2009 (pop. 567)						
Brown bear	0	0	0	0	0	0
Caribou	71.9	71.9	65.2	339	46,049	81.2
Moose	34.8	34.8	28.1	33	17,845	31.5
Muskox	3.4	3.4	3.4	6	3,278	5.8
Wales, 2010						
Brown bear	0	0	0	0	0	0
Caribou	12.9	0	0	0	0	0
Moose	61.2	12.9	9.7	5	2,551	17.1
Muskox	22.6	3.2	0	0	0	0

2. Local Residency

The customary and traditional use determination for muskoxen in Unit 22D Remainder includes rural residents of Units 22B, 22C, 22D (excluding St. Lawrence Island), and 22E. This includes residents of Council, Elim, Golovin, Koyuk and White Mountain, in Unit 22B; Nome in Unit 22C; Teller and Brevig Mission in Unit 22D; and Wales and Shishmaref in Unit 22E. From the point of view of geographic proximity, Brevig Mission, located in 22D Southwest, is the closest community. Teller is also close to the subunit. Wales hunters are geographically proximate to Unit 22D Southwest, although Nome and Council hunters from Unit 22C have better access to the area because they can travel by road.

Table 4 indicates the subunits units of permits issued and reported harvest from 2001 to 2010 cumulative by communities with a customary and traditional use determination for muskoxen in Unit 22D. Elim and

Golovin residents took almost all their muskoxen from Unit 22B, their subunit of residence; Elim took 2 of 13 (15%), and Golovin took 1 of 23 (4%) in Unit 22D. Council hunters took 1 of 9 muskoxen in Unit 22D. Koyuk residents took none of the 13 muskoxen they harvested from Unit 22D. White Mountain, also located in 22B, took 45 of 70 (64%) of its harvest of muskoxen in 22B, and 22 animals (31%) in 22D. However, White Mountain hunters have not harvested muskoxen in Unit 22D since 2005 (Cebrian 2013). Nome hunters used Unit 22C, their subunit of residence, for 121 (39%) of their total harvest of 310. Their primary hunting area, however, was Unit 22D with 187 (60%) of 310 animals killed.

Table 4. Harvest, by subunit, of muskoxen by communities with a customary and traditional determination in Unit 22D, 2001-2010.

Unit of Harvest	Number of Permits Issued	Number of Hunters	Number of Muskoxen Killed
Council (22B)			
22B	5	5	5
22C	3	3	3
22D	1	1	1
22Z	3	0	0
Total	12	9	9
Elim (22B)			
22B	15	15	11
22D	2	2	2
22Z	19	0	0
Total	36	17	13
Golovin(22B)			
22B	24	24	22
22D	1	1	1
22Z	6	0	0
Total	31	25	23
Koyuk (22B)			
22B	16	16	13
22Z	22	0	0
Total	38	16	13
White Mountain (22B)			
22B	53	53	45
22C	3	3	2
22D	24	24	22
22Z	13	1	1
Total	93	81	70
Nome (22C)			
20C	1	1	0
22B	16	16	15
22C	173	173	121
22D	286	286	187
22E	34	34	16
22Z	375	6	0
23	1	0	0
Total	893	516	310
Brevig Mission (22D)			
22D	42	42	34
22E	1	1	1

Table 4 (cont.). Brevig Mission (cont.)			
Unit of Harvest	Number of Permits Issued	Number of Hunters	Number of Muskoxen Killed
22Z	61	2	0
Total	104	45	35
Teller (22D)			
22D	27	27	21
22E	1	1	1
22Z	58	1	0
Total	86	29	22
Shishmaref (22E)			
22B	1	1	1
22C	1	1	1
22E	97	97	91
22Z	119	10	0
Total	218	109	93
Wales (22E)			
22D	1	1	1
22E	49	49	40
22Z	46	5	3
Total	96	55	44

Communities located in Unit 22D, Teller and Brevig Mission, took most of their muskox harvest there. Teller hunters took 21 (95%) of their total 22 animals in Unit 22D, while Brevig Mission took 34 of 35 (97%) of animals there. While they may not be the furthest communities from Unit 22D Remainder in linear distance, these communities are at a great distance from Unit 22D Southwest in terms of transportation to hunting areas.

Shishmaref and Wales, in Unit 22E, also have a customary and traditional determination for muskoxen in Unit 22D. Both communities have harvested muskoxen almost exclusively in Unit 22E, but Wales took 1 (2%) of its total 44 muskoxen in Unit 22D.

As **Table 5** shows, hunters from Brevig Mission took 40 or 33% of the total 123 muskoxen harvested in Unit 22D Remainder between 2001 and 2010. Hunters from Nome took 35 (28%), and hunters from Teller took 9 (7%). White Mountain hunters took 3, Elim took 2, and Wales took 1 muskox in Unit 22D Remainder. No other local resident communities in Unit 22B, 22C, 22D, or 22E took any muskoxen in the subunit. Local resident hunters took 90 or 73% of the total 123 animals.

Table 5. State and Federal reported harvest of muskoxen in Unit 22D Remainder, 2001 to 2010

Community	Number of Permits	Number of hunters	Number of Muskoxen harvested
Remainder area of Unit 22D (FX 2208)			
Unknown	1	1	0
Anchorage	9	9	5
Brevig Mission	47	47	40
Chugiak	2	2	1
Delta Junction	1	1	1
Dillingham	1	1	1
Eagle River	4	4	3
Elim	2	2	2
Fairbanks	3	3	3
Fort Yukon	1	1	1
Homer	2	2	1
Kodiak	1	1	1
Nome	57	57	35
Palmer	1	1	0
Petersburg	3	3	1
Seward	4	4	4
Shaktoolik	1	1	1
Sitka	1	1	1
Stebbins	1	1	1
Sutton	1	1	0
Teller	14	14	9
Unalakleet	3	3	2
Valdez	1	1	1
Wales	1	1	1
Wasilla	6	6	5
White Mountain	4	4	3
Total	172	172	123

3. Availability of Alternative Subsistence Resources

Local residents depend on a variety of resources as part of a regular pattern of subsistence harvesting. Since being re-introduced in 1970, muskoxen have been harvested regularly. While muskox is not a major source of food in relation to other subsistence resources, it has become more important within some families. Dependence could also increase if other resources were to decline.

Some harvest opportunities exist for muskoxen other than those in Unit 22D Remainder. Residents of Unit 22B have a customary and traditional use determination for muskoxen in Unit 22B and Unit 22D. Residents of Unit 22C have a customary and traditional use determination for muskoxen in Units 22B and 22D. Residents of Unit 22D except St. Lawrence Island have a customary and traditional use

determination for muskoxen in other subunits of Unit 22D. Residents of Unit 22E have a customary and traditional use determination for muskoxen in Units 22D and 22E. For some residents of some communities, muskoxen from other areas may not be a viable alternative to hunting muskoxen in Unit 22D Remainder.

If they are unable to hunt muskoxen, residents of these communities have alternative resources in other land mammals, sea mammals, fish, and birds. As discussed above under factor 1, Customary and Direct Dependence, **Table 3** shows the most recent year of subsistence harvest data based on household harvest surveys for use and harvest of large land mammals for those communities with a customary and traditional determination for muskoxen in Unit 22D Remainder, except Nome. In almost every community, more caribou was taken than other land mammals, followed by moose. The per capita harvest of muskoxen ranged from zero to 13 pounds. However, most of the villages had harvested at least one muskox, and almost all had used muskox.

Table 6 shows the harvest of birds and eggs in baseline years, mainly in 1995, in communities federally eligible to hunt muskoxen in Unit 22D Remainder, including Nome. Nome had the lowest per capita harvest of the communities, at 5.1 pounds, followed by Teller with 6.5. The villages with the highest per capita bird and egg harvests were White Mountain with 32.7 pounds, Shishmaref with 27.6 pounds, and Deering with 23.5 pounds.

Table 6. Harvest of birds and eggs in selected years in communities with a customary and traditional determination in Unit 22D (ADF&G Community Subsistence Harvest Information System).

Community and date	% used	% attempt	% harvest	Total lbs	Lbs per capita
Elim, 1993 (pop 326)	86.1	77.8	72.2	2,870	10.7
Golovin, 1982 (pop 138)	95.0		85.0		
Koyuk, 1995 (pop 282)			91.9	4,969	17.6
White Mountain, 1995 (pop. 220)			93.1	7,139	32.5
Nome, 1995 (pop 3511)			41.2	18,014	5.1
Brevig Mission, 1984 (pop 194)	96.4		82.1		
Brevig Mission, 1995 (pop 242)			50.0	2,650	11.0
Teller, 1995 (pop 300)			45.0	1,964	6.5
Shishmaref, 1995 (pop 560)	82.2	77.8	77.8	15,481	27.6
Wales, 1993 (pop 152)	59.5	42.9	42.9	1,770	11.6
Buckland, 1996 (pop 379)			67.5	5,787	15.3
Deering, 1994 (pop 148)	83.8	70.3	70.3	3,481	23.5
Deering, 1997 (pop 158)			55.3	1,861	11.8

Marine mammals and fish made up a larger portion of the subsistence harvests than land mammals in each of the eligible communities where subsistence harvest surveys have been conducted (**Table 7**). For example, Golovin, Brevig Mission, Shishmaref, and Wales all harvested more than 100 pounds of seal per capita during the study year. The seal harvest per person was 307.3 pounds in Shishmaref and 278.1 pounds in Wales. Beluga, walrus, and bowhead whale were also reported in the subsistence harvest studies. Salmon harvests per capita ranged from 17.3 pounds in Shishmaref in 1989 to 161.2 pounds in

Golovin the same year. Non-salmon fish harvests per capita ranged from 20.9 pounds in Wales in 1993 to 104.8 pounds in Brevig Mission in 1989.

Table 7. Use and harvest of key marine mammals and fish in communities with a customary and traditional determination in Unit 22D (ADF&G Community Subsistence Harvest Information System).

Species	% used	% attempt	% harvest	# animals	total lbs	lbs per capita
Elim: no data available in ADF&G CSIS						
Golovin, 1989 (pop 169)						
Seals	87.9	57.6	57.6	134	18,733	110.8
Beluga	75.8	36.4	15.2	14.0	13,598	80.5
Salmon	100.0	87.9	87.9		27,235	161.2
Non-salmon fish	93.9	90.9	90.9		13,802	81.7
Koyuk: no data available in ADF&G CSIS						
White Mountain: no data available in ADF&G CSIS						
Nome: no data available in ADF&G CSIS						
Brevig Mission, 1989 (pop 184)						
Seals	80.0	80.0	66.7	189	24,441	132.8
Walrus	46.7	53.3	46.7	106	35,317	191.9
Salmon	100.0	80.0	80.0		21,638	117.6
Non-salmon fish	100.0	100.0	100.0		19,290	104.8
Teller: no data available in ADF&G CSIS						
Shishmaref, 1989 (pop 472)						
Seals	85.7	57.1	57.1	950	145,044	307.3
Walrus	61.9	33.3	28.6	225	68,145	144.4
Salmon	76.2	42.9	42.9		8,161	17.3
Non-salmon fish	85.7	71.4	61.9		20,056	42.5
Shishmaref, 1995 (pop 560)						
Salmon	82.2	68.9	68.9		52,011	92.9
Non-salmon fish	91.1	77.8	77.8		36,205	64.7
Wales, 1993 (pop 152)						
Seals	71.4	50.0	45.2	223	42,274	278.1
Walrus	50.0	42.9	28.6	40	16,042	105.5
Beluga	31.0	16.7	9.5	1	995	6.5
Bowhead whale	73.8	26.2	11.9	1	28,677	188.7
Salmon	85.7	50.0	50.0		11,869	78.1
Non-salmon fish	71.4	54.8	45.2		3,173	20.9

Each of the communities also has other subsistence resources available to them, such as 1 sea mammals, other land mammals, or fish, although this access may vary.

Summary of 804 Analysis

The 804 analysis presents the means to distinguish among communities with a customary and traditional determination for muskox in Unit 22D Remainder for subsistence priority. The communities of Elim, Council, Golovin, Koyuk and White Mountain, in Unit 22B; Nome in Unit 22C; and Teller and Brevig Mission in Unit 22D appear eligible to be included in a Section 804 determination, based on their degree of reliance on the source as the mainstay of livelihood, local residency, and availability of alternative resources. However, Shishmaref and Wales, two communities with difficult access to Unit 22D Remainder, should be excluded in the 804 determination. Between 2001 and 2010, both communities harvested muskoxen almost exclusively in Unit 22E, their subunit. During that period hunters from Wales harvested one of a total 44 muskoxen in Unit 22D.

Other Alternative Considered

The proponent requested delegating the authority to restrict the number of Federal permits to issue each year to the Federal manager. Restricting the number of Federal permits reduces opportunity for Federally qualified subsistence users to harvest muskoxen and raises concern about equitable permit allocation. To address allocation concerns a Federal drawing permit could be used for the Unit 22D remainder hunt area. A drawing permit would randomly assign available permits to those Federally qualified subsistence users who choose to be considered for the hunt. The pool of Federally qualified subsistence users for the drawing hunt would likely consist of those users who did not receive a State Tier II permit, as the State permits provide more opportunity due to limited amount and remoteness of Federal public land in the hunt area. In addition, Federal regulations allow for the use of State permits on Federal public lands, which are closed to non-Federally qualified subsistence users in Unit 22D remainder. Potential allocation strategies include a random drawing permit, issuing permits on a first-come first-serve basis, or allocating among communities on a rotating schedule.

The disadvantage of this this alternative is that if the Board delegates management authority, the Federal manager should be able to choose the allocation method that best suits the situation in the hunt area, including the use of a drawing permit. Establishing a Federal drawing permit in the hunt area would reduce management flexibility and would require a future proposal to change the permit requirement.

Effects of the Proposal

If this proposal is adopted, it would eliminate cow muskox harvest in Unit 22D remainder under Federal regulations. In addition, it would add specific language that would authorize the BLM Anchorage Field Manager to restrict the number of Federal permits to be issued. Eliminating the cow season will likely help the Seward Peninsula muskox population recover by increasing the reproductive capacity of the herd.

Allowing the BLM Anchorage Field Manager to restrict the number of Federal permits to be issued will help prevent the overharvest of the declining muskox population. By controlling the number of permits to

be issued, land managers would be able to restrict the number of hunters as the quota changes. In 2012 and 2013, a more conservative harvest strategy was initiated in order to help rebuild the mature bull-to-cow ratios. The modified strategy is based on potentially harvesting 10% of mature bulls from a hunt area, and results in a 2% harvest rate of the harvestable population in the core area (excluding Units 22A and 23-Southeast) (Adkisson 2013, pers. comm.).

The proponent also requested that the permit requirements be clarified to state that Federally qualified subsistence users can harvest a muskox on Federal public lands with a State Tier II permit. Clarifying the regulatory language could reduce confusion regarding permit requirements. However, changing the language would require future regulatory proposals to update the regulation if the State moves to a State Tier I or registration permit.

OSM PRELIMINARY CONCLUSION

Support Proposal WP14-38 with modification to remove reference to the State Tier II permit; removing the regulatory language referencing harvest quotas and closures found in the Unit 22D Remainder muskox regulations; and delegate authority to close the season, determine annual quotas, the number of permits to be issued, and the method of permit allocation via a delegation of authority letter only (**Appendix 2**).

The modified regulation should read:

Unit 22D—Muskox

*Unit 22D, remainder—1 ~~musk ox~~ bull by Federal permit or State permit; Aug. 1–Mar. 15
however, cows may only be taken during the period Jan. 1–Mar. 15.
Federal public lands are closed to the taking of musk ox except by
Federally qualified subsistence users hunting under these regulations.
Annual harvest quotas and any needed closures will be announced by
the Superintendent of the Western Arctic National Parklands in
consultation with ADF&G and BLM.*

Justification

The muskox population within the Seward Peninsula, including Unit 22D Remainder, has significantly declined since 2010. Adult cow mortality has been high and elimination of the cow harvest will help the population recover by protecting the reproductive component of the population. Allowing the Federal manager to limit the number of permits to issue will help protect the Seward Peninsula muskox population from overharvest. The allowable harvest on the Seward Peninsula is very low, and harvest could easily exceed the quota under certain hunt conditions if an unlimited number of permits issued. Limiting the number of permits will also reduce the harvest of mature bulls to help improve the mature bull:cow ratio.

Creation of a delegation of authority letter for the BLM Anchorage Field Manager will serve to clarify regulations and allow for hunt management flexibility through in-season adjustment of hunt parameters.

Deleting the requested reference of the State Tier II permit from regulation will also allow for regulatory flexibility, as a proposal will not be needed to change Federal regulations if the State changes to a Tier I or other registration permit.

Allowing the Federal manager to limit the number of Federal permits in the Unit 22D Remainder hunt area could lead to issues regarding the equitable allocation of permits among Federally qualified subsistence users. Federally qualified subsistence users are provided more harvest opportunity through State Tier II permits which are valid on Federal public lands, including those Federal lands closed to non-Federally qualified subsistence users. However, Federal permits can provide opportunity for Federally qualified subsistence users that did not receive a State Tier II permit to harvest a muskox. The Federal land manager should develop an equitable, transparent means of allocating available permits among Federally qualified subsistence users. The Section 804 analysis presented the means to establish a priority among rural residents with a customary and traditional use determination for muskoxen in Unit 22D Remainder. The results suggest limiting the harvest to residents of Elim, Council, Golovin, Koyuk, White Mountain, Nome, Teller and Brevig Mission. The Board could recommend an allocation strategy to the Superintendent of the Bering Land Bridge National Preserve, such as working with the communities for an equitable distribution or drawing permit.

LITERATURE CITED

- ADF&G. 2013a. Tier II Results, Unit 22B (TX105); Unit 22D Remainder and K&P (TX102); Unit 22D Southwest (TX103).
- ADF&G. 2013b. Community Subsistence Harvest Information System.
- ADF&G. 1980. Muskox management policies. Pages X-1-X-4 in *Alaska Wildlife Management Plans: Species Management Policies*. Alaska Department of Fish and Game. Federal Aid in Wildlife Restoration Miscellaneous Report. Project W-20-2. Juneau, AK.
- Adkisson, K. 2013. Subsistence Program Manager. Personal communication: email and phone. National Park Service. Nome, AK.
- Cebrian, M.R. 2013. Subsistence Biologist. Personal communication: email and phone. Bureau of Land Management. Anchorage, AK.
- FSB. 1998. Transcripts of Federal Subsistence Board proceedings, May 4, 1998. Office of Subsistence Management, FWS. Anchorage, AK
- FSB. 1999. Transcripts of Federal Subsistence Board proceedings, May 3, 1999. Office of Subsistence Management, FWS. Anchorage, AK.
- FWS. 2000. Staff analysis WP00-56. Pages 41–50, Seward Peninsula Section, in Federal Subsistence Board Meeting Materials, May 2, 3, and 4, 2000. Office of Subsistence Management, FWS. Anchorage.
- Gorn, T. 2011. Unit 22 muskox. Pages 16–47 in P. Harper, editor. Muskox management report of survey and inventory activities 1 July 2008–30 June 2010. ADF&G. Project 16.0. Juneau, AK.

Gorn, T. 2012. 2012 muskox survey results memorandum. Alaska Department of Fish and Game. Nome, AK.

Gorn, T. 2013. Wildlife Biologist. Personal communication: email. Alaska Department of Fish and Game. Nome, AK.

Nelson, R. 1994. Seward Peninsula cooperative muskox management plan. Unpublished report. Nome, AK.

OSM. 2013. Federal subsistence permit database. Microcomputer database, accessed May 2013.

Schmidt, J.H. and T.S. Gorn. 2013. Possible secondary population-level effects of selective harvest of adult male muskoxen. PLoS ONE 8(6): e67493.doi:10.1371/journal.pone.0067493.

WP14-33, 35 AND 38 – SUMMARY OF THE ANILCA SECTION 804 ANALYSIS

The proposals request that Federal land managers be authorized to restrict the number of Federal permits issued to hunt muskoxen in three parts of Unit 22D. Unit 22D (Kuzitrin), Unit 22D (Southwest), and Unit 22D (Remainder).

Factor/Proposal	WP14-33	WP14-35	WP14-38
Portion of Unit 22D	Unit 22D (Kuzitrin)	Unit 22D (Southwest)	Unit 22D (Remainder)
Customary and Traditional Determination (all of Unit 22D)	Rural residents of Units 22B, 22C, 22D (excluding St. Lawrence Island), and 22E are eligible to hunt muskoxen in Unit 22D. Communities included are Elim, Council, Golovin, Koyuk and White Mountain in Unit 22B; Nome in Unit 22C; Teller and Brevig Mission in Unit 22D; and Wales and Shishmaref in Unit 22E.		
Federal Land Manager	NPS	BLM	BLM
1) Customary and Direct Dependence	Local residents depend on a variety of resources as part of a regular pattern of subsistence harvesting. Based on the most recent year of subsistence harvest data for large land mammals, the per capita harvest of muskoxen in communities eligible to harvest in Unit 22(D) ranged from 0 to 13 pounds. In almost every community, more caribou was taken than other land mammals, followed by moose.		
2) Local Residency	In linear distance, Brevig Mission and Teller, both in Unit 22D, are the closest communities to Unit 22D (Kuzitrin), followed by Council and White Mountain in Unit 22B and then Nome in Unit 22C. Nome, Council and Teller hunters have greater ease of access by road at least partway to the hunting area. Shishmaref and Wales, both in Unit 22E, are at the greatest distance from Unit 22D (Kuzitrin) both in geographic proximity and in terms of access to hunting areas.	In linear distance, Brevig Mission and Teller, both in Unit 22D, are the closest communities to the hunting areas, followed by Nome in Unit 22C. Nome and Council hunters have access by road at least part way to hunting areas in Unit 22D (Southwest). Wales hunters are geographically more proximate to Unit 22D (Southwest) than some other eligible communities, although they and Shishmaref hunters may be at a greater distance in terms of ease of access.	In linear distance, Brevig Mission and Teller, both in Unit 22D, are the closest communities to the hunting areas. Nome and Council hunters from Unit 22C have better access to the area because they can travel at least part of the way by road. Wales hunters are geographically more proximate to Unit 22D (Remainder) than some other eligible communities, although they and Shishmaref hunters may be at a greater distance in terms of ease of access.

