



YUKON-KUSKOKWIM DELTA
SUBSISTENCE REGIONAL
ADVISORY COUNCIL
Meeting Materials

October 12 - 13, 2016
Bethel



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Eva Patton photo

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YUKON-KUSKOKWIM DELTA SUBSISTENCE REGIONAL ADVISORY COUNCIL

AVCP Regional Housing Authority Building Conference Room
Bethel

October 12 - 13, 9:00 am ~ 5:30 pm

TELECONFERENCE: call the toll free number: 1-866-864-5314, then when prompted enter the passcode: 3091862.

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. Contact staff for the current schedule. Evening sessions are at the call of the chair.

AGENDA

*Asterisk identifies action item.

- 1. Invocation**
- 2. Call to Order** *(Chair)*
- 3. Roll Call and Establish Quorum** *(Secretary)*..... 4
- 4. Welcome and Introductions** *(Chair)*
- 5. Review and Adopt Agenda*** *(Chair)* 1
- 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. Draft Nonrural Determination Policy*..... 11
 - b. Federal Subsistence Board 805c Non-Consensus Actions Report..... 29
- 10. New Business** *(Chair)*
 - a. Fisheries Proposals*

Inseason summaries and available relevant data will be presented to Council for consideration prior to the Council making recommendations on fisheries proposals.

1) Kuskokwim Area Proposals

Report

2016 Kuskokwim River Fisheries Season Summary Yukon Delta NWR/ADF&G

Proposals

FP17-05: *For the Kuskokwim area, remove ___ .27(e)(4)(ii) from the regulations. Federal subsistence management plans, strategies, fishing schedules, openings, closings, and fishing methods are issued independently by the USFWS*32

2) Yukon-Northern Area Proposals

Report

2016 Yukon River Fisheries Season Summary USFWS/ADF&G

Proposals

FP17-01: *Revise harvest limits to allow harvest once the mid-range of the interim management escapement goal and the total allowable catch goal are projected to be achieved in the Yukon River*48

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e. Review Annual Report Reply and Identify Issues for 2016 Annual Report* 138

f. Charter Review* 140

g. Feedback on All Council Meeting

h. Tongass Submerged Lands Proposed Rule* 144

12. Agency Reports

(Time limit of 15 minutes unless approved in advance)

Tribal Governments

- 1) Native Village of Napaimute and Partners for Fisheries Monitoring Program
- 2) Orutsararmiut Native Council and Partners for Fisheries Monitoring Program

Native Organizations

- 1) Kuskokwim River Intertribal Fisheries Commission
- 2) AVCP Natural Resources

Special Actions Review

USFWS

- 1) Yukon Delta National Wildlife Refuge..... 153
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ADF&G

- 1) Yukon River Comprehensive Salmon Plan update – Jill Klein, Special Assistant to the Commissioner

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OSM

13. Future Meeting Dates*

- Confirm Winter 2017 meeting date and location168
- Select Fall 2017 meeting date and location169

14. Closing Comments

15. Adjourn (Chair)

To teleconference into the meeting, call the toll free number: 1-866-864-5314, then when prompted enter the passcode: 3091862.

Reasonable Accommodations

The Federal Subsistence Board is committed to providing access to this meeting for all participants. Please direct all requests for sign language interpreting services, closed captioning, or other accommodation needs to Eva Patton, 907-786-3358, eva_patton@fws.gov, or 800-877-8339 (TTY), by close of business on October 3, 2016.

REGION 5
Yukon-Kuskokwim Delta Subsistence Regional Advisory Council

Seat	Year Appointed <i>Term Expires</i>	Member Name and Community
1	2004 2016	William F. Brown Eek
2	1997 2016	James A. Charles Tuntutuliak
3	2014 2016	John W. Andrew Kwethluk
4	2014 2016	Michael P. Peters Marshall
5	1996 2017	Lester Wilde, Sr. Hooper Bay Chair
6	2014 2017	Dale T. Smith, Jr. Mekoryuk
7	2014 2017	Anthony F. Ulak Scammon Bay Secretary
8	2014 2017	Annie C. Cleveland Quinhagak
9	2014 2017	Dorothy G. Johnson Mountain Village
10	2013 2018	Raymond J. Oney Alakanuk
11	2003 2018	Greg J. Roczicka Bethel Vice Chair
12	2003 2018	Robert E. Aloysius Kalskag
13	2012 2018	David Bill, Sr. Toksook Bay

MINUTES OF THE MARCH 9, 2016 YUKON-KUSKOKWIM DELTA SUBSISTENCE REGIONAL ADVISORY COUNCIL MEETING

Location of Meeting:

William A. Egan Civic and Convention Center, Anchorage Alaska

Time and Date of Meeting:

Wednesday March 9, 2016, 8:30 a.m. –12:40 p.m.

Call to Order:

The winter meeting of the Yukon-Kuskokwim Delta Subsistence Regional Advisory Council was called to order Wednesday, March 9 at 8:30 a.m. All Council members were present except Raymond Oney, who had an excused absence. James Charles provided an invocation. Introductions were made for Council members, staff and guests.

Review and Adopt Agenda:

The Council approved a motion (12-0) to accept the Agenda as read with the additions of the Board's non-rural policy timeline, approval of a joint council meeting letter and a fisheries update from Gerald Maschmann.

Election of Officers:

The Council elected Lester Wilde as Chair, Greg Roczicka as Vice-chair and Anthony Ulak as Secretary.

Attendees:

The following persons attended some portion of the Yukon-Kuskokwim Delta Council meeting either in person or by teleconference, in addition to the Council members.

Aaron Webber	Bethel	USFWS
Alex Nick	Bethel	public
Carl Johnson	Anchorage	OSM
Catherine Moncrieff	Anchorage	YRDFA
Christopher Tulik		USFWS
David Chanar	Anchorage	
David Phillips	Aniak	USFWS
Don Rivard	Anchorage	USFWS
Dan Sharp	Anchorage	BLM
Drew Crawford	Anchorage	ADF&G
Ken Harper	Kenai	USFWS
Gene Peltola Jr.	Anchorage	USFWS
George Pappas	Anchorage	USFWS
Gerald Maschmann	Fairbanks	USFWS
Hazel Nelson	Anchorage	ADF&G

Jeff Anderson	Kenai	USFWS
Jeremy Mears	Fairbanks	USFWS
Jerry Davis	Emmonak	
Jill Klein	Anchorage	ADF&G
John Mark	Quinhagak	USFWS
Kenton Moos	Galena	USFWS
Marie Mead	Anchorage	
Michael Martin		Public
Pete Abraham	Togiak	USFWS
Pippa Kenner	Anchorage	OSM
Ray Born	Bethel	USFWS
Robert Larson	Petersburg	USFS
Ronnie Sanchez	Anchorage	USFWS
Rosalie Grant	Juneau	BIA
Sabrina Garcia	Anchorage	ADF&G
Sean Larson	Anchorage	ADF&G
Stephanie Schmidt	Anchorage	ADF&G
Susanna Henry	Dillingham	USFWS
Suzanne Worker	Anchorage	OSM
Tom Kron	Anchorage	OSM
Trevor Fox	Anchorage	USFWS
Taylor Brelsford	Anchorage	Donlin Gold

Review and Approve Previous Meeting Minutes:

The Council supported a motion (12-0) to approve the fall meeting minutes as amended.

Council Reports:

Mr. Smith informed the Council that he was interested in the learning more concerning the customary and traditional use of muskox on Nunivak Island and may work with local residents to propose a determination. The reindeer and muskox management plan that was signed in 1992 and the agreement was basically dropped by the Fish and Wildlife Service staff. The community is looking to resurrect the plan. The Council should support major reductions in the bycatch of salmon and halibut in the Bering Sea and particularly in the area around Nunivak Island.

Mr. Roczicka reminded the Council that they have gone on record at every public meeting and supported the most restrictive measures to control and minimize bycatch of salmon and halibut in the Bering Sea. The North Pacific Fisheries Management Council now manage the trawl fisheries with a consideration of the salmon throughout their range. The Council needs to stay involved and push for more reductions in bycatch.

Mr. Peters reminded the Council that it is important to comment on regulatory proposals that affect residents of that area.

Mr. Aloysius reminded the staff that the minutes from the previous meeting were very important and should be distributed to the council members at least one week in advance. Many people in his community are confused who has the dominant authority over management of fish in the Kuskokwim River. Local residents want to eliminate the use of four-inch mesh gillnets to target Chinook Salmon when there is a conversation concern for Chinook Salmon. If the goal is to conserve Chinook Salmon, then the State and Federal agencies need to work together to eliminate directed fishing with this new gear type and communicate with the people so they understand the issue and solution. The system where certain members of the community fish for the rest of the community has not worked and the fish are not being shared equitably.

Mr. Charles reminded the Council that he traveled to Fairbanks and attended the State Board of Fisheries meeting in January 2016. He reported on actions taken by the Council but thought it best in the future if someone that attended the previous Council meeting provided the report. The residents of his village of Tuntutuliak and other areas were not in favor of a permit system for subsistence fishing. Mr. Charles lives close to the mouth of the Kuskokwim River and the residents of his village appreciate the management plan in 2015 that allowed opportunity to fish in the non-salmon spawning rivers.

Mr. Ulak noted that council members have email and they would appreciate materials sent by email rather than wait for printed materials sent through the regular mail.

Mr. Brown noted that not all the Sockeye Salmon caught at the mouth of the river actually are returning to the river. That is not new but the way it has always been.

Mr. Bill reminded the staff that some people in the villages do not understand the roles of the State and Federal agencies. It is important for the agencies to work together so there are no misunderstandings.

Public and Tribal Comments

Mr. Abraham has lived in Togiak and worked for the U.S. Fish and Wildlife Service for many years and commented that he is very concerned with the declining abundance of Chinook Salmon in the rivers of western Alaska. The biggest factor in that decline is removals by commercial fishermen in marine waters as incidental or bycatch. The loss of snow in recent years has not helped as the rivers have less water during the summer and spawning areas are drying up. Beavers are becoming more abundant and they are converting spawning and rearing areas into ponds. There used to be at least 15,000 Chinook Salmon in the Togiak River and families took about 200 fish each year. Now families take only about 60 fish each year. Local residents need a powerful representative to protect these fish from being taken as bycatch in other fisheries. We cannot fix this problem by talking, there must be action.

Old Business:

Mr. Ronnie Sanchez, U.S. Fish and Wildlife Service Refuge supervisor for the southern zone of Alaska, reported that the USFWS has recently finished a series of hearing and open houses to discuss the proposed rule on hunting within national wildlife refuges within the state. The public comment period has been extended through April 7.

Motion supported (12-0) to develop a joint statement with the other Federal Subsistence Regional Advisory Councils with similar concerns of opposition to the U.S. Fish and Wildlife Service proposed rule

for predator management on Refuges that includes a request that the Federal Subsistence Board advocate on behalf of the Councils for withdrawal of the proposed rule. Staff was assigned to coordinate this request with the other councils while they were in session.

Motion supported (12-0) to request that the Office of Subsistence Management fund travel for council member Smith to provide oral testimony detailing the council's concerns regarding halibut bycatch to the North Pacific Fisheries Management Council at their April session.

New Business:

Fisheries Proposals: Mr. Don Rivard, USFWS; informed the Council that proposals to change Federal subsistence fishing regulations will be accepted until April 1, 2016. He is prepared to assist the Council in developing proposals. Don reminded the Council that changes to State regulations can be implemented by Federal permit unless Federal rules default to State management plans. Mr. Pappas reminded the Council that the State Board of Fisheries is accepting regulatory proposals for Cook Inlet and Kodiak up until April 10, 2016 but not for the Yukon-Kuskokwim region.

Priority Fishery Information Needs: Mr. Don Rivard, USFWS; reviewed recommendations for Fisheries Resource Monitoring Program made by the Council in previous years. The first priority of the Council was reliable estimates of Chinook, Chum, Sockeye and Coho Salmon escapement. The second was including quality of escapement measures, for example determining potential egg deposition or the sex and size composition of adults. The third priority information need is an estimate of the size and growth of the sport fishery over the next 30 years, including the impacts of the sport fishery on cultural values and social systems. Other information needs included additional knowledge of the life history and harvest patterns of whitefish, burbot population assessments of lakes and rivers known to support subsistence fisheries, an evaluation of drift netting for salmon at Cape Vancouver and the significance of sharing to the social, cultural and economy of rural residents. The Council agreed that the draft 2018 priority information needs will be same as previous years and available for final approval at fall 2016 meeting.

2015 Annual Report:

The Council amended the 2015 draft Annual Report by amending the language in the second issue and adding a request for assistance in addressing halibut and salmon bycatch.

Issue 1: Dip Nets

The use of a dip net on the Yukon and Kuskokwim Rivers is not a traditional subsistence gear type and does not allow users to meet subsistence needs. Subsistence users should be able to use any of the usual harvest methods for subsistence harvest. The Council recommends that the Board provide that dip nets should not be the only gear type allowed during open subsistence fisheries on the Yukon and Kuskokwim Rivers.

Issue 2: Accountability for In-season Managers

The Council is concerned that the U.S. Fish and Wildlife in-season managers are not being held accountable for ensuring that there are adequate fish and wildlife available to harvest for subsistence uses. Subsistence has the highest priority use but there are several examples of recent poli-

cies and actions that are being implemented that are detrimental to providing for the continuation of subsistence uses. For example, the proposed rule for managing hunting on refuge lands is accommodating the priority use according to non-governmental organization from outside Alaska that wish to impose their beliefs on subsistence management in this state. The Council recommends the Board be vigilant in providing guidance to other Federal Agencies regarding their obligations under ANILCA to provide for the continuation of subsistence uses.

Issue 3: Communication Challenges

There must be two way communication and education between local residents and agency staff regarding what constitutes a “traditional way of life”. This concept is not easily explained or understood. The Council requests the Board provide direction and staff training in methods to incorporate this concept into management plans and policies of all Federal land management Agencies.

Issue 4: Salmon and Halibut Bycatch

Commercial trawl fisheries operating in the waters within and adjacent to waters under jurisdiction of this program harvest large numbers of salmon and halibut that could subsequently be used for subsistence. The Council has a long history of requesting these removals be reduced to the greatest extent possible. The Council recommends the Board investigate opportunities for the Council to have a more direct role in working with the North Pacific Fisheries Management Council to inform that body of our concerns.

Motion supported (12-0) to adopt the 2015 Annual Report as amended.

Board non-rural policy timeline: Ms. Kenner and Mr. Larson provided an updated timeline and summary regarding the process used by the Board to implement the new non-rural determination rule. The Board will work on this issue during the summer and the Council will likely have a draft policy to review during the fall meeting.

Letter from the Joint Council meeting: Mr. Larson distributed copies, and read into the record, a draft joint council letter of appreciation to the Board. The letter stated that the Councils found value in sharing information between councils and provided a list of concerns that were shared by all the councils.

Motion supported (12-0) to adopt the joint council letter with the understanding that there may be slight editorial changes made for clarity but not in the content.

Agency Reports:

USFWS National Wildlife Refuges: Mr. Ray Born, Deputy Refuge Manager at the Yukon Delta National Wildlife Refuge informed the Council that the Refuge was in the process of reviewing the current muskox and reindeer management plan in cooperation with the ADF&G and the residents of Mekoryuk. The Kuskokwim River Chinook Salmon forecast is expected to be similar to last year and a similar management protocol is planned. There is a new publication that is available from the National Marine Fisheries Service that reviews salmon bycatch in the pollock fishery.

Yukon River Fisheries: Gerald Maschmann USFWS assistant Federal in-season manager for the Yukon River, provided a preview of the 2016 season fishery for the Yukon River and invited the Council to attend the Yukon River and Kuskokwim River fisheries breakout sessions that are scheduled for the next day. The total return forecasts for both rivers are expected to be similar to last year which will result in a similar fisheries management plan.

Final Comments:

- The joint meeting and training sessions have been outstanding
- It is important for all the councils to get together for a common understanding of the issues
- The Council should send a representative to the State Board of Game and Fisheries meetings
- Regulations adopted by the State are important to subsistence users
- Everyone, including youth and elders need to work together
- Council meetings are informative and it is important that everyone attends
- Council members need to share what they learn with residents of their community
- Bycatch in the trawl fisheries is a continuing concern
- Dual management is an important problem

Future Meeting Dates

The Council confirmed and approved the fall 2016 meeting for October 12-13, 2016 in Bethel. The Council selected February 15-16, 2017 in Bethel as the preferred winter meeting date.

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

|s| *Robert Larson*

April 8, 2016

Robert Larson, DFO, USFS Subsistence Management Program

|s| *Lester Wilde*

April 8, 2016

Lester Wilde, Chair, Yukon-Kuskokwim Delta Subsistence Regional Advisory Council

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

POLICY ON NONRURAL DETERMINATIONS

FEDERAL SUBSISTENCE BOARD

Adopted _____, 2017

PURPOSE

This policy clarifies the internal management of the Federal Subsistence Board (Board) and provides transparency to the public regarding the process of making or changing nonrural determinations of areas or communities for the purpose of identifying rural residents who may harvest fish and wildlife for subsistence uses on Federal public lands in Alaska. This policy is intended to clarify existing practices under the current statute and regulations. It does not create any right or benefit, substantive or procedural, enforceable at law or in equity, against the United States, its agencies, officers, or employees, or any other person.

INTRODUCTION

Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) declares that, “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 situation in Alaska is unique in that, in most cases, no practical alternative means are available to replace the food supplies and other items gathered from fish and wildlife which supply rural residents dependent on subsistence uses” (ANILCA Section 801). Rural status provides the foundation for the subsistence priority on Federal public lands to help ensure the continuation of the subsistence way of life in Alaska. Prior to 2015, implementation of this section and making rural determinations was based on criteria set forth in Subpart B of the Federal subsistence regulations.

In October 2009, the Secretary of the Interior, with the concurrence of the Secretary of Agriculture, directed the Board to review the process of rural determinations. On December 31, 2012, the Board initiated a public review of the rural determination process. That public process lasted nearly a year, producing 278 comments from individuals, 137 comments from members of Regional Advisory Councils, 37 comments from Alaska Native entities, and 25 comments from other entities (e.g., city and borough governments). Additionally, the Board engaged in government-to-government consultation with tribes and consultation with Alaska Native Claims Settlement Act (ANCSA) corporations. In general, the comments received indicated a broad dissatisfaction with the rural determination process. Among other comments, respondents indicated the aggregation criteria were perceived as arbitrary, the population thresholds were seen as inadequate to capture the reality of rural Alaska, and the decennial review was widely viewed to be unnecessary.

Based on this information, the Board held a public meeting on April 17, 2014 and decided to recommend a simplification of the process to the Secretaries of the Interior and Agriculture (Secretaries) to address rural status in the Federal Subsistence Management Program. The Board's recommended simplified process would eliminate the criteria from regulation and allow the Board to determine which areas or communities are nonrural in Alaska. All other communities or areas would, therefore, be considered "rural" in relation to the Federal subsistence priority in Alaska.

The Secretaries accepted the Board recommendation and published a Final Rule on November 4, 2015, revising the regulations governing the rural determination process for the Federal Subsistence Management Program in Alaska. The Secretaries removed specific rural determination guidelines and criteria, including requirements regarding population data, the aggregation of communities, and a decennial review. The Board will now make nonrural determinations using a comprehensive approach that may consider such factors as population size and density, economic indicators, military presence, industrial facilities, use of fish and wildlife, degree of remoteness and isolation, and any other relevant material including information provided by the public.

By using a comprehensive approach and not relying on set guidelines and criteria, this new process will enable the Board to be more flexible in making decisions that take into account regional differences found throughout the State. This will also allow for greater input from the Councils, Federally recognized Tribes of Alaska, Alaska Native Corporations, and the public in making nonrural determinations by incorporating the nonrural determination process into the subsistence regulatory schedule which has established comment periods and will allow for multiple opportunities for input. Simultaneously with the Final Rule, the Board published a Direct Final Rule (80 FR 68245; Nov. 4, 2015) (**Appendix B**) establishing the list of nonrural communities, those communities not subject to the Federal subsistence priority on Federal public lands, based on the list of rural communities that predated the 2007 Final Rule (72 FR 25688; May 7, 2007).

As of November 4, 2015, the Board determined all communities and areas in Alaska to be rural in accordance with 36 CFR 242.15 and 50 CFR 100.15 except for the following: Fairbanks North Star Borough; Homer area – including Homer, Anchor Point, Kachemak City, and Fritz Creek; Juneau area – including Juneau, West Juneau, and Douglas; Kenai area – including Kenai, Soldotna, Sterling, Nikiski, Salamatof, Kalifornsky, Kasilof, and Clam Gulch; Ketchikan area – including Ketchikan City, Clover Pass, North Tongass Highway, Ketchikan East, Mountain Point, Herring Cove, Saxman East, Pennock Island, and parts of Gravina Island; Municipality of Anchorage; Seward area – including Seward and Moose Pass; Valdez; and Wasilla/Palmer area – including Wasilla, Palmer, Sutton, Big Lake, Houston, and Bodenbergs Butte (36 CFR 242.23 and 50 CFR 100.23).

BOARD AUTHORITIES

- ANILCA 16 U.S.C. 3101, 3126.
- Administrative Procedures Act (APA), 5 U.S.C. 551-559
- 36 CFR 242.15; 50 CFR 100.15
- 36 CFR 242.18(a); 50 CFR 100.18(a)
- 36 CFR 242.23; 50 CFR 100.23

POLICY

The Board will only address changes to the nonrural status of communities or areas when requested in a proposal. Any individual, organization, or community may submit a proposal to designate a community or area as nonrural. Additionally, any individual, organization, or community may request to change an existing nonrural determination by submitting a proposal to the Board to change the status of a community or area back to rural. This policy will outline what will be required of the proponent in the submission of a proposal, the administrative process to address a proposal, a general schedule or timeline, and the public process involved in acting on such proposals.

Process

Making a Nonrural Determination

For proposals seeking a nonrural determination for a community or area, it is the proponent's responsibility to provide the Board with substantive narrative evidence to support their rationale of why the proposed nonrural determination should be considered.

Submitting a Proposal

To file a request, you must submit a written proposal in accordance with the guidance provided in the Federal Register with a call for proposals to revise subsistence taking of fish and shellfish regulations and nonrural determinations. In addition to the threshold requirements set forth below, all proposals must contain the following baseline information:

- Full name and mailing address.
- A statement describing the proposed nonrural determination action requested.
- A detailed description of the community or area to be considered nonrural, including any current boundaries, borders, or distinguishing landmarks, so as to identify what Alaska residents would be affected by the change in rural status;
- Rationale (law, policy, factors, or guidance) for the Board to consider in determining the nonrural status of a community or area;
- A detailed statement of the facts that illustrate that the community or area is nonrural using the rationale stated above; and
- Any additional information supporting the proposed change.

Threshold Requirements

The Board will accept a proposal to designate a community or area as nonrural only if the Board determines that the proposal meets the following threshold requirements:

- Based upon information not previously considered by the Board;
- Provides substantive rationale for determining the nonrural status of a community or area that takes into consideration the unique qualities of the region; and
- Provides substantive information that supports the provided rationale that a community or area is nonrural instead of rural.

Upon receipt of a proposal to designate a community or area as nonrural, the Board shall determine whether the proposal satisfied the threshold requirements outlined above. If the proposal does not, the proponent will be notified in writing. If the proposal does, it will be considered in accordance with the timeline set forth below.

Rescinding a Nonrural Determination

For proposals seeking to have the Board rescind a nonrural determination, a proposal will be accepted if it is:

- Based upon information not previously considered by the Board; or
- Demonstrates that the information used and interpreted by the Board in designating the community as nonrural has changed since the original determination was made.

Proposals seeking to have the Board rescind a nonrural determination must also include the baseline information and meet the threshold requirements outlined above for nonrural proposals.

Limitation on Submission of Proposals to Change from Rural to Nonrural

The Board is aware of the burden placed on rural communities and areas in defending their rural status. If, under this new process, a community's status is maintained as rural after a proposal to change its status to nonrural is either rejected for (i) failure to comply with these guidelines or (ii) is rejected after careful consideration by the Board, no proposals to change that community's or area's status as nonrural shall be accepted until there has been a demonstrated change in that community's rural identity.

Whether or not there has been a "demonstrated change" to the rural identity of an area or community is the burden of the proponent to show by a preponderance of the evidence.

Process Schedule

As authorized in 36 CFR 242.18(a) and 50 CFR 100.18(a), "The Board may establish a rotating schedule for accepting proposals on various sections of subpart C or D regulations over a period of years." To ensure meaningful input from the Councils and allow opportunities for public comment, the Board will only accept nonrural

determination proposals every other year in conjunction with the call for proposals to revise subsistence taking of fish and shellfish regulations and nonrural determinations. If accepted, the proposal will be deliberated during the regulatory Board meeting in the next Fisheries Regulatory cycle. This schedule thus creates a three- year period for proposal review, analysis, Regional Advisory Council input, tribal and ANCSA corporation consultation, public comment, and Board deliberation and decision.

Decision Making

When acting upon proposals to change the nonrural status of a community or area, the Board will:

- Proceed on a case-by-case basis to address each proposal regarding nonrural determinations.
- Base its determination or changes to a determination on information of a reasonable and defensible nature contained within the administrative record.
- Make nonrural determinations based on a comprehensive application of considerations presented in the proposal that have been verified by the Board as accurate.
- Consider recommendations of the appropriate Subsistence Regional Advisory Council.
- Consider comments from the public, including the State of Alaska.
- Engage in government-to-government consultation with affected tribes or consultation with affected ANCSA corporations.
- Implement a final decision on a nonrural determination after compliance with the APA, if the determination is supported and valid.

As part of its decision-making process, the Board may compare information from other, similarly-situated communities or areas if limited information exists for a certain community or area. The Board also has discretion to clarify the geographical extent of the area relevant to the nonrural determination. The Board will look to the Regional Advisory Councils for confirmation that any relevant information brought forth during the nonrural determination process accurately describes the unique characteristics of the affected region. However, deference to the Councils does not apply.

General Process Timeline

Outlined in Table 1 and Table 2

Table 1. General Process Timeline

<p>1. January to March (Even Year) – A proposed rule is published in the Federal Register with the call for proposals to revise subsistence taking of fish and shellfish regulations and nonrural determinations.</p>
<p>2. April to July (Even Year) – Proposals for nonrural determinations are validated by staff. If the proposal is not valid, the proponent will be notified in writing.</p>
<p>3. August to November (Even Year) –Affected Regional Advisory Council(s) reviews the validated proposals and provides their initial recommendations, which should include relevant regional characteristics, at their fall meeting on the record.</p>
<p>4. November to December (Even Year) – Staff will organize Nonrural Determination proposal presentations.</p>
<p>5. January (Odd Year) – At the Board’s Fishery Regulatory meeting, Board will determine if the threshold requirements have been met. If the proposal does not meet the threshold requirements, the proponent will be notified in writing. If the proposal does, it will be considered in accordance with the timeline set forth here.</p>
<p>6. February (Odd Year) to July (Even Year) (18 months) – For proposals that have been determined by the Board to meet the Threshold Requirements, the Board will conduct public hearings in the communities that will be affected by the validated proposals. During this time period, independent of the fall Council meetings, Tribes/ANCSA Corporations may also request formal consultation on the nonrural determination proposals. Following the Council meeting cycle, public hearings, and tribal/ANCSA consultations, staff will prepare a written analysis for each nonrural determination proposal following established guidelines.</p>
<p>7. August to November (Even Year) –The Council(s) will provide recommendations on the draft Nonrural Determination Analyses.</p>
<p>8. November 2018 to December (Even Year) – Staff incorporates Council recommendations and comments into the draft Nonrural Determination Analyses for the Board.</p>
<p>9. January (Odd Year) – At the Board’s Fisheries Regulatory meeting, Staff present the Nonrural Determination Analyses to the Board. The Board makes a final decision on the Nonrural Determination proposals.</p>

Wildlife & FRMP Cycle	Fishery Cycle	Dates	FSB or Activity	Proposed Nonrural Determination Cycle				
		Council Cycle		Even Years				
Wildlife & FRMP Review Cycle	Fishery Review Cycle	January	FSB FRMP Work Session	1	Nonrural Proposed Rule Jan 2016			
		February	Fishery Proposed Rule Jan- Mar					
		March						
		April	FSB Meeting	2	Proposal Validation			
		July						
		August	Fishery Proposal Review	3	Nonrural Proposal Review by Councils			
		September						
		October						
	November							
	December			Finalize Proposal Presentations for the Board				
	January	FSB Meeting	5	Odd Years - Board determines which proposals meet the Threshold requirements				
	Fishery Review Cycle	Wildlife Review Cycle	February	Wildlife Proposed Rule Jan - Mar	6	Odd to Even Years (18 months) - Public Hearings, tribal/ANCSA Corporation Consultation, and Writing of Nonrural Determination Analyses for proposals that meet the threshold requirements as determined by the Board		
			March					
			April					
			July					
		August	Wildlife Proposal & FRMP Project Review					
		September						
		October						
November								
December								
January	FSB FRMP Work Session							
February	Fishery Proposed Rule Jan- Mar							
March								
April	FSB Meeting							
July								
Fishery Review Cycle	Fishery Review Cycle	August	Fishery Proposal Review	7	Even Years Analysis Review	3	Proposal review by Councils	
		September						
		October						
		November						
	December		8	Finalize Nonrural Determination Analyses	4	Finalize Threshold Reports		
January	FSB Meeting	9	Odd Years – Final Board Decision	5	Odd Years – See 5 above			

Table 2. General Process Timeline Comparison with other Cycles

Appendix A – Final Rule – Rural Determination Process

DEPARTMENT OF AGRICULTURE**Forest Service****36 CFR Part 242****DEPARTMENT OF THE INTERIOR****Fish and Wildlife Service****50 CFR Part 100**

[Docket No. FWS-R7-SM-2014-0063;
FXRS1261070000-156-FF07J00000;
FBMS# 4500086287]

RIN 1018-BA62

**Subsistence Management Regulations
for Public Lands in Alaska; Rural
Determination Process**

AGENCIES: Forest Service, Agriculture;
Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Secretaries of Agriculture and the Interior are revising the regulations governing the rural determination process for the Federal Subsistence Management Program in Alaska. The Secretaries have removed specific guidelines, including requirements regarding population data, the aggregation of communities, and a decennial review. This change will allow the Federal Subsistence Board (Board) to define which communities or areas of Alaska are nonrural (all other communities and areas would, therefore, be rural). This new process will enable the Board to be more flexible in making decisions and to take into account regional differences found throughout the State. The new process will also allow for greater input from the Subsistence Regional Advisory Councils (Councils), Federally recognized Tribes of Alaska, Alaska Native Corporations, and the public.

DATES: This rule is effective November 4, 2015.

ADDRESSES: This rule and public comments received on the proposed rule may be found on the Internet at www.regulations.gov at Docket No. FWS-R7-SM-2014-0063. Board meeting transcripts are available for review at the Office of Subsistence Management, 1011 East Tudor Road, Mail Stop 121, Anchorage, AK 99503, or on the Office of Subsistence Management Web site (<https://www.doi.gov/subsistence>).

FOR FURTHER INFORMATION CONTACT: Chair, Federal Subsistence Board, c/o U.S. Fish and Wildlife Service, Attention: Eugene R. Peltola, Jr., Office of Subsistence Management; (907) 786-3888 or subsistence@fws.gov. For

questions specific to National Forest System lands, contact Thomas Whitford, Regional Subsistence Program Leader, USDA, Forest Service, Alaska Region; (907) 743-9461 or twhitford@fs.fed.us.

SUPPLEMENTARY INFORMATION:**Background**

Under Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) (16 U.S.C. 3111-3126), the Secretary of the Interior and the Secretary of Agriculture (Secretaries) jointly implement the Federal Subsistence Management Program. This program provides a preference for take of fish and wildlife resources for subsistence uses on Federal public lands and waters in Alaska. The Secretaries published temporary regulations to carry out this program in the **Federal Register** on June 29, 1990 (55 FR 27114), and published final regulations in the **Federal Register** on May 29, 1992 (57 FR 22940). The program regulations have subsequently been amended a number of times. Because this program is a joint effort between Interior and Agriculture, these regulations are located in two titles of the Code of Federal Regulations (CFR): Title 36, "Parks, Forests, and Public Property," and Title 50, "Wildlife and Fisheries," at 36 CFR 242.1-242.28 and 50 CFR 100.1-100.28, respectively. The regulations contain subparts as follows: Subpart A, General Provisions; Subpart B, Program Structure; Subpart C, Board Determinations; and Subpart D, Subsistence Taking of Fish and Wildlife.

Consistent with Subpart B of these regulations, the Secretaries established a Federal Subsistence Board to administer the Federal Subsistence Management Program. The Board comprises:

- A Chair appointed by the Secretary of the Interior with concurrence of the Secretary of Agriculture;
- The Alaska Regional Director, U.S. Fish and Wildlife Service;
- The Alaska Regional Director, U.S. National Park Service;
- The Alaska State Director, U.S. Bureau of Land Management;
- The Alaska Regional Director, U.S. Bureau of Indian Affairs;
- The Alaska Regional Forester, U.S. Forest Service; and
- Two public members appointed by the Secretary of the Interior with concurrence of the Secretary of Agriculture.