Factor/Proposal	WP14-33	WP14-35	WP14-38
3) Alternative Resources	<p>Local residents depend on a variety of resources as part of a regular pattern of subsistence harvesting. While muskox is not a major source of food in relation to other subsistence resources, it has become more important within some families. Dependence could also increase if other resources were to decline. Some harvest opportunities exist for muskoxen other than those in Unit 22D. Residents of each of the communities also have other subsistence resources available to them, such as sea mammals, other land mammals, or fish, although this access may vary from year to year and among communities.</p>		
State Permit system	<p>In Unit 22D (Remainder) and Unit 22D (Kuzitrin) in 2013, there were 62 applications for 11 State Tier II permits received. Among the communities with a customary and traditional determination in Unit 22D (Kuzitrin), Nome residents applied for 54 and obtained 6, Brevig Mission applied for 4 and received 3, Teller applied for 2 and received 2, and White Mountain applied for 1 and received 0.</p>	<p>In Unit 22D (Southwest) in 2013, there were 32 applications for only 1 permit received. Among the communities with a customary and traditional determination in Unit 22D (Southwest), Nome residents applied for 28 and obtained 0, and Teller applied for 2 and received 0. The only Tier II permit for muskoxen received in 2013 for this subunit went to a Unalakleet resident (ADF&G 2013).</p>	<p>In Unit 22D (Remainder) and Unit 22D (Kuzitrin) in 2013, there were 62 applications for 11 State Tier II permits received. Among the communities with a customary and traditional determination in Unit 22D (Remainder), Nome residents applied for 54 and obtained 6, Brevig Mission applied for 4 and received 3, Teller applied for 2 and received 2, and White Mountain applied for 1 and received 0.</p>
Summary	<p>The 804 analysis does not present the means to distinguish among most of the communities with a customary and traditional determination for muskox in Unit 22D for subsistence priority. These include Elim, Council, Golovin, Koyuk and White Mountain, in Unit 22B; Nome in Unit 22C; and Teller and Brevig Mission in Unit 22D. All these communities appear eligible to be included in a Section 804 determination, based on their degree of reliance on the source as the mainstay of livelihood, local residency, and availability of alternative resources. Shishmaref and Wales, the two communities at the greatest distance from all parts of Unit 22D in terms of ease of access for hunting, and at the greatest geographical distance from Unit 22D Kuzitrin, should be excluded in the 804 determination. Between 2001 and 2010, both communities harvested muskoxen almost exclusively in Unit 22E, their subunit. During that period hunters from Wales harvested one of a total 44 muskoxen in Unit 22D.</p>		

Field Manager
BLM Anchorage Field Office
4700 BLM Road
Anchorage, Alaska 99507

Dear Field Manager:

This letter delegates specific regulatory authority from the Federal Subsistence Board (Board) to the Field Manager of the Bureau of Land Management Anchorage Field Office, as approved by the Board, to issue emergency special actions if necessary to ensure the continued viability of a wildlife population, to continue subsistence uses of wildlife, or for reasons of public safety; or temporary special actions if the proposed temporary change will not interfere with the conservation of healthy wildlife populations, will not be detrimental to the long-term subsistence use of wildlife resources, and is not an unnecessary restriction on non-subsistence users. This delegation only applies to the Federal public lands subject to ANILCA Title VIII within Unit 22B, that portion of Unit 22D west of the Tisuk River drainage and Canyon Creek, and Unit 22D remainder as it applies to muskox on these lands.

It is the intent of the Board that actions related to management of muskox by Federal officials be coordinated, prior to implementation, with the Alaska Department of Fish and Game (ADF&G), the National Park Service (Superintendent of the Bering Land Bridge National Preserve), and the Chair of the Seward Peninsula Subsistence Regional Advisory Council (Council) to the extent possible. Federal managers are expected to work with State and Federal managers and the Chair and applicable members of the Council to minimize disruption to resource users and existing agency programs, consistent with the need for special action.

DELEGATION OF AUTHORITY

- 1. Delegation:** The Field Manager of the BLM Anchorage Field Office is hereby delegated authority to issue emergency or temporary special actions affecting muskox on Federal lands as outlined under the Scope of Delegation of this section. Any action greater than 60 days in length (temporary special action) requires a public hearing before implementation. Special actions are governed by Federal regulation at 36 CFR 242.19 and 50 CFR 100.19.
- 2. Authority:** This delegation of authority is established pursuant to 36 CFR 242.10(d)(6) and 50 CFR 100.10(d)(6), which states: “The Board may delegate to agency field officials the authority to set harvest and possession limits, define harvest areas, specify methods or means of harvest, specify permit requirements, and open or close specific fish or wildlife harvest seasons within frameworks established by the Board.”
- 3. Scope of Delegation:** The regulatory authority hereby delegated is limited to the following authorities within the limits set by regulation at 36 CFR 242.26 and 50 CFR 100.26:

- To set a harvest quota, the number of permits issued, and the season opening and closing dates for the muskox on Federal public lands in Unit 22B, that portion of Unit 22D west of the Tisuk River drainage and Canyon Creek, and Unit 22D remainder as it applies to muskox on these lands.

This delegation may be exercised only when it is necessary to conserve the muskox population or to continue subsistence uses.

All other proposed changes to codified regulations, such as customary and traditional use determinations, adjustments to methods and means of take, or closures to only non-Federally qualified users shall be directed to the Federal Subsistence Board.

The Federal public lands subject to this delegated authority are those within Unit 22B, that portion of Unit 22D west of the Tisuk River drainage and Canyon Creek, and Unit 22D remainder as it applies to muskox on these lands.

4. Effective Period: This delegation of authority is effective from the date of this letter and continues until superseded or rescinded.

5. Guidelines for Delegation: You will become familiar with the management history of the wildlife species relevant to this delegation in the region, with current State and Federal regulations and management plans, and be up-to-date on population and harvest status information. You will review special action requests or situations that may require a special action and all supporting information to determine (1) consistency with 36 CFR 242.19, (2) if the request/situation falls within the scope of authority, (3) if significant conservation problems or subsistence harvest concerns are indicated, and (4) what the consequences of taking an action or no action may be on potentially affected subsistence users and non-Federally qualified users. Requests not within your delegated authority will be forwarded to the Federal Subsistence Board for consideration. You will maintain a record of all special action requests and rationale for your decision. A copy of this record will be provided to the Administrative Records Specialist in the Office of Subsistence Management no later than sixty days after development of the document.

You will notify the Office of Subsistence Management and coordinate with local ADF&G managers, the National Park Service (Superintendent of the Bering Land Bridge National Preserve), and the Chair of the Seward Peninsula Subsistence Regional Advisory Council regarding special actions under consideration. You will issue decisions in a timely manner. Before the effective date of any decision, reasonable efforts will be made to notify the public, the Office of Subsistence Management, affected State and Federal managers, law enforcement personnel, and Council representatives. If an action is to supersede a State action not yet in effect, the decision will be communicated to the public, the Office of Subsistence Management, affected State and Federal Managers, and the local Council representatives at least 24 hours before the State action would be effective. If a decision to take no action is made, you will notify the proponent of the request immediately.

You may defer a special action request, otherwise covered by this delegation of authority, to the Federal Subsistence Board in instances when the proposed management action will have a significant impact on a

large number of Federal subsistence users or is particularly controversial. This option should be exercised judiciously and may be initiated only when sufficient time allows for it. Such deferrals should not be considered when immediate management actions are necessary for conservation purposes. The Federal Subsistence Board may determine that a special action request may best be handled by the Board, subsequently rescinding the delegated regulatory authority for the specific action only.

6. Support Services: Administrative support for regulatory actions will be provided by the Office of Subsistence Management, U.S. Fish & Wildlife Service, Department of the Interior.

Sincerely,

Tim Towarak
Chair, Federal Subsistence Board

cc: Assistants to the Board
Interagency Staff Committee
Chair, Seward Peninsula Subsistence Regional Advisory Council
Commissioner, Alaska Department of Fish and Game
Coordinator, Seward Peninsula Subsistence Regional Advisory Council
Subsistence Liaison, Alaska Department of Fish and Game
ARD, Office of Subsistence Management
Administrative Record

WP14-39 Executive Summary	
General Description	Proposal WP14-39 requests that the season and harvest limit for muskox in Unit 22B be changed to eliminate the cow hunt. In addition, the proposal requests that BLM Anchorage Field Manager be specified as the Federal manager, and that language be added to authorize the Federal manager to restrict the number of Federal permits to be issued. <i>Submitted by the Bureau of Land Management.</i>
Proposed Regulation	Unit 22B–Muskox <i>Unit 22B—1 bull by Federal permit or State Tier II permit. Federal public lands are closed to the taking of musk ox except by Federally qualified subsistence users hunting under these regulations. Annual harvest quotas, the number of permits to be issued, and any needed closures will be announced by the Anchorage Field Office Manager of the BLM, in consultation with NPS and ADF&G.</i> <i>Aug. 1–Mar. 15</i>
OSM Preliminary Conclusion	Support with modification.
Seward Peninsula Regional Council Recommendation	
Interagency Staff Committee Comments	
ADF&G Comments	
Written Public Comments	1 Oppose

WRITTEN PUBLIC COMMENTS

Oppose Proposals 14-38, 14-39, and 14-41: There are many ways to regulate harvest without moving into Tier II regulation – shorter seasons, antler restriction, and harvest quota restrictions. Tier II regulation opens up a huge issue of traditional use that does not serve the people equally.

Donald Woodruff, Eagle

DRAFT STAFF ANALYSIS
WP14-39

ISSUES

Proposal WP14-39, submitted by the Bureau of Land Management, requests that the season and harvest limit for muskox in Unit 22B be changed to eliminate the cow hunt. In addition, the proposal requests that BLM Anchorage Field Manager be specified as the Federal manager, and that language be added to authorize the Federal manager to restrict the number of Federal permits to be issued.

DISCUSSION

The proponent states the 2012 Unit 22 muskox survey indicated that the overall Seward Peninsula muskox population experienced a significant decline since 2010. The changes in the overall population estimate have resulted in large reductions in allowable harvest, the elimination of the cow season, and the return to State Tier II hunts in all but one (Unit 22E) of the Seward Peninsula Game Management Sub-units. The proposed regulatory changes include a change in the relevant land manager to reflect the current lands status in the area, and a mechanism to limit the number of permits issued.

The proponent states that, in a collaborative effort between Federal and State agencies to reverse the apparent decline in muskox population, these regulatory changes represent a conservative harvest management approach for muskox in Unit 22. The changes in regulation will likely have a positive effect on muskox recruitment. The elimination of the cow season will allow for the muskox population to rebuild. Limiting the number of permits will also reduce the take of mature bulls, allowing those of breeding age to contribute to muskox reproduction. And clarifying who the relevant land manager is will streamline regulatory oversight for future management action.

Although it was not requested by the proponent, a Section 804 analysis was developed for this proposal due to the small number of muskox anticipated to be available for harvest and the relatively large number of subsistence users with positive customary and traditional use determinations for muskoxen in the Unit 22B hunt area. The customary and traditional use determination for muskoxen in Unit 22B includes rural residents of Units 22B and 22C. This Section 804 analysis may help determine which residents of those units would be most eligible to harvest muskox in Unit 22B.

Existing Federal Regulation**Unit 22B—Muskox**

Unit 22B—1 bull by Federal permit or State permit. Federal public lands are closed to the taking of musk ox except by Federally qualified subsistence users hunting under these regulations. Annual harvest quotas and any needed closures will be announced by the Anchorage

Aug. 1–Mar. 15

Field Office Manager of the BLM, in consultation with NPS and ADF&G.

Federal public lands are closed to the harvest of muskox except by Federally qualified subsistence users.

Proposed Federal Regulation

Unit 22B—Muskox

*Unit 22B—1 bull by Federal permit or State **Tier II** permit. Federal public lands are closed to the taking of musk ox except by Federally qualified subsistence users hunting under these regulations. Annual harvest quotas, **the number of permits to be issued**, and any needed closures will be announced by the Anchorage Field Office Manager of the BLM, in consultation with NPS and ADF&G.* Aug. 1–Mar. 15

Federal public lands are closed to the harvest of muskox except by Federally qualified subsistence users.

Existing State Regulation

Unit 22B—Muskox

<i>Unit 22B—east of the Darby Mtns., including drainages of Kwiniuk, Tubutulik, Koyuk and Inglutalik rivers.</i>	<i>Residents: One bull by permit</i>	<i>All skulls require trophy destruction subject to permit conditions.</i>	<i>TX105</i>	<i>Aug. 1–Mar. 15</i>
--	--	--	--------------	-----------------------

<i>Unit 22B remainder</i>	<i>Residents: One bull by permit</i>	<i>All skulls require trophy destruction subject to permit conditions.</i>	<i>TX105</i>	<i>Jan. 1–Mar. 15</i>
---------------------------	--	--	--------------	-----------------------

Extent of Federal Public Lands

Federal public lands comprise approximately 40% of Unit 22B, and consist of 38% BLM, 2% NPS, and a trace of FWS managed lands (**Unit 22 Map**).

Customary and Traditional Use Determinations

Rural residents of Units 22B and 22C have a positive customary and traditional use determination to harvest muskox in Unit 22B west of the Darby Mountains. Rural residents of Units 22B have a positive customary and traditional use determination to harvest muskox in the remainder of Unit 22B.

Regulatory History

See WP14-33 for regulatory history.

Biological Background

Muskox management on the Seward Peninsula has been guided by recommendations from the Seward Peninsula Muskox Cooperators Group. The group is composed of staff from ADF&G, NPS, BLM, USFWS, Bering Straits Native Corporation, Kawerak Inc., Reindeer Herders Association, Northwest Alaska Native Association, residents of Seward Peninsula communities, and representatives from other interested groups or organizations. The following management goals form the basis of the cooperative interagency management plan for Seward Peninsula muskoxen developed from 1992 through 1994 (Nelson 1994) and follow the guidelines of the ADF&G Muskox Management Policies (ADF&G 1980):

- Manage population to allow for continued growth and range expansion of the Seward Peninsula Muskox
- Provide for a limited harvest in a manner consistent with the existing State and Federal laws by following the goals/objectives endorsed by the Seward Peninsula Muskox Cooperators Group and the Seward Peninsula Cooperative Muskox Management Plan
- Manage muskoxen along the Nome road systems of Unit 22B and 22C for viewing, education, and other nonconsumptive uses
- Work with local reindeer herding interests to minimize conflicts between reindeer and muskoxen
- Protect and maintain the habitats and other components of the ecosystem upon which muskoxen depend
- Encourage cooperation and sharing of information among agencies and users of the resource in developing and executing management and research programs

Muskoxen were extirpated in Alaska by the late 1800s, and potentially hundreds of years earlier on the Seward Peninsula. Muskoxen were reintroduced to Units 22C and 22D of the Seward Peninsula in 1970,

and have since expanded their range to the north and east. Currently, muskoxen occupy suitable habitat in Units 22A, 22B West, 22C, 22D, 22E, and 23-Southwest.

After reintroduction, the muskox population experienced periods of growth between 1970 and 2000 (14% annual rate of increase) and 2000 and 2010 (3.8% annual rate of increase) (Gorn 2011). However, between 2010 and 2012 the muskox population declined 12.5% annually throughout the Seward Peninsula (Gorn 2012). Aspects of the recent decline are likely related to the high mortality rates of adult cows and declines in the number of short yearlings (10-11 month-old muskoxen) (Gorn 2012). Since 2007, mortality rates of collared adult cows exceeded 20% in the northern and southern portions of the Seward Peninsula (Gorn 2012); however, some caution should be used when interpreting these mortality rates as they are based on a small sample of the population (Gorn 2011). Composition surveys also indicated declines in mature bulls between 2002 and 2010, which prompted changes to the method of determining harvest rates (Gorn 2011). Recent research has suggested that selective harvest of mature bulls on the Seward Peninsula may be a driver of reduce population growth and that annual harvest be restricted to less than 10% of the estimated number of mature bulls (Schmidt and Gorn 2013).

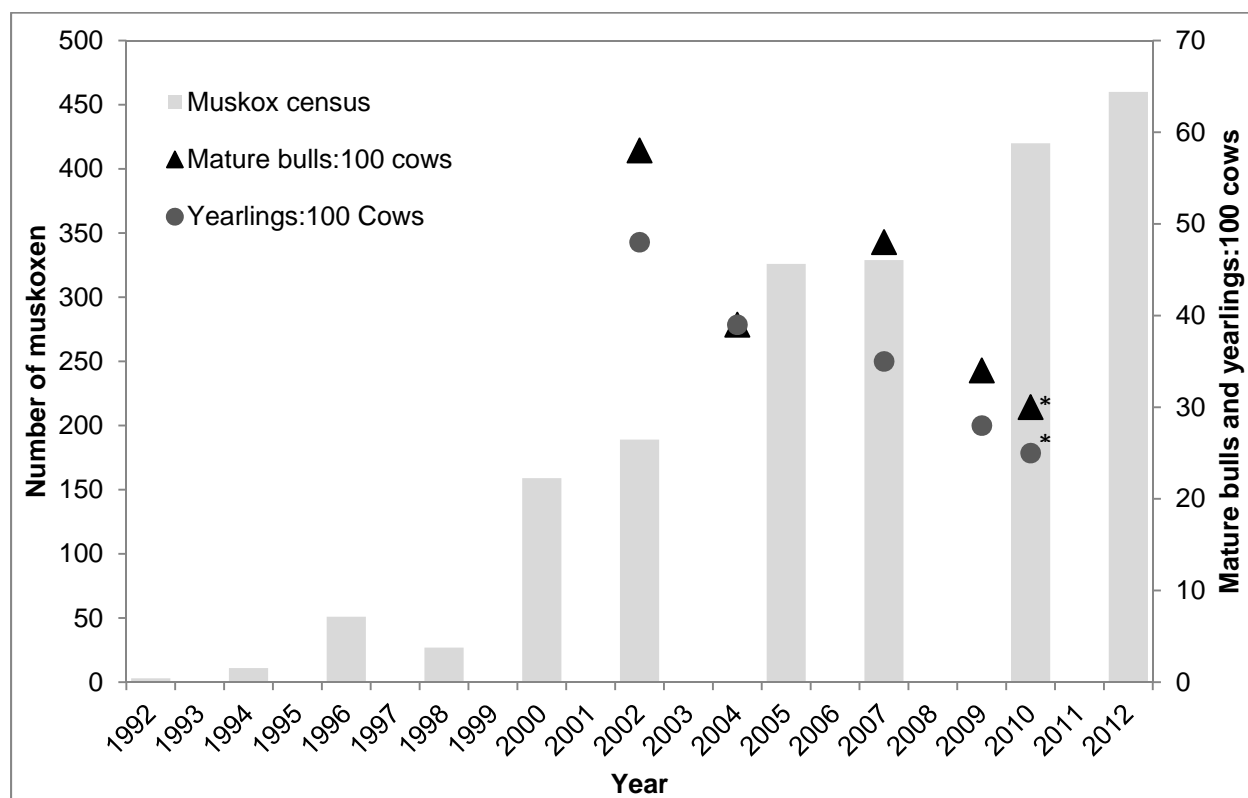


Figure 1. Abundance and composition data for muskoxen in Unit 22B , 1992–2012 (Gorn 2011, 2012). Muskox abundance was determined by minimum counts between 1992 and 2007 via aerial census, and was estimated in 2010 and 2012 via distance sampling. Surveys were flown in late-January through early April. Composition surveys were conducted in February and March and identified age and sex composition of groups of muskoxen. Composition surveys in 2010 (*) were only conducted in the western portion of Unit 22B.

The abundance of muskoxen in Unit 22B increased from 3 muskoxen in 1992 to 420 muskoxen in 2010 (**Figure 1**), which was likely due to reproduction combined with immigration from Units 22C and 22D, as it was unlikely the increase was primarily associated with calf production (Gorn 2011). Muskox numbers continued to increase between 2010 and 2012 in Unit 22B, with a 4% increase east of the Darby Mountains and a 43% increase west of the Darby Mountains (Gorn 2012). While the abundance of muskoxen has increased in Unit 22B, the composition of mature bulls and yearlings per 100 cows has declined (**Figure 1**).

Harvest History

Harvest of muskoxen in most units of the Seward Peninsula was originally limited to Federally qualified subsistence users; however, State and Federal seasons in Unit 22B did not open until 2001. As muskox numbers increased, a State Tier II harvest was added in 1998/1999. In January 2008, the Alaska Board of Game ended the Tier II permit hunt in several units on the Seward Peninsula, including Unit 22B and adopted regulatory changes that created a combination of Tier I registration permit and drawing permit hunts (Gorn 2011). The harvest strategy between 1998 and 2011 was based on a percentage of the population (up to 8% in some areas) within a hunt area. The harvest was generally focused on mature bulls, which resulted in heavy exploitation of the mature bull component of the population (Adkisson 2013, pers. comm.).

Between 2001 and 2012, the average muskox harvest in Unit 22B under State regulations was approximately 12 animals, while the annual Federal harvest averaged approximately 2 muskoxen during the time period. Harvest levels in Unit 22B peaked in 2010, when 28 bulls were harvested, all under State harvest (**Table 1**). The total allowable harvest under State and Federal regulations in Unit 22B was 16 bulls in 2008, but was reduced to 8 bulls in 2012 (Adkisson 2013, pers. comm.).

Table 1. State and Federal harvest information for muskoxen in Unit 22B, 2001-2012 (Gorn 2013, pers. comm.; OSM 2013).

Year	Quota	State			Federal			Total Harvest
		Permits Issued	Harvest		Permits Issued	Harvest		
			Bulls	Cows		Bulls	Cows	
2001	8	5	4		3	3		7
2002	9	7	6		4	0		6
2003	9	7	1		4	2		3
2004	12	14	5	1	5	2	0	8
2005	16	21	10	0	7	2	0	12
2006	16	24	15	0	8	3	0	18
2007	16	24	20		7	2		22
2008	16	-	9	0	4	1	0	10
2009	16	-	14	0	0	0	0	14
2010	26	-	28	0	0	0	0	28
2011	22	-	17	4	0	0	0	21
2012	8	8	4	0	4	2	0	6

State Tier II Permits

An examination of the State Tier II permits for muskoxen in Unit 22B shows that in 2013, there were 62 applications for 8 permits received. Among the communities with a customary and traditional determination in Unit 22B, Nome residents applied for 35 and obtained 1, White Mountain applied for 12 and received 3, Golovin applied for 1 and received 1, Elim applied for 6 and received 2, Koyuk applied for 1 and received 1, and Council applied for 1 and received 0 (ADF&G 2013a).

Section 804 Analysis

A Section 804 analysis was developed for this proposal due to the small number of muskox anticipated to be available for harvest and the relatively large number of subsistence users with a customary and traditional use determination to harvest muskox in the Unit 22B. Rural residents of Units 22B and 22C have a customary and traditional use determination to harvest muskox in Unit 22B west of the Darby Mountains. Rural residents of Units 22B have a customary and traditional use determination to harvest muskox in the remainder of Unit 22B. This 804 analysis would determine which residents of those units would be eligible to harvest muskoxen in Unit 22B. Communities in Unit 22B are Council, Elim, Golovin, Koyuk and White Mountain. Nome is located in Unit 22C (**Table 2**).

Table 2. Human population of villages in the customary and traditional use determination for muskox in Unit 22B.

Community	US Census				
	1980	1990	2000	2010	
	Number of People				Number of Households
Elim (22B)	211	264	313	330	89
Golovin (22B)	87	127	144	156	49
Koyuk (22B)	188	231	297	332	89
White Mountain (22B)	125	180	203	190	65
Nome (22C)	2506	3500	3505	3598	1216

Section 804 of ANILCA provides a subsistence priority for the taking of fish and wildlife on Federally administered lands and waters. A subsistence priority will be implemented through appropriate limitations whenever it is necessary to restrict the taking of populations of fish and wildlife on these lands for subsistence uses. These limitations are based on the application of three criteria: 1) customary and direct dependence upon the populations as the mainstay of livelihood; 2) local residency; and 3) the availability of alternative resources. The following section addresses these criteria as they relate to rural residents with a positive customary and traditional use determination for muskoxen in Unit 22B.