Through the Board, these agencies and members participate in the development of regulations for subparts C and D, which, among other things, set forth program eligibility and specific harvest seasons and limits.

In administering the program, the Secretaries divided Alaska into 10 subsistence resource regions, each of which is represented by a Regional Advisory Council. The Councils provide a forum for rural residents with personal knowledge of local conditions and resource requirements to have a meaningful role in the subsistence management of fish and wildlife on Federal public lands in Alaska. The Council members represent varied geographical, cultural, and user interests within each region.

Prior Rulemaking

On November 23, 1990 (55 FR 48877), the Board published a notice in the **Federal Register** explaining the proposed Federal process for making rural determinations, the criteria to be used, and the application of those criteria in preliminary determinations. On December 17, 1990, the Board adopted final rural and nonrural determinations, which were published on January 3, 1991 (56 FR 236). Final programmatic regulations were published on May 29, 1992, with only slight variations in the rural determination process (57 FR 22940). As a result of this rulemaking, Federal subsistence regulations at 36 CFR 242.15 and 50 CFR 100.15 require that the rural or nonrural status of communities or areas be reviewed every 10 years, beginning with the availability of the 2000 census data.

Because some data from the 2000 census was not compiled and available until 2005, the Board published a proposed rule in 2006 to revise the list of nonrural areas recognized by the Board (71 FR 46416, August 14, 2006). The final rule published in the **Federal Register** on May 7, 2007 (72 FR 25688).

Secretarial Review

On October 23, 2009, Secretary of the Interior Salazar announced the initiation of a Departmental review of the Federal Subsistence Management Program in Alaska; Secretary of Agriculture Vilsack later concurred with this course of action. The review focused on how the Program is meeting the purposes and subsistence provisions of Title VIII of ANILCA, and if the Program is serving rural subsistence users as envisioned when it began in the early 1990s.

On August 31, 2010, the Secretaries announced the findings of the review, which included several proposed administrative and regulatory reviews and/or revisions to strengthen the Program and make it more responsive to those who rely on it for their subsistence uses. One proposal called

for a review, with Council input, of the rural determination process and, if needed, recommendations for regulatory changes.

The Board met on January 20, 2012, to consider the Secretarial directive and the Councils' recommendations and review all public, Tribal, and Alaska Native Corporation comments on the initial review of the rural determination process. After discussion and deliberation, the Board voted unanimously to initiate a review of the rural determination process and the 2010 decennial review. Consequently, the Board found that it was in the public's best interest to extend the compliance date of its 2007 final rule (72 FR 25688; May 7, 2007) on rural determinations until after the review of the rural determination process and the decennial review were completed or in 5 years, whichever comes first. The Board published a final rule on March 1, 2012 (77 FR 12477), extending the compliance date.

The Board followed this action with a request for comments and announcement of public meetings (77 FR 77005; December 31, 2012) to receive public, Tribal, and Alaska Native Corporations input on the rural determination process.

Due to a lapse in appropriations on October 1, 2013, and the subsequent closure of the Federal Government, some of the preannounced public meetings and Tribal consultations to receive comments on the rural determination process during the closure were cancelled. The Board decided to extend the comment period to allow for the complete participation from the Councils, public, Tribes, and Corporations to address this issue (78 FR 66885; November 7, 2013).

The Councils were briefed on the Board's **Federal Register** documents during their winter 2013 meetings. At their fall 2013 meetings, the Councils provided a public forum to hear from residents of their regions, deliberate on the rural determination process, and provide recommendations for changes to the Board.

The Secretaries, through the Board, also held hearings in Barrow, Ketchikan, Sitka, Kodiak, Bethel, Anchorage, Fairbanks, Kotzebue, Nome, and Dillingham to solicit comments on the rural determination process. Public testimony was recorded during these hearings. Government-to-government tribal consultations on the rural determination process were held between members of the Board and Federally recognized Tribes of Alaska. Additional consultations were held

between members of the Board and Alaska Native Corporations.

Altogether, the Board received 475 substantive comments from various sources, including individuals, members of the Councils, and other entities or organizations, such as Alaska Native Corporations and borough governments. In general, this information indicated a broad dissatisfaction with the current rural determination process. The aggregation criteria were perceived as arbitrary. The current population thresholds were seen as inadequate to capture the reality of rural Alaska. Additionally, the decennial review was widely viewed to be unnecessary.

Based on this information, the Board at their public meeting held on April 17, 2014, elected to recommend a simplification of the process by determining which areas or communities are nonrural in Alaska; all other communities or areas would, therefore, be rural. The Board would make nonrural determinations using a comprehensive approach that considers population size and density, economic indicators, military presence, industrial facilities, use of fish and wildlife, degree of remoteness and isolation, and any other relevant material, including information provided by the public. The Board would rely heavily on the recommendations of the Subsistence Regional Advisory Councils.

In summary, based on Council and public comments, Tribal and Alaska Native Corporation consultations, and briefing materials from the Office of Subsistence Management, the Board developed a proposal that simplifies the process of rural determinations and submitted its recommendation to the Secretaries on August 15, 2014.

On November 24, 2014, the Secretaries requested that the Board initiate rulemaking to pursue the regulatory changes recommended by the Board. The Secretaries also requested that the Board obtain Council recommendations and public input, and conduct Tribal and Alaska Native Corporation consultation on the proposed changes. If adopted through the rulemaking process, the current regulations would be revised to remove specific guidelines, including requirements regarding population data, the aggregation of communities, and the decennial review, for making rural determinations.

Public Review and Comment

The Departments published a proposed rule on January 28, 2015 (80 FR 4521), to revise the regulations governing the rural determination

process in subpart B of 36 CFR part 242 and 50 CFR part 100. The proposed rule opened a public comment period, which closed on April 1, 2015. The Departments advertised the proposed rule by mail, radio, newspaper, and social media; comments were submitted via *www.regulations.gov* to Docket No. FWS-R7-SM-2014-0063. During that period, the Councils received public comments on the proposed rule and formulated recommendations to the Board for their respective regions. In addition, 10 separate public meetings were held throughout the State to receive public comments, and several government-to-government consultations addressed the proposed rule. The Councils had a substantial role in reviewing the proposed rule and making recommendations for the final rule. Moreover, a Council Chair, or a designated representative, presented each Council's recommendations at the Board's public work session of July, 28, 2015.

The 10 Councils provided the following comments and recommendations to the Board on the proposed rule:

Northwest Arctic Subsistence Regional Advisory Council—unanimously supported the proposed rule.

Seward Peninsula Subsistence Regional Advisory Council—unanimously supported the proposed rule.

Yukon-Kuskokwim Delta Subsistence Regional Advisory Council—unanimously supported the proposed rule.

Western Interior Alaska Regional Advisory Council—supported the proposed rule.

North Slope Subsistence Regional Advisory Council—unanimously supported the proposed rule as written.

The Council stated the proposed rule will improve the process and fully supported an expanded role and inclusion of recommendations of the Councils when the Board makes nonrural determinations. The Council wants to be closely involved with the Board when the Board sets policies and criteria for how it makes nonrural determinations under the proposed rule if the rule is approved, and the Council passed a motion to write a letter requesting that the Board involve and consult with the Councils when developing criteria to make nonrural determinations, especially in subject matter that pertains to their specific rural characteristics and personality.

Bristol Bay Subsistence Regional Advisory Council—supported switching the focus of the process from rural to

nonrural determinations. They indicated there should be criteria for establishing what is nonrural to make determinations defensible and justifiable, including determinations of the carrying capacity of the area for sustainable harvest, and governmental entities should not determine what is spiritually and culturally important for a community. They supported eliminating the mandatory decennial; however, they requested a minimum time limit between requests (at least 3 years). They discussed deference and supported the idea but felt it did not go far enough.

Southcentral Alaska Subsistence Regional Advisory Council—supported the proposed rule with modification. They recommended deference be given to the Councils on the nonrural determinations.

Southeast Alaska Subsistence Regional Advisory Council—supported the proposed rule with modification. The Council recommended a modification to the language of the proposed rule: “The Board determines, after considering the report and recommendations of the applicable regional advisory council, which areas or communities in Alaska are non-rural” The Council stated that this modification is necessary to prevent the Board from adopting proposals contrary to the recommendation(s) of a Council and that this change would increase transparency and prevent rural communities from being subject to the whims of proponents.

Kodiak/Aleutians Subsistence Regional Advisory Council—is generally appreciative that the Board has recommended changes to the rural determination process and supported elimination of the decennial review. The Council recommended that the Board implement definitive guidelines for how the Board will make nonrural determinations to avoid subjective interpretations and determinations; that the language of the proposed rule be modified to require the Board to defer to the Councils and to base its justification for not giving deference on defined criteria to avoid ambiguous decisions; that the Board provide program staff with succinct direction for conducting analyses on any proposals to change a community’s status from rural to nonrural; and that the Board develop written policies and guidelines for making nonrural determinations even if there is a lack of criteria in the regulations. The Council is concerned that proposals to change rural status in the region will be frequently submitted from people or entities from outside the region; the Council is opposed to

proposals of this nature from outside its region and recommends that the Board develop guidelines and restrictions for the proposal process that the Board uses to reassess nonrural status.

Eastern Interior Alaska Subsistence Regional Advisory Council—opposed the proposed rule due to the lack of any guiding criteria to determine what is rural or nonrural. They stated the lack of criteria could serve to weaken the rural determination process. They supported greater involvement of the Councils in the Board’s process to make rural/nonrural determinations. This Council was concerned about changes including increasing developments, access pressure on rural subsistence communities and resources, and social conflicts in the Eastern Interior region.

A total of 90 substantive comments were submitted from public meetings, letters, deliberations of the Councils, and those submitted via www.regulations.gov.

- 54 supported the proposed rule;
 - 16 neither supported nor opposed the proposed rule;
 - 7 supported the proposed rule with modifications;
 - 7 neither supported nor opposed the proposed rule and suggested modifications; and
 - 6 opposed the proposed rule.
- Major comments from all sources are addressed below:

Comment: The Board should provide, in regulatory language, objective criteria, methods, or guidelines for making nonrural determinations.

Response: During the request for public comment (77 FR 77005; December 31, 2012), the overwhelming response from the public was dissatisfaction with the list of regulatory guidelines used to make rural determinations. The Board, at their April 17, 2014, public meeting, stated that if the Secretaries approved the recommended simplification of the rural determination process, the Board would make nonrural determinations using a comprehensive approach that considers, but is not limited to, population size and density, economic indicators, military presence, industrial facilities, use of fish and wildlife, degree of remoteness and isolation, and any other relevant material, including information provided by the public. The Board also indicated that they would rely heavily on the recommendations of the Subsistence Regional Advisory Councils. The Board, at their July 28, 2015, public work session, directed that a subcommittee be established to draft options (policy or rulemaking) to address future rural determinations. The subcommittee options, once reviewed

by the Board at their January 12, 2016, public meeting will be presented to the Councils for their review and recommendations.

Comment: The Board should give deference to the Regional Advisory Councils on nonrural determinations and place this provision in regulatory language.

Response: The Board expressed during its April 2014 and July 2015 meetings that it intends to rely heavily on the recommendations of the Councils and that Council input will be critical in addressing regional differences in the rural determination process. Because the Board has confirmed that Councils will have a meaningful and important role in the process, a change to the regulatory language is neither warranted nor necessary at the present time.

Comment: Establish a timeframe for how often proposed changes may be submitted.

Response: During previous public comment periods, the decennial review was widely viewed to be unnecessary, and the majority of comments expressed the opinion that there should not be a set timeframe used in this process. The Board has been supportive of eliminating a set timeframe to conduct nonrural determinations. However, this issue may be readdressed in the future if a majority of the Councils support the need to reestablish a nonrural review period.

Comment: Redefine “rural” to allow nonrural residents originally from rural areas to come home and participate in subsistence activities.

Response: ANILCA and its enacting regulations clearly state that you must be an Alaska resident of a rural area or community to take fish or wildlife on public lands. Any change to that definition is beyond the scope of this rulemaking.

Comment: Develop a policy for making nonrural determinations, including guidance on how to analyze proposed changes.

Response: The Board, at their July 28, 2015, public work session, directed that a subcommittee be established to draft options (policy or rulemaking) to address future rural determinations that, once completed, will be presented to the Councils for their review and recommendations.

Comment: Allow rural residents to harvest outside of the areas or communities of residence.

Response: All rural Alaskans may harvest fish and wildlife on public lands unless there is a customary and traditional use determination that identifies the specific community’s or area’s use of particular fish stocks or

wildlife populations or if there is a closure.

Rule Promulgation Process and Related Rulemaking

These final regulations reflect Secretarial review and consideration of Board and Council recommendations, Tribal and Alaska Native Corporations government-to-government tribal consultations, and public comments. The public received extensive opportunity to review and comment on all changes.

Because this rule concerns public lands managed by an agency or agencies in both the Departments of Agriculture and the Interior, identical text will be incorporated into 36 CFR part 242 and 50 CFR part 100.

Elsewhere in today's **Federal Register** is a direct final rule by which the Board is revising the list of rural determinations in subpart C of 36 CFR part 242 and 50 CFR part 100. See "Subsistence Management Regulations for Public Lands in Alaska; Rural Determinations, Nonrural List" in Rules and Regulations.

Conformance With Statutory and Regulatory Authorities

Administrative Procedure Act Compliance

The Board has provided extensive opportunity for public input and involvement in compliance with Administrative Procedure Act requirements, including publishing a proposed rule in the **Federal Register**, participation in multiple Council meetings, and opportunity for additional public comment during the Board meeting prior to deliberation. Additionally, an administrative mechanism exists (and has been used by the public) to request reconsideration of the Secretaries' decision on any particular proposal for regulatory change (36 CFR 242.18(b) and 50 CFR 100.18(b)). Therefore, the Secretaries believe that sufficient public notice and opportunity for involvement have been given to affected persons regarding this decision. In addition, because the direct final rule that is mentioned above and is related to this final rule relieves restrictions for many Alaskans by allowing them to participate in the subsistence program activities, we believe that we have good cause, as required by 5 U.S.C. 553(d), to make this rule effective upon publication.

National Environmental Policy Act Compliance

A Draft Environmental Impact Statement that described four

alternatives for developing a Federal Subsistence Management Program was distributed for public comment on October 7, 1991. The Final Environmental Impact Statement (FEIS) was published on February 28, 1992. The Record of Decision (ROD) on Subsistence Management for Federal Public Lands in Alaska was signed April 6, 1992. The selected alternative in the FEIS (Alternative IV) defined the administrative framework of an annual regulatory cycle for subsistence regulations.

A 1997 environmental assessment dealt with the expansion of Federal jurisdiction over fisheries. The Secretary of the Interior, with concurrence of the Secretary of Agriculture, determined that expansion of Federal jurisdiction does not constitute a major Federal action significantly affecting the human environment and, therefore, signed a Finding of No Significant Impact.

Section 810 of ANILCA

An ANILCA section 810 analysis was completed as part of the FEIS process on the Federal Subsistence Management Program. The intent of all Federal subsistence regulations is to accord subsistence uses of fish and wildlife on public lands a priority over the taking of fish and wildlife on such lands for other purposes, unless restriction is necessary to conserve healthy fish and wildlife populations. The final section 810 analysis determination appeared in the April 6, 1992, ROD and concluded that the Program, under Alternative IV with an annual process for setting subsistence regulations, may have some local impacts on subsistence uses, but will not likely restrict subsistence uses significantly.

Paperwork Reduction Act

An agency may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. This rule does not contain any new collections of information that require OMB approval. OMB has reviewed and approved the collections of information associated with the subsistence regulations at 36 CFR part 242 and 50 CFR part 100, and assigned OMB Control Number 1018-0075, which expires February 29, 2016.

Regulatory Planning and Review (Executive Orders 12866 and 13563)

Executive Order 12866 provides that the Office of Information and Regulatory Affairs (OIRA) in the Office of Management and Budget will review all

significant rules. OIRA has determined that this rule is not significant.

Executive Order 13563 reaffirms the principles of E.O. 12866 while calling for improvements in the nation's regulatory system to promote predictability, to reduce uncertainty, and to use the best, most innovative, and least burdensome tools for achieving regulatory ends. The executive order directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public where these approaches are relevant, feasible, and consistent with regulatory objectives. E.O. 13563 emphasizes further that regulations must be based on the best available science and that the rulemaking process must allow for public participation and an open exchange of ideas. We have developed this rule in a manner consistent with these requirements.

Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*) requires preparation of flexibility analyses for rules that will have a significant effect on a substantial number of small entities, which include small businesses, organizations, or governmental jurisdictions. In general, the resources to be harvested under this rule are already being harvested and consumed by the local harvester and do not result in an additional dollar benefit to the economy. However, we estimate that two million pounds of meat are harvested by subsistence users annually and, if given an estimated dollar value of \$3.00 per pound, this amount would equate to about \$6 million in food value Statewide. Based upon the amounts and values cited above, the Departments certify that this rulemaking will not have a significant economic effect on a substantial number of small entities within the meaning of the Regulatory Flexibility Act.

Small Business Regulatory Enforcement Fairness Act

Under the Small Business Regulatory Enforcement Fairness Act (5 U.S.C. 801 *et seq.*), this rule is not a major rule. It does not have an effect on the economy of \$100 million or more, will not cause a major increase in costs or prices for consumers, and does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises.

Executive Order 12630

Title VIII of ANILCA requires the Secretaries to administer a subsistence priority on public lands. The scope of this Program is limited by definition to certain public lands. Likewise, these regulations have no potential takings of private property implications as defined by Executive Order 12630.

Unfunded Mandates Reform Act

The Secretaries have determined and certify pursuant to the Unfunded Mandates Reform Act, 2 U.S.C. 1502 *et seq.*, that this rulemaking will not impose a cost of \$100 million or more in any given year on local or State governments or private entities. The implementation of this rule is by Federal agencies, and there is no cost imposed on any State or local entities or tribal governments.

Executive Order 12988

The Secretaries have determined that these regulations meet the applicable standards provided in sections 3(a) and 3(b)(2) of Executive Order 12988, regarding civil justice reform.

Executive Order 13132

In accordance with Executive Order 13132, the rule does not have sufficient Federalism implications to warrant the preparation of a Federalism summary impact statement. Title VIII of ANILCA precludes the State from exercising subsistence management authority over fish and wildlife resources on Federal lands unless it meets certain requirements.

Executive Order 13175

Title VIII of ANILCA does not provide specific rights to tribes for the subsistence taking of wildlife, fish, and shellfish. However, the Secretaries, through the Board, provided Federally recognized Tribes and Alaska Native corporations opportunities to consult on this rule. Consultation with Alaska Native corporations are based on Public Law 108–199, div. H, Sec. 161, Jan. 23, 2004, 118 Stat. 452, as amended by Public Law 108–447, div. H, title V, Sec. 518, Dec. 8, 2004, 118 Stat. 3267, which provides 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 No. 13175.”

The Secretaries, through the Board, provided a variety of opportunities for consultation: Commenting on proposed changes to the existing rule; engaging in dialogue at the Council meetings; engaging in dialogue at the Board’s meetings; and providing input in

person, by mail, email, or phone at any time during the rulemaking process.

On March 23 and 24, 2015, the Board provided Federally recognized Tribes and Alaska Native Corporations a specific opportunity to consult on this rule. Federally recognized Tribes and Alaska Native Corporations were notified by mail and telephone and were given the opportunity to attend in person or via teleconference.

Executive Order 13211

This Executive Order requires agencies to prepare Statements of Energy Effects when undertaking certain actions. However, this rule is not a significant regulatory action under E.O. 13211, affecting energy supply, distribution, or use, and no Statement of Energy Effects is required.

Drafting Information

Theo Matuskowitz drafted these regulations under the guidance of Eugene R. Peltola, Jr. of the Office of Subsistence Management, Alaska Regional Office, U.S. Fish and Wildlife Service, Anchorage, Alaska. Additional assistance was provided by

- Daniel Sharp, Alaska State Office, Bureau of Land Management;
- Mary McBurney, Alaska Regional Office, National Park Service;
- Dr. Glenn Chen, Alaska Regional Office, Bureau of Indian Affairs;
- Trevor T. Fox, Alaska Regional Office, U.S. Fish and Wildlife Service; and
- Thomas Whitford, Alaska Regional Office, U.S. Forest Service.

Authority

This rule is issued under the authority of Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) (16 U.S.C. 3111–3126).

List of Subjects*36 CFR Part 242*

Administrative practice and procedure, Alaska, Fish, National forests, Public lands, Reporting and recordkeeping requirements, Wildlife.

50 CFR Part 100

Administrative practice and procedure, Alaska, Fish, National forests, Public lands, Reporting and recordkeeping requirements, Wildlife.

Regulation Promulgation

For the reasons set out in the preamble, the Secretaries amend 36 CFR part 242 and 50 CFR part 100 as set forth below.

PART II—SUBSISTENCE MANAGEMENT REGULATIONS FOR PUBLIC LANDS IN ALASKA

■ 1. The authority citation for both 36 CFR part 242 and 50 CFR part 100 continues to read as follows:

Authority: 16 U.S.C. 3, 472, 551, 668dd, 3101–3126; 18 U.S.C. 3551–3586; 43 U.S.C. 1733.

Subpart B—Program Structure

■ 2. In subpart B of 36 CFR part 242 and 50 CFR part 100, § **11.15** is revised to read as follows:

§ 11.15 Rural determination process.

(a) The Board determines which areas or communities in Alaska are nonrural. Current determinations are listed at § 11.23.

(b) All other communities and areas are, therefore, rural.

Dated: Oct. 28, 2015.

Sally Jewell,
Secretary of the Interior.

Dated: Sept. 30, 2015.

Beth G. Pendleton,
Regional Forester, USDA – Forest Service.

[FR Doc. 2015–27994 Filed 10–30–15; 8:45 am]

BILLING CODE 3410–11–4333–15–P

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Parts 52 and 81**

[EPA–R04–OAR–2014–0904; FRL–9936–55–Region 4]

Air Plan Approval and Air Quality Designation; TN; Reasonably Available Control Measures and Redesignation for the TN Portion of the Chattanooga 1997 Annual PM_{2.5} Nonattainment Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving the portion of a State Implementation Plan (SIP) revision submitted by the State of Tennessee, through the Tennessee Department of Environment and Conservation (TDEC), on October 15, 2009, that addresses reasonably available control measures (RACM), including reasonably available control technology (RACT), for the Tennessee portion of the Chattanooga, TN-GA-AL nonattainment area for the 1997 fine particulate matter (PM_{2.5}) national ambient air quality standards (NAAQS) (hereinafter referred to as the “Chattanooga TN-GA-AL Area” or

Appendix B – Direct Final Rule – Nonrural List

Need for Correction

As published, the final regulations (TD 9728) contain errors that may prove to be misleading and are in need of clarification.

Correction of Publication

Accordingly, the final regulations (TD 9728), that are subject to FR Doc. 2015-18816, are corrected as follows:

1. On page 45866, in the preamble, third column, last sentence of first full paragraph, the language “rules, including section 706(d)(2) and section 706(d)(3).” is corrected to read “rules, including section 704(c), § 1.704-3(a)(6) (reverse section 704(c)), section 706(d)(2), and section 706(d)(3).”

2. On page 45868, in the preamble, first column, fourth line from the bottom of the column, the language “interim closings of its books except at” is corrected to read “interim closing of its books except at”.

3. On page 45871, in the preamble, second column, third line from the bottom of the column, under paragraph heading “*v. Deemed Timing of Variations*,” the language “taxable year was deemed to close at the” is corrected to read “taxable year was deemed to occur at the”.

4. On page 45873, in the preamble, third column, eighth line from the bottom of the column, the language “taxable as of which the recipients of a” is corrected to read “taxable year as of which the recipients of a”.

5. On page 45874, second column, eight lines from the bottom of the column, the following sentence is added to the end of the paragraph: “These final regulations do not override the application of section 704(c), including reverse section 704(c), and therefore the final regulations provide that the rules of section 706 do not apply in making allocations of book items upon a partnership revaluation.”

6. On page 45876, in the preamble, second column, under paragraph heading “*Effective/Applicability Dates*”, fifth line of the first paragraph, the language “of a special rule applicable to § 1.704-” is corrected to read “of a special rule applicable to § 1.706-”.

7. On page 45876, in the preamble, second column, under paragraph heading “*Effective/Applicability Dates*”, third line of the second paragraph, the language “regulations apply to the partnership” is corrected to read “regulations apply to partnership”.

8. On page 45876, in the preamble, third column, fourth line from the top of the column, the language “that was formed prior to April 19, 2009.” is corrected to read “that was formed prior to April 14, 2009.”

9. On page 45877, first column, under paragraph heading “*List of Subjects*,” the fourth line, the language “26 CFR part 2” is corrected to read “26 CFR part 602”.

10. On page 45883, third column, the first line of the signature block, the language “Karen L. Schiller,” is corrected to read “Karen M. Schiller,”.

Martin V. Franks,

Chief, Publications and Regulations Branch, Legal Processing Division, Associate Chief Counsel (Procedure and Administration).

[FR Doc. 2015-28014 Filed 11-3-15; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF AGRICULTURE**Forest Service****36 CFR Part 242****DEPARTMENT OF THE INTERIOR****Fish and Wildlife Service****50 CFR Part 100**

[Docket No. FWS-R7-SM-2015-0156; FXRS12610700000-156-FF07J00000; FBMS#4500086366]

RIN 1018-BA82

Subsistence Management Regulations for Public Lands in Alaska; Rural Determinations, Nonrural List

AGENCY: Forest Service, Agriculture; Fish and Wildlife Service, Interior.

ACTION: Direct final rule.

SUMMARY: This rule revises the list of nonrural areas in Alaska identified by the Federal Subsistence Board (Board). Only residents of areas that are rural are eligible to participate in the Federal Subsistence Management Program on public lands in Alaska. Based on a Secretarial review of the rural determination process, and the subsequent change in the regulations governing this process, the Board is revising the current nonrural determinations to the list that existed prior to 2007. Accordingly, the community of Saxman and the area of Prudhoe Bay will be removed from the nonrural list. The following areas continue to be nonrural, but their boundaries will return to their original borders: the Kenai Area; the Wasilla/Palmer area; the Homer area; and the Ketchikan area.

DATES: This rule is effective on December 21, 2015 unless we receive significant adverse comments on or before December 4, 2015.

ADDRESSES: You may submit comments by one of the following methods:

- *Electronically:* Go to the Federal eRulemaking Portal: <http://www.regulations.gov> and search for FWS-R7-SM-2015-0156, which is the docket number for this rulemaking.

- *By hard copy:* U.S. mail or hand-delivery to: USFWS, Office of Subsistence Management, 1011 East Tudor Road, MS 121, Attn: Theo Matuskowitz, Anchorage, AK 99503-6199

FOR FURTHER INFORMATION CONTACT:

Chair, Federal Subsistence Board, c/o U.S. Fish and Wildlife Service,

Attention: Eugene R. Peltola, Jr., Office of Subsistence Management; (907) 786-3888 or subsistence@fws.gov. For questions specific to National Forest System lands, contact Thomas Whitford, Regional Subsistence Program Leader, USDA, Forest Service, Alaska Region; (907) 743-9461 or twhitford@fs.fed.us.

SUPPLEMENTARY INFORMATION:**Background**

Under Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) (16 U.S.C. 3111-3126), the Secretary of the Interior and the Secretary of Agriculture (Secretaries) jointly implement the Federal Subsistence Management Program (Program). This program provides a preference for take of fish and wildlife resources for subsistence uses on Federal public lands and waters in Alaska. Only residents of areas identified as rural are eligible to participate in the Program on Federal public lands in Alaska. Because this program is a joint effort between Interior and Agriculture, these regulations are located in two titles of the Code of Federal Regulations (CFR): Title 36, “Parks, Forests, and Public Property,” and Title 50, “Wildlife and Fisheries,” at 36 CFR 242.1-242.28 and 50 CFR 100.1-100.28, respectively.

Consistent with these regulations, the Secretaries established a Federal Subsistence Board (Board) comprising Federal officials and public members to administer the Program. One of the Board’s responsibilities is to determine which communities or areas of the State are rural or nonrural. The Secretaries also divided Alaska into 10 subsistence resource regions, each of which is represented by a Regional Advisory Council (Council). The Council members represent varied geographical, cultural, and user interests within each region. The Councils provide a forum for rural residents with personal knowledge of local conditions and resource requirements to have a

meaningful role in the subsistence management of fish and wildlife on Federal public lands in Alaska.

Related Rulemaking

Elsewhere in today's **Federal Register** is a final rule that sets forth a new process by which the Board will make rural determinations ("Subsistence Management Regulations for Public Lands in Alaska; Rural Determination Process"). Please see that rule for background information on how this new process was developed and the extensive Council and public input that was considered. A summary of that information follows:

Until promulgation of the rule mentioned above, Federal subsistence regulations at 36 CFR 242.15 and 50 CFR 100.15 had required that the rural or nonrural status of communities or areas be reviewed every 10 years, beginning with the availability of the 2000 census data. Some data from the 2000 census was not compiled and available until 2005, so the Board published a proposed rule in 2006 to revise the list of nonrural areas recognized by the Board (71 FR 46416, August 14, 2006). The final rule published in the **Federal Register** on May 7, 2007 (72 FR 25688), and changed the rural determination for several communities or areas in Alaska. These communities had 5 years following the date of publication to come into compliance.

The Board met on January 20, 2012, and, among other things, decided to extend the compliance date of its 2007 final rule on rural determinations. A final rule published March 1, 2012 (77 FR 12477), that extended the compliance date until either the rural determination process and findings review were completed or 5 years, whichever came first. The 2007 regulations have remained in titles 36 and 50 of the CFR unchanged since their effective date.

The Board followed that action with a request for comments and announcement of public meetings (77 FR 77005; December 31, 2012) to receive public, Tribal, and Alaska Native Corporations input on the rural determination process. At their fall 2013 meetings, the Councils provided a public forum to hear from residents of their regions, deliberate on the rural determination process, and provide recommendations for changes to the Board. The Board also held hearings in Barrow, Ketchikan, Sitka, Kodiak, Bethel, Anchorage, Fairbanks, Kotzebue, Nome, and Dillingham to solicit comments on the rural determination process, and public testimony was

recorded. Government-to-government tribal consultations on the rural determination process were held between members of the Board and Federally recognized Tribes of Alaska. Additional consultations were held between members of the Board and Alaska Native Corporations.

Altogether, the Board received 475 substantive comments from various sources, including individuals, members of the Councils, and other entities or organizations, such as Alaska Native Corporations and borough governments. In general, this information indicated a broad dissatisfaction with the current rural determination process.

Based on this information, the Board at their public meeting held on April 17, 2014, elected to recommend a simplification of the process by determining which areas or communities are nonrural in Alaska; all other communities or areas would, therefore, be rural. The Board would make nonrural determinations using a comprehensive approach that considers population size and density, economic indicators, military presence, industrial facilities, use of fish and wildlife, degree of remoteness and isolation, and any other relevant material, including information provided by the public. The Board would rely heavily on the recommendations of the Councils. The Board developed a proposal that simplifies the process of rural determinations and submitted its recommendation to the Secretaries on August 15, 2014.

On November 24, 2014, the Secretaries requested that the Board initiate rulemaking to pursue the regulatory changes recommended by the Board. The Secretaries also requested that the Board obtain Council recommendations and public input, and conduct Tribal and Alaska Native Corporation consultation on the proposed changes.

The Departments published a proposed rule on January 28, 2015 (80 FR 4521), to revise the regulations governing the rural determination process in subpart B of 36 CFR part 242 and 50 CFR part 100. Following a process that involved substantial Council and public input, the Departments published the final rule that may be found elsewhere in today's **Federal Register**.

Direct Final Rule

During that process, the Board went on to address a starting point for nonrural communities and areas. The May 7, 2007 (72 FR 25688), final rule was justified by the Board's January 3,

1991, notice (56 FR 236) adopting final rural and nonrural determinations and the final rule of May 7, 2002 (67 FR 30559), amending 36 CFR 242.23(a) and 50 CFR 100.23(a) to add the Kenai Peninsula communities (Kenai, Soldotna, Sterling, Nikiski, Salamatof, Kalifornsky, Kasilof, Clam Gulch, Anchor Point, Homer, Kachemak City, Fritz Creek, Moose Pass, and Seward) to the list of areas determined to be nonrural. The 2007 rule added the village of Saxman and the area of Prudhoe Bay to the nonrural list and expanded the nonrural boundaries of the Kenai Area; the Wasilla/Palmer area; the Homer area; and the Ketchikan Area.