1. Customary and Direct Dependence upon the Populations as a Mainstay of Livelihood

Local residents depend on a variety of resources as part of a regular pattern of subsistence harvesting. Muskoxen have been harvested regularly on the Seward Peninsula since seasons were established in 1995. While muskox is not a major source of food in relation to other subsistence resources, it has become more important within some families. Dependence could also increase if other resources were to decline.

Table 3 shows the most recent year of subsistence harvest data based on household harvest surveys for use and harvest of large land mammals for those communities with a customary and traditional use determination for muskoxen in Unit 22B, except Nome. In each of the communities, more caribou was taken than other land mammals, followed by moose. However, all but Koyuk had harvested at least one muskox during the study year, and all had used muskox. While no ADF&G subsistence harvest surveys for land mammals have been conducted in Nome, cumulative permit data for 2001-2010 in Unit 22B show that Nome hunters took 15 moose, 8 muskoxen, 15 brown bear, and no caribou (OSM 2013).

Local residents' dependence on the particular muskox populations in this hunting area are addressed in factor 2, Local Residency.

Table 3. Use and harvest of large land mammals in selected communities with a customary and traditional determination in Unit 22B (ADF&G 2013b).

Species	% used	% attempt	% harvest	# animals	total lbs	lbs per capita
22B - Elim, 2010 (pop. 326)						
Brown bear	5.6	5.6	2.8	2	218	0.7
Caribou	84.5	39.4	28.1	83	11,294	34.6
Moose	70.4	40.8	12.6	11	6001	18.4
Muskox	7.0	2.8	1.4	1	735	2.3
22B - Golovin, 2010 (pop. 138)						
Brown bear	0	0	0	0	0	0
Caribou	69.7	21.2	12.1	17	2267	16.4
Moose	60.6	18.2	6.6	3	1630	11.8
Muskox	18.2	6.6	6.6	3	1797	13.0
22B - Koyuk, 2004 (pop. 377)						
Brown bear	0	1.6	0	0	0	0
Caribou	96.9	76.6	71.9	425	57,737	153.3
Moose	78.1	67.2	28.1	27	15,182	40.3
Muskox	7.8	0	0	0	0	0
22B - White Mountain, 2009 (pop. 195)						
Brown bear	1.6	3.3	1.6	1	92	0.5
Caribou	85.2	45.9	32.7	99	13,477	69.1
Moose	82.0	50.8	23.0	15	8026	41.2
Muskox	19.7	9.8	9.8	4	2528	13.0

2. Local Residency

Rural residents of Units 22B and 22C have a customary and traditional use determination to harvest muskox in Unit 22B west of the Darby Mountains. Rural residents of Units 22B have a customary and traditional

use determination to harvest muskox in the remainder of Unit 22B. Communities in Unit 22B are Council, Elim, Golovin, Koyuk and White Mountain. Nome is the only community in Unit 22C.

Table 4. Harvest, by subunit, of muskoxen by communities with a customary and traditional determination in Unit 22B, 2001-2010.

Unit of Harvest	Number of Permits Issued	Number of Hunters	Number of Muskoxen Killed
Council (22B)			
22B	5	5	5
22C	3	3	3
22D	1	1	1
22Z	3	0	0
Total	12	9	9
Elim (22B)			
22B	15	15	11
22D	2	2	2
22Z	19	0	0
Total	36	17	13
Golovin(22B)			
22B	24	24	22
22D	1	1	1
22Z	6	0	0
Total	31	25	23
Koyuk (22B)			
22B	16	16	13
22Z	22	0	0
Total	38	16	13
White Mountain (22B)			
22B	53	53	45
22C	3	3	2
22D	24	24	22
22Z	13	1	1
Total	93	81	70
Nome (22C)			
20C	1	1	0
22B	16	16	15
22C	173	173	121
22D	286	286	187
22E	34	34	16
22Z	375	6	0
23	1	0	0
Total	893	516	310

From the point of view of geographic proximity, the communities of White Mountain, Golovin, Elim and Council are located in Unit 22B west of the Darby Mountains. Koyuk is further away, and Nome, in 22C,

is furthest away from this area. Koyuk is located in Unit 22B, and Elim is located near the Darby Mountains. White Mountain and Golovin are further away, and Nome, in 22C, is the furthest from this area. Nome hunters, however, are able to drive to Unit 22B on a road.

Table 4 indicates the number of permits issued and reported harvest from 2001 to 2010 cumulative by communities with a customary and traditional use determination for muskoxen in Unit 22B. Elim and Golovin residents took almost all their muskoxen from Unit 22B, their subunit of residence; Elim took 11 of 13 (85%), and Golovin took 22 of 23 (96%) in that subunit. Council hunters took 5 of 9 muskoxen (55%) in Unit 22B. Koyuk residents took all 13 of the muskoxen they harvested from Unit 22B. White Mountain, also located in 22B, took 45 of 70 (64%) of its harvest of muskoxen in 22B, and 22 animals (31%) in 22D. Nome hunters used Unit 22C, their subunit of residence, for 121 (39%) of their total harvest of 310. Their primary hunting area, however, was 22D with 187 (60%) of 310 animals killed. Hunters from Nome took only 15 muskoxen in Unit 22B, 5% of their total harvest of muskoxen.

As **Table 5** shows, between 2001 and 2010, hunters from White Mountain took 45 of a total 122 (37%) muskoxen harvested in Unit 22B. Local resident hunters (including Nome) took 110 of 122, or 90% of the animals. In addition to the White Mountain harvest, the Golovin harvest was 22, while Nome hunters took 14 animals, Koyuk took 13, and Elim 11.

Table 5. State and Federal reported harvest of muskoxen in Unit 22B, 2001 to 2010.

Community	Number of Permits	Number of Hunters	Number of Muskoxen Harvested
Unknown	1		1
AK Resident Non-AK City	1	1	1
Anchorage	1	1	1
Council	5	5	5
Elim	15	15	11
Fairbanks	1	1	1
Golovin	24	24	22
Homer	1	1	1
Koyuk	16	16	13
Nome	16	16	14
Pilot Station	1	1	1
Shakttoolik	2	2	2
Shishmaref	1	1	1
St Michael	1	1	0
Unalakleet	4	4	3
White Mountain	53	53	45
TOTAL	143	143	122

3. Availability of Alternative Subsistence Resources

Local residents depend on a variety of resources as part of a regular pattern of subsistence harvesting. Since being re-introduced in 1970, muskoxen have been harvested regularly. While muskox is not a major source of food in relation to other subsistence resources, it has become more important within some families. Dependence could also increase if other resources were to decline.

Some harvest opportunities exist for muskoxen other than those in Unit 22B. Residents of Unit 22B and 22C also have a customary and traditional use determination for muskoxen in Unit 22D. For some residents of some communities, muskoxen from other areas may not be a viable alternative to hunting muskoxen in Unit 22B.

If they are unable to hunt muskoxen, residents of these communities have alternative resources in other land mammals, sea mammals, fish, and birds. As discussed above under factor 1, Customary and Direct Dependence, **Table 3** shows the most recent year of subsistence harvest data based on household harvest surveys for use and harvest of large land mammals for those communities with a customary and traditional determination for muskoxen in Unit 22B, except Nome. In almost every community, more caribou was taken than other land mammals, followed by moose. The per capita harvest of muskoxen ranged from zero to 13 pounds. However, most of the villages had harvested at least one muskox, and almost all had used muskox.

Table 6 shows the harvest of birds and eggs in baseline years, mainly in 1995, in communities federally eligible to hunt muskoxen in Unit 22B, including Nome. Nome had the lowest per capita harvest of the communities, at 5.1 pounds. Elim residents harvested 10.7 pounds per person, Koyuk residents 17.6 pounds, and White Mountain residents 32.7 pounds.

Table 6. Harvest of birds and eggs, in selected years, in communities with a customary and traditional determination in Unit 22B (ADF&G 2013b).

Community and date	% used	% attempt	% harvest	Total lbs	Lbs per capita
Elim, 1993 (pop 326)	86.1	77.8	72.2	2,870	10.7
Golovin, 1982 (pop 138)	95.0		85.0		
Koyuk, 1995 (pop 282)			91.9	4,969	17.6
White Mountain, 1995 (pop. 220)			93.1	7,139	32.5
Nome, 1995 (pop 3511)			41.2	18,014	5.1

Marine mammals and fish made up a portion of the subsistence harvests in each of the eligible communities, but subsistence harvest surveys for those species had only been conducted in Golovin in 1989. That year, Golovin residents harvested 110.8 pounds of seal per capita and 80.5 pounds of beluga. Golovin’s salmon harvest that year was 161.2 pounds per capita and its harvest of non-salmon fish was 81.7 pounds per capita (**Table 7**).

Each of the communities also has access to other subsistence resources, such as sea mammals, other land mammals, or fish, although this access may vary.

Table 7. Use and harvest of key marine mammals and fish in communities with a customary and traditional determination in Unit 22B (ADF&G 2013b).

Species	% used	% attempt	% harvest	# animals	total lbs	lbs per capita
Elim: no data available in ADF&G CSIS						
Golovin, 1989 (pop 169)						
Seals	87.9	57.6	57.6	134	18,733	110.8
Beluga	75.8	36.4	15.2	14.0	13,598	80.5
Salmon	100.0	87.9	87.9		27,235	161.2
Non-salmon fish	93.9	90.9	90.9		13,802	81.7
Koyuk: no data available in ADF&G CSIS						
White Mountain: no data available in ADF&G CSIS						
Nome: no data available in ADF&G CSIS						

Summary of 804 Analysis

Consideration of proximity and the availability of alternative resources suggest that Elim, Council, Golovin, Koyuk, and White Mountain, all located in Unit 22B, should be provided a subsistence priority over Nome, in Unit 22C. However, the 804 analysis does not present the means to distinguish among the communities with customary and traditional determination for muskox in Unit 22B. All appear eligible to be included in a Section 804 determination, based on their degree of reliance on the source as the mainstay of livelihood, local residency, and availability of alternative resources.

Other Alternative Considered

The proponent requested delegating the authority to restrict the number of Federal permits to issue each year to the Federal manager. Restricting the number of Federal permits reduces opportunity for Federally qualified subsistence users to harvest muskoxen and raises concern about equitable permit allocation. To address allocation concerns, a Federal drawing permit could be used for the Unit 22B hunt area. A drawing permit would randomly assign available permits to those Federally qualified subsistence users who choose to be considered for the hunt. The pool of Federally qualified subsistence users for the drawing hunt would likely consist of those users who did not receive a State Tier II permit, as the State permits provide more opportunity due to limited amount and remoteness of Federal public land in the hunt area. In addition, Federal regulations allow for the use of State permits on Federal public lands, which are closed to non-Federally qualified subsistence users, and the Federal muskox season (Aug. 1–Mar. 15) is significantly longer than the State season (Jan. 1–Mar. 15) in Unit 22B remainder hunt area. Potential allocation strategies include a random drawing permit, issuing permits on a first-come first-serve basis, or allocating among communities on a rotating schedule.

The disadvantage of this alternative is that if the Board delegates management authority, the Federal manager should be able choose the allocation method that best suits the situation in the hunt area, including

the use of a drawing permit. Establishing a Federal drawing permit in the hunt area would reduce management flexibility and would require a future proposal to change the permit requirement.

Effects of the Proposal

If this proposal is adopted, it would eliminate cow muskox harvest under Federal regulations. In addition, it would add specific language that would authorize the BLM Anchorage Field Manager to restrict the number of Federal permits to be issued. Eliminating the cow season will help the Seward Peninsula Muskox population recover by increasing the reproductive capacity of the herd.

Allowing the BLM Anchorage Field Manager to restrict the number of Federal permits to be issued will help prevent the overharvest of the declining muskox population on the Seward Peninsula. By controlling the number of permits to be issued, land manager would be able to restrict the number of hunters as the quota changes. In 2012 and 2013, a more conservative harvest strategy was initiated to help rebuild mature bull-to-cow ratios. The modified strategy is based on potentially harvesting 10% of mature bulls from a hunt area, and results in a 2% harvest rate of the harvestable population in the core area (excluding Units 22A and 23-Southeast) (Adkisson 2013, pers. comm.).

The proponent also requested that the permit requirement be clarified to state that Federally qualified subsistence users can harvest a muskox on Federal public lands with at State Tier II permit. Clarifying the regulatory language could reduce confusion regarding permit requirements. However, changing the language would require future regulatory proposals to update the regulation if the State moves to a State Tier I or other registration permit.

OSM PRELIMINARY CONCLUSION

Support Proposal WP14-39 **with modification** to remove reference to the State Tier II permit; remove the regulatory language referencing harvest quotas and closures found in the Unit 22D Kuzitrin muskox regulations; and delegate authority to close the season, determine annual quotas, the number of permits to be issued, and the method of permit allocation via a delegation of authority letter only (**Appendix 1**).

The modified regulation should read:

Unit 22B—Muskox

Unit 22B—1 bull by Federal permit or State permit. Federal public lands are closed to the taking of musk ox except by Federally qualified subsistence users hunting under these regulations. Annual harvest quotas and any needed closures will be announced by the Anchorage Field Office Manager of the BLM, in consultation with NPS and ADF&G. Aug. 1–Mar. 15

Federal public lands are closed to the harvest of muskox except by

Federally qualified subsistence users.

Justification

While the abundance of muskoxen has increased in Unit 22B, the Seward Peninsula muskox population as a whole has significantly declined since 2010. Allowing the Federal manager to limit the number of permits to issue will help protect the Seward Peninsula muskox population from overharvest. The allowable harvest on the Seward Peninsula is very low, and harvest could easily exceed the quota under certain hunt conditions if an unlimited number of permits issued. Limiting the number of permits will allow managers to reduce the number of mature bulls harvested, which should improve the mature bull:cow ratio.

Creation of a delegation of authority letter for the BLM Anchorage Field Manager will serve to clarify regulations and allow for hunt management flexibility through in-season adjustment of hunt parameters. Deleting the requested reference of the State Tier II permit from regulation will also allow for regulatory flexibility, as a proposal will not be needed to change Federal regulations if the State changes to a Tier I or other registration permit.

Allowing the Federal manager to limit the number of Federal permits in the Unit 22B hunt area could lead to issues regarding the equitable allocation of permits among Federally qualified subsistence users. Federally qualified subsistence users provide more harvest opportunity through State Tier II permits which are valid on Federal public lands, including those Federal lands closed to non-Federally qualified subsistence users. However, Federal permits can provide opportunity for Federally qualified subsistence users that did not receive a State Tier II permit to harvest a muskox. The Federal land manager should develop an equitable, transparent means of allocating available permits among Federally qualified subsistence users. The Section 804 does not present the means to distinguish among the communities with customary and traditional determination for muskox in Unit 22B for subsistence priority, so permits will need to be allocated among all Federally qualified subsistence users. The Board could recommend an allocation strategy to the BLM Anchorage Field Manager, such as working with the communities for an equitable distribution or a drawing permit.

LITERATURE CITED

ADF&G. 2013a. Tier II Results, Unit 22B (TX105); Unit 22D Remainder and K&P (TX102); Unit 22D Southwest (TX103).

ADF&G. 2013b. Community Subsistence Harvest Information System.

ADF&G. 1980. Muskox management policies. Pages X-1-X-4 in Alaska Wildlife Management Plans: Species Management Policies. Alaska Department of Fish and Game. Federal Aid in Wildlife Restoration Miscellaneous Report. Project W-20-2. Juneau, AK.

Adkisson, K. 2013. Subsistence Program Manager. Personal communication: email and phone. National Park Service. Nome, AK.

- FSB. 1998. Transcripts of Federal Subsistence Board proceedings, May 4, 1998. Office of Subsistence Management, FWS. Anchorage, AK
- FSB. 1999. Transcripts of Federal Subsistence Board proceedings, May 3, 1999. Office of Subsistence Management, FWS. Anchorage, AK.
- FWS. 2000. Staff analysis WP00-56. Pages 41–50, Seward Peninsula Section, in Federal Subsistence Board Meeting Materials, May 2, 3, and 4, 2000. Office of Subsistence Management, FWS. Anchorage.
- Gorn, T. 2011. Unit 22 muskox. Pages 16–47 in P. Harper, editor. Muskox management report of survey and inventory activities 1 July 2008–30 June 2010. ADF&G. Project 16.0. Juneau, AK.
- Gorn, T. 2012. 2012 muskox survey results memorandum. Alaska Department of Fish and Game. Nome, AK.
- Gorn, T. 2013. Wildlife Biologist. Personal communication: email. Alaska Department of Fish and Game. Nome, AK.
- Nelson, R. 1994. Seward Peninsula cooperative muskox management plan. Unpublished report. Nome, AK.
- OSM. 2013. Federal subsistence permit database. Microcomputer database, accessed May 2013.
- Schmidt, J.H. and T.S. Gorn. 2013. Possible secondary population-level effects of selective harvest of adult male muskoxen. PLoS ONE 8(6): e67493.doi:10.1371/journal.pone.0067493.

Field Manager
BLM Anchorage Field Office
4700 BLM Road
Anchorage, Alaska 99507

Dear Field Manager:

This letter delegates specific regulatory authority from the Federal Subsistence Board (Board) to the Field Manager of the Bureau of Land Management Anchorage Field Office, as approved by the Board, to issue emergency special actions if necessary to ensure the continued viability of a wildlife population, to continue subsistence uses of wildlife, or for reasons of public safety; or temporary special actions if the proposed temporary change will not interfere with the conservation of healthy wildlife populations, will not be detrimental to the long-term subsistence use of wildlife resources, and is not an unnecessary restriction on non-subsistence users. This delegation only applies to the Federal public lands subject to ANILCA Title VIII within Unit 22B, that portion of Unit 22D west of the Tisuk River drainage and Canyon Creek, and Unit 22D remainder as it applies to muskox on these lands.

It is the intent of the Board that actions related to management of muskox by Federal officials be coordinated, prior to implementation, with the Alaska Department of Fish and Game (ADF&G), the National Park Service (Superintendent of the Bering Land Bridge National Preserve), and the Chair of the Seward Peninsula Subsistence Regional Advisory Council (Council) to the extent possible. Federal managers are expected to work with State and Federal managers and the Chair and applicable members of the Council to minimize disruption to resource users and existing agency programs, consistent with the need for special action.

DELEGATION OF AUTHORITY

- 1. Delegation:** The Field Manager of the BLM Anchorage Field Office is hereby delegated authority to issue emergency or temporary special actions affecting muskox on Federal lands as outlined under the Scope of Delegation of this section. Any action greater than 60 days in length (temporary special action) requires a public hearing before implementation. Special actions are governed by Federal regulation at 36 CFR 242.19 and 50 CFR 100.19.
- 2. Authority:** This delegation of authority is established pursuant to 36 CFR 242.10(d)(6) and 50 CFR 100.10(d)(6), which states: “The Board may delegate to agency field officials the authority to set harvest and possession limits, define harvest areas, specify methods or means of harvest, specify permit requirements, and open or close specific fish or wildlife harvest seasons within frameworks established by the Board.”
- 3. Scope of Delegation:** The regulatory authority hereby delegated is limited to the following authorities within the limits set by regulation at 36 CFR 242.26 and 50 CFR 100.26:

- To set a harvest quota, the number of permits issued, and the season opening and closing dates for the muskox on Federal public lands in Unit 22B, that portion of Unit 22D west of the Tisuk River drainage and Canyon Creek, and Unit 22D remainder as it applies to muskox on these lands.

This delegation may be exercised only when it is necessary to conserve the muskox population or to continue subsistence uses.

All other proposed changes to codified regulations, such as customary and traditional use determinations, adjustments to methods and means of take, or closures to only non-Federally qualified users shall be directed to the Federal Subsistence Board.

The Federal public lands subject to this delegated authority are those within Unit 22B, that portion of Unit 22D west of the Tisuk River drainage and Canyon Creek, and Unit 22D remainder as it applies to muskox on these lands.

4. Effective Period: This delegation of authority is effective from the date of this letter and continues until superseded or rescinded.

5. Guidelines for Delegation: You will become familiar with the management history of the wildlife species relevant to this delegation in the region, with current State and Federal regulations and management plans, and be up-to-date on population and harvest status information. You will review special action requests or situations that may require a special action and all supporting information to determine (1) consistency with 36 CFR 242.19, (2) if the request/situation falls within the scope of authority, (3) if significant conservation problems or subsistence harvest concerns are indicated, and (4) what the consequences of taking an action or no action may be on potentially affected subsistence users and non-Federally qualified users. Requests not within your delegated authority will be forwarded to the Federal Subsistence Board for consideration. You will maintain a record of all special action requests and rationale for your decision. A copy of this record will be provided to the Administrative Records Specialist in the Office of Subsistence Management no later than sixty days after development of the document.

You will notify the Office of Subsistence Management and coordinate with local ADF&G managers, the National Park Service (Superintendent of the Bering Land Bridge National Preserve), and the Chair of the Seward Peninsula Subsistence Regional Advisory Council regarding special actions under consideration. You will issue decisions in a timely manner. Before the effective date of any decision, reasonable efforts will be made to notify the public, the Office of Subsistence Management, affected State and Federal managers, law enforcement personnel, and Council representatives. If an action is to supersede a State action not yet in effect, the decision will be communicated to the public, the Office of Subsistence Management, affected State and Federal Managers, and the local Council representatives at least 24 hours before the State action would be effective. If a decision to take no action is made, you will notify the proponent of the request immediately.

You may defer a special action request, otherwise covered by this delegation of authority, to the Federal Subsistence Board in instances when the proposed management action will have a significant impact on a

large number of Federal subsistence users or is particularly controversial. This option should be exercised judiciously and may be initiated only when sufficient time allows for it. Such deferrals should not be considered when immediate management actions are necessary for conservation purposes. The Federal Subsistence Board may determine that a special action request may best be handled by the Board, subsequently rescinding the delegated regulatory authority for the specific action only.

6. Support Services: Administrative support for regulatory actions will be provided by the Office of Subsistence Management, U.S. Fish & Wildlife Service, Department of the Interior.

Sincerely,

Tim Towarak
Chair, Federal Subsistence Board

cc: Assistants to the Board
Interagency Staff Committee
Chair, Seward Peninsula Subsistence Regional Advisory Council
Commissioner, Alaska Department of Fish and Game
Coordinator, Seward Peninsula Subsistence Regional Advisory Council
Subsistence Liaison, Alaska Department of Fish and Game
ARD, Office of Subsistence Management
Administrative Record

CUSTOMARY AND TRADITIONAL USE DETERMINATION BRIEFING

The Federal Subsistence Board, and the Southeast Alaska Subsistence Regional Advisory Council, would like your recommendations on the current customary and traditional use determination process. The Board last asked the Councils a similar question in 2011 as directed by the Secretary of the Interior and the Secretary of Agriculture. All Councils, with the exception of the Southeast Council, indicated that the existing customary and traditional use determination process was working. At the request of the Southeast Council, this additional review is being conducted for your input.

We will briefly describe the history of customary and traditional use determinations, and illustrate the differences between those determinations and an ANILCA Section 804 analysis. We will then ask for Council discussion and recommendations. Our focus is not on *how* customary and traditional use determinations are made, but on *why* they are made. The Southeast Council would like you to recommend, as a Council, to eliminate, amend, or make no changes to the current customary and traditional use determination process.

The Alaska National Interest Lands Conservation Act (ANILCA) does not require customary and traditional use determinations. Customary and traditional use regulations were adopted from the State when the Federal Subsistence Management Program was established in 1990. In the 1992 Record of Decision, the Federal Subsistence Board considered four customary and traditional use options and recommended to the Secretaries of the Interior and Agriculture that State customary and traditional use determinations continue to be used. The State's eight criteria for determining customary and traditional use were subsequently slightly modified for use in Federal regulations. Since the establishment of the Federal Subsistence Management Program, the Board has made some 300 customary and traditional use determinations.

The Board initially adopted the State's customary and traditional use criteria (renaming them "factors"), anticipating the resumption of State management of subsistence on Federal public lands, and intending to "minimize disruption to traditional State regulation and management of fish and wildlife" (55 FR 27188 June, 29, 1990). The State has not resumed subsistence management on Federal public lands, and it appears the Federal Subsistence Management Program will be permanent. (See **Appendix A** for a listing of the eight factors.)

Note that the Board does not use customary and traditional use determinations to restrict amounts of harvest. The Board makes customary and traditional use determinations, relative to particular fish stocks and wildlife populations, in order to recognize a community or area whose residents generally exhibit eight factors of customary and traditional use. The Southeast Council is concerned that the effect is to exclude those Federally qualified rural residents who do not generally exhibit these factors from participating in subsistence harvests in particular areas.

In 2009, Secretary of the Interior Ken Salazar announced a review of the Federal subsistence program. Part of that review focused on customary and traditional use determinations. Specifically, in 2010, the Secretary of the Interior, with the concurrence of the Secretary of Agriculture, asked the Board to "Review, with RAC input, the customary and traditional use determination process and present recommendations for regulatory changes."

All ten Regional Advisory Councils were asked for their perspectives on customary and traditional use determinations during the 2011 winter meeting cycle. Nine Councils did not suggest changes to the

process (see **Appendix B**). The Southeast Council, however, suggested one modification, which was included in its annual report. The modified regulation reads as follows:

§100.16 (a) The Board shall determine which fish stocks and wildlife populations have been customarily and traditionally used for subsistence. These determinations shall identify the specific community's or area's use of ~~specific fish stocks and wildlife populations~~ **all species of fish and wildlife that have been traditionally used, in their (past and present) geographic areas**. For areas managed by the National Park Service, where subsistence uses are allowed, the determinations may be made on an individual basis.

In other words, once a customary and traditional use determination is made for an area, residents in that area would have customary and traditional use for *all* species. There would be no need for customary and traditional use determinations for specific fish stocks and wildlife populations, or on a species-by-species basis.

Subsequently, the Southeast Council formed a workgroup to analyze the customary and traditional use determination process. The Southeast Council workgroup, after conducting an extensive review of Regional Advisory Council transcripts, determined that Councils were not adequately briefed on the Secretaries' request for Council recommendations on the process. The Southeast Council drafted a letter and a briefing document, which were provided to the other Regional Advisory Councils during the 2013 winter meeting cycle; these are included in your meeting materials.

Pursuant to the workgroup findings, the Southeast Council emphasized the following:

The current customary and traditional use determination process is being used to allocate resources between rural residents, often in times of abundance. This is an inappropriate method of deciding which residents can harvest fish or wildlife in an area and may result in unnecessarily restricting subsistence users. The SE Council has a history of generally recommending a broad geographic scale when reviewing proposals for customary and traditional use determinations. Subsistence users primarily harvest resources near their community of residence and there is normally no management reason to restrict use by rural residents from distant communities. If there is a shortage of resources, Section 804 of ANILCA provides direction in the correct method of allocating resources.

The Southeast Council does not support retaining the current customary and traditional use determination process. Instead, the Southeast Council suggests that, when necessary, the Board restrict harvests by applying ANILCA Section 804 criteria:

- Customary and direct dependence upon the populations as the mainstay of livelihood;
- Local residency; and
- The availability of alternative resources.

The Federal Subsistence Board, and also the Southeast Council, would like your recommendations on the current customary and traditional use determination process. Specifically, the Southeast Council would like you to consider whether to

- (1) eliminate customary and traditional use determinations and instead use, when necessary, ANILCA Section 804 criteria,
- (2) change the way such determinations are made, by making area-wide customary and traditional use determinations for all species (not species-by-species or by particular fish stocks and wildlife

populations),

(3) make some other change, or

(4) make no change.

Council input will provide the basis for a briefing to the Federal Subsistence Board in response to the Secretaries' directive to review the customary and traditional use determination process and present recommendations for regulatory change, if needed. The Board could then recommend that the Secretaries eliminate, amend, or make no change to the current customary and traditional use determination process.

APPENDIX A

For reference, here are the eight factors currently used in Federal regulations for making customary and traditional use determinations (36 CFR 242.16 and 50 CFR100.16):

(a) The Board shall determine which fish stocks and wildlife populations have been customarily and traditionally used for subsistence. These determinations shall identify the specific community's or area's use of specific fish stocks and wildlife populations. For areas managed by the National Park Service, where subsistence uses are allowed, the determinations may be made on an individual basis.

(b) A community or area shall generally exhibit the following factors, which exemplify customary and traditional use. The Board shall make customary and traditional use determinations based on application of the following 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.*

APPENDIX B

Summary of Winter 2011 Council Comments on the Customary and Traditional Use Determination Process

(Note that summaries were drafted by OSM LT members or the Council Coordinator that attended the meetings; see the Council transcripts for details.)

The **Seward Peninsula Council** is satisfied with the current Federal subsistence customary and traditional use determination process. The Council noted that C&T determinations are important and that the Federal Subsistence Management Program provides ways to modify C&T determinations if needed.

The **Western Interior Council** is satisfied with the process used by the Federal Subsistence Board to make C&T determinations and thinks it works well. The Council felt that the Board is sensitive to local concerns, and there is room for the public to be involved. The Council felt that getting rid of the existing process would be problematic (i.e., what to do with the roughly 300 C&T determinations that have already been made), and inventing a new system could be counterproductive. The Council felt that maintaining the Councils' and AC's involvement in C&T determinations public process is key and the current process does just that.

The **Eastern Interior Council** is comfortable with the existing process and believes that it works well. In most cases there is no need to change the process. One member expressed the thought that the only time the process doesn't work well is when it is used to pit user against user.

The **North Slope Council** was fine with the current C&T process and had no suggestions for changes.

The **Yukon Kuskokwim Delta Council** was fine with the current C&T process, even though one member noted not always agreeing with the determinations.

The **Bristol Bay Council** observed that the C&T process works wonderfully in their region and noted that there is no burning need for change. There was discussion about the closure to hunting and subsistence uses in Katmai National Park.

The **Southcentral Council** is generally satisfied with the process used by the Federal Subsistence Board to make C&T determinations, stating that it is not perfect but it has worked. The Council liked the process because it puts the information on customary and traditional use in front of the Councils and the Board, and that is valuable. The process gives a good understanding of how the rural subsistence process works. The Council felt that it could be tweaked a bit, for example, if you have C&T for a variety of species, you shouldn't have to do a separate C&T finding for every other species – there should be a way to streamline the process. The Council also discussed the disparity of information needed in some parts of the state versus in other parts of the state (i.e., Ninilchik). The Council sees C&T as being inclusive, not exclusive. The Board needs to defer to Councils on their recommendations on C&T. The Council also reminded itself that it could do a better job by building a solid record in support of its decisions.

The **Northwest Arctic Council** discussed this topic at length. In the end, the Council stated that the current process is working and it did not have any recommended changes at this time.

The **Kodiak/Aleutians Subsistence Council** discussed this subject at length. It generally supported the overall process, though had a lot of comments. One Council member stated that he thinks that the process

is good. Sometimes the process is too liberal and other times it is too literal, but it has been improving and overall it is good. Another Council member noted that the method used for making customary and traditional use determinations isn't perfect, but he couldn't think of another way to do it. He added that it would be nice if more concrete words were used, for example, what do "long term use" and "seasonal use" really mean? Another Council member asked about the process with regard to how introduced species fit in, especially with regard to the factor including "long term use". Finally, a Council member noted that we need to ensure that the process works, and that the subsistence priority remains.

The **Southeast Council** is drafting a letter to the Board concerning this issue. The Council noted that the eight factor analysis is a carryover from State of Alaska regulations and recommends that the Federal Subsistence Management Program draft new more suitable Federal regulations which adhere to provisions contained within Section 804 of ANILCA. The Council recommends that:

- The Board give deference to the Council recommendation for customary and traditional use determinations.
- 50 CFR100.16(a) read: "The Board shall determine which fish stocks and wildlife populations have been customarily and traditionally used for subsistence. These determinations shall identify the specific community's or area's use of [specific fish stock and wildlife population] **all species of fish and wildlife that they have traditionally used, in their (past and present) geographical areas**".
- If an eight factor approach is continued, then the regulations should be modified to include specific language for a holistic approach.

INFORMATION/ BRIEFING MEMORANDUM ON ANILCA SECTION 804

Federal Subsistence Priority

In order to qualify for the Federal subsistence priority, subsistence users in Alaska must cross two thresholds: the statutory threshold of “rural” residency, as articulated in the Alaska National Interest Lands Conservation Act (ANILCA), and the regulatory threshold of a “customary and traditional use” determination, as articulated in regulations implementing ANILCA. If the Board has made no customary and traditional use determination for a species in a particular area, then all rural residents are eligible to harvest under Federal regulations.

Limiting the Pool of Federally Qualified Subsistence Users

The purpose of this briefing is to describe what happens when a fish and wildlife population in a particular area is not sufficient to allow for all subsistence users to harvest it. When that happens, the Board and the Secretaries of the Interior and Agriculture are forced by circumstances to choose among qualified rural residents who are eligible to fish or hunt from that depressed population. In such a case, Congress laid out a specific scheme to be followed. That scheme is found in Section 804 of ANILCA, and it requires the Board to make a determination based on three criteria. Note that an ANILCA Section 804 determination assumes that Federal public lands or waters have been or will be closed to non-Federally qualified users before restrictions are imposed on Federally qualified subsistence users.

1. ANILCA Section 804

Except as otherwise provided in this Act and other Federal laws, the taking on public lands of fish and wildlife for nonwasteful subsistence uses shall be accorded priority over the taking on such lands of fish and wildlife for other purposes. Whenever it is necessary to restrict the taking of populations of fish and wildlife on such lands for subsistence uses in order to protect the continued viability of such populations, or to continue such uses, such priority shall be implemented through appropriate limitations based on the application of the following criteria:

- (1) customary and direct dependence upon the populations as the mainstay of livelihood;*
- (2) local residency; and*
- (3) the availability of alternative resources.*

2. Code of Federal Regulations [50 C.F.R. §100.17] Determining priorities for subsistence uses among rural Alaska residents.

- (a) Whenever it is necessary to restrict the subsistence taking of fish and wildlife on public lands in order to protect the continued viability of such populations, or to continue subsistence uses, the Board shall establish a priority among the rural Alaska*

residents after considering any recommendation submitted by an appropriate Regional Council.

(b) The priority shall be implemented through appropriate limitations based on the application of the following criteria to each area, community, or individual determined to have customary and traditional use, as necessary:

- (1) Customary and direct dependence upon the populations as the mainstay of livelihood;*
- (2) Local residency; and*
- (3) The availability of alternative resources.*

(c) If allocation on an area or community basis is not achievable, then the Board shall allocate subsistence opportunity on an individual basis through application of the criteria in paragraphs (b)(1) through (3) of this section.

(d) In addressing a situation where prioritized allocation becomes necessary, the Board shall solicit recommendations from the Regional Council in the area affected.

Discussion

Once a limited pool of qualified users is identified, based on an analysis of the above three criteria and informed by recommendations from the relevant Regional Advisory Council, other management actions are taken to ensure subsistence opportunities are available within the confines of specific conservation concerns. In other words, an analysis based on Section 804 does not allocate resources among those within the limited pool of users; it simply identifies that pool of users.

The Federal system has not developed regulatory definitions of “customary and direct dependence,” “local residency,” or “alternative resources.” The lack of specific definitions allows Section 804 analyses to remain flexible and responsive to particular environmental and cultural circumstances. In recent years, however, the program has treated the “availability of alternative resources” to mean alternative *subsistence* resources rather than resources such as cash or store-bought products.

Since 2000, the Federal Subsistence Board has heard one request for a Section 804 determination triggered by a limited deer population, two requests triggered by a limited caribou population, and eleven requests triggered by limited moose populations. The Board is scheduled to hear seven Section 804 determination requests at its April 2014 public meeting, six focused on a limited musk ox population and one on a limited moose population.

General comparison of the Section 804 and customary and traditional use approaches used in the Federal Subsistence Management Program.

Element	804 analysis	C&T use determination analysis
Function	Used to identify the pool of qualified subsistence users when a population of fish or wildlife in a particular area is not sufficient to allow for all qualified subsistence users to harvest from it	Used to recognize a community or area whose residents generally exhibit characteristics of customary and traditional use of specific fish stocks and wildlife populations for subsistence
Authority	ANILCA Section 804 and 50 CFR 100.17	36 CFR 242.16 and 50 CFR 100.16
Legal language	Except as otherwise provided in this Act and other Federal laws, the taking on public lands of fish and wildlife for nonwasteful subsistence uses shall be accorded priority over the taking on such lands of fish and wildlife for other purposes. Whenever it is necessary to restrict the taking of populations of fish and wildlife on such lands for subsistence uses in order to protect the continued viability of such populations, or to continue such uses, such priority shall be implemented through appropriate limitations based on the application of the following criteria:	(a) The Board shall determine which fish stocks and wildlife populations have been customarily and traditionally used for subsistence. These determinations shall identify the specific community's or area's use of specific fish stocks and wildlife populations. For areas managed by the National Park Service, where subsistence uses are allowed, the determinations may be made on an individual basis. (b) A community or area shall generally exhibit the following factors, which exemplify customary and traditional use. The Board shall make customary and traditional use determinations based on application of the following factors:
Criteria/factors	(1) Customary and direct dependence upon the populations as the mainstay of livelihood; (2) Local residency; and (3) The availability of alternative resources.	(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.
Frequency	Since 1990, the Board has taken action on about twenty 804 analyses	Since 1990, the Board has made about 300 C&T determinations

SUBSISTENCE REGIONAL COUNCIL CUSTOMARY AND TRADITIONAL USE DETERMINATIONS – ACTION SUMMARIES

Southeast

At their fall meeting the SERAC tasked the coordinator to work with the ad hoc C&T workgroup to develop a Draft proposal for consideration at the joint Southeast-Southcentral Council meeting in Anchorage on March 11, 2014. The Council also requested the OSM address several questions:

- What are the effects of the draft proposal to eliminate or change current regulations (see SC recommendation below)
- Can there be Region specific regulations
- Are there examples where the C&T process has not been favorable to continuation of subsistence uses e.g. unnecessary allocations through exclusive use in times of plenty
- Is it possible to maintain exclusive uses (Customary and Traditional use determinations) if the regulations are significantly changed or eliminated

During their 2014 fall meeting, the Southcentral Council adopted the following recommendation for amending the current C&T determination regulation:

The Board shall determine which fish and wildlife have been customarily and traditionally used for subsistence. These determinations shall identify the specific community or area's use of a geographic area for the harvest of fish and wildlife. In recognition of the differences between regions, each region should have the autonomy to write customary and traditional use determinations in the way that it wishes. (Not exact words but close enough to capture the intent)

The joint council agenda steering committee agreed on the following agenda item:

- Customary Use Determinations, deference to Councils, regional regulations.
 - (a) Briefing from OSM regarding positions of other councils
 - (b) Action: draft regulation to Board based on SE and SC Council previous actions

Southcentral

The council had extensive discussion on Customary and Traditional use. Council members had a number of suggestions on ways to modify C&T use determinations. Bert Adams and Kathy Needham from the Southeast RAC presented their Councils' recommendations on the C&T determination process and requested that the Southcentral RAC have a Joint meeting with the SERAC during the winter meeting cycle to have further discussions about this issue. The SCRAC thought it was a good idea and recommended a joint winter meeting 11-13 March 2014 in Anchorage.

The Council voted to suggest the following language for C&T:

Modify 50 CFR 100.16 (a). The regulation should read: "The Board shall determine which fish and wildlife have been customarily and traditionally used for subsistence. These determinations

shall identify the specific community's or area's use of a geographic area for the harvest of fish and wildlife.

Kodiak-Aleutians

There are several issues that the Council discussed regarding the current status of C&T determinations. Members indicated that the problem may be of unique concern to the Southeast region, and wondered if the Board could do things differently for that region compared to others. Chair Simeonoff encouraged Tribes to take a more active role in developing and distributing their own wildlife management plans. Several Council members discussed the problems with establishing priorities between communities.

A motion was made to support the C&T process in place as it is, while recognizing the issues and concerns raised by the Southeast Council but not supporting that Council's position. The motion carried.

Bristol Bay

The Council recommended to address this issue again at its winter 2014 public meeting in Naknek. The Council stated that they wish to hear additional testimony or comments from the local native organizations, State Advisory Committees, SRC's and other public entities to bring their comments before the Council. The Council will develop its recommendation to the Federal Subsistence Board after receiving public comments at its winter 2014 public meeting in Naknek.

Yukon-Kuskokwim Delta

Mr. Robert Aloysius made a motion to support Alternative No. 1 that would allow elimination of customary and traditional use determinations and instead use ANILCA Section 804 when it becomes necessary to conserve fish and wildlife resources. Mr. Greg Roczicka seconded the motion.

The Council is in support of anything that would support local people who crave for taste of their subsistence resources and not label local people criminals. Customary and Traditional use determinations should be based on community's eligibility and needs for the subsistence resources. Subsistence hunters and fisherman travel long distance to harvest what is needed for their family subsistence food supply. Some parts of the area is considered by some people as a third world, only because of their environment and local cultures and traditions.

Western Interior

The Western Interior Council deferred providing formal comment to their winter 2014 meeting where correspondence to the Federal Subsistence Board will be approved.

Seward Peninsula

The intent of Customary and Traditional use determinations is not understood well enough by the users.

Alternative number 1 (proposed by the SERAC) would be a good choice. The patterns of uses of the resources need to be considered when ANILCA Section .804 situation kicks in. Some of the Council members have patterns of use in certain areas including around specific communities.

Northwest Arctic

The Council did not take formal action or make any recommendation on the Customary and Traditional Use Determinations during their fall 2013 meeting cycle. The Council would like the opportunity to disseminate more information and share the newly prepared briefing to their communities, villages, and tribes. The Council plans to make a formal recommendation as a body during the winter 2014 meeting.

Eastern Interior

The Council had extensive discussion about how Customary and Traditional Use is applied and what it would mean to eliminate C&T to use only ANILCA Section .804 analyses. Specifically the Council noted concerns about the species by species approach of the current C&T process when so many subsistence resources are used. Some suggested a general C&T for an area and need for recognition of the shifting importance of subsistence resources when one species is in decline another becomes more important or shifting species ranges due to environmental change. Ultimately, the Council voted in favor of maintaining the current system as it is with no changes. The supporting discussion was to keep things simple and that the process was working to some degree now it would be best not to make any big changes that might have unforeseen challenges.

North Slope

The Council had extensive discussion and elected to take no action at this time, pending further information on the process, pitfalls, advantages, and alternatives to the current Customary and Traditional Use determinations process. The Council also wants time to consult with their communities on the information that was just provided at their fall 2013 meeting. The Council requested an analysis from OSM staff on how C&T has been used in the North Slope region and examples comparing C&T and ANILCA Section .804 analyses in place for the North Slope region. The Council wants to have continuing discussion and would like the requested analysis and further information presented at the winter 2014 meeting.

RURAL DETERMINATION REVIEW REGIONAL ADVISORY COUNCIL ACTION SUMMARIES

Southeast

- Regional councils should have deference in deciding which communities are rural. The Councils are the most appropriate groups to determine the characteristics of a rural community in their own region then evaluate the rural status criteria for all communities for their region.
- Saxman is a rural community. The intent of ANILCA, Title VIII was to continue a way of life that existed before ANILCA was written. The community of Saxman existed before ANILCA was written. The residents of Saxman maintain a subsistence way-of-life that existed before ANILCA was written and their rights under the law must be recognized and retained.
- Reliance on subsistence resources, history of use and cultural ties to resources are critical to fulfilling the traditional values of a rural subsistence lifestyle. The criteria must include consideration of social and cultural characteristics that allow the Board to determine that communities like Saxman remain rural.
- A presumed rural determination population threshold is not necessary or appropriate for the Southeast Alaska region.
- Aggregation or grouping of communities is arbitrary and does not lend itself to an objective or rational rural determination process. Communities can be in close geographic proximity yet still retain separate and distinct characteristics.
- There should be no review or changes to a community's rural status unless there is a significant change to the characteristics of a community. The review process can result in unnecessary financial hardships to a community.

Southcentral

The Council offers the following comments/recommendation for your consideration on the Rural Determination Process.

Overall Comments:

- The recent shutdown of the Federal government has caused a delay in the public comment period. The Council strongly urges the Board to extend deadline on the comment period.
- The Council suggests that the Federal Subsistence Board consider criteria for determining why a subsistence priority can be taken away, rather than criteria of who can have a subsistence priority.
- Why should rural users defend themselves from the Federal government? The Regional Advisory Councils and the public should be in control (management actions i.e., be decision maker).

Timelines:

Why is it necessary to conduct the rural review every 10-years? Decisions should be left in place unless there are significant changes in a community's status that warrants reconsideration by the Council and the Board.

Population Thresholds:

The 2,500 population threshold should still be used – communities under the criteria should remain rural.

The 2,500 – 7,000 population threshold is a grey area, (and should be analyzed to clearly define rural/non-rural for the purposes of subsistence uses)

Information Sources:

The current U.S. Census is not working for the Bristol Bay region for determining rural/non-rural. Information is coming from outside influences, but (information) should be coming from grass roots sources, such as Native Tribes, Alaska Native Organizations etc.

Kodiak-Aleutians

The Council voted to incorporate all public comments received at the fall 2013 Council meeting and the Rural Determination public hearing as its own comments. The following is a summary of those comments. In addition, the Council also incorporated as its own a set of talking points prepared by the Kodiak Rural Roundtable in preparation for the hearing, a copy of which is included after this summary.

Aggregation

Aggregating communities together for the purpose of counting population is not appropriate. Social and communal integration among communities is part of the subsistence way of life; to use that to count population and thus deem an area “non-rural” punishes communities for living a traditional way of life. Aggregation of communities should be completely eliminated.

Population Thresholds

Population should not be a primary factor in the Board's consideration. Transient workers should not be included in the community population count, but are considered if included in the population data source (i.e., counting military personnel during a census). The current population thresholds are arbitrary and too low in many instances. The presumed non-rural population threshold should be set at 25,000.

Rural Characteristics

It was noted that the rural characteristic factors should be given more weight than population. The criteria need to be consistent and not subject to bias. Geographic remoteness should be a primary factor in determining the rural characteristics of a community. Island and archipelago communities are incredibly remote by their very nature and should be deemed automatically rural. For specific guidance on this issue, the Board should examine the “frontier” standards recently adopted by U.S. Department of Health & Human Services. (*See 77 FR 214*)

Other characteristics the Board should consider in identifying rural communities should include:

- Impact of weather on transportation to and from the community
- How supplies are delivered to the community (barge versus road system, for example)
- Cost of living
- Median income of the community
- The reason why people choose to live there
- External development forces that bring extra infrastructure and personnel into the community
- Proximity to fish and wildlife resources
- Use of fish and wildlife should not be considered, but access to those resources should be.
- Percentage of sharing among community members

It was also noted that the Board should examine the 12 criteria currently used by the State of Alaska in determining rural status.