Since the 2007 final rule (72 FR 25688; May 7, 2007) was contentious, and so many comments were received objecting to the changes imposed by that rule, the Board has decided to return to the rural determinations prior to the 2007 final rule. The Board further decided that the most expedient method to enact their decisions was to publish this direct final rule adopting the pre-2007 nonrural determinations. As a result, the Board has determined the following areas to be nonrural: Fairbanks North Star Borough; Homer area—including Homer, Anchor Point, Kachemak City, and Fritz Creek; Juneau area—including Juneau, West Juneau, and Douglas; Kenai area—including Kenai, Soldotna, Sterling, Nikiski, Salamatof, Kalifornsky, Kasilof, and Clam Gulch; Ketchikan area—including Ketchikan City, Clover Pass, North Tongass Highway, Ketchikan East, Mountain Point, Herring Cove, Saxman East, Pennock Island, and parts of Gravina Island; Municipality of Anchorage; Seward area—including Seward and Moose Pass, Valdez, and Wasilla area—including Palmer, Wasilla, Sutton, Big Lake, Houston, and Bodenber Butte.

These final regulations reflect Board review and consideration of Council recommendations, Tribal and Alaska Native Corporations government-to-government tribal consultations, and public comments. Based on concerns expressed by some of the Councils and members of the public, the Board went on to direct staff to develop options for the Board to consider and for presentation to the Councils, to address future nonrural determinations. These options will be presented to the Board and Chairs of each Council at the January 12, 2016, public meeting.

We are publishing this rule without a prior proposal because we view this action as an administrative action by the Federal Subsistence Board. This rule will be effective, as specified above in DATES, unless we receive significant

adverse comments on or before the deadline set forth in DATES. Significant adverse comments are comments that provide strong justifications why the rule should not be adopted or for changing the rule. If we receive significant adverse comments, we will publish a notice in the **Federal Register** withdrawing this rule before the effective date. If no significant adverse comments are received, we will publish a document in the **Federal Register** confirming the effective date.

Because this rule concerns public lands managed by an agency or agencies in both the Departments of Agriculture and the Interior, identical text will be incorporated into 36 CFR part 242 and 50 CFR part 100.

Conformance With Statutory and Regulatory Authorities

Administrative Procedure Act Compliance

In compliance with Administrative Procedure Act, the Board has provided extensive opportunity for public input and involvement in its efforts to improve the rural determination process as described in the related final rule published elsewhere in today's **Federal Register**. In addition, anyone with concerns about this rulemaking action may submit comments as specified in **DATES** and **ADDRESSES**.

National Environmental Policy Act Compliance

A Draft Environmental Impact Statement that described four alternatives for developing a Federal Subsistence Management Program was distributed for public comment on October 7, 1991. The Final Environmental Impact Statement (FEIS) was published on February 28, 1992. The Record of Decision (ROD) on Subsistence Management for Federal Public Lands in Alaska was signed April 6, 1992. The selected alternative in the FEIS (Alternative IV) defined the administrative framework of an annual regulatory cycle for subsistence regulations.

A 1997 environmental assessment dealt with the expansion of Federal jurisdiction over fisheries and is available at the office listed under **FOR FURTHER INFORMATION CONTACT**. The Secretary of the Interior, with concurrence of the Secretary of Agriculture, determined that expansion of Federal jurisdiction does not constitute a major Federal action significantly affecting the human environment and, therefore, signed a Finding of No Significant Impact.

Section 810 of ANILCA

An ANILCA section 810 analysis was completed as part of the FEIS process on the Federal Subsistence Management Program. The intent of all Federal subsistence regulations is to accord subsistence uses of fish and wildlife on public lands a priority over the taking of fish and wildlife on such lands for other purposes, unless restriction is necessary to conserve healthy fish and wildlife populations. The final section 810 analysis determination appeared in the April 6, 1992, ROD and concluded that the Program, under Alternative IV with an annual process for setting subsistence regulations, may have some local impacts on subsistence uses, but will not likely restrict subsistence uses significantly.

During the subsequent environmental assessment process for extending fisheries jurisdiction, an evaluation of the effects of this rule was conducted in accordance with section 810. That evaluation also supported the Secretaries' determination that the rule will not reach the "may significantly restrict" threshold that would require notice and hearings under ANILCA section 810(a).

Paperwork Reduction Act

An agency may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. This rule does not contain any new collections of information that require OMB approval. OMB has reviewed and approved the collections of information associated with the subsistence regulations at 36 CFR part 242 and 50 CFR part 100, and assigned OMB Control Number 1018-0075, which expires February 29, 2016.

Regulatory Planning and Review (Executive Orders 12866 and 13563)

Executive Order 12866 provides that the Office of Information and Regulatory Affairs (OIRA) in the Office of Management and Budget will review all significant rules. OIRA has determined that this rule is not significant.

Executive Order 13563 reaffirms the principles of E.O. 12866 while calling for improvements in the nation's regulatory system to promote predictability, to reduce uncertainty, and to use the best, most innovative, and least burdensome tools for achieving regulatory ends. The executive order directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public

where these approaches are relevant, feasible, and consistent with regulatory objectives. E.O. 13563 emphasizes further that regulations must be based on the best available science and that the rulemaking process must allow for public participation and an open exchange of ideas. We have developed this rule in a manner consistent with these requirements.

Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*) requires preparation of flexibility analyses for rules that will have a significant effect on a substantial number of small entities, which include small businesses, organizations, or governmental jurisdictions. In general, the resources to be harvested under this rule are already being harvested and consumed by the local harvester and do not result in an additional dollar benefit to the economy. However, we estimate that two million pounds of meat are harvested by subsistence users annually and, if given an estimated dollar value of \$3.00 per pound, this amount would equate to about \$6 million in food value Statewide. Based upon the amounts and values cited above, the Departments certify that this rulemaking will not have a significant economic effect on a substantial number of small entities within the meaning of the Regulatory Flexibility Act.

Small Business Regulatory Enforcement Fairness Act

Under the Small Business Regulatory Enforcement Fairness Act (5 U.S.C. 801 *et seq.*), this rule is not a major rule. It does not have an effect on the economy of \$100 million or more, will not cause a major increase in costs or prices for consumers, and does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises.

Executive Order 12630

Title VIII of ANILCA requires the Secretaries to administer a subsistence priority on public lands. The scope of this Program is limited by definition to certain public lands. Likewise, these regulations have no potential takings of private property implications as defined by Executive Order 12630.

Unfunded Mandates Reform Act

The Secretaries have determined and certify pursuant to the Unfunded Mandates Reform Act, 2 U.S.C. 1502 *et seq.*, that this rulemaking will not impose a cost of \$100 million or more

in any given year on local or State governments or private entities. The implementation of this rule is by Federal agencies and there is no cost imposed on any State or local entities or tribal governments.

Executive Order 12988

The Secretaries have determined that these regulations meet the applicable standards provided in sections 3(a) and 3(b)(2) of Executive Order 12988, regarding civil justice reform.

Executive Order 13132

In accordance with Executive Order 13132, the rule does not have sufficient Federalism implications to warrant the preparation of a Federalism summary impact statement. Title VIII of ANILCA precludes the State from exercising subsistence management authority over fish and wildlife resources on Federal lands unless it meets certain requirements.

Executive Order 13175

The Alaska National Interest Lands Conservation Act, Title VIII, does not provide specific rights to tribes for the subsistence taking of wildlife, fish, and shellfish. However, the Secretaries, through the Board, provided Federally recognized Tribes and Alaska Native corporations opportunities to consult on this rule. Consultation with Alaska Native corporations are based on Public Law 108–199, div. H, Sec. 161, Jan. 23, 2004, 118 Stat. 452, as amended by Public Law 108–447, div. H, title V, Sec. 518, Dec. 8, 2004, 118 Stat. 3267, which provides 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 No. 13175.”

The Secretaries, through the Board, provided a variety of opportunities for consultation on the rural determination process: commenting on changes under consideration for the existing regulations; engaging in dialogue at the Council meetings; engaging in dialogue at the Board’s meetings; and providing input in person, by mail, email, or phone at any time during the rulemaking process.

Since 2007 multiple opportunities were provided by the Board for Federally recognized Tribes and Alaska Native Corporations to consult on the subject of rural determinations. Federally recognized Tribes and Alaska Native Corporations were notified by mail and telephone and were given the opportunity to attend in person or via teleconference.

Executive Order 13211

This Executive Order requires agencies to prepare Statements of Energy Effects when undertaking certain actions. However, this rule is not a significant regulatory action under E.O. 13211, affecting energy supply, distribution, or use, and no Statement of Energy Effects is required.

Drafting Information

Theo Matuskowitz drafted these regulations under the guidance of Eugene R. Peltola, Jr. of the Office of Subsistence Management, Alaska Regional Office, U.S. Fish and Wildlife Service, Anchorage, Alaska. Additional assistance was provided by

- Daniel Sharp, Alaska State Office, Bureau of Land Management;
- Mary McBurney, Alaska Regional Office, National Park Service;
- Dr. Glenn Chen, Alaska Regional Office, Bureau of Indian Affairs;
- Trevor T. Fox, Alaska Regional Office, U.S. Fish and Wildlife Service; and
- Thomas Whitford, Alaska Regional Office, U.S. Forest Service.

Authority

This rule is issued under the authority of Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) (16 U.S.C. 3111–3126).

List of Subjects

36 CFR Part 242

Administrative practice and procedure, Alaska, Fish, National forests, Public lands, Reporting and recordkeeping requirements, Wildlife.

50 CFR Part 100

Administrative practice and procedure, Alaska, Fish, National forests, Public lands, Reporting and recordkeeping requirements, Wildlife.

Regulation Promulgation

For the reasons set out in the preamble, the Secretaries amend 36 CFR part 242 and 50 CFR part 100 as set forth below.

PART—SUBSISTENCE MANAGEMENT REGULATIONS FOR PUBLIC LANDS IN ALASKA

- 1. The authority citation for both 36 CFR part 242 and 50 CFR part 100 continues to read as follows:

Authority: 16 U.S.C. 3, 472, 551, 668dd, 3101–3126; 18 U.S.C. 3551–3586; 43 U.S.C. 1733.

Subpart C—Board Determinations

- 2. In subpart C of 36 CFR part 242 and 50 CFR part 100, § 1.23 is revised to read as follows:

§ 1.23 Rural determinations.

(a) The Board has determined all communities and areas to be rural in accordance with § 1.15 except the following: Fairbanks North Star Borough; Homer area—including Homer, Anchor Point, Kachemak City, and Fritz Creek; Juneau area—including Juneau, West Juneau, and Douglas; Kenai area—including Kenai, Soldotna, Sterling, Nikiski, Salamatof, Kalifornsky, Kasilof, and Clam Gulch; Ketchikan area—including Ketchikan City, Clover Pass, North Tongass Highway, Ketchikan East, Mountain Point, Herring Cove, Saxman East, Pennock Island, and parts of Gravina Island; Municipality of Anchorage; Seward area—including Seward and Moose Pass, Valdez, and Wasilla/Palmer area—including Wasilla, Palmer, Sutton, Big Lake, Houston, and Bodenbergs Butte.

(b) You may obtain maps delineating the boundaries of nonrural areas from the U.S. Fish and Wildlife Service at the Alaska Regional Office address provided at 50 CFR 2.2(g), or on the Web at <https://www.doi.gov/subsistence>.

Dated: September 30, 2015.

Eugene R. Peltola, Jr.,

Assistant Regional Director, U.S. Fish and Wildlife Service, Acting Chair, Federal Subsistence Board.

Dated: September 30, 2015.

Thomas Whitford,

Subsistence Program Leader, USDA – Forest Service.

[FR Doc. 2015–27996 Filed 10–30–15; 8:45 am]

BILLING CODE 3410–11–4333–15–P



Federal Subsistence Board

1011 East Tudor Road, MS121
Anchorage, Alaska 99503



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

FOREST SERVICE

FWS/OSM 16066.CJ

AUG 26 2016

Lester Wilde, Sr., Chair
Yukon-Kuskokwim Delta Subsistence
Regional Advisory Council
P.O. Box 155
Hooper Bay, Alaska 99604

Dear Mr. Wilde:

Enclosed with this letter is a report of the Federal Subsistence Board's non-consensus agenda action items at its April 12 -14, 2016, meeting regarding proposed changes to subsistence wildlife regulations and customary and traditional use determinations. In total, the Board accepted the recommendations of the Subsistence Regional Advisory Councils – in whole or with modifications – in 67 of the 69 proposals on the agenda. Details of these actions and the Board's deliberations are contained in the meeting transcripts. Copies of the transcripts may be obtained by calling our toll free number, 1-800-478-1456, and are available online at the Office of Subsistence Management website, <http://alaska.fws.gov/asm/index.cfm>.

The Board uses a consensus agenda on those proposals where there is agreement among the affected Subsistence Regional Advisory Council(s), the Interagency Staff Committee, and the Alaska Department of Fish and Game concerning a proposed regulatory action. These proposals were deemed non-controversial and did not require a separate discussion. The consensus agenda items for the Yukon Kuskokwim Subsistence Regional Advisory Council were proposals WP16-27/28 (adopted WP1-27 with modification, took no action on WP16-28), WP16-29/30 (adopted WP16-29 with modification, took no action on WP16-30), WP16-33 (adopted), WP16-34 (rejected), WP16-36 (adopted), WP16-38 (rejected), and WP16-43 (rejected).

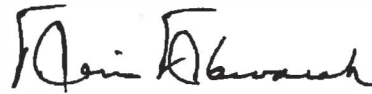
The Federal Subsistence Board appreciates the Yukon-Kuskokwim Delta Subsistence Regional Advisory Council's active involvement in and diligence with the regulatory process. The ten Regional Advisory Councils continue to be the foundation of the Federal Subsistence Management Program, and the stewardship shown by the Regional Advisory Council chairs and their representatives at the Board meeting was noteworthy.

Mr. Wilde

2

If you have any questions regarding the summary of the Board's actions, please contact Eva Patton, Council Coordinator, at 907-786-3358.

Sincerely,



Tim Towarak
Chair

Enclosure

cc: Federal Subsistence Board
Yukon-Kuskokwim Delta Subsistence Regional Advisory Council members
Eugene R. Peltola, Jr., Assistant Regional Director, Office of Subsistence Management
Stewart Cogswell, Acting Deputy Assistant Regional Director
Office of Subsistence Management
Carl Johnson, Council Coordination Division Chief, Office of Subsistence Management
Interagency Staff Committee
Administrative Record

FEDERAL SUBSISTENCE BOARD NON-CONSENSUS ACTION REPORT

April 12-14, 2016

William A. Egan Civic and Convention Center, Anchorage, Alaska

MULTIREGION CROSSOVER PROPOSALS

WP16-35

DESCRIPTION: This proposal, submitted by Martin Nicolai of Kwethluk, requested that the use of artificial light be allowed to aid in the harvesting of a bear at a den site in Unit 18.

COUNCIL RECOMMENDATIONS:

Bristol Bay Subsistence Regional Advisory Council – **Support**

Yukon-Kuskokwim Delta Subsistence Regional Advisory Council - **Support**

Western Interior Subsistence Regional Advisory Council – **Support with modification**

Seward Peninsula Subsistence Regional Advisory Council – **Support with modification**

BOARD ACTION: **Adopt as written**

JUSTIFICATION: The Board adopted WP16-35 as written. The Board recognizes this is a traditional practice within each of the supporting Council regions. The Board concurred with some Councils that the definition of artificial light under the OSM modification did not provide clarity and was unnecessary. The Board also agreed that some users would consider snow machine headlights as artificial light used to hunt bears at den sites and use of lights provide safety for the hunter and better visual for a clean shot.

FP17-05 Executive Summary	
General Description	<p>Proposal FP17-05, requests that Federal subsistence management plans, strategies, fishing schedules, openings, closings and fishing methods for the Kuskokwim Area be issued independently by the Federal Subsistence Management Program in consultation with appropriate agencies and entities.</p> <p><i>Submitted by: LaMont E. Albertson.</i></p>
Proposed Regulation	<p>§ __.27(e)(4)(ii) <i>For the Kuskokwim area, Federal subsistence management plans, strategies, fishing schedules, openings, closings, and fishing methods are the same as those issued for the subsistence taking of fish under Alaska Statutes (AS 16.05.060), unless superseded by a Federal Special Action issued independently by the Federal Subsistence Program, including Federal In-Season Manager in consultation with appropriate agencies and entities.</i></p>
OSM Preliminary Conclusion	Defer Proposal FP17-05 and revise the Delegation of Authority letter for the Kuskokwim Area
Yukon-Kuskokwim Delta Regional Advisory Council Recommendation	
Western Interior Regional Advisory Council Recommendation	
Interagency Staff Committee Comments	
ADF&G Comments	
Written Public Comments	

DRAFT STAFF ANALYSIS FP17-05

ISSUES

Proposal FP17-05, submitted by LaMont E. Albertson, requests that Federal subsistence management plans, strategies, fishing schedules, openings, closings and fishing methods for the Kuskokwim Area be issued independently by the Federal Subsistence Management Program in consultation with appropriate agencies and entities.

DISCUSSION

The proponent notes that provisions of ANILCA and the applicable Federal land management missions and mandates differ in certain critically important ways from Alaska Statute. The proponent states that changing this regulation is necessary for ensuring that Federal subsistence management practices align with Federal mandates in the Kuskokwim region. The proponent notes that there are many cases where it is appropriate for Federal fisheries management plans and actions to mirror those of the State of Alaska, and that the proposed regulation change is not intended to discourage or impede unified regulations when appropriate. The proponent believes that existing regulations severely limit the ability for the Federal subsistence program to exercise independent judgment, and would like to see additional latitude for Federal managers to issue independent management plans, strategies, and fishing schedules when necessary to achieve the mandates and mission of ANILCA. The proponent noted that existing regulatory language may have been a necessary stop gap measure when the Service did not possess their own fisheries management expertise, but this is no longer the case and it is now necessary to provide the Service the latitude necessary to meet program mandates.

The proponent clarified the proposal during telephone discussions on May 17 and June 27, 2016 and an e-mail from the proponent on June 22, 2016. The proponent is seeking to remove language stating that Federal subsistence fishing regulations for the Kuskokwim Area, “*are the same as issued for the subsistence taking of fish under Alaska Statutes (AS 16.05.060), unless superseded by Federal Special Action*”. The proponent wants the Federal Subsistence Management Program, including the Federal In-Season Manager, to work with the Alaska Department of Fish and Game (ADF&G) (including direct participation of the Kuskokwim River Salmon Management Working Group), and the Kuskokwim River Inter-Tribal Fish Commission to determine a management strategy for Kuskokwim Area fisheries.

Existing Federal Regulations

Fishery Management area restrictions for the Kuskokwim Area

50 CFR 100.27(e)(4)(ii)-For the Kuskokwim area, Federal subsistence fishing schedules, openings, closings, and fishing methods are the same as those issued for the subsistence taking

of fish under Alaska Statutes (AS 16.05.060), unless superseded by a Federal Special Action.

Proposed Federal Regulation

Fishery Management area restrictions for the Kuskokwim Area

*For the Kuskokwim area, Federal subsistence **management plans, strategies**, fishing schedules, openings, closings, and fishing methods are ~~the same as those issued for the subsistence taking of fish under Alaska Statutes (AS 16.05.060), unless superseded by a Federal Special Action:~~ **issued independently by the Federal Subsistence Program, including Federal In-Season Manager in consultation with appropriate agencies and entities.***

Existing State Regulation

Sec. 16.05.060. Emergency orders

(a) This chapter does not limit the power of the commissioner or an authorized designee, when circumstances require, to summarily open or close seasons or areas or to change weekly closed periods on fish or game by means of emergency orders.

(b) The commissioner or an authorized designee may, under criteria adopted by the Board of Fisheries, summarily increase or decrease sport fish bag limits or modify methods of harvest for sport fish by means of emergency orders.

(c) An emergency order has the force and effect of law after field announcement by the commissioner or an authorized designee. An emergency order adopted under this section is not subject to AS 44.62 (Administrative Procedure Act).

5 AAC 07.365. Kuskokwim River Salmon Management Plan

(a) The purpose of this management plan is to provide guidelines for management of the Kuskokwim River salmon fisheries that result in the sustained yield of salmon stocks large enough to meet escapement goals, amounts reasonably necessary for subsistence uses, and for nonsubsistence fisheries. The department shall use the best available data, including preseason and inseason run projections, test fishing indices, age and sex composition, harvest reports, passage escapement estimates, and recognized uncertainty, to assess run abundance for the purpose of implementing this plan.

(b) It is the intent of the Board of Fisheries that the Kuskokwim River salmon stocks shall be managed in a conservative manner consistent with the Policy for the Management of Sustainable Salmon Fisheries under 5 AAC [39.222](#) to meet escapement goals and the subsistence priority.

(c) In the king salmon fishery,

(1) when the projected escapement of king salmon is below the drainagewide escapement goal range, the commissioner shall, by emergency order, close the commercial, sport, and subsistence king salmon fisheries;

(2) when the projected escapement of king salmon is within the drainagewide escapement goal range, the commissioner shall open and close fishing periods, by emergency order, as follows:

(A) to the extent practicable, at least one fishing period per week will be opened for a directed subsistence king salmon fishery to provide harvest opportunity on surplus king salmon in excess of escapement needs, except that when surplus king salmon in excess of the drainagewide escapement goal is limited, the commissioner may, by emergency order, close the subsistence fishery and immediately reopen a subsistence fishery during which

(i) king salmon may be taken only by persons 60 years of age or older; and

(ii) a person authorized to take king salmon under (i) of this paragraph may not authorize a proxy to take or attempt to take king salmon under [AS 16.05.405](#) or 5 AAC [01.011](#), but the participant may be assisted by family members within the second degree of kindred; in this sub-subparagraph, "within the second degree of kindred" has the meaning given in 5 AAC [92.990\(a\)](#) ;

(B) fishing may be opened for commercial and sport fisheries to provide harvest opportunity on surplus king salmon in excess of escapement and subsistence needs;

(3) when the projected escapement of king salmon exceeds the drainagewide escapement goal range, the

(A) directed subsistence king salmon fishery will be open seven days per week; and

(B) commercial and sport fisheries will be managed to provide harvest opportunity on surplus king salmon in excess of escapement and subsistence needs.

(d) In the subsistence fishery, in the Kuskokwim River drainage, in the waters of the mainstem of the river and other salmon spawning tributaries, unless otherwise specified by the department,

(1) the subsistence salmon net and fish wheel fisheries will be open seven days per week, except that if the commissioner determines that it is necessary in order to achieve escapement goals, the commissioner may alter fishing periods, by emergency order, based on run abundance;

(2) the commissioner may implement one or more of the gear limitations as described in 5 AAC [01.270\(n\)](#) during times the commissioner determines that it is necessary for the conservation of king salmon;

(A) the gillnet mesh size may not exceed four inches until sockeye and chum salmon abundance exceeds the king salmon abundance;

(B) a gillnet may not exceed 25 fathoms in length, except that a longer gillnet may be used if no more than 25 fathoms of the gillnet is in a fishing condition and the remainder of the gillnet is tied up or secured so that it is not in the water in a fishing condition;

(C) a person may fish for salmon with a dip net, as defined in 5 AAC [39.105](#), and all king salmon caught by a dip net must be returned immediately to the water unharmed;

(3) actions to conserve king salmon may be applied to the entire Kuskokwim River, its sections, or tributaries, consistent with harvest trends and variability in abundance of king salmon available for harvest as the run progresses upstream;

(4) the commissioner may alter the subsistence hook and line bag and possession limits specified in 5 AAC [01.295](#), by emergency order, if the commissioner determines that inseason information indicates it is necessary for conservation purposes.

(e) In the commercial fishery,

(1) the guideline harvest level for king salmon and sockeye salmon is as follows:

(A) 0 - 50,000 king salmon;

(B) 0 - 50,000 sockeye salmon;

(2) only the waters of District 1 may be opened during the first commercial salmon fishing period;

(3) the commissioner shall open and close the Kuskokwim River commercial salmon fishery, by emergency order, if inseason information indicates a run strength that is large enough to provide for a harvestable surplus and a reasonable opportunity for subsistence uses and for nonsubsistence fisheries;

(4) the department shall provide, to the extent practicable, at least 24 hours advance notice of the opening of Districts 1 and 2 commercial fishing periods;

(5) Districts 1 and 2 commercial fishing periods are from 12:00 p.m. through 6:00 p.m.; when longer fishing periods are allowed, the extra time is to be divided before 12:00 p.m. and after 6:00 p.m.;

(6) the department shall manage the commercial fishery to ensure there is no significant impact on escapement or allocations of salmon species as a result of incidental harvest in commercial fisheries directed at other salmon species;

(7) in June and when king salmon are abundant, the department shall manage the commercial fishery conservatively to ensure king salmon escapement goals are achieved

and reasonable opportunity for subsistence uses is provided in consideration of harvest trends and abundance of king salmon available for the subsistence fishery, as follows:

(A) when the projected escapement of king salmon is within the drainagewide escapement goal range,

(i) the first opening may not occur until after June 23;

(ii) only the waters of Subdistrict I-B may be opened during the first commercial fishing period;

(iii) at least 72 hours must pass between the first Subdistrict I-B opening and the first Subdistrict I-A opening;

(B) when the projected escapement of king salmon exceeds the drainagewide escapement goal range, the commercial fishery will be managed to provide harvest opportunity on surplus king salmon in excess of escapement and subsistence needs;

(8) when chum salmon abundance exceeds king salmon relative abundance, the department shall manage, to the extent practicable, the commercial salmon fishery based on chum salmon run strength;

(9) when coho salmon abundance exceeds chum salmon abundance, the department shall manage, to the extent practicable, the commercial salmon fishery based on coho salmon run strength;

(10) a person may not sell salmon roe taken in Districts 1 and 2.

(f) In the sport fishery,

(1) if the commissioner restricts the fishery, by emergency order, for conservation purposes, the restrictions must be based on the level of abundance;

(2) in the Aniak River drainage, the king salmon fishery is open from May 1 through July 25, with a bag and possession limit of two fish, 20 inches or greater in length, with an annual limit of two fish, 20 inches or greater in length; the sockeye, pink, chum, and coho salmon fisheries are open year round, with a combined daily bag and possession limit of three fish, of which no more than two fish may be king salmon;

(3) actions to conserve king salmon will only be implemented when king salmon are present, consistent with migratory timing as the run progresses upstream.

Extent of Federal Public Lands

For the purposes of this discussion, the phrase “Federal public waters” is defined as those waters described under 50 CFR 100.3. The Kuskokwim Area includes all waters of Alaska between the latitude of the westernmost point of the Naskonat Peninsula and the latitude of the southernmost tip of Cape Newenham including the waters of Alaska surrounding Nunivak and Saint Matthew Islands and those

waters draining into the Bering Sea. The Kuskokwim Area includes waters that are within and adjacent to the exterior boundaries of the Yukon Delta National Wildlife Refuge, Togiak National Wildlife Refuge, Lake Clark National Park and Preserve and the Denali National Park and Preserve. This includes portions of Districts 1 and 2 of the Kuskokwim Fishery Management Area; these waters are generally described as the lower Kuskokwim River drainage from the mouth upriver to and including about 30 miles of the Aniak River.

Customary and Traditional Use Determinations

The Federal Subsistence Board has recognized the following customary and traditional uses (50 CFR 100.24) of fish in freshwater for the Kuskokwim Area:

Salmon- Residents of the Kuskokwim Area, except those persons residing on United States military installations located on Cape Newenham, Sparrevohn USAFB, and Tatalina USAFB

Rainbow trout- Residents of the communities of Akiachak, Akiak, Aniak, Atmautluak, Bethel, Chuathbaluk, Crooked Creek, Eek, Goodnews Bay, Kasigluk, Kwethluk, Lower Kalskag, Napakiak, Napaskiak, Nunapitchuk, Oscarville, Platinum, Quinhagak, Tuluksak, Tuntutuliak, and Upper Kalskag

All Other fish- Residents of the Kuskokwim Area, except those persons residing on United States military installations located on Cape Newenham, Sparrevohn USAFB, and Tatalina USAFB

Regulatory History

In April 2000, an Interim Memorandum of Agreement (MOA) between the agencies on the Federal Subsistence Board (Board) and ADF&G provided a foundation for coordinated Federal-State fisheries management and subsistence use on Federal public lands in Alaska. In 2008, the Board, the Alaska Boards of Fish and Game, and ADF&G signed a Memorandum of Understanding (MOU) to provide the basis for coordinated Federal-State fisheries management and subsistence use on Federal public lands in Alaska. The MOU between the Board, the State Boards of Fisheries and Game, and ADF&G expired in November 2014; however, this agreement may be reconsidered in 2016/2017 (FSB 2016).

In 2002, the Office of Subsistence Management (OSM) submitted a Fisheries Special Action request (FSA02-01) to the Board requesting streamlining of the Special Action process for the Yukon and Kuskokwim Rivers during the 2002 fishing season (Kron 2002, pers. comm.). Based on input from OSM staff, the Interagency Staff Committee and recommendations from the Yukon-Kuskokwim Delta, Seward Peninsula, and the Eastern Interior Alaska and Western Interior Alaska Regional Advisory Councils, the Board adopted the following wording based on Fisheries Proposal FP03-28: “*For the Yukon and Kuskokwim areas, Federal subsistence fishing schedules, openings, closings, and fishing methods are the same as those issued for the subsistence taking of fish under Alaska Statutes (AS 16.05.060), unless superseded by a Federal Special Action*”. In 2007 similar wording was adopted by the Board for salmon in the Chignik Area. Only these three (Kuskokwim, Yukon and Chignik) of the thirteen Federal fishery management areas in Alaska currently include regulatory wording that specifies that Federal Subsistence

fishing openings, closings and fishing methods are; “*the same as those issued for subsistence taking of fish under Alaska Statutes (AS16.05.060), unless superseded by Federal Special Action*”. Fishery management regulations for the Kotzebue, Norton Sound-Port Clarence, Bristol Bay, Aleutian Islands, Alaska Peninsula, Kodiak, Cook Inlet, Prince William Sound, Yakutat and Southeast Alaska Areas do not contain the referenced to regulations being; “the same as those issued under Alaska Statutes (AS16.05.060), unless superseded by Federal Special Action.”

Current general Federal Subsistence Management Program regulations concerning these issues statewide are as follows:

50 CFR 100.14- Relationships to State procedures and regulations: (a) State fish and game regulations apply to public lands and such laws are hereby adopted and made part of the regulations in this part to the extent they are not inconsistent with, or superseded by, the regulations in this part.

50 CFR 100.27(b)(16)(ii)- Except as otherwise provided for in this section, if you are not required to obtain a subsistence fishing permit for an area, the harvest and possession limits for taking fish for subsistence uses with a rod and reel are the same as for taking fish under State of Alaska subsistence fishing regulations in those same areas. If the State does not have a specific subsistence season and/or harvest limit for that particular species, the limit shall be the same as for taking fish under State of Alaska sport fishing regulations.

The Federal Subsistence Board has delegated in-season management responsibility for the Kuskokwim Area to the Yukon Delta National Wildlife Refuge Manager (**Appendix A**).

Since the Yukon and Kuskokwim Rivers subsistence regulations were first adopted by the Board in 2003, much has changed on the Kuskokwim River. Chinook Salmon returns and subsistence harvests have declined, and harvest regulations have become more restrictive. Chinook Salmon escapements dropped to record low levels in 2010, 2012 and 2013. There have been closures to fishing and Section 804 analyses/determinations. The Federal Subsistence Management Program has been much more involved in the Kuskokwim River fisheries management in recent years.

Current Events Involving Management of the Species

In 2011, the Department of Interior adopted a policy with Federally recognized Indian Tribes that reflects a commitment to enhance government to government consultation (DOI 2011). In 2012, the Federal Subsistence Board adopted their Government-to-Government, Tribal Consultation Policy (FSB 2012). In 2016, an MOU was signed between the U.S. Department of Interior, U.S. Fish and Wildlife Service and the Kuskokwim River Inter-Tribal Fish Commission (KRITFC) (MOU 2016). This MOU ratifies a Kuskokwim River Partnership Project. The Kuskokwim River Tribes established the KRITFC for the purpose of engagement in the management of Kuskokwim River fisheries. This MOU acknowledges the collaborative development of a proposal by the parties for a fishery joint subcommittee comprised of some members of the Western Interior and Yukon-Kuskokwim Delta Subsistence Regional Advisory Councils. Based on the MOU, the USFWS and the KRITFC will consult for the purpose of collaboratively making fisheries management decisions with the integration and application of KRITFC

knowledge, information and management strategies. The MOU also calls for consideration of recommendations from the Regional Advisory Committee joint subcommittee on proposals for regulations, policies, management plans, in-season management special actions and other matters relating to management, conservation and subsistence uses of fish in the Kuskokwim River Area. However, the Regional Advisory Council recommendations and Board action required to implement the fisheries Subsistence Regional Advisory Council joint subcommittee portion of the Kuskokwim River Partnership Project have not yet occurred.