Timing of Review

There is no basis in Title VIII of ANILCA to conduct a decennial review. Once a community is determined rural, it should remain rural unless a significant change in population warrants review. A “significant change” should be defined as a 25% change from the last rural determination. The population of Kodiak has increased only 4% since the inception of the Federal Subsistence Management Program. Reviewing the rural status of a community every ten years causes a lot of frustration, pain, confusion, turmoil and anxiety for the communities undergoing review.

Information Resources

The Permanent Fund Dividend database should be utilized in counting residents of communities, as it will provide a more accurate picture of the number of long term residents. Additionally, the Board could and should rely on Tribal population databases where available.

Other Issues

Outside of these criteria currently used by the Board, there were other issues raised in the public meetings that warrant consideration. In many instances, people have moved away from their villages in order to seek work, but still own homes in their villages and return there to engage in subsistence activities. People should not be punished with losing their status as federally qualified subsistence users simply because they had to make this difficult choice to earn more income for their families.

In closing, the Council and the public could not express enough how importance subsistence is to the way of life for the Kodiak community. People have grown up living a subsistence way of life; it is part of their culture. They chose to live there because it provides them access to the resources that allow them to maintain that way of life. The Kodiak Archipelago has been and always will be rural because of its remote, isolated location.

Kodiak Rural Subsistence Roundtable
**Suggested Talking Points for federal subsistence board rural determination
Criteria public comment period:**

On 9/24, @ 7pm at the KI, the Federal Subsistence Board will receive comment on these “**criteria for rural determination**”:

Population Threshold with three categories of population:

- Population **under 2,500** is considered **rural**
- Population **between 2,500 & 7,000** is considered **rural** or **non rural** depending on **community characteristics**
- Population **over 7,000** is considered **non-rural**, **unless** there are **significant characteristics** of a **rural nature**
- **Rural characteristics** – considering the following:
 - **Use of fish & wildlife**
 - **Development & diversity of economy**
 - **Community infrastructure**
 - **Transportation**
 - **Educational institutions**
- **Aggregation of communities** – focusing on how communities & areas are connected to each other using the following:
 - If communities are **economically, socially & communally integrated**, they will be **considered** in the **aggregate** to determine rural or non-rural status with this criteria:
 - **30% or more working people commute** from one community to another;
 - People **share a common high school attendance area**; and
 - Are communities in **proximity & road-accessible** to one another?
- **Timelines** – Board review rural or non-rural status **every 10 years**, or **out of cycle** in **special circumstances**. Should the Board change this time of review?
- **Information sources** – most recent census conducted by the **U.S. Census Bureau** as **updated** by the **Alaska Department of Labor**. Should the board use the census data or something else?

Our suggested thoughts:

Population Threshold:

Regardless of any suggested population threshold, **this criterion shouldn’t be the primary factor in determining a community rural!**

Rural characteristics:

A rural island subsistence hub definition should be a primary criterion that would preempt population threshold; under this criterion, population wouldn’t be a consideration, but geographic remoteness would be the primary factor.

The current 5 characteristics that are used to determine a community rural are not adequate. The Board should be looking to use characteristics that are consistent with the State of Alaska so there is no conflict and inconsistency in determining rural/non-rural. If the Board adopts the 12 criteria that the State of Alaska currently uses, this process would be consistent and those criteria are more applicable to Alaskan communities. One example would be; the State of Alaska

criterion #6 discusses the variety of fish and game used by people in the community. Kodiak has a substantial availability of resources and is within imminent proximity to those who use those resources. These resources have been able to sustain our residents for more than 7000 years. This factor is more important in defining our rural community's culture than the number of people residing here.

Aggregation of communities:

Aggregation of communities should only apply to communities that are physically connected to urban centers. Aggregation should not be used to combine rural communities in an effort to increase their population and determine them non-rural.

Timelines:

The board should not review community's rural determination every ten years. Once a community is determined rural it should remain rural unless there is a significant increase in population; such as a 25% increase in full-time residents.

Information sources:

In determining which data sources to use, the Board should consider being consistent in the use and definition of rural vs. non-rural. USDA and the Department of Health and Human Services who regularly provide services to rural communities and have extensively reviewed and determined communities to be rural, frontier, Island and non-rural.

These talking points have been provided by:

“Kodiak Rural Subsistence Roundtable”

Including participation from Tribal Organizations, Fish and Game Advisory Committee, Pacific Islanders, Kodiak Island Borough, KRAC, Guides, Outfitters, Hunters and Fisherman.

Providing information for an ethnically diverse community

Bristol Bay

The Bristol Bay Subsistence Regional Advisory Council provided formal comments/recommendations at its fall 2013 meeting.

Timelines:

Why is it necessary to conduct the rural review every 10-years? Decisions should be left in place unless there are significant changes in a community's status that warrants reconsideration by the Council and the Board.

Population Thresholds:

The 2,500 population threshold should still be used – communities under the criteria should remain rural. The 2,500 – 7,000 population threshold is a grey area, (and should be analyzed to clearly define rural/non-rural for the purposes of subsistence uses)

Information Sources:

The current U.S. Census is not working for the Bristol Bay region for determining rural/non-rural. Information is coming from outside influences, but (information) should be coming from grass roots sources, such as Native Tribes, Alaska Native Organizations etc.

Yukon-Kuskokwim Delta

The Council sees room for variance in the current population threshold. In areas which demonstrate strong rural characteristics, population should not be considered.

The Council also feels that the rural characteristics, use of fish and wildlife and economic development, diversity, infrastructure, transportation, and educational institutions, are all good criteria to consider.

Aggregation:

The Yukon-Kuskokwim Delta Regional Advisory Council feels that grouping of communities is not practical in this region because of the population size of a community such as Bethel.

Timeline: The 10 year review timeline should be changed to consideration when needed under special circumstances that trigger a review of population size or evaluation of other rural criteria.

Information sources:

The U.S. Census could be used but it is important to also consider other rural characteristics and data such as percentage of the population that is dependent on the subsistence resources that are in the area and use of fish and wildlife resources for subsistence.

Western Interior

The Western Interior Council deferred providing formal comment to their winter 2014 meeting where correspondence to the Federal Subsistence Board will be approved.

Seward Peninsula

The population threshold should be raised from 7,000 to 20,000 when communities are being considered to become non-rural.

Northwest Arctic

The Council requested more time to gather feedback from the region and submit formal comments. Formal comments will be crafted at its winter 2014 meeting.

Eastern Interior

The Council made recommendations on each of the rural criteria as follows:

Population threshold:

The Council decided by consensus to maintain the current population thresholds

The Council then concurred with the Wrangell St- Elias Subsistence Resource Commission (SRC) to change the population assessment process from every 10 years to just an initial assessment and then any needed further assessment if triggered by an unusual event or extenuating circumstances, such as a long term population trend up or down or spike in population. Further the Council concurred that the population assessment should be measured using a five-year running average to avoid evaluating a community on a temporary population flux such as during pipeline or road development. This would avoid a determination being made on temporary extreme high or low of boom/bust cycle.

Rural characteristics:

The Council agreed by consensus to remove education institutions from the list currently considered under rural characteristics noting that whether it be a local school, boarding school or university satellite campus that the staffing of those educational institutions is usually made up of a largely transient population. The council also agrees that some infrastructure is for temporary use – such as mining development or the example of the DEW line site and should be evaluated carefully as to what it actually brought for long term services to the community.

The Council agreed by consensus to add subsistence related activities such as gardening, gathering and canning of foods to put away for family and community for the year was indicative of a rural characteristic.

The Council concurred with the SRC that National Park Service resident zone communities should also be added as a rural characteristic, noting that there are 7 National Parks in Alaska that have recognized “resident zone” communities that have access to subsistence activities in the parks and are also evaluated based on long-term patterns of subsistence activity in the area.

Aggregation:

The Council agreed by consensus to eliminate aggregation of communities as a criteria for rural status and discussed that each community has its own unique rural characteristics and subsistence patterns and should not be arbitrarily lumped with others simply due to proximity or being located on a road system. The Council heard public testimony and stressed that being

located on or near a road should not be a criteria for rural determination in since the road itself does not define the rural nature and subsistence activities of a community.

Timeline:

The Council agreed by consensus to eliminate the 10 year review cycle and move to a baseline population census and then as needed if triggered by extenuating circumstances as discussed for population thresholds above.

Information sources:

The Council agreed by consensus to include other information sources such as local government data, school attendance numbers, property ownership taxes, permanent fund data, harvest data may all be useful sources of information to determine population and residence.

North Slope

The Council took no action at this time. The Council was concerned that more information was needed before making a recommendation to the Federal Subsistence Board, stressing that the public only received a briefing the night before and the Council had no opportunity to consult with their communities and tribes prior to their meeting. The Council stated they would go back to their communities and consult with them on the Rural information and encourage public comments be submitted by the November 1 deadline but were concerned they were not given sufficient opportunity to deliberate and comment as a Council. The Council wishes to continue the discussion at the winter 2014 meeting and deferred formal comment until then.

Fisheries Resource Monitoring Program

The mission of the Monitoring Program is to identify and provide information needed to sustain subsistence fisheries on Federal public lands, for rural Alaskans...

Overview

The Fisheries Resource Monitoring Program (Monitoring Program) is unique to Alaska. It was established in 1999 under Title VIII of ANILCA and is run by the Office of Subsistence Management. The Monitoring Program is a competitive funding source for studies on subsistence fisheries that are intended to expand the understanding of subsistence harvest (Harvest Monitoring), traditional knowledge of subsistence resources (Traditional Ecological Knowledge), and the populations of subsistence fish resources (Stock Status and Trends). Gathering this information improves the ability to manage subsistence fisheries in a way that will ensure the continued opportunity for sustainable subsistence use by rural Alaskans on Federal public lands.

Funding Regions

Funding for the Monitoring Program is separated into six regions: the *Northern Region*, which includes the North Slope, Northwest Arctic, and Seward Peninsula Regional Advisory Councils; the *Yukon Region* includes the Yukon-Kuskokwim Delta, Western Interior, and Eastern Interior Regional Councils; the *Kuskokwim Region* includes the Western Interior and Yukon-Kuskokwim Delta Regional Advisory Councils; the *Southwest Region* includes the Bristol Bay and Kodiak/Aleutians Regional Advisory Councils; the *Southcentral Region* includes the Southcentral Regional Advisory Council; and, the *Southeast Region* includes the Southeast Regional Advisory Council.

Table 1. Regional Advisory Councils represented within each of the six Funding Regions for the Fisheries Resource Monitoring Program.

Funding Region	Regional Advisory Councils
1. Northern	North Slope, Northwest Arctic, and Seward Peninsula
2. Yukon	Yukon-Kuskokwim Delta, Western Interior, and Eastern Interior
3. Kuskokwim	Western Interior and Yukon-Kuskokwim Delta
4. Southwest	Bristol Bay and Kodiak/Aleutians
5. Southcentral	Southcentral
6. Southeast	Southeast

Subsistence Resource Concerns

For each of the six funding regions Federal Subsistence Regional Advisory Councils and other stakeholders have identified subsistence fishery resource concerns (Priority Information Needs). These are used by the Monitoring Program to request project proposals that will provide managers with the information needed to address those resource concerns.

In the coming year there will be at least two opportunities for Regional Advisory Councils and other stakeholders to discuss subsistence fishery resource concerns for their Monitoring Program funding regions. These discussions will occur at each of the winter and fall 2014 Regional Advisory Councils meetings. Resource concerns identified during these discussions will be used to direct the request for proposals for studies on subsistence fisheries during the 2016 funding cycle.

Funding Cycles

Every two years the Monitoring Program requests proposals for studies on subsistence issues such as subsistence harvest (Harvest Monitoring), traditional knowledge of subsistence resources (Traditional Ecological Knowledge), and the populations of subsistence fish resources (Stock Status and Trends). The most recent funding cycle for the Monitoring Program occurred in 2014. The request for proposals was announced in spring of 2013 and funding decisions were made in winter of 2014. Projects selected to receive funding in 2014 will last from one to four years depending on the duration of the proposed study. The next funding cycle will begin with a request for proposals in fall of 2014 and funding decisions (Monitoring Plan) announced in early 2016.

Funding Recommendations

Project proposals received by the Office of Subsistence Management are summarized by staff biologists and social scientists in preparation for a Technical Review Committee. The Technical Review Committee made up of members of five Federal Agencies and three representatives from Alaska Department of Fish and Game. This committee reviews and then makes recommendations on whether the project is appropriate to receive funding (Fund), needs some modifications in order to be recommended for funding (Fund with Modification), or is not an appropriate proposal to receive funding from the Monitoring Program (Do Not Fund). Funding recommendations made by the Technical Review Committee are based on how well the project would meet Strategic Priorities for the region, whether the project has sound Technical-Scientific Merit, the Ability and Resources of the researchers, and, how well the project would support Partnership-Capacity building for future projects in the region. The Technical Review Committee's funding recommendation is called the Draft Monitoring Plan.

During the fall Federal Subsistence Regional Advisory Council Meetings the Draft Monitoring Plan is reviewed by Regional Advisory Council members and a ranking of projects within the funding region is made for projects proposed within each of the six funding regions.

Following the fall Regional Advisory Council meetings and prior to the Federal Board Meeting, a second ranking of projects for the Draft Monitoring Plan is made by an Interagency Staff Committee consisting of members of each of the five federal agencies involved in subsistence management in Alaska.

The final funding recommendation is made during the Federal Subsistence Board Meeting when the Board reviews the draft Monitoring Plan and subsequent ranking recommendations made by the Regional Advisory Councils, and Interagency Staff Committee. The funding recommendation made by the Federal Subsistence Board is considered to be the final Monitoring Plan for the funding cycle. This Monitoring Plan is then approved by the Assistant Regional Director of the Office of Subsistence Management and funds are awarded to each of the projects recommended for funding in the final Monitoring Plan.

The Partners for Fisheries Monitoring
Call for Funding 2016-2019

The Office of Subsistence Management (OSM), Partners for Fisheries Monitoring Program invites proposals from eligible applicants for funding to support fishery biologist, anthropologist, and educator positions in their organization. Proposals from all geographic areas throughout Alaska will be considered; however, direct involvement in OSM's funded Fisheries Resource Monitoring Program projects is mandatory. Organizations that have the necessary technical and administrative abilities and resources to ensure successful completion of programs may submit proposals. Eligible applicants include: Regional Native Non-Profit Organizations, Federally recognized Tribal Governments and Native Corporations, and other non-profit organizations.

OSM will develop cooperative agreements to support these positions. Proposals may focus exclusively on supporting fishery biologist, anthropologists, or educator positions as principal and/ or co-investigators, or a combination of all or any of them, as long as they are coordinated with project(s) within the Fisheries Resource Monitoring Program. Positions may be full or part-time within a calendar year. Requests for funding for fishery biologist, anthropologists, or educator positions may be up to four years, but must not exceed the duration of projects approved under the Monitoring Program. \$150,000 was the maximum yearly award for the last call for proposals.

The Partner hired will live in the community where the funded organization has their base. Partners work to ensure that the highest priority Federal subsistence information needs are addressed by developing and implementing projects in the Fisheries Resource Monitoring Program (Monitoring Program) and/ or implementing rural student education and internship programs for these projects. They work directly with constituent communities to disseminate information regarding fisheries research and to answer questions regarding subsistence fisheries resources. They communicate project results to various audiences such as regional organizations and their members, the Federal Subsistence Board, Regional Advisory Councils, and government agencies.

Timeline:

The next call for proposals: November 2014 (exact date to be announced).
Proposal due date to OSM: May 2015 (exact date to be announced).

For more information contact Dr. Palma Ingles, Partners Program Coordinator, 907-786-3870. Email: PalmaIngles@fws.gov



U.S. Fish and Wildlife Service
Bureau of Land Management
National Park Service
Bureau of Indian Affairs

Federal Subsistence Board News Release



Forest Service

For Immediate Release:

January 13, 2014

Contact:

George Pappas
(907) 786-3822 or (800) 478-1456
George_Pappas@fws.gov

Call for Proposals to Change Federal Subsistence Fish and Shellfish Regulations

The Federal Subsistence Board is accepting proposals through March 28, 2014, to change Federal regulations for the subsistence harvest of fish and shellfish for the 2015-2017 regulatory years (April 1, 2015-March 31, 2017).

The Board will consider proposals to change Federal fishing seasons, harvest limits, methods of harvest, and customary and traditional use determinations. The Board will also accept proposals for individual customary and traditional use determinations from residents of national park and national monument resident zone communities, or those who already hold a Section 13.440 subsistence use permit.

Federal public lands include national wildlife refuges; national parks, monuments and preserves; national forests; national wild and scenic rivers; and national conservation and recreation areas. Federal public lands also include Bureau of Land Management areas that are not part of the national conservation system. Federal subsistence regulations do not apply on State of Alaska lands, private lands, military lands, Native allotments, or Federal lands selected by the State of Alaska or Native corporations.

Submit proposals:

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

- **On the Web at <http://www.regulations.gov>**

Search for FWS-R7-SM-2013-0065, which is the docket number for this proposed rule.

You may call the Office of Subsistence Management at 1-800-478-1456 or email subsistence@fws.gov with your questions.

Additional information on the Federal Subsistence Management Program can be found at <http://www.doi.gov/subsistence/index.cfm>

-###-



Call for 2015-2017 Federal Subsistence Fish and Shellfish Regulatory Proposals

The Office of Subsistence Management is accepting proposals through March 28, 2014 to change Federal regulations for the subsistence harvest of fish and shellfish on Federal public lands. Proposed changes are for April 1, 2015 through March 31, 2017.

Please submit the information on the back side of this page to propose changes to harvest limits, season dates, methods and means of harvest, or customary and traditional use determinations. Submit a separate proposal for each change you propose. If you live in a resident zone community of a national park or national monument, or if you already hold a Section 13.440 subsistence use permit issued by a National Park Service superintendent, you may apply for an individual customary and traditional use determination.

.....

Submit proposals:

- ▶ **By mail or hand delivery**
Federal Subsistence Board
Office of Subsistence Management
Attn: Theo Matuskowitz
1011 E. Tudor Rd., MS-121
Anchorage, AK 99503
- ▶ **At any Federal Subsistence Regional Advisory Council meeting**
- ▶ **On the Web at <http://www.regulations.gov>**
Search for FWS-R7-SM-2013-0065

Questions? Call (800) 478-1456 or (907) 786-3888

All proposals and comments, including personal information provided, are posted on the Web at <http://www.regulations.gov>

Federal Subsistence Board
Office of Subsistence Management
1011 E. Tudor Rd., MS-121
Anchorage, AK 99503



2015–2017 Federal Subsistence Fish and Shellfish Proposal

(Attach additional pages as needed).

Name: _____

Organization: _____

Address: _____

Phone: _____ Fax: _____

E-mail: _____

**Submit proposals by
March 28, 2014**

Questions?

Call: (800) 478-1456 or (907) 786-3888

E-mail: subsistence@fws.gov

Information on submitting proposals is also available on the Office of Subsistence Management website: <http://www.doi.gov/subsistence/index.cfm>

This proposal suggests a change to (check all that apply):

- | | |
|---|--|
| <input type="checkbox"/> Harvest season | <input type="checkbox"/> Method and means of harvest |
| <input type="checkbox"/> Harvest limit | <input type="checkbox"/> Customary and traditional use determination |

- 1 What regulation do you wish to change?** Include management unit number and species. Quote the current regulation if known. If you are proposing a new regulation, please state “new regulation.”
- 2 How should the new regulation read?** Write the regulation the way you would like to see it written.
- 3 Why should this regulation change be made?**
- 4 What impact will this change have on fish or shellfish populations?**
- 5 How will this change affect subsistence uses?**
- 6 How will this change affect other uses, i.e., sport/recreational and commercial?**

— Please attach any additional information that would support your proposal. —

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.



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

FWS/OSM 13056.CJ

Federal Subsistence Board

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



U.S. FOREST SERVICE

SEP 11 2013

Louis Green, Chair
Seward Peninsula Alaska Subsistence
Regional Advisory Council
c/o U.S. Fish & Wildlife Service
1011 E. Tudor Road, MS 121
Anchorage, Alaska 99503

Dear Chairman Green:

This letter responds to the Seward Peninsula Subsistence Regional Advisory Council's (Council) 2012 Annual Report as approved at its winter 2013 meeting. The Secretaries of the Interior and Agriculture have delegated the responsibility to respond to these reports to the Federal Subsistence Board (Board). The Board appreciates your effort in developing the Annual Report and values the opportunity to review the issues brought forward concerning your region. Annual Reports allow the Board to become more aware of the issues that fall outside of the regulatory process and affect subsistence users in your region.

The Board has reviewed your Annual Report and offers the following responses:

Issue 1: Fisheries Research Needs in the Seward Peninsula

There are multiple land ownership boundaries in the Seward Peninsula region, making it difficult to identify priority fish and wildlife research needs. The Council has brought up the continuously declining salmon fisheries in the Norton Sound/Seward Peninsula region since the early 1990s. In the Seward Peninsula coastal region, marine fisheries are managed by the State of Alaska up to three miles from the coastal shoreline, then by Federal agencies beyond that line. The North Pacific Fishery Management Council is one of the Federal agencies that manage fisheries in such marine waters. Inland fisheries are managed by multiple landowners and conservation unit land managers on privately owned and public lands. No matter who manages salmon fisheries resources in the Seward Peninsula Region, there is a definite need for salmon fisheries research in the region as part of an effort to enhance salmon returns to all of the salmon spawning streams and habitats.

Recommendation:

The Council has previously discussed the decline of salmon species that return to the Seward Peninsula Region to spawn. The Council strongly recommends that the Federal Subsistence Board urge its member agencies, namely the Bureau of Land Management, the National Park Service, and the U.S. Fish and Wildlife Service, to work cooperatively with all interested agencies and organizations to develop a request for proposals on research to identify the causes of salmon declines on the Seward Peninsula, and to fund such research, irrespective of jurisdiction. Funding salmon research in this region is very important to all user groups, because without the necessary data, responsible agencies are incapable of making management decisions that will restore these vital salmon runs.

Response:

The Fisheries Resource Monitoring Program recently accepted and is reviewing fisheries research funding proposals in 2013, for the 2014-15 timeframe. One of the information needs identified was to develop models based on long-term relationships between ocean conditions and production, which could include adult survival for Bering Sea and Gulf of Alaska Chinook salmon stocks to better understand and respond to changes in run abundance. No investigation plans for research on this information need were submitted. The Fisheries Division staff will work with the Council to refine the priority information needs for the next funding opportunity to better reflect the Council's wishes. Proposals for the 2016-17 cycle will be accepted in 2015.