Effects of the Proposal

The proposal requests that “management plans, strategies” be added to existing regulatory language. These are normal components of fishery management, aspects of both are already occurring and the Kuskokwim River Partnership Project will focus on these efforts when fully implemented. The proposal requests that prescriptive wording (“are the same as those issued for the subsistence taking of fish under Alaska Statutes (AS 16.05.060), unless superseded by a Federal Special Action”) be removed from Kuskokwim Area Federal subsistence regulations. Removing this language before all aspects of the Partnership Project have been fully implemented could result in ambiguity regarding how in-season management would proceed in years during which no concerns about resource conservation or the continuation of subsistence uses have been identified. As written, the proposal does not specifically acknowledge the role of the Subsistence Regional Advisory Councils, the Federal Subsistence Board or the Secretaries’ delegation of authority directly to the Board. However, clarifying discussions with the proponent revealed that he does support these aspects of the Federal Subsistence Management Program, including the collaborative process outlined in the Partnership Project for fishery management on the Kuskokwim River. Adopting this proposal before the collaborative decision making process outlined in the Kuskokwim River Partnership Project Memorandum of Understanding (MOU) has been fully implemented, including Board action to authorize a Subsistence Regional Advisory Council subcommittee jointly chartered by the Western Interior and Yukon-Kuskokwim Delta Subsistence Regional Advisory Councils, may be premature.

OSM PRELIMINARY CONCLUSION

Defer Fisheries Proposal FP17-05 and revise Delegation of Authority letter for the Kuskokwim Area to address the proponent’s concerns regarding collaborative development of in-season management plans and strategies on an annual basis, in accordance with the goals and objectives of the Kuskokwim River Partnership Project.

Justification

The Kuskokwim River Partnership Project is intended to provide a mechanism to meaningfully integrate Kuskokwim tribes and Federally qualified subsistence users into the decision making process for fisheries management on Federal public waters of the Kuskokwim River drainage. The Project aims to develop unified recommendations for fishery management for the Kuskokwim River drainage, including the development of a single management plan and associated in-season management strategies for the Kuskokwim River. While a signed MOU is in place to outline how tribal interests will be integrated into

the in-season decision making process, the second part of the Partnership Project focusing on Federally qualified subsistence users has not yet been implemented via Regional Advisory Council and Board action. Deferring Fisheries Proposal FP17-05 will provide time for full implementation of all aspects of the Kuskokwim River Partnership Project before decisions are made about the necessity of regulatory changes to the Federal subsistence regulations.

However, the proponent has identified a number of important concerns regarding the ways in which current in-season management may occur within the context of delegated authority from the Board and in accordance with the goals and objectives of the Kuskokwim River Partnership Project. To address these concerns and help facilitate the Partnership Project, it is recommended that the Delegation of Authority letter from the Board be revised with specific guidance about annual expectations for collaboration among identified stakeholders, carrying out fishery management decision making processes and requirements for issuing special actions (e.g., a general schedule for annually developing management strategies, goals and objectives of in season management, making determinations about assimilating Alaska Statutes for the subsistence taking of fish, etc.). The updated letter of delegation would also require collaboration between the in-season manager, representatives from the Federal Subsistence Management Program, any local advisory committees authorized under ANILCA Section 805 and Federal and State sanctioned entities to accomplish an annual determination and written report to the Board regarding whether conditions warrant Federal management of subsistence fisheries on the Kuskokwim River. Such revisions to the delegation of authority letter for the Kuskokwim Area will provide clarity in terms of roles, responsibilities, participatory decision making and Board expectations regarding in-season management of subsistence fisheries on the Kuskokwim River.

LITERATURE CITED

DOI. 2011. Department of Interior Policy on Consultation with Indian Tribes. Policy implemented to help meet the obligation for meaningful consultation with Indian Tribes. 14 pp.

FSB. 2012. Federal Subsistence Board, Government-to-Government, Tribal Consultation Policy. FWS, Office of Subsistence Management. Anchorage, AK. 6pp.

FSB. 2016. Letter from the Federal Subsistence Board, March 1, 2016. FWS, Office of Subsistence Management. Anchorage, AK.

Kron, T. 2002. Fishery Biologist. Personal Communication: Draft Staff Analysis for Fisheries Special Action (FSA02-01). OSM electronic files. Anchorage, AK.

MOU 2016. Memorandum of Understanding between the United States Department of the Interior U.S. Fish and Wildlife Service Alaska Region and the Kuskokwim River Inter-Tribal Fish Commission. 8pp.



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

Appendix A

Federal Subsistence Board

3601 C Street, Suite 1030
Anchorage, Alaska 99503



FOREST SERVICE

FWS/OSM/C:/ReardenInSeason

MAY -3 2002

Mr. Michael Rearden, Manager
U.S. Fish and Wildlife Service
Yukon Delta National Wildlife Refuge
P.O. Box 346
Bethel, Alaska 99559

Dear Mr. Rearden:

This letter delegates specific regulatory authority from the Federal Subsistence Board to you as Manager of the Yukon Delta National Wildlife Refuge to issue special actions when necessary to assure the conservation of healthy fish stocks and to provide for subsistence uses of fish in Federal waters subject to ANILCA Title VIII (Federal waters) in the Kuskokwim Area, including the Goodnews and Kanektok Rivers.

Overview

Federal managers are responsible for local management of subsistence fishing by qualified rural residents in Federal waters; this includes the authority to restrict all uses in Federal waters if necessary to conserve healthy fish stocks or to provide for subsistence uses in Federal waters. State managers are responsible for in-season management of State subsistence, commercial, recreational, and personal use fisheries in all waters.

It is the intent of the Federal Subsistence Board that subsistence fisheries management by Federal officials be coordinated with the Alaska Department of Fish and Game and involve Regional Advisory Council representatives to conserve healthy fish stocks while providing for subsistence uses. Federal managers are expected to cooperate with State managers and minimize disruption to resource users and existing agency programs, as agreed to under the Interim Memorandum of Agreement for Coordinated Fisheries and Wildlife Management for Subsistence Uses on Federal Public Lands in Alaska.

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**FEDERAL FISHERIES MANAGEMENT
DELEGATION OF AUTHORITY**

1. Delegation: The Manager of the Yukon Delta National Wildlife Refuge is hereby delegated authority to issue emergency regulations (special actions) affecting fisheries in Federal waters as outlined under **3. Scope of Delegation.**

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 issuance of emergency special actions as defined by 36 CFR 242.19(d) and 50 CFR 100.19(d). Such an emergency action may not exceed 60 days, and may not be extended. This delegation permits you to open or close Federal subsistence fishing periods or areas provided under codified regulations. It also permits you to specify methods and means; to specify permit requirements; and to set harvest and possession limits for Federal subsistence fisheries. This delegation also permits you to close and re-open Federal waters to non-subsistence fishing, but does not permit you to specify methods and means, permit requirements, or harvest and possession limits for State-managed fisheries. This delegation may be exercised only when it is necessary to conserve fish stocks or to continue subsistence uses.

All other proposed changes to codified regulations, such as customary and traditional use determinations, shall be directed to the Federal Subsistence Board.

The Federal waters subject to this delegated authority are those within the Kuskokwim Area (as described in the Subsistence Management Regulations for the Harvest of Fish and Shellfish on Federal Public Lands and Waters in Alaska). The Refuge Manager will coordinate all local fishery decisions with all affected Federal land managers.

4. Effective Period: This delegation of authority is effective until superseded or rescinded.

5. Criteria for Review of Proposed Special Actions: The Refuge Manager will use the following considerations to determine the appropriate course of action when reviewing proposed special actions.

1. Does the proposed special action fall within the geographic and regulatory scope of delegation?

2. Does the proposed special action need to be implemented immediately as a special action, or can the desired conservation or subsistence use goal be addressed by deferring the issue to the annual regulatory cycle?
3. Does the supporting information in the proposed special action substantiate the need for the action?
4. Are the assertions in the proposed special action confirmed by available current biological information and/or by other affected subsistence users?
5. Is the proposed special action supported in the context of available historical information on stock status and harvests by affected users?
6. Is the proposed special action likely to achieve the expected results?
7. Have the perspectives of ADF&G managers and Regional Advisory Council representatives been fully considered in the review of the proposed special action?
8. Have the potential impacts of the proposed special action on all affected subsistence users within the drainage been considered?
9. Can public announcement of the proposed special action be made in a timely manner to accomplish the management objective?
10. After evaluating all information and weighing the merits of the special action against other actions, including no action, is the special action reasonable, rational and responsible?

6. Guidelines for Delegation:

1. The Refuge Manager will become familiar with the management history of the fisheries in the region, with the current State and Federal regulations and management plans, and be up-to-date on stock and harvest status information.
2. The Refuge Manager will review special action requests or situations that may require a special action and all supporting information to determine (1) if the request/situation falls within the scope of authority, (2) if significant conservation problems or subsistence harvest concerns are indicated, and (3) what the consequences of taking an action may be on potentially affected subsistence users and non-subsistence users. Requests not within the delegated authority of the Refuge Manager will be forwarded to the Federal Subsistence Board for consideration. The Refuge Manager will keep a record of all special action requests and their disposition.

3. The Refuge Manager will immediately notify the Federal Subsistence Board through Tom Boyd, Assistant Regional Director for Subsistence, U.S. Fish and Wildlife Service, and notify/consult with local ADF&G managers, Regional Advisory Council members, and other affected Federal conservation unit managers concerning special actions being considered.

4. The Refuge Manager will issue timely decisions. Users, affected State and Federal managers, law enforcement personnel, and Regional Advisory Council representatives should be notified before the effective date/time of decisions. If an action is to supersede a State action not yet in effect, the decision will be communicated to affected users, State and Federal managers, and Regional Advisory Council representatives at least 6 hours before the State action would be effective. If a decision is to take no action, the requestor will be notified immediately.

5. There may be unusual circumstances under which the Refuge Manager will determine that he/she should not exercise the authority delegated, but instead request that the Federal Subsistence Board should handle the special action request. In a similar vein, the Federal Subsistence Board may determine that a special action request should not be handled by the delegated official but by the Board itself (i.e. rescind the delegated authority for that specific action only). These options should be exercised judiciously and may only be initiated where sufficient time allows. Such decisions should not be considered where immediate management actions are necessary for fisheries conservation purposes.

7. Reporting: The Refuge Manager must provide to the Federal Subsistence Board a report describing the pre-season coordination efforts, local fisheries management decisions, and post-season evaluation activities for the previous fishing season by November 15.

8. Support Services: Administrative support for local fisheries management activities of the Refuge Manager will be provided by the Office of Subsistence Management, U. S. Fish and Wildlife Service, Department of the Interior.

This delegation of authority will provide subsistence users in the region a local point of contact and will facilitate a local liaison with State managers and other user groups. Timely local management decisions optimize the opportunity for users to harvest fish when and where they are available, without jeopardizing spawning escapement goals for specific stocks.

Should you have any questions about this delegation of authority, please feel free to contact Mr. Thomas H. Boyd, Assistant Regional Director for Subsistence, U. S. Fish and Wildlife Service, Office of Subsistence Management at toll-free 1-800-478-1456 or (907) 786-3888.

Sincerely,



Mitch Demientieff, Chair
Federal Subsistence Board

Attachment: Map of the Kuskokwim Area

cc: Members of the Federal Subsistence Board

Mr. Harry Wilde, Sr., Chair, Yukon-Kuskokwim Delta Subsistence Regional Advisory

Mr. Robert Nick, Member, Yukon-Kuskokwim Delta Subsistence Regional Advisory Council

Mr. James Charles, Member, Yukon-Kuskokwim Delta Subsistence Regional Advisory Council

Mr. Ronald Sam, Chair, Western Interior Subsistence Regional Advisory Council

Mr. Carl Morgan, Member, Western Interior Subsistence Regional Advisory Council

Mr. Ray Collins, Vice-Chair, Western Interior Subsistence Regional Advisory Council

Ms. Deb Liggett, Superintendent, Lake Clark/Katmai National Parks and Preserve

Mr. Steve Martin, Superintendent, Denali National Park and Preserve

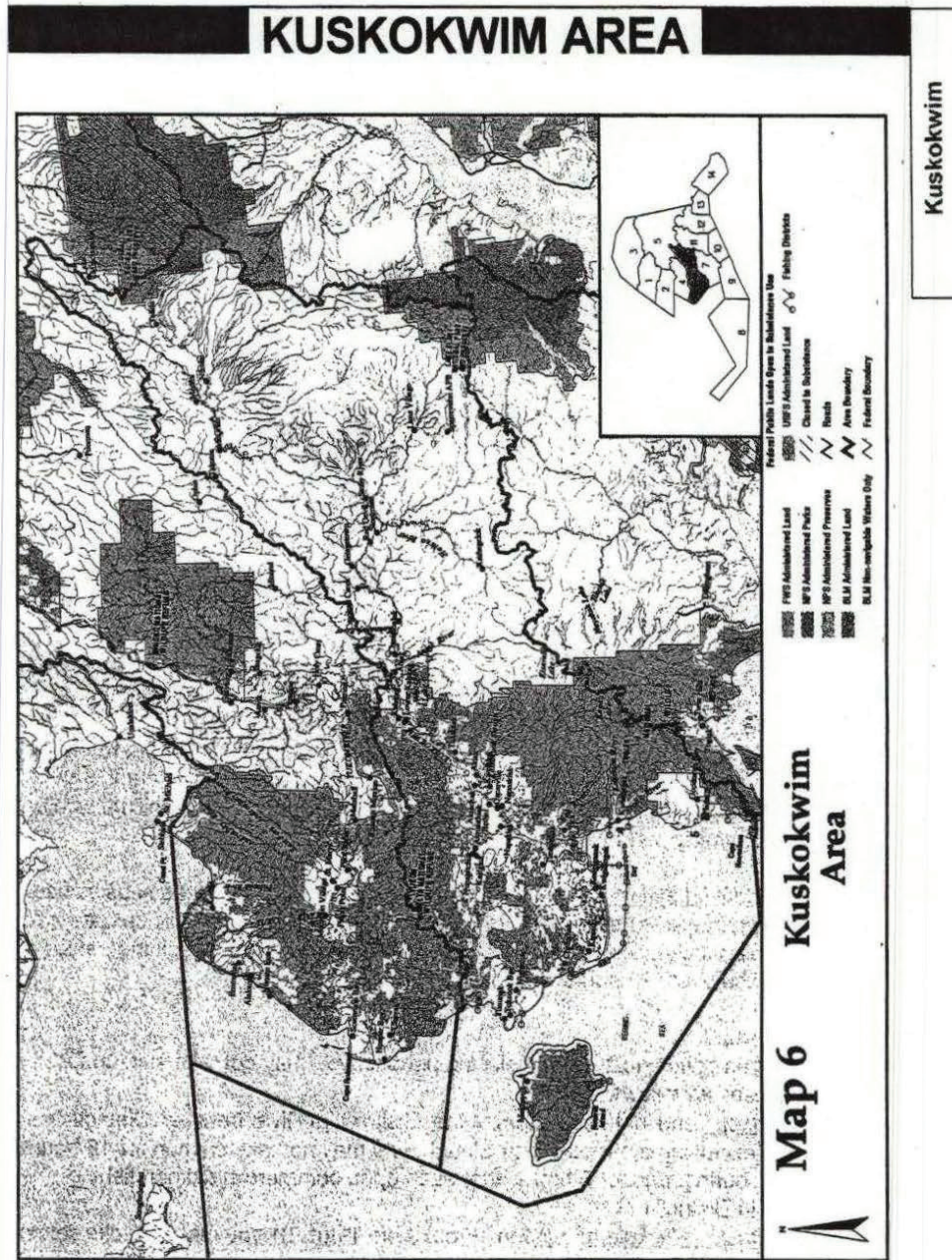
Mr. Aaron Archibeque, Manager, Togiak National Wildlife Refuge

Mr. Greg Siekaniec, Manager, Alaska Maritime National Wildlife Refuge

Mr. Stanley Pruszenski, Assistant Regional Director - Law Enforcement, U.S. Fish and Wildlife Service

Mr. Frank Rue, Commissioner, Alaska Department of Fish and Game

Mr. Thomas H. Boyd, FWS Office of Subsistence Management



FP17-01 Executive Summary	
General Description	<p>Proposal FP17-01, requests a new regulation be made to Subdistrict 5D to allow for harvest of salmon during Federally recognized fisheries closures, once the mid-range of the Canadian Interim Management Escapement Goal (IMEG) and the Total Allowable Catch (TAC) goals for Chinook Salmon are projected to be achieved in the Yukon River at the Eagle sonar site.</p> <p><i>Submitted by: Eastern Interior Alaska Subsistence Regional Advisory Council.</i></p>
Proposed Regulation	<p><i>§ __.27(i)(3) (i) Unless otherwise restricted in this section, you may take fish in the Yukon-Northern Area at any time. In those locations where subsistence fishing permits are required, only one subsistence fishing permit will be issued to each household per year. You may subsistence fish for salmon with rod and reel in the Yukon River drainage 24 hours per day, 7 days per week, unless rod and reel are specifically otherwise restricted in paragraph (e)(3) of this section.</i></p> <p><i>(ii) For the Yukon River drainage, Federal subsistence fishing schedules, openings, closings, and fishing methods are the same as those issued for the subsistence taking of fish under Alaska Statutes (AS 16.05.060), unless superseded by a Federal Special Action.</i></p> <p><i>(xiii)(B) In Subdistrict 5D you may take salmon for subsistence use once the mid-range of the Canadian interim management escapement goal and the total allowable catch goal are projected to be achieved.</i></p>
OSM Preliminary Conclusion	<p>Support FP17-01 with modification to change the wording in the proposed regulation from “projected to be achieved” to “achieved,” and to specify that the Federal in-season manager is the person to declare when the IMEG and TAC are achieved.</p>
Yukon-Kuskokwim Regional Council Recommendation	
Western Interior Regional Council Recommendation	
Seward Peninsula Regional Council Recommendation	
Eastern Interior Regional Council Recommendation	

Interagency Staff Committee Comments	
ADF&G Comments	
Written Public Comments	None

**DRAFT STAFF ANALYSIS
FP17-01**

ISSUE

Proposal FP17-01, submitted by the Eastern Interior Alaska Subsistence Regional Advisory Council (Council), requests a new regulation be established in Subdistrict 5D to allow harvest of salmon during Federally recognized fisheries closures, once the mid-range of the Canadian Interim Management Escapement Goal (IMEG) and the Total Allowable Catch (TAC) goal for Chinook Salmon are projected to be achieved in the Yukon River at the Eagle sonar site.