Issue 2: Need for More Moose Opportunity

In the past, sufficient numbers of reindeer provided food for many subsistence users in the region. However, reindeer herds have steadily declined. Following that decline, moose became one of the important parts of the subsistence user's diet. In the 1980s, there were sufficient numbers of moose in the Seward Peninsula region, with approximately 400 moose harvested annually by all user groups. In recent years, resource managers have enacted moose hunting closures due to insufficient population numbers for harvest in subunits within Unit 22. These closures have forced subsistence users to seek alternative hunting resources that are not immediately accessible to subsistence hunters. These alternate subsistence resources contribute to heightened stress and unnecessary expenses for subsistence hunters. Thus, the declines of reindeer and moose in parts of Unit 22 have caused hardship due to increasing cost of living due to limited or lack of income in the region.

Recommendation:

The Council recommends that the Federal Subsistence Board work closely with all Federal public lands managers and the State of Alaska to determine the causes of the moose population decline. Hopefully, the decline can be addressed and this important subsistence food can be restored in the future.

Response:

The Federal Subsistence Board works closely with the Regional Advisory Councils, Federal land managers, and the State of Alaska when considering proposals to change the Federal subsistence regulations for the harvest of fish and wildlife resources on Federal public lands. The Board has adopted numerous regulatory changes to provide increased opportunity for Federally qualified subsistence users to harvest moose in Unit 22. For example, only Federally qualified subsistence users are eligible to harvest moose from Federal public lands in Units 22A and 22E. In 2008, the Board reduced the number of eligible subsistence users for the harvest of moose within the Unalakleet River drainage portion of Unit 22A to local residents, thus enhancing the opportunity for local residents to harvest moose without competition from Federally qualified subsistence users from other areas of Unalakleet.

The Board implements Title VIII of the Alaska National Interest Lands Conservation Act, which includes ensuring that the taking on public lands of fish and wildlife for nonwasteful subsistence uses shall be given preference over the taking of such lands of fish and wildlife for other purposes [ANILCA §802(2); 36 CFR §242.10(d)(4)(v) & 50 CFR §100.10(d)(4)(v)]. Any action taken by the Board to provide additional opportunity must be consistent with the conservation of healthy populations of fish and wildlife on national parks and monuments (ANILCA §815.1).

Issue 3: Conduct Inventory of Salmon Spawning Habitats

The Council is aware of salmon that are spawning in non-navigable streams and rivers within the Seward Peninsula Region. Drainages such as Niukluk River and Fish River drainages are identified as two important salmon spawning rivers in the region. The Council is concerned that some important salmon spawning habitats have not been identified or have been overlooked by fishery resource managers. With ever-declining salmon returns to the Seward Peninsula Region, salmon habitats need to be identified so that cooperative fisheries research and study projects can be proposed in the future and effective management of those habitats can occur.

Recommendation:

The Council recommends that the Federal Subsistence Board consider funding a study to identify important salmon spawning habitats in all streams and rivers in the Seward Peninsula Region. The Council further recommends that crossover management boundaries should not prevent further studies, and the Federal Subsistence Board should continue to allow joint studies and research with appropriate land management agencies and/or organizations in the Seward Peninsula Region. Allowing research studies would benefit all of the user groups and future generations.

Response:

The Alaska Department of Fish and Game is responsible for maintaining anadromous waters data as well as revisions to and publication of the Catalog of Waters Important for the Spawning.

Rearing or Migration of Anadromous Fishes (“Catalog”) and its associated Atlas. The catalog contains over 17,000 streams, rivers or lakes around the state which have been specified as being important for the spawning, rearing or migration of anadromous fish. It is thought that less than half of the eligible streams, rivers, and lakes are listed. Funding for research could be solicited through the Alaska Sustainable Salmon Fund. Your Council Coordinator can work with you to request that additional drainages be nominated to the Catalog and/or to submit a proposal to the Sustainable Salmon Fund. The enclosed information provides guidance on how and when to nominate streams to the Catalog, and indicates what waterways are currently listed.

Issue 4: Wolf population on the Seward Peninsula

The wolf population on the Seward Peninsula has been increasing. Wolves have harassed reindeer and driven them to low numbers and continue to have impacts on moose populations. Resource managers have said there are not enough wolves to call them a problem, but the struggling moose and reindeer populations suggest otherwise.

Recommendation:

The Council would like resource managers to conduct a study of the wolf population in the Seward Peninsula that includes wolf population estimates as well as the effects of the wolf population on reindeer and moose. We understand that there are limited Federal Subsistence Management Program funds for conducting wildlife research; however, we would like the State of Alaska, the Bureau of Land Management, and the National Park Service to explore a way to fund such research jointly.

Response:

The Board appreciates the Council’s concerns regarding wolves on the Seward Peninsula and their impacts on ungulate populations. The Board does not have the authority to direct Federal land management agencies or the State of Alaska to conduct studies. The Board will forward your concerns to relevant Federal land management agencies and the State of Alaska.

A wildlife resource monitoring program was one of the items mentioned in the Secretarial review as a possible addition to the Federal Subsistence Management Program. In an April 2012 letter to the Secretary of the Interior, the Board prioritized the implementation of wildlife monitoring studies; however, without additional funding, establishing such a program is not likely at this time. The OSM has experienced a declining budget since 2001 and the U.S. Forest Service (USFS) since 2006. Overall Federal budgets are declining and it is not likely that they will increase over the next 3–5 years.

Given the several issues the Council has raised regarding wildlife and fisheries research and management in this annual report, I wish to remind the Council of one opportunity under Title VIII of ANILCA. Under Section 805, the Council is empowered to recommend a “strategy for the management of fish and wildlife populations within the region to accommodate ... subsistence uses and needs.” This Council could, if it desired, develop a strategic regional management plan and present it to the Board with recommendations on implementing.

In closing, I want to thank you and your Council for their continued involvement and diligence in matters regarding the Federal Subsistence Management Program. I speak for the entire Board in expressing our appreciation for your efforts and our confidence that the subsistence users of the Seward Peninsula Region are well represented through your work.

Sincerely,



Tim Towarak
Chair

Enclosure

- cc. Seward Peninsula Subsistence Regional Advisory Council
- Federal Subsistence Board
- Interagency Staff Committee
- Gene Peltola, Jr., Assistant Regional Director, OSM
- Kathleen M. O'Reilly-Doyle, Deputy Assistant Regional Director, OSM
- Carl Johnson, Council Coordination Division Chief, OSM
- Alex Nick, Subsistence Council Coordinator, OSM
- Administrative Record



Anadromous Waters Catalog

ADF&G Home » Lands & Waters » Protected Areas » Anadromous Waters Catalog » Nominations

Nomination Form

- Overview
- Introduction
- Atlas Maps
- Data Downloads
- Nominations
 - Nomination Forms**
 - Guidelines
 - Instructions
 - Submit/Search Nominations
- Reference

The Alaska Department of Fish and Game (ADF&G) accepts nominations for additions to the AWC year round with a formal call for nominations from Sept. 1 through Sept. 29 annually. Nominations may be submitted for purposes of:

1. adding new streams,
2. adding [species](#) to cataloged streams,
3. extending species distribution in cataloged streams,
4. deleting streams or parts of them,
5. updating survey data on cataloged streams, or
6. revising stream channels, labeling errors, or identifying barriers to fish movement.

Comments are also welcome on the introductory text and how to make the Catalog and Atlas more user friendly.

Anyone can request a change to the Anadromous Waters Catalog. However, requests from outside the ADF&G will need to be verified by ADF&G personnel. If you know of any water bodies that support spawning, rearing or migration of anadromous fish species, please submit a completed nomination form to the following location:

ADF&G Sport Fish Division Regional Office
 ATTN: J. Johnson
 333 Raspberry Road
 Anchorage, Alaska 99518

Be sure to review the Guidelines and instructions before filling out the nomination form found below:

[Nomination Form \(PDF\)](#)

The completed nomination form must contain all of the following information:

- A copy of the USGS Quadrangle marked to show the part of the water body where anadromous fish usage has been documented.
- The name of the water body if it has one (recognized local names should be listed as such).
- Dates, numbers, [species of fish and life stage observed \(spawning, rearing or migration\)](#).
- Name, signature and address of observer.
- Type of survey (i.e., aerial survey, foot survey, electro-fishing, minnow trapping, seining, etc.) and survey conditions.
- Additional comments about the water body are also very important. Information such as extent and quality of fish habitat, barriers blocking fish passage, stream morphology data, etc. Copies of the actual survey data and photos may also be attached.





State of Alaska
Department of Fish and Game
Division of Sport Fish

Nomination Form
Anadromous Waters Catalog

Region USGS Quad(s)
 Anadromous Waters Catalog Number of Waterway
 Name of Waterway USGS Name Local Name
 Addition Deletion Correction Backup Information

For Office Use

Nomination # _____ Revision Year: _____ Revision to: Atlas _____ Catalog _____ Both _____ Revision Code: _____	_____	_____
	Fisheries Scientist	Date
	Habitat Operations Manager	Date
	AWC Project Biologist	Date
	_____	_____
	Cartographer	Date

OBSERVATION INFORMATION

Species	Date(s) Observed	Spawning	Rearing	Present	Anadromous
					<input type="checkbox"/>
					<input type="checkbox"/>
					<input type="checkbox"/>
					<input type="checkbox"/>
					<input type="checkbox"/>

IMPORTANT: Provide all supporting documentation that this water body is important for the spawning, rearing or migration of anadromous fish, including: number of fish and life stages observed; sampling methods, sampling duration and area sampled; copies of field notes; etc. Attach a copy of a map showing location of mouth and observed upper extent of each species, as well as other information such as: specific stream reaches observed as spawning or rearing habitat; locations, types, and heights of any barriers; etc.

Comments:

Name of Observer (please print): _____
 Signature: _____ Date: _____
 Agency: _____
 Address: _____

This certifies that in my best professional judgment and belief the above information is evidence that this waterbody should be included in or deleted from the Anadromous Waters Catalog.

Signature of Area Biologist: _____ Date: _____ Revision _____
 02/08

Special Publication No. 13-06

**Catalog of Waters Important for Spawning, Rearing,
or Migration of Anadromous Fishes – Arctic Region,
Effective July 1, 2013**

by

J. Johnson

and

Michael Daigneault

April 2013

Alaska Department of Fish and Game

Divisions of Sport Fish and Habitat



WATER BODY NUMBER / NAME	MAP SHEET	LAT.	LONG.	LEGAL	SPECIES
333-20-10670-2261-3085	SOLOMON D-4	64.75274 N	163.84515 W	K008S026W36	DVr
	SOLOMON D-4	64.75161 N	163.84254 W	K008S026W36	DVr
333-20-10670-2261-3091	SOLOMON C-4	64.74688 N	163.87227 W	K008S026W35	DVr
	SOLOMON C-4	64.74368 N	163.86735 W	K009S026W04	DVr
333-20-10670-2261-3101	SOLOMON C-4	64.74312 N	163.89740 W	K009S026W04	COr
	SOLOMON C-4	64.73930 N	163.89435 W	K009S026W04	COr
333-20-10670-2261-3107	SOLOMON C-4	64.74404 N	163.91603 W	K009S026W05	DVr
	SOLOMON C-4	64.72342 N	163.99406 W	K009S027W2	DVr
333-20-10670-2281	SOLOMON D-3	64.80903 N	163.44446 W	K008S024W12	CHp,COpr,Kpr,Psr,DVp,Wp
	BENDELEBEN A-5	65.10302 N	164.04054 W	K004S026W32	CHs,Ph,DVp
333-20-10670-2281-3050	SOLOMON D-4	64.83840 N	163.55883 W	K007S024W33	Kr
	SOLOMON D-4	64.83979 N	163.53788 W	K007S024W28	Kr
333-20-10670-2281-3053	BENDELEBEN A-5	65.03535 N	164.23678 W	K005S028W24	COs
	BENDELEBEN A-5	65.04349 N	164.25344 W	K005S028W24	COs
333-20-10670-2281-3066	SOLOMON D-4	64.85189 N	163.59049 W	K007S024W29	Kr
	SOLOMON D-4	64.88014 N	163.56664 W	K007S024W7	Kr
333-20-10670-2281-3091	SOLOMON D-4	64.86777 N	163.63984 W	K007S025W24	CHs,COs,Ps,DVp,Wp
	SOLOMON D-4	64.80397 N	163.87619 W	K008S026W1	DVp
333-20-10670-2281-3110	SOLOMON D-4	64.89098 N	163.66584 W	K007S025W11	Kr
	SOLOMON D-4	64.90576 N	163.63985 W	K007S025W0	Kr
333-20-10670-2281-3141	SOLOMON D-4	64.89744 N	163.72620 W	K007S025W10	Kr
	SOLOMON D-4	64.88286 N	163.79314 W	K007S025W7	Kr
333-20-10670-2281-3160	SOLOMON D-4	64.91651 N	163.74747 W	K007S025W04	CHp,COsr,Kp
	BENDELEBEN A-4	65.01489 N	163.66508 W	K005S025W35	COs
333-20-10670-2281-3160-4011	SOLOMON D-4	64.92789 N	163.73175 W	K006S025W33	Kr
	SOLOMON D-4	64.95038 N	163.75282 W	K006S025W2	Kr
333-20-10670-2281-3160-4083	BENDELEBEN A-4	65.01489 N	163.66508 W	K005S025W35	COs
	BENDELEBEN A-4	65.01643 N	163.68162 W	K005S025W35	COs
333-20-10670-2281-3181	SOLOMON D-4	64.92441 N	163.78981 W	K006S025W32	Kr
	SOLOMON D-4	64.90196 N	163.84080 W	K007S026W2	Kr
333-20-10670-2281-3231	SOLOMON D-4	64.93399 N	163.93052 W	K006S026W27	Kr
	SOLOMON D-4	64.90955 N	163.93097 W	K007S026W03	Kr
333-20-10670-2281-3240	SOLOMON D-4	64.93451 N	163.93625 W	K006S026W28	Kr
	SOLOMON D-4	64.96110 N	163.90052 W	K006S026W5	Kr

WATER BODY NAME / NUMBER	MAP SHEET	LAT.	LONG.	LEGAL	SPECIES
Evaingikruk Creek 331-00-10290-2201	NOATAK D-2 NOATKAK D-3	67.81470 N 67.91550 N	162.77568 W 163.00951 W	K028N018W20 K029N09W16	DVr DVr
Fairhaven Creek 331-00-10650-2100	CANDLE D-5 CANDLE C-5	65.95195 N 65.70272 N	161.13326 W 161.16237 W	K006N012W02 K004N02W33	DVpr DVpr
Fawn Creek 330-00-10450	BEECHEY POINT B-3 BEECHEY POINT B-3	70.41194 N 70.30813 N	148.72358 W 148.75449 W	U012N013E12 U01N013E14	BCr,LCr,Wp BCr,LCr,Wp
Feather River 333-10-10400	NOME D-3 NOME D-3	64.87903 N 64.83367 N	166.41968 W 166.06349 W	K007S038W17 K007S037W36	CHp,COp,DVp COp,DVp
Ferric Creek 331-00-10060-2147	DE LONG MTS A-3 DE LONG MTS A-3	68.07265 N 68.08568 N	163.20080 W 163.23274 W	K031N020W22 K03N020W15	DVr DVr
Firth River 330-00-10010	TABLE MTN C-1 TABLE MTN C-1	68.64397 N 68.57513 N	141.00468 W 141.28206 W	U009S047E24 U00S046E14	DVs DVs
Fish Creek 330-00-10840	HARRISON BAY B-3 HARRISON BAY A-5	70.37970 N 70.11638 N	151.22951 W 152.72440 W	U012N004E19 U009N003W9	CHp,Kp,Pp,BCp,DVp,Hwp,Wp BCp,Wp
Fish River 331-00-10650-2115	CANDLE D-3 SELAWIK A-2	65.85447 N 66.02091 N	160.44729 W 159.77395 W	K005N008W07 K007N005W08	DVr DVr
Fish River 333-20-10670	SOLOMON C-3 BENDELEBEN A-3	64.58498 N 65.24931 N	163.36052 W 163.20459 W	K010S023W31 K003S022W09	CHp,COp,Kp,Pp,DVp,Wp Kp,DVp,Wp
Flambeau River 333-10-11500	SOLOMON B-6 NOME C-1	64.47192 N 64.70601 N	164.88227 W 165.08744 W	K012S031W04 K009S032W6	CHs,COs,Kp,Ps,Sp,DVp,Wp CHs,COs,Ps,DVp,Wp
Flood Creek 330-00-10360-2251-3166	SAGAVANIRK TOK A-2 PHILIP SMITH MTS D-2	69.08833 N 68.95467 N	147.91993 W 147.81779 W	U004S017E13 U006S08E03	DVp DVp
Fox Creek 331-00-10900-2021	TELLER D-3 TELLER D-2	65.88950 N 65.82159 N	166.00925 W 165.86838 W	K006N035W27 K005N034W20	DVpr DVp
Fox Creek 332-00-10250-2110-3598	NOME D-1 NOME D-1	64.90134 N 64.91154 N	165.01852 W 165.02860 W	K007S031W07 K007S03W06	DVr DVr
Fox River 333-20-10670-2261	SOLOMON D-3 SOLOMON C-4	64.78620 N 64.74404 N	163.49223 W 163.91603 W	K008S024W22 K009S026W05	CHp,COp,Pp,DVsr,Wp DVsr,Wp
Fox River 331-00-10560-2070	SELAWIK B-3 SELAWIK B-2	66.44367 N 66.43092 N	160.02863 W 159.98542 W	K012N006W18 K02N006W20	SFp,Wp SFp,Wp
French Creek 331-00-10740-2025-3040	BENDELEBEN C-2 BENDELEBEN B-2	65.55868 N 65.48766 N	162.53202 W 162.53097 W	K002N019W24 K00N019W13	DVpr DVpr
French Creek 333-10-11700-2096-3027	SOLOMON C-5 SOLOMON C-5	64.69455 N 64.70312 N	164.10128 W 164.09795 W	K009S027W20 K009S027W6	DVr DVr

**Seward Peninsula Subsistence Regional Advisory Council
c/o U.S. Fish and Wildlife Service
Yukon Delta National Wildlife Refuge
Office of Regional Council Coordinator
P.O. Box 346
Bethel, Alaska 99559
Phone: 907-543-1037 or 1-800-621-5804 Fax: 907-543-4413**

Mr. Tim Towarak, Chair
Federal Subsistence Board
1011 E. Tudor Road, MS 121
Anchorage, Alaska 99503

Dear Mr. Towarak:

The Seward Peninsula Subsistence Regional Advisory Council (Council) appreciates the opportunity to submit this annual report to the Federal Subsistence Board (Board) under the provisions of Section 805(a) (3) (D) and Section 805(c) of the Alaska National Interest Lands Conservation Act (ANILCA) of 1980, as amended. At its public meeting in Nome on November 18 and 19, 2013, the Council identified concerns and recommendations for its FY 2013 report which are similar to that of 2012 Annual Report. The report was then finalized and approved by the Council at its March 18-19, 2014 meeting in Nome. The Council understands and supports the importance of addressing fish and wildlife resource topics annually, expressing its concerns, and addressing long term planning needs that are not addressed through the Federal regulatory cycles throughout the year. The Council looks forward to your continued guidance and support on the topics listed below.

Issue 1: Resource Management Jurisdictions in the Seward Peninsula/Norton Sound Region

The Council realizes that within the Seward Peninsula Region the majority of the land ownership is comprised of lands and waters managed by the State of Alaska. These lands and waters are important for the taking of fish and wildlife for subsistence use, along with commercial, sport, and personal use. The Council understands under State management of fish and wildlife resources, subsistence is often a divisive public issue. There are unresolved resource management discrepancies within the Seward Peninsula Region, particularly related to the taking of subsistence resources and the continued decline of salmon populations. The tension between the mandates of ANILCA Title VIII and Alaska law frequently results in user and resource conflicts. The unique nature of the region, personal use fishery should apply only to handful of local residents but sometimes seems to override the subsistence priority. Personal use fishery must not be equated with subsistence use fishery under the applicable laws for

subsistence take of fishery resources in the region.

Recommendation:

The Council recommends the State and Federal fish and wildlife resource management agencies abide by the Memorandum of Understanding (MOU) and begin to work cooperatively in the management of fish and wildlife subsistence resources in the subsistence areas within the Seward Peninsula Region. The Board of Fisheries, which is responsible for adopting State subsistence regulations, should meet jointly with the Federal Subsistence Board and revise the State and Federal subsistence laws and involve appropriate Federal Regional Advisory Councils and State Advisory Committees for their recommendations. This joint action would clarify management jurisdictional issues and allow the appropriate agency research needs for fisheries stocks of concern in the Seward Peninsula Region.

Issue 2: Complex Jurisdiction in Fisheries Management

In the past, this Council has brought up its concerns about the jurisdiction of salmon fisheries management in the Bering Sea. This is reflective of the Council's broader concerns about multi-agency Federal/State jurisdictions on management of wild resources important for subsistence uses. This complex web of jurisdiction frequently prohibits opportunity for very important research studies as it is difficult to channel funding requests through to the appropriate agency. From the scattered, limited jurisdiction of the Federal Subsistence Management Program to the patchwork of lands and waters managed by the States, it is difficult for this Council to effectively engage in recommending action and take necessary steps to provide for much-needed research. This Council has identified crucial salmon research needs on both the State and Federal fisheries management areas within the region, but it can never obtain such research because so little of the region is within the jurisdiction of the Federal Subsistence Management Program.

Recommendation:

The Council highly recommends the Federal Subsistence Board work with its member agencies and other agencies and nonprofit organizations to harmonize jurisdiction in order to effectively manage subsistence resources in a coherent way. By doing so, subsistence resource management agencies could more cooperatively manage resources and provide opportunity for regional advisory committees to identify and obtain necessary fisheries research. Much-needed research on salmon declines in the region will only be made possible through a collaboration of State and Federal agencies and regional organizations.

Should you have any questions about this report, please contact me via Alex Nick, Regional Council Coordinator, Office of Subsistence Management, at 907-543-1037.

Sincerely,

Louis H. Green, Jr., Chair
Seward Peninsula Subsistence Regional Advisory Council

cc: Federal Subsistence Board
Seward Peninsula Subsistence Regional Advisory Council

DRAFT

Report to Federal Subsistence Regional Advisory Councils on

1. Tribal Consultation Draft Implementation Guidelines

2. Draft ANCSA Consultation Policy

January 24, 2014

From the Federal Subsistence Board's Consultation Workgroup

Requesting Regional Advisory Council Feedback on these two documents; while simultaneously seeking feedback from federally recognized Tribes and Alaska Native Claims Settlement Act (ANCSA) Corporations.

Draft Implementation Guidelines Summary

- The guidelines are intended to provide federal staff additional guidance on the Federal Subsistence Board's Tribal Consultation Policy.
- It includes
 - when consultations should be regularly offered,
 - meeting protocols including
 - meeting flow,
 - room setup suggestions,
 - topics for consultation,
 - preparation and follow-up for the meetings,
 - communication and collaboration with Tribes throughout the regulatory cycle,
 - training guidance and topics for federal staff and the Board,
 - reporting on consultation,
 - and how to make changes to the policy or guidance as needed or requested.

Draft ANCSA Corporation Consultation Policy Summary

- This policy is adapted from the DOI Policy on Consultation with ANCSA Corporations
- It includes a preamble, guiding principles and policy
- For your awareness, please read the policy section
- This draft policy has been improved upon by the workgroup, which now has representatives from village and regional ANCSA corporations, thereby adding to the meaning of this policy for the Board. It was originally drafted in December 2011.

Workgroup members

- Rosemary Ahtuanguaruak, Co-Chair, Barrow/Nuiqsut
- Crystal Leonetti, Co-Chair, US Fish & Wildlife Service
- John W. Andrew, Organized Village of Kwethluk
- Lillian Petershoare, US Forest Service
- Della Trumble, Agdaagux Tribe of King Cove, King Cove Village Corporation
- Jean Gamache, National Park Service
- Richard Peterson, Organized Village of Kasaan
- Jack Lorrigan, Office of Subsistence Management
- Brenda Takeshorse, Bureau of Land Management
- Bobby Andrew, Native Village of Ekwok
- Glenn Chen, Bureau of Indian Affairs
- Charles Ekak, Olgoonik Corporation of Wainwright
- Cliff Adams, Beaver Kwit'chin Corporation
- Gloria Stickwan, Ahtna, Inc.
- Roy Ashenfelter, Bering Straits Native Corporation
- Chief Gary Harrison, Chickaloon Native Village
- Edward Rexford, Native Village of Kaktovik
- Michael Stickman, Nulato Tribal Council

IMPLEMENTATION GUIDELINES

for the

Federal Subsistence Board Government-to-Government Tribal Consultation Policy

INTRODUCTION

This document provides federal staff additional guidance on the Federal Subsistence Management Program's Tribal Consultation Policy. Refer to the *Federal Subsistence Board Government-to-Government Tribal Consultation Policy* for a broad scope including goals of the policy; consultation communication, roles and responsibilities, topics, timing, and methods; accountability and reporting; and training.

Tribal consultation will be regularly scheduled twice each year:

- 1) before the fall Regional Advisory Council (RAC) meetings, and
- 2) before the spring Federal Subsistence Board (Board) meetings.

Additional consultations may be initiated by the Board and consultation is also available to tribal governments at any time on regulatory or non-regulatory topics as the need arises.

CONTENTS

Meeting Protocols	Page 1
Regulatory Cycle Timeline and Roles and Responsibilities	Page 3
Other Regulatory Actions Not Covered Under Regulatory Process	Page 6
In-Season Management and Special Actions	Page 6
Non-Regulatory Issues	Page 6
Training	Page 6
Accountability, Reporting, and Information Management	Page 8

MEETING PROTOCOLS

1. Timing:

- a. During the Meeting
 - i. Intend to not rush through the consultation
- b. When to hold the meetings
 - i. Before RAC Meetings: hold one or more teleconferences (depending on number of proposals) at least two weeks before RAC meetings begin.
 - ii. At Board Meetings: consultation should begin prior to the start of the regular Board meeting. The regular Board meeting then begins after the consultation meeting is complete.

2. **Introductions:** Board member and tribal government representative introductions.
All representatives will state for the purpose of this consultation: who they officially represent, and what their role is during the consultation (e.g. “I am Geoff Haskett, a member of the Federal Subsistence Board, and for the purpose of this government-to-government consultation, I am representing the U.S. Fish and Wildlife Service. My role is to listen, ask questions, and gain an understanding of Tribal perspectives so that I can fully consider those perspectives in my actions as a decision-maker for the U.S. Fish and Wildlife Service.”).
3. **Room Setup:**
 - a. At in-person meetings, room should be configured in such a way that Board members and Tribal Government representatives are seated equally at the table. Consider chairs placed in a circle with or without tables. This will differentiate between the room configurations during the public process.
 - b. Board members and Tribal representatives should be dispersed around the table.
 - c. One or more people will be designated note-takers and notes will be made available to all participants as soon as they are typed and reviewed after the meeting.
4. **Topics:**
 - a. Topics to be consulted on can be determined by either Tribes or Board members, and do not need to be determined nor agreed upon in advance, but known topics shall be announced one week ahead of the consultation (e.g.: proposals, rural determination process, OSM budget, etc.)
 - b. The Board Chair should ask, “What other topics should we be consulting on?”
 - c. For topics not within the purview of the Board, Tribes will be referred to a federal liaison who can help them determine how that topic can be addressed.
 - d. For topics that need further consultation on any topic, the OSM Native Liaison will arrange follow-up consultation.
5. **Briefings:**
 - a. Briefing materials, such as those given to Board members should be made available to all Tribal governments one week, or earlier as they’re available, before the consultation.
 - b. Tribes who are interested are encouraged to send in briefing materials one week before the consultation to the OSM Native Liaison for their topics of interest; these will be provided to the Board.
6. **Board Member Summary:**
A lead Board member shall be selected who will conclude the consultation with a summary of the consultation discussion.
7. **Information Availability:**
 - a. Pre- and post-meeting materials and teleconference information will be displayed on the Federal Subsistence Management Program’s website.
 - b. A written summary of consultations will be provided to RACs and Tribes by email, fax, or mail as appropriate.
8. **Follow-up to Participating Tribes:**

A letter from the Chair will be sent to participating Tribes expressing appreciation for their participation and explanation of how their input was utilized and the decision that was made. These letters may be archived on the OSM website.

9. Consultation Meetings Requested by Tribes:

- a. If a consultation meeting is requested by a Tribe(s), two Board members – one representing the nearest land managing agency, and the nearest public member will participate in that meeting. Other Board members can join if they wish.
- b. Consultation meeting may take place in the Tribal community or by teleconference.
- c. Meeting notes (see 3.c.) will be provided to the entire Board upon completion.

REGULATORY CYCLE TIMELINE AND ROLES AND RESPONSIBILITIES

The Board is committed to providing Federally Recognized Tribes with opportunities to be meaningfully involved in the wildlife and fisheries regulatory process. On an annual basis, the Board accepts proposals to change wildlife or fisheries regulations on seasons, harvest limits, methods and means and customary and traditional use determinations. In some instances, regulations are modified in-season, and that is typically accomplished through in-season or special actions taken by either the Board or the relevant land manager. The Board will provide Tribes with the opportunity to consult on the regulatory process, which includes proposal development and review, proposal analysis and review, and decision making by the Board.

Tribes must be given the opportunity to consult throughout the Federal Subsistence Management process when a “departmental action with tribal implications¹” is taken. A regulatory proposal is potentially a departmental action with substantial direct effect on an Indian Tribe. As information becomes available which changes the recommendations or potential decision on a proposal, affected Tribes will be notified.

WHO SHOULD PARTICIPATE IN GOVERNMENT-TO-GOVERNMENT CONSULTATION

Tribal Officials are elected or appointed Tribal leaders or officials designated in writing by a federally recognized Tribe to participate in government-to-government consultations. Federal Officials are those individuals who are knowledgeable about the matters at hand, are authorized to speak for the agency and/or Board, and exercises delegated authority in the disposition and implementation of a federal action.

¹ Department of the Interior Policy on Tribal Consultation definition of “Departmental Action with Tribal Implications” is: Any Departmental regulation, rulemaking, policy, guidance, legislative proposal, grant funding formula changes, or operational activity that may have a substantial direct effect on an Indian Tribe on matters including, but not limited to:

1. Tribal cultural practices, lands, resources, or access to traditional areas of cultural or religious importance on federally managed lands;
2. The ability of an Indian Tribe to govern or provide services to its members;
3. An Indian Tribe’s formal relationship with the Department; or
4. The consideration of the Department’s trust responsibilities to Indian Tribes.

This, however, does not include matters that are in litigation or in settlement negotiations, or matters for which a court order limits the Department’s discretion to engage in consultation.

REGULATORY PROCESS OUTLINED BELOW CORRESPOND TO THE STEPS IN THE BOARD'S TRIBAL CONSULTATION POLICY *APPENDIX B: FEDERAL SUBSISTENCE MANAGEMENT PROGRAM ANNUAL REGULATORY PROCESS AT A GLANCE.*

Step 1.A.: Call for Proposals (January – March): This step is where changes to fish or wildlife harvesting regulations can be offered such as seasons, harvest limits, methods and means and customary and traditional use determinations. The Office of Subsistence Management (OSM) staff or land managers can assist Tribes in developing proposals.

RESPONSIBLE LEAD ACTION

Federal Agencies Contacts representatives of affected Tribes, prior to federal agency submitting regulatory proposals.

OSM

Sends a return receipt letter to Tribes:

- announcing the call for proposals and describing what this means;
- providing an overview and timeline of the annual Federal Subsistence Regulatory process;
- providing name and contact information for OSM staff who can provide assistance in reviewing and developing proposals;

Step 1.B.: Federal Subsistence Regional Advisory Council (RAC) Meetings: (Winter Meetings February-March): During these meetings, the RACs develop proposals to change subsistence regulations. The Tribes have the opportunity to work with the RACs to draft proposals.

OSM

Sends public notice to all Tribes announcing all RAC meetings.

- If available, teleconference information is included in announcements and posted to the Federal Subsistence Management Program's website.

Arranges teleconference line for RAC meeting(s) so Tribes can participate in the RAC meetings. Tribes may discuss proposals with the RACs and relevant federal staff.

Posts meeting materials on the Federal Subsistence Management Program's website so Tribes can review the materials.

Coordinates with Interagency Staff Committee (ISC) and Tribal representatives to draft summary reports on Tribal Consultations (if any have taken place since the fall RAC meetings). These written summaries are provided to the RACs. Tribal representatives are encouraged to share in the delivery of this report.

Step 2-3: Review of Regulatory Proposals (April-May) Once the Proposals are received by OSM, they are compiled into a book that includes all proposals from throughout Alaska. Tribes will have the opportunity to review the proposals. Consultation will also be made available to Tribes on deferred proposals.

OSM Sends Tribes the proposal book with a link to the Federal Subsistence Management Program website, and a description of the process schedule. Name and contact information for OSM staff will be included in the proposal book.

Coordinates with appropriate Federal staff to notify Tribes if a particular proposal might impact them.

If Tribe(s) is interested in consulting at this step, they may contact an agency official and discuss course of action through phone calls, emails, internet communication, and other methods.

Prepare draft analyses on proposals to make available to Tribes before consultations.

STEP 3: Proposal Analysis (April – August): Each of these proposals will be analyzed by agency staff to determine their effects on the resource, other resources, rural subsistence users, other users, etc.

OSM Draft analyses will be made available to Tribes one month prior to RAC meetings.

TRIBAL CONSULTATION OCCURS: One or more teleconference(s) will be scheduled to provide consultation open to all Tribes to discuss all proposals.

Step 4: Federal Subsistence Regional Advisory Council (RAC) Meetings (Fall meetings August - October): During these meetings, RACs develop recommendations on the proposal based on their review of the analysis, their knowledge of the resources and subsistence practices in the area, testimony received during the meeting, Tribal input and staff analysis.

OSM Sends public notice to all Tribes announcing all RAC meetings, including teleconference information if available.

Contacts local media (newspaper, radio, TV) to provide meeting announcement and agendas.

Arranges teleconference line for RAC meeting(s) so that Tribes can participate. Tribes may discuss proposals with the RACs, and appropriate federal staff.

Posts pre- and post-meeting materials and teleconference information on the Federal Subsistence Management Program's website so that the Tribes can review the materials.

Coordinates reports on prior Tribal consultations during the regulatory cycle to the

RACs, and encourages Tribal representatives to share in delivery of this report.

A written summary of relevant consultations will be provided to RACs and Tribes by email, fax, or mail as appropriate.

Step 5: Federal Subsistence Board Regulatory Meeting (Winter): This is where the Board reviews the staff analyses, considers recommendations provided by the RACs, comments provided by the State, consults with Tribes, and makes a decision as to whether to adopt, reject, defer, or take no action on each proposed change to the subsistence regulations. **TRIBAL CONSULTATION OCCURS BEFORE THE BOARD MEETING.**

OSM Sends meeting announcement to Tribes, including teleconference call information.

Posts meeting materials on the Federal Subsistence Management Program’s website so that Tribes can review the materials before the meeting. During the meeting, OSM staff and/or Tribal representatives will report on the results of prior Tribal consultations.

Following the meeting, OSM will send notification on meeting results to the Tribes. Tribes who consulted on proposals will be notified of the outcome by telephone.

OTHER REGULATORY ACTIONS NOT COVERED UNDER REGULATORY PROCESS

Tribal consultation will also be offered on proposals which are deferred or not carried through the normal regulatory process.

IN-SEASON MANAGEMENT AND SPECIAL ACTIONS

Special actions include emergency and temporary special actions. Because the regulatory process occurs on a bi-annual basis (fish one year, wildlife the next), sometimes issues come up that require immediate action; these actions may be taken as needed to address harvest regulations outside of the normal regulatory process.

In-season management actions and decisions on Special Action requests usually require a quick turnaround time and consultation may not be possible; however, in-season and land managers will make every effort to consult with Tribes that are directly affected by a potential action prior to taking action. Regular public meeting requirements are followed for special actions that would be in effect for 60 days or longer. Affected Tribes will be notified of actions taken. Federal field staff are encouraged to work with Tribes in their area and distribute Tribal consultation information.

NON-REGULATORY ISSUES

For non-regulatory issues, the Board's process for consultation with Tribes will be followed when needed.

TRAINING

The Board's policy directs that the Federal Subsistence Management Program follow the Department of the Interior and Agriculture's policies for training of Federal staff.

1. OSM staff will work with the ISC to develop training modules on the subsistence regulatory process, customary & traditional use determinations, rural versus non rural criteria, proposal development, Tribal consultation, and the federal budget process. Additionally, OSM staff will work with the ISC, agency Tribal liaisons, and others such as Tribal elders to develop a training module that federal staff can deliver at regional Tribal meetings (see Appendix C of the FSB's Tribal Consultation Policy) and to interested Tribal councils.
2. These trainings will be open to other entities responsible for management of subsistence resources, such as marine mammals, migratory birds, halibut, etc.
3. Board members should make every opportunity to directly participate in or observe subsistence activities.
4. It is recommended that Board members, OSM, ISC, & Federal Land Management Staff directly involved in Tribal consultation as part of their work responsibilities attend regional cross-cultural training to learn the unique communication and cultural protocols of the Tribes with which they interact.
5. Recommended Training Topics for Federal Staff and Tribal Citizens
 - a. Alaska Native identity, language, cultures, traditions, history, and differences
 - b. Alaska Native perspectives on natural resource management
 - c. Customary and Traditional relationship to land, water, and wildlife
 - d. Effects of colonialism on Alaska Native peoples
 - e. Alaska National Interest Lands Conservation Act subsistence provisions
 - f. Natural resource law, especially pertaining to fisheries and wildlife management and conservation
 - g. Federal subsistence regulations
 - h. Federal subsistence regulatory process
 - a. Special actions

- b. In-season management
- c. Customary and traditional use determinations
- i. Rural Determination process and implications
- j. Jurisdiction (Tribal /Federal Government/ State of Alaska)
- k. Relevant information about Tribe(s), including sovereignty, history of Tribal interactions with the United States government, Tribal constitutions, and traditional knowledge
- l. Foundations of the government-to-government relationship and trust responsibility within Federal Indian law as expressed through the U.S. Constitution, U.S. Code, Supreme Court decisions, and executive actions.
- m. Tribal and Federal consultation policies
- n. Wildlife and fisheries monitoring, including the Fisheries Resource Monitoring Program
- o. Opportunities for co-management or shared stewardship
- p. Leadership transition protocols so that the tribal leaders and the agency staff are clear about 1) how authority gets transferred (who are the successors & timelines) and 2) next steps in moving a project forward (outgoing official documents project accomplishments and next steps in a letter to his supervisor and copies the relevant tribal leaders).
- q. Communication etiquette and protocols

ACCOUNTABILITY, REPORTING, AND INFORMATION MANAGEMENT

1. **Tribal Contact Information:**
 - a. Department of the Interior (DOI) employees will utilize the DOI Tribal Consultation SharePoint site contact list.
<https://connect.doi.gov/os/Portal/nat/SitePages/Home.aspx>
 - b. U.S. Department of Agriculture (USDA) employees will utilize the Forest Service contact database. [web address]
2. **Tracking Consultations:**
 - a. The Alaska Region of the Forest Service has a tribal consultation database to track Forest Service and tribal consultations.
 - b. Office of Subsistence Management and DOI employees shall utilize the DOI Tribal Consultation SharePoint site database to track and record consultations.
3. **Report on Consultations**
 - a. Report annually as required by DOI and USDA consultation policies.

- b. The OSM Native Liaison provides a summary report annually to the Board on Federal Subsistence Management Program consultations; noting any feedback received from Tribes regarding the policies and the implementation of them; and any other follow-up actions or accomplishments. The OSM report on the Board's consultations with Tribes shall be posted on the OSM web site.
- 4. **Review of the Tribal Consultation Policy:**
 - a. Annually, the Consultation Workgroup, OSM Native Liaison, land managers, and ISC should assess the effectiveness of the Tribal Consultation Policy and implementation guidelines. The Workgroup will report to the Board at its annual winter meeting.
- 5. **Follow-up to Consultations at the Federal Subsistence Board Meeting:**
 - a. OSM is responsible to follow up on action items from Tribal Consultations at Federal Subsistence Board meetings.
 - b. Post-Board meeting follow-up includes notification to Tribes of Board actions.

DRAFT

**Note to reviewer: This supplemental policy for consultation with ANCSA corporations is adapted from the DOI Policy on Consultation with Alaska Native Claims Settlement Act (ANCSA) Corporations. Where it said “Department”, it was changed to say “Board” or “Department” was deleted. Where ANILCA or FSMP provisions required extra explanation for this policy, it was added and is indicated as additions in italics.*

Federal Subsistence Board Policy on Consultation with Alaska Native Claims Settlement Act (ANCSA) Corporations

I. Preamble

The Federal Subsistence Board (Board) distinguishes the federal relationship to ANCSA Corporations from the Tribal government-to-government relationship enjoyed by any federally recognized Indian Tribe, and this Policy will not diminish in any way that relationship and the consultation obligations towards federally recognized Indian Tribes. Recognizing the distinction, the Board is committed to fulfilling its ANCSA Corporation consultation obligations by adhering to the framework described in this Policy.

The Department of the Interior has a Policy on Consultation with ANCSA Corporations and the U.S. Department of Agriculture has an Action Plan on Consultation and Collaboration with Tribes, which includes consultation with ANCSA corporations. The Board will follow the Department-level policies; and for the purpose of Federal Subsistence Management, this policy further clarifies the Federal Subsistence Board’s responsibilities for consultation with ANCSA Corporations.

II. Guiding Principles

In compliance with Congressional direction, this Policy creates a framework for consulting with ANCSA Corporations. Congress required that the Director of the Office of Management and Budget and all Federal agencies shall hereafter consult with Alaska Native Corporations on the same basis as Indian Tribes under Executive Order Number 13175. Pub. L. No. 108-199 as amended by Pub. L. No. 108-447. Pursuant to the Alaska Native Claims Settlement Act (ANCSA) of 1971, ANCSA Corporations were established to provide for the economic and social needs, including the health, education and welfare of their Native shareholders. ANCSA also extinguished aboriginal hunting and fishing rights.

Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) states, “except as otherwise provided by this Act or other Federal laws, Federal land managing agencies, in managing subsistence activities on the public lands and in protecting the continued viability of all wild renewable resources in Alaska, shall cooperate with adjacent landowners and land managers, including Native Corporations, appropriate State and Federal agencies and other nations.”

III. Policy

The Board will consult with ANCSA Corporations that own land within or adjacent to lands subject to the jurisdiction of the Federal subsistence program (see 36 CFR242.3 and 50 CFR 100.3) when those corporate lands or its resources may be affected by regulations enacted by the Board.

ANCSA Corporations may also initiate consultation with the Board at any time by contacting the Office of Subsistence Management Native Liaison.

Provisions described in the Federal Subsistence Board Tribal Consultation Policy sections entitled Consultation, Training, and Accountability and Reporting shall apply to the Federal Subsistence Board Policy on Consultation with ANCSA Corporations, with adjustments as necessary to account for the unique status, structure and interests of ANCSA Corporations as appropriate or allowable.

DRAFT

Federal Subsistence Regional Advisory Council

MEMBERSHIP INFORMATION

Membership applications or nominations for seats on the 10 Federal Subsistence Regional Advisory Councils are being accepted now through **March 21, 2014**.

The Regional Advisory Councils provide advice and recommendations to the Federal Subsistence Board about subsistence hunting, trapping, and fishing issues on Federal public lands. Membership on the Councils is one way for the public to become involved in the Federal subsistence regulatory process.

Each Council has either 10 or 13 members, and membership includes representatives of subsistence use and commercial/sport use.

Council Membership

Regional Advisory Council members are usually appointed to three-year terms. The Councils meet at least twice a year; once in the fall (August through October) and once in the winter (February or March). While Council members are not paid for their volunteer service, their transportation and lodging are pre-paid and per diem is provided for food and other expenses under Federal travel guidelines.

Council Responsibilities:

- **Review and make recommendations to the Federal Subsistence Board** on proposals for regulations, policies, management plans, and other subsistence-related issues;
- **Develop proposals that provide for the subsistence harvest of fish and wildlife;**
- **Encourage and promote local participation** in the decision-making process affecting subsistence harvests on Federal public lands;
- **Make recommendations on customary and traditional use determinations** of subsistence resources; and,
- **Appoint members** to National Park Subsistence Resource Commissions

Membership Criteria Who Qualifies?

- ✓ RESIDENT of the region member represents
- ✓ RESOURCE KNOWLEDGE – Knowledge of the region's fish and wildlife resources
- ✓ SUBSISTENCE USES – Knowledge of the region's subsistence uses, customs, and traditions
- ✓ OTHER USES – Knowledge of the region's sport, commercial, and other uses
- ✓ LEADERSHIP SKILLS – Leadership and experience with local and regional organizations
- ✓ COMMUNICATION SKILLS – Ability to communicate effectively
- ✓ AVAILABILITY – Willingness to travel to attend two or more Regional Advisory Council meetings each year (usually in October and February) and occasionally attend Federal Subsistence Board meetings.

“Sharing common values and developing solutions to resource problems helps to bridge cultures by developing trust and respect through active communication and compromise. Our meetings allow warm renewal of decades of friendships and acquaintances.... Basically, membership on a Regional Advisory Council comes down to a lot of hard work, mutual respect, willingness to compromise, and a sense of humor. As a result, one develops the ultimate satisfaction of being able to help folks you care about.”

*-Pat Holmes, Council member,
Kodiak/Aleutians Regional Advisory Council*

2014 Application Timeline

March 21	Deadline for submitting membership applications and nominations.
Mar.-May.	Regional panels conduct interviews.
Aug.	Federal Subsistence Board reviews panel reports and develops recommendations.
Sept.-Dec.	Secretaries of the Interior and Agriculture review recommendations and appoint members to the Regional Advisory Councils.

Federal Subsistence Regional Council Coordinators

Federal Subsistence Regional Advisory Council coordinators facilitate the work of the Regional Advisory Councils and serve as the primary contacts for the Councils.

Southeast Alaska, Region 1:

Robert Larson, Petersburg
(907) 772-5930; fax: (907) 772-5995
e-mail: robertlarson@fs.fed.us

Southcentral Alaska, Region 2 / Bristol Bay, Region 4:

Donald Mike, Anchorage
(800) 478-1456 or (907) 786-3629; fax: 786-3898
e-mail: donald_mike@fws.gov

Kodiak/Aleutians, Region 3:

Carl Johnson, Anchorage
(800) 478-1456 or (907) 786-3676; fax: 786-3898
e-mail: carl_johnson@fws.gov

Western Interior Alaska, Region 6 / Northwest Arctic, Region 8:

Melinda Hernandez, Anchorage
(800) 478-1456 or (907) 786-3885; fax: 786-3898
e-mail: melinda_hernandez@fws.gov

Yukon-Kuskokwim Delta, Region 5 /

Seward Peninsula, Region 7:

Alex Nick, Bethel
(800) 621-5804 or (907) 543-1037; fax: 543-4413
e-mail: alex_nick@fws.gov

Eastern Interior Alaska, Region 9 / North Slope, Region 10:

Eva Patton, Anchorage
(800) 478-1456 or (907) 786-3358; fax: 786-3898
e-mail: eva_patton@fws.gov

Federal Subsistence Board

The Federal Subsistence Board oversees the Federal Subsistence Management Program. The Board members include Alaska heads of the U.S. Fish and Wildlife Service, National Park Service, Bureau of Land Management, Bureau of Indian Affairs, and U.S. Forest Service. The Board's chair is a representative of the Secretaries of the Interior and Agriculture. In 2012, the Secretaries added two seats for representatives of rural Alaska subsistence users. Federal Subsistence Regional Advisory Councils and State of Alaska representatives play active roles in Board deliberations.

For more information on the nominations process and for a full application packet, go to:

<http://www.doi.gov/subsistence/councils/application/index.cfm>

Number of Regional Advisory Council Applications Received Each Year

	<i>SE</i>	<i>SC</i>	<i>KA</i>	<i>BB</i>	<i>YK</i>	<i>WI</i>	<i>SP</i>	<i>NW</i>	<i>EI</i>	<i>NS</i>	TOTAL
1995											104
1996	13	18	11	10	19	11	20	11	10	5	128
1997	18	11	11	7	8	7	7	4	11	4	88
1998	13	10	15	8	18	11	9	9	7	8	108
1999	17	15	7	12	16	7	7	5	7	6	99
2000	17	13	13	9	15	9	8	3	20	8	114
2001	20	11	9	5	16	14	3	4	11	5	98
2002	19	16	8	8	13	8	7	5	14	9	107
2003	17	17	4	10	13	9	5	7	7	5	96
2004	14	16	10	7	16	8	7	8	6	8	100
2005	7	7	5	3	7	4	9	5	6	5	58
2006	10	8	1	5	9	3	5	9	7	3	60
2007	17	16	8	9	17	6	5	2	12	3	95
2008	9	8	5	8	12	7	7	4	3	4	67
2009	12	12	4	3	11	5	2	6	7	2	64*
2010	15	14	6	7	6	6	2	8	8	3	75*
2011	15	9	7	7	12	6	8	4	7	5	81
2012	11	10	7	7	11	5	4	5	4	3	67
2013	13	7	5	5	12	5	6	6	11	4	74*

NOTE: No information is available for the years 1993 and 1994.

* Too few applications were received in the initial application period so a second call for applications was published. This number is the total of both application periods open that cycle.

Western Interior Alaska Subsistence Regional Advisory Council
c/o U.S. Fish and Wildlife Service
1011 East Tudor Road, MS 121
Anchorage, AK 99503
Phone: (907) 786-3888, Fax (907) 786-3898
Toll Free: 1-800-478-1456

RAC WI14003.MH

FEB 12 2014

Honorable Sally Jewell
Secretary of the Interior
U.S. Department of the Interior
Office of the Secretary
1849 C Street, N.W.
Washington, D.C. 20240

Dear Secretary Jewell:

The Western Interior Alaska Subsistence Regional Advisory Council (Council) is one of the ten Federal Subsistence Regional Advisory Councils formed under Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) and chartered under the Federal Advisory Committee Act (FACA). Section 805 of ANILCA and the Council's charter establish its authority to initiate, review, and evaluate regulations, policies, management plans, and other matters related to subsistence on Federal public lands and waters within the Western Interior Alaska region. The Council provides a regional forum for discussion and recommendations for subsistence related issues on public lands.

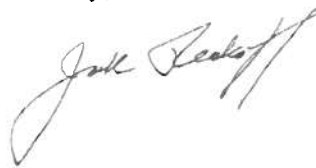
All of the Councils are dealing with an extremely late completion of the annual Secretarial Appointment process to fill Council seats. The delay also happened last year, and this Council sent a letter to you expressing concerns about the problem (see enclosure). This year's delay is even worse than last year, making each year progressively later in completing official appointments. Terms expired on December 2, 2013 for three seats on our Council. It is now February 11, less than 3 weeks before our winter meeting—we only just received word on February 6, 2014 on appointments for two seats and the question remains as to who will be appointed to fill the third seat.

The delay in appointments has had a negative effect on the planning and execution of important and extensive work which must be completed in a timely manner prior to our meetings. Further, these delays have discouraged applicants and future applicants from serving on the Council. This is a disastrous consequence given the steady decrease in the number of applications in recent years. Our Council wishes to re-emphasize that steps must be taken to ensure delays in

appointments do not continue. We suggest our Council charters be amended to allow for a member to continue serving until official Secretarial Appointments are made.

It is an important role for this Council, and others, to assist the Federal Subsistence Program in meeting its charge of protecting subsistence resources and uses of these resources on public lands and waters in Alaska. We cannot fulfill our role when timely appointments to fill vacant seats are not given a priority. If you have questions about this letter, please contact me via Melinda Burke, Subsistence Council Coordinator, with the Office of Subsistence Management at 1-800-478-1456 or (907) 786-3885.

Sincerely,

A handwritten signature in black ink, appearing to read "Jack Reakoff". The signature is fluid and cursive, with a large loop at the end.

Jack Reakoff, Chair

Enclosure

cc: Tom Vilsack, Secretary of Agriculture, USDA
Laura Marquez, White House Liaison
Pat Pourchot, Special Assistant for Alaska Affairs, DOI
Geoff Haskett, Regional Director, USFWS Region 7
Eugene R. Peltola Jr., Assistant Regional Director, OSM
Karen Hyer, Acting Deputy Assistant Regional Director, OSM
David Jenkins, Policy Coordinator, OSM
Carl Johnson, Council Coordination Division Chief, OSM
Federal Subsistence Board
Interagency Staff Committee
Western Interior Alaska Subsistence Regional Advisory Council
Administrative Record

**Western Interior Alaska Subsistence Regional Advisory Council
c/o U.S. Fish and Wildlife Service
1011 East Tudor Road, MS 121
Anchorage, AK 99503
Phone: (907) 786-3888, Fax (907) 786-3898
Toll Free: 1-800-478-1456**

RAC WII3014.MH

MAY 06 2013

Honorable Sally Jewel
Secretary of Interior
U.S. Department of the Interior
Office of the Secretary
1849 C Street, N.W.
Washington, D.C. 20240

Dear Secretary Jewel:

The Western Interior Alaska Subsistence Advisory Council (Council) is one of the ten regional councils formed under Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) and chartered under the Federal Advisory Committee Act (FACA). Section 805 of ANILCA and the Council's charter establish its authority to initiate, review, and evaluate regulations, policies, management plans, and other matters related to subsistence on Federal public lands and waters within the Western Interior Alaska region. The Council provides a forum for discussion and recommendations for subsistence fish and wildlife management in the region.

The Council met in Galena, Alaska, on March 5-6, 2013, and conducted a public meeting regarding subsistence issues. Among the topics discussed at this meeting were the very late Secretarial appointments to the Regional Subsistence Advisory Councils as well as the currently vacant Assistant Regional Director position since the departure of Peter J. Probasco at the Office of Subsistence Management (OSM).

Our way of life and the extreme weather common to our region are just two of the factors that make it necessary for the Council to plan well in advance for travel (personal and Council) as well as seasonal food gathering activities. The extremely late appointments create tremendous difficulties for individuals to plan in advance for travel and Council commitments. Further, our support staff needs sufficient time to plan for the very complicated logistical arrangements necessary for travel to and from rural Alaska communities. This year's delay was significantly longer than we have experienced in the past. Two of our incumbent council members did not hear about their appointment status until less than two weeks before our most recent scheduled gathering. Shockingly, it is my understanding that there remains at least one Council that has not

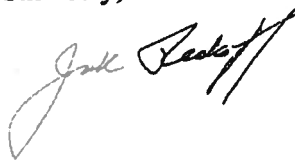
received word of a member's reappointment, amounting to a nearly four-month delay. Such delays are unacceptable to our statutory "meaningful role" in Federal subsistence management of fish and wildlife. Steps need to be taken as soon as possible so that delays in these very important and critical appointments do not happen again.

In the future, this Council would appreciate correspondence from the Office of Subsistence Management if these delays persist. Incumbent applicants must be informed of the status of appointments if they are expected to prepare for coming meetings and allow time in their schedules for travel. Old appointments expire in early December, which is when the announcement for appointments to those vacant seats is anticipated. New applicants may assume they have not been appointed if no official notice is sent about the delay. This could affect their ability to travel to their meetings, as lead time is necessary for the proper authorizations as well as clearing their personal calendars for Council duties.

The recent high number of retirements, budget issues, sequestration, and hiring freeze has caused great concern among the Council regarding the leadership and workload of OSM. The permanent hiring of a new Assistant Regional Director is a critical action which this Council feels needs to happen as soon as possible. This Council would be willing to correspond and provide any supporting language to make this happen soon, despite the current hiring freeze.

Thank you for the opportunity for this Council to assist the Federal Subsistence Management Program to meet its charge of protecting subsistence resources and uses of our resources on Federal public lands and waters. We look forward to continuing discussions about the issues and concerns of subsistence users of the Western Interior Region. If you have questions about this correspondence, please contact me via Melinda Hernandez, Subsistence Council Coordinator with OSM, at (907) 786-3885.

Sincerely,



Jack Reakoff, Chair
Western Interior Alaska Subsistence
Regional Advisory Council

cc: Kathleen M. O'Reilly-Doyle, Acting Assistant Regional Director, OSM
David Jenkins, Acting Deputy Assistant Regional Director, OSM
Carl Johnson, Council Coordination Division Chief, OSM
Melinda Hernandez, Council Coordinator, OSM
Pat Pourchot, Special Assistant for Alaska Affairs, DOI
Federal Subsistence Board
Western Interior Regional Advisory Council
Administrative Record

North Slope Subsistence Regional Advisory Council
c/o U.S. Fish and Wildlife Service
1011 East Tudor Road, MS 121
Anchorage, Alaska 99503
Phone: (907) 786- 3888, Fax: (907) 786-3898

181 DEC 2013

RAC NS13048.EP

Tim Towarak, Chairman
Federal Subsistence Board
U.S. Fish and Wildlife Service
1011 E. Tudor Road, MS 121
Anchorage, Alaska 99503

Dear Chairman Towarak:

The North Slope Subsistence Regional Advisory Council (Council) submits this letter to the Federal Subsistence Board and the U.S. Fish and Wildlife Service (USFWS) under the provisions of the Council's authority to make recommendations on policy and facilitate a meaningful role in Federal subsistence management. At its August 20-21, 2013 public meeting in Barrow, the Council identified an important concern it would like to bring to your attention. The Council is also directing this concern to the USFWS Regional Director, and would like it elevated to the attention of the Secretary of the Interior.

In August, the Council received a staffing update from the Office of Subsistence Management (OSM). The Council learned that a decision had been made not to fill the Chief of the Anthropology Division, a position made vacant with the recent retirement of Helen Armstrong, will remain vacant. The Council is concerned that this decision, which marginalizes the importance of social science and the Anthropology Division for Council business, was made without any consultation with the Regional Advisory Councils. The Council emphasizes that the Anthropology Division provides essential services to and support for the Council, communities, and Tribes of the North Slope Region. The Anthropology Division assists the Council in drafting and reviewing fish and wildlife regulatory proposals. It helps the Council make informed recommendations to the Federal Subsistence Board. It also works with the Council to represent the subsistence needs and concerns of the North Slope Region.

Having served on this Council for 20 years since the inception of the Federal Subsistence Management program, as Chair of the Council, I am in the position to attest to the importance and service of OSM staff anthropologists. Anthropologists, with a specific set of professional skills, are essential to supporting the work of the Regional Advisory Councils; in fact,

anthropologists are as essential as biologists in supporting the Council's work. I recognize Federal budget constraints and challenges exist to administer programs across the USFWS. However, the Council and I would like to point out that the Anthropology Division, as currently staffed, cannot provide an adequate level of service to the Federal Subsistence Management Program or the 10 Regional Advisory Councils. The Federal Subsistence Management Program and the work of the Regional Advisory Councils are guided by Federal law under the Alaska National Interest Lands Conservation Act (ANILCA).

ANILCA §805(b) directs the Secretary to provide adequate staff to support the work of Regional Advisory Councils:

(b) Assignment of staff and distribution of data

The Secretary shall assign adequate qualified staff to the regional advisory councils and make timely distribution of all available relevant technical and scientific support data to the regional advisory councils...

Section 801 of ANILCA, through the careful language chosen by Congress, emphasizes the important of social science in general and Anthropology in particular:

- (1) The continuation of the opportunity for subsistence uses by rural residents of Alaska, including both Natives and non-Natives, on the public lands and by Alaska Natives on Native lands is essential to Native physical, economic, traditional, and cultural existence and to non-Native physical, economic, traditional, and social existence

The Council notes it is quite clear that ANILCA encompasses traditional, cultural and social elements of a subsistence way of life. These elements of subsistence require professional anthropology or social science staff to assist in comprehensive administration of the law by working with communities to document and analyze social and cultural information in the subsistence management process. Federal Subsistence Management Program policies cover cultural and social components of fish and wildlife management for rural Alaskans, including customary and traditional use determinations, customary trade and barter, harvest methods and means, subsistence seasonal rounds, special use permits, community harvest quota, allocation in times of shortage (§804 analysis under ANILCA), and other information that helps inform sound management of fish and wildlife populations while best supporting subsistence opportunity under ANILCA.

Overall, the Council feels that without a replacement hired to fill the vacant Anthropology Division Chief position, the Council and the North Slope Region will not receive the support needed to be fully effective in its role of advising the Federal Subsistence Board. In these times of severe shortages of many subsistence fish and wildlife resources and increasing uncertainty due to climate change, anthropology support to the Councils is needed more than ever. We strongly encourage the USFWS to re-consider the decision regarding filling the OSM Chief of Anthropology position and take the necessary steps to ensure a high probability of this position being filled.

Chairman Towarak

3

If you have any questions regarding this correspondence, or to direct a response to the North Slope Regional Advisory Council, please contact Eva Patton, Subsistence Council Coordinator, Office of Subsistence Management at 1-800-478-1456 or (907) 786-3358.

Thank you for your consideration.

Sincerely,


Harry K. Brower, Chairman

cc: North Slope Subsistence Regional Advisory Council
Federal Subsistence Board
Pat Pourchot, Special Assistant to the Secretary of the Interior for Alaska Affairs
Eugene R. Peltola, Jr., Assistant Regional Director, OSM
Kathleen M. O'Reilly-Doyle, Deputy Assistant Regional Director, OSM
Thomas Evans, Acting Policy Coordinator, OSM
Carl Johnson, Council Coordination Division Chief, OSM
Alaska Subsistence Regional Advisory Council Chairs
Interagency Staff Committee
Administrative Record

Fall 2014 Regional Advisory Council Meeting Calendar

August–October 2014 current as of 2/26/2014
Meeting dates and locations are subject to change.

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
<i>Aug. 17</i>	<i>Aug. 18</i> WINDOW OPENS	<i>Aug. 19</i>	<i>Aug. 20</i>	<i>Aug. 21</i>	<i>Aug. 22</i>	<i>Aug. 23</i>
		NS—TBD				
<i>Aug. 24</i>	<i>Aug. 25</i>	<i>Aug. 26</i>	<i>Aug. 27</i>	<i>Aug. 28</i>	<i>Aug. 29</i>	<i>Aug. 30</i>
<i>Aug. 31</i>	<i>Sept. 1</i>	<i>Sept. 2</i>	<i>Sept. 3</i>	<i>Sept. 4</i>	<i>Sept. 5</i>	<i>Sept. 6</i>
<i>Sept. 7</i>	<i>Sept. 8</i> HOLIDAY	<i>Sept. 9</i>	<i>Sept. 10</i>	<i>Sept. 11</i>	<i>Sept. 12</i>	<i>Sept. 13</i>
		KA—King Cove/Cold Bay				
<i>Sept. 14</i>	<i>Sept. 15</i>	<i>Sept. 16</i>	<i>Sept. 17</i>	<i>Sept. 18</i>	<i>Sept. 19</i>	<i>Sept. 20</i>
<i>Sept. 21</i>	<i>Sept. 22</i>	<i>Sept. 23</i>	<i>Sept. 24</i>	<i>Sept. 25</i>	<i>Sept. 26</i>	<i>Sept. 27</i>
		SE—Sitka				
<i>Sept. 28</i>	<i>Sept. 29</i>	<i>Sept. 30</i> <i>End of Fiscal Year</i>	<i>Oct. 1</i>	<i>Oct. 2</i>	<i>Oct. 3</i>	<i>Oct. 4</i>
<i>Oct. 5</i>	<i>Oct. 6</i>	<i>Oct. 7</i>	<i>Oct. 8</i>	<i>Oct. 9</i>	<i>Oct. 10</i>	<i>Oct. 11</i>
		SP—Nome				
			NWA—TBD			
<i>Oct. 12</i>	<i>Oct. 13</i>	<i>Oct. 14</i>	<i>Oct. 15</i>	<i>Oct. 16</i>	<i>Oct. 17</i>	<i>Oct. 18</i>
		SC - Kenai Peninsula				
		YKD—Bethel				
					<i>WINDOW CLOSES</i>	
<i>Oct. 19</i>	<i>Oct. 20</i>	<i>Oct. 21</i>	<i>Oct. 22</i>	<i>Oct. 23</i>	<i>Oct. 24</i>	<i>Oct. 25</i>
			EI - TBD			
<i>Oct. 26</i>	<i>Oct. 27</i>	<i>Oct. 28</i>	<i>Oct. 29</i>	<i>Oct. 30</i>	<i>Oct. 31</i>	<i>Nov. 1</i>
		BB - Dillingham				
		WI - McGrath				

Winter 2015 Regional Advisory Council Meeting Calendar

February–March 2015 current as of 3/5/2014

Meeting dates and locations are subject to change.

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
<i>Feb. 8</i>	<i>Feb. 9</i> <i>Window Opens</i>	<i>Feb. 10</i>	<i>Feb. 11</i>	<i>Feb. 12</i>	<i>Feb. 13</i>	<i>Feb. 14</i>
<i>Feb. 15</i>	<i>Feb. 16</i> HOLIDAY	<i>Feb. 17</i>	<i>Feb. 18</i>	<i>Feb. 19</i>	<i>Feb. 20</i>	<i>Feb. 21</i>
<i>Feb. 22</i>	<i>Feb. 23</i>	<i>Feb. 24</i>	<i>Feb. 25</i>	<i>Feb. 26</i>	<i>Feb. 27</i>	<i>Feb. 28</i>
		BB — Naknek				
<i>Mar. 1</i>	<i>Mar. 2</i>	<i>Mar. 3</i>	<i>Mar. 4</i>	<i>Mar. 5</i>	<i>Mar. 6</i>	<i>Mar. 7</i>
		WI — Fairbanks				
<i>Mar. 8</i>	<i>Mar. 9</i>	<i>Mar. 10</i>	<i>Mar. 11</i>	<i>Mar. 12</i>	<i>Mar. 13</i>	<i>Mar. 14</i>
<i>Mar. 15</i>	<i>Mar. 16</i>	<i>Mar. 17</i>	<i>Mar. 18</i>	<i>Mar. 19</i>	<i>Mar. 20</i> <i>Window Closes</i>	<i>Mar. 21</i>

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

Seward Peninsula Subsistence Regional Advisory Council

Charter

1. **Committee's Official Designation.** The Council's official designation is the Seward Peninsula Subsistence Regional Advisory (Council).
2. **Authority.** The Council is reestablished by virtue of the authority set out in the Alaska National Interest Lands Conservation Act (16 U.S.C. 3115 (1988)) Title VIII, and under the authority of the Secretary of the Interior, in furtherance of 16 U.S.C. 410hh-2. The Council is established in accordance with the provisions of 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.** The Council possesses the authority to perform the following duties:
 - a. Recommend the initiation of, review, and evaluate proposals for regulations, policies, management plans, and other matters relating to subsistence uses of fish and wildlife on public lands within the Region.
 - b. Provide a forum for the expression of opinions and recommendations by persons interested in any matter related to the subsistence uses of fish and wildlife on public lands within the Region.
 - c. Encourage local and regional participation in the decisionmaking process affecting the taking of fish and wildlife on the public lands within the Region for subsistence uses.
 - d. Prepare an annual report to the Secretary containing the following:
 - (1) An identification of current and anticipated subsistence uses of fish and wildlife populations within the Region.
 - (2) An evaluation of current and anticipated subsistence needs for fish and wildlife populations within the Region.
 - (3) A recommended strategy for the management of fish and wildlife populations within the Region to accommodate such subsistence uses and needs.

- (4) Recommendations concerning policies, standards, guidelines, and regulations to implement the strategy.
 - e. Make recommendations on determinations of customary and traditional use of subsistence resources.
 - f. Make recommendations on determinations of rural status.
 - g. 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 \$120,000, including all direct and indirect expenses and 1.0 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 7, U.S. Fish and Wildlife Service. The DFO is a full-time Federal employee appointed in accordance with Agency procedures. The DFO will:
 - Approve or call all of the advisory committee's and subcommittees' meetings,
 - Prepare and approve all meeting agendas,
 - Attend all committee and subcommittee meetings,
 - Adjourn any meeting when the DFO determines adjournment to be in the public interest, and
 - 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 terminate 2 years from the date the Charter is filed, unless, prior to that date, it is renewed in accordance with the 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.

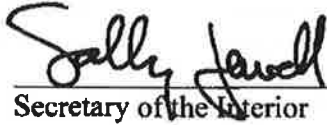
Members will be appointed for 3-year terms. A vacancy on the Council will be filled in the same manner in which the original appointment was made. Members serve at the discretion of the Secretary.

Council members will elect a Chair, a Vice-Chair, and a 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 specific party matter in which the member has a direct financial interest in a lease, license, permit, contract, claim, agreement, or related litigation with the Department.
14. **Subcommittees.** Subject to the DFO's approval, subcommittees may be formed for the purpose of compiling information and 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. The Council Chair, with the approval of the DFO, will appoint subcommittee members. Subcommittees will meet as necessary to accomplish their assignments, subject to the approval of the DFO and the availability of resources.

15. **Recordkeeping.** Records of the Council, and formally and informally established subcommittees or other subgroups of the Council, shall be handled in accordance with General Records Schedule 26, Item 2, and other approved Agency records disposition schedule. These records shall be available for public inspection and copying, subject to the Freedom of Information Act, 5 U.S.C. 552.


Secretary of the Interior

NOV 25 2013

Date Signed

DEC 03 2013

Date Filed