DISCUSSION

Subdistrict 5D consists of the Yukon River drainage from the Alaska Department of Fish & Game (ADF&G) regulatory markers located approximately two miles downstream from Waldron Creek upstream to the United States-Canada border. The Federal public waters in this area include Yukon Flats National Wildlife Refuge and the Yukon – Charley Rivers National Preserve. A majority of Subdistrict 5D along the Yukon River is within or adjacent to Federal public lands.

Subsistence fishing on the Yukon River in Subdistrict 5D is open seven days a week with no harvest limit for salmon, unless closed by the in-season managers for conservation purposes. The Council proposes that if an in-season closure for Chinook Salmon is put in place in Subdistrict 5D, the closure will be lifted for Federally qualified subsistence users once the mid-range of the Canadian IMEG (currently 42,500 – 55,000 Chinook) and the TAC goal are projected to be achieved. This proposal, if adopted, would provide an opportunity for Federally qualified subsistence users to harvest both Chinook and fall Chum salmon in Subdistrict 5D when the Federal in-season manager projects the Chinook Salmon passage will reach 48,750 fish at the Eagle sonar site.

The Council’s motivation to submit this proposal resulted from the events of the 2015 season, when the IMEG was exceeded (84,015 Chinook Salmon), but the subsistence salmon fishery in Subdistrict 5D remained closed.

Existing Federal Regulation

Yukon-Northern Area – Salmon

50 CFR§100.27 Subsistence taking of fish

§____.27(i)(3) (i) Unless otherwise restricted in this section, you may take fish in the Yukon-Northern Area at any time. In those locations where subsistence fishing permits are required, only one subsistence fishing permit will be issued to each household per year. You may subsistence fish for salmon with rod and reel in the Yukon River drainage 24 hours per day, 7 days per week, unless rod and reel are specifically otherwise restricted in paragraph (e)(3) of this section.

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

Proposed Federal Regulation

Yukon-Northern Area – Salmon

50 CFR§100.27 Subsistence taking of fish

§ ____.27(i)(3) (i) Unless otherwise restricted in this section, you may take fish in the Yukon-Northern Area at any time. In those locations where subsistence fishing permits are required, only one subsistence fishing permit will be issued to each household per year. You may subsistence fish for salmon with rod and reel in the Yukon River drainage 24 hours per day, 7 days per week, unless rod and reel are specifically otherwise restricted in paragraph (e)(3) of this section.

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

(xiii)(B) In Subdistrict 5D you may take salmon for subsistence use once the mid-range of the Canadian interim management escapement goal and the total allowable catch goal are projected to be achieved.

Existing State Regulation

Chapter 01. Subsistence Finfish Fishery.

Article 4. Yukon Area.

5 AAC 01.210. Fishing seasons and periods – Yukon Area

(a) Unless restricted in this section, or in 5 AAC 01.220 – 5 ACC 01.249, salmon may be taken in the Yukon Area at any time.

(b) When there are no commercial salmon fishing periods, the subsistence fishery in the Yukon River drainage will be based on a schedule implemented chronologically, consistent with migratory timing as the salmon run progresses upstream. The commissioner may alter fishing periods by emergency order, if the commissioner determines that preseason or in-season run indicators indicate it is necessary for conservation purposes. The fishing periods for subsistence salmon fishing in the Yukon River drainage will be established by emergency order as follow:

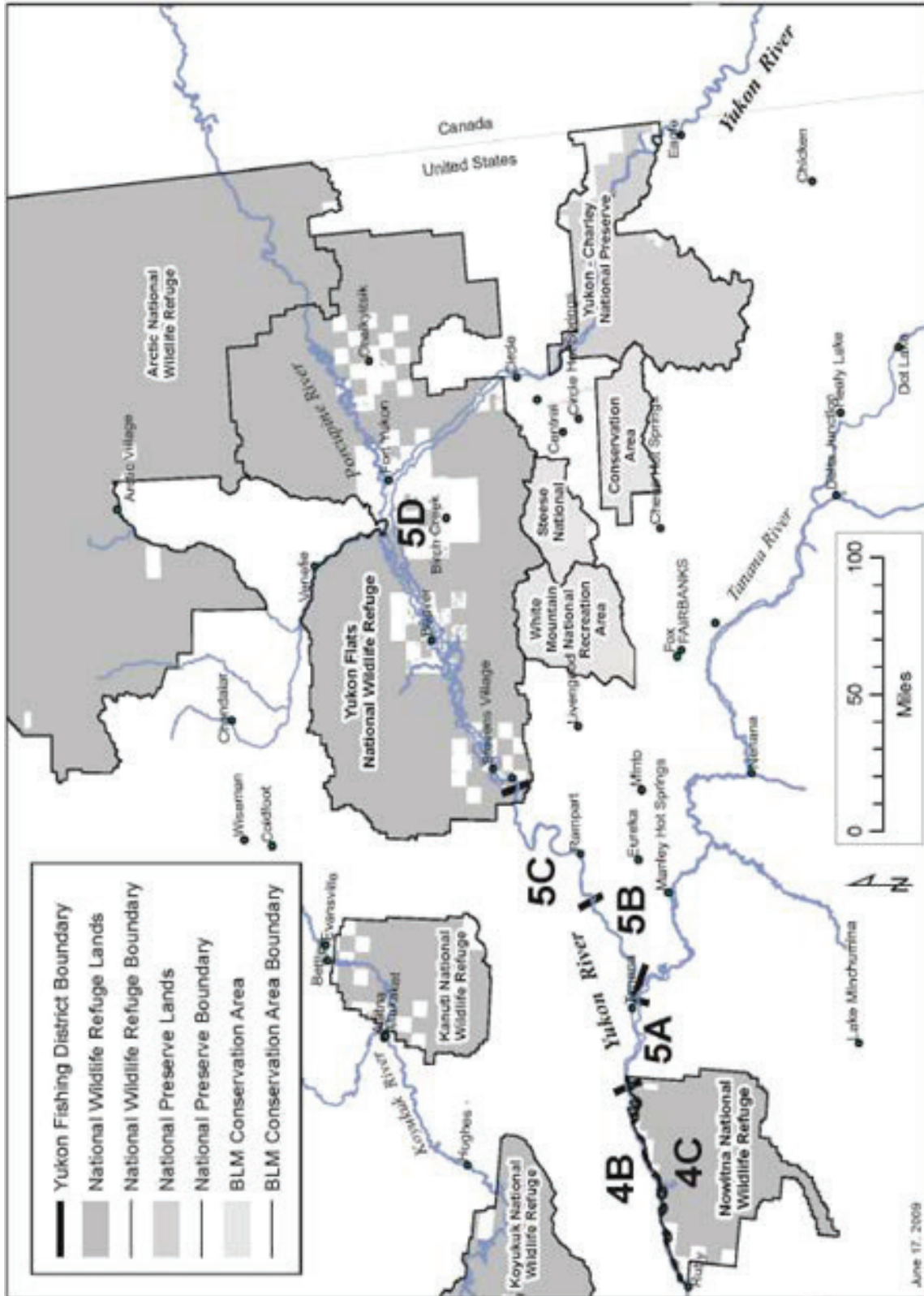
(1) Coastal District, Koyukuk River, Kantishna River, and Subdistrict 5D: seven days

per week.

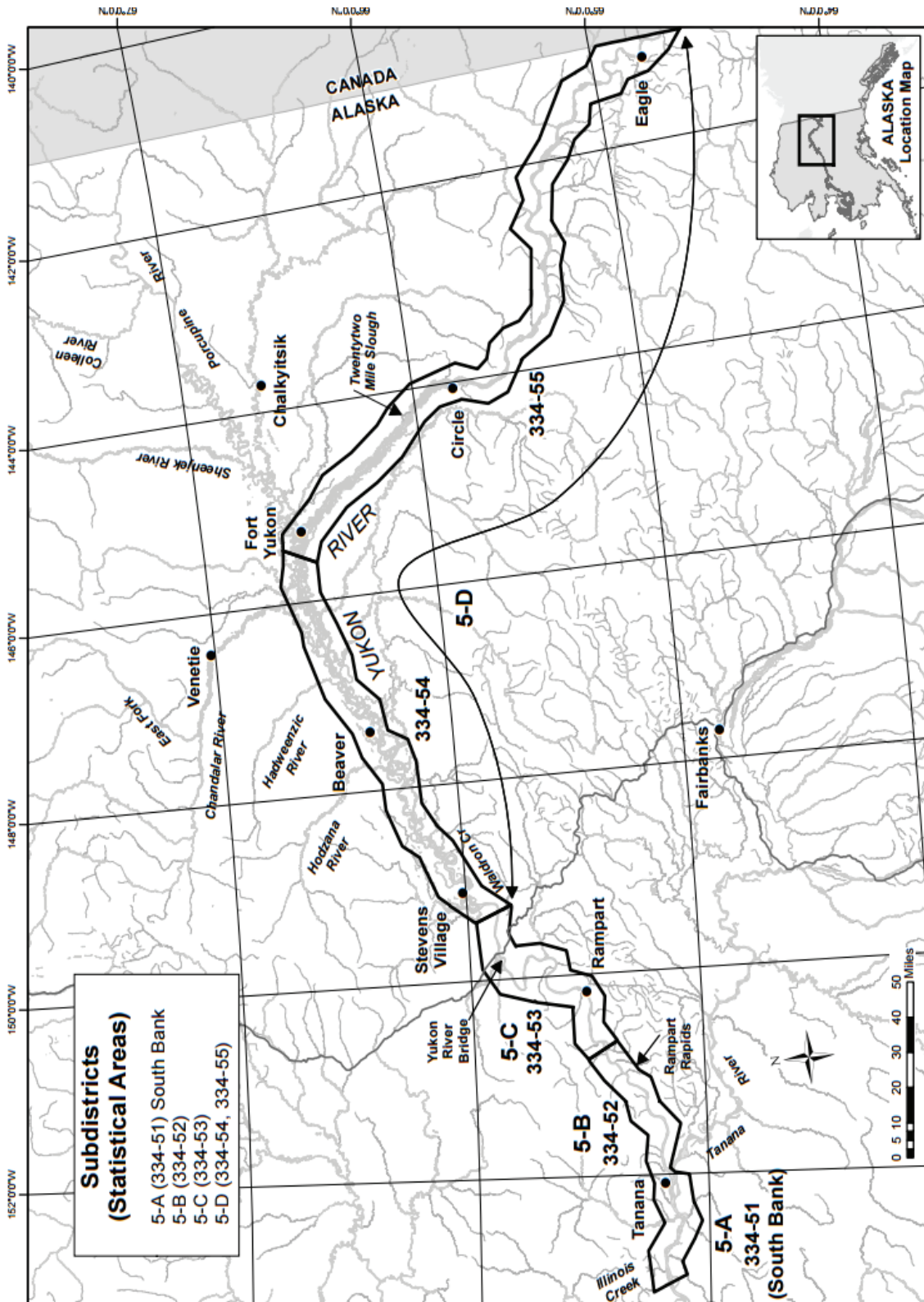
(c) Notwithstanding the provisions of (A) and (B) of this paragraph, if the commissioner determines it is necessary to ensure that reasonable opportunity for subsistence uses is being provided, the commissioner may, by emergency order, open a subsistence fishing period that may occur during times that are before, during, and after a commercial salmon fishing period.

Extent of Federal Public Waters

For purposes of this discussion, the phrase “Federal public waters” is defined as those waters described under 36 CFR 242.3 and 50 CFR 100.3. The Federal public waters addressed by this proposal are those portions of the Yukon River located within, or adjacent to, the external boundaries of the Yukon Flats National Wildlife Refuge and the Yukon – Charley Rivers National Preserve. Subdistrict 5D consists of the Yukon River drainage from the Alaska Department of Fish & Game (ADF&G) regulatory markers located approximately two miles downstream from Waldron Creek upstream to the United States-Canada border (**Map 1 and Map 2**).



Map 1. Area map of Subdistrict 5D and surrounding Federal lands (ADF&G 2016).



Map 2. Subdistrict 5D map close up with villages (ADF&G 2016)

Customary and Traditional Use Determinations

For salmon other than fall Chum Salmon, residents of the Yukon River drainage, and the community of Stebbins have a customary and traditional use determination. For fall Chum Salmon, residents of the Yukon River drainage and the communities of Chevak, Hooper Bay, Scammon Bay and Stebbins have a customary and traditional use determination. For freshwater fish species (other than salmon) residents of the Yukon Northern Area have a customary and traditional use determination within the Yukon River Drainage.

Cultural Knowledge and Traditional Practices

In the Yukon River drainage, people who are members of Yup'ik Eskimo and *Deg Hit'an*, *Doy Hit'an*, Holikachuk, *Denaakk'e* (Koyukon), *Gwich'in*, *Han*, Tanana, Tanacross, or Upper Tanana Athabaskan cultural groups live in the 61 rural communities with a customary and traditional use determination for Chinook Salmon in the Yukon River (**Table 1**). Settlement patterns since 1900 have been characterized by movement from seasonal camps to permanent settlements located at important harvesting sites, around trading posts and missions, and to send children to school. Others have moved to the area to work in education, government, mining, trade, and other industries (Clark 1981; Fienup-Riordan 1984, 1986; Haynes and Simeone 2007; Hosley 1981; Mishler and Simeone 2004; Nelson 1983; Slobodin 1981; Wolfe and Scott 2010; VanStone 1984; VanStone and Goddard 1981).

Another force of change affecting salmon harvest levels in the upper Yukon River drainage was the use of salmon to feed sled dogs.

The period from 1900 to 1940 encompasses the peak sled dog era in the Yukon River drainage . . . virtually every family maintained a small number of sled dogs In the 1930s airplanes began to replace commercial dog teams for the movement of freight and mail but sled dogs continued to provide the bulk of winter transportation for individuals and families throughout the Yukon River drainage (Andersen and Scott 2010:2–5).

By the 1970s snowmobiles had largely replaced the family dog team. Some people continue to keep dogs. In the upper Yukon River drainage no one reported harvesting Chinook Salmon for dog food in 2009, 2010, or 2011, nor during a survey conducted in 2008 that included the communities of Tanana and Fort Yukon (Andersen and Scott 2010; Jallen, Decker, and Hamazaki 2012; Jallen, Ayers, and Hamazaki 2012; Jallen and Hamazaki 2011). In 2011, an estimated 40,178 salmon were harvested for dog food in the upper Yukon River drainage (from Tanana, in District 5A, to the Canada Border, in Subdistrict 5D). The majority of this harvest was fall Chum Salmon, but smaller amounts of summer Chum Salmon and Coho Salmon were also harvested to feed dogs.

In contrast to villages in the lower and middle river districts, the populations of communities on the upper Yukon River drainage (from Tanana, in Subdistrict 5A, to the Canada border, in Subdistrict 5D) peaked between 1970 and 2000 and has since declined; the population increased by only 1.5% in the 50 years between 1960 and 2010 (**Table 1**, ADCCED 2014). Upper Yukon villages are generally described as culturally affiliated with Koyukon, *Gwich'in*, and *Han* Athabascans (Clark 1981, Hosley 1981, Mishler and Simeone 2004, Nelson 1983, Slobodin 1981, Wolfe and Scott 2010, VanStone and Goddard 1981). The communities of Eagle City, Chicken, and Central were established as gold mining supply sites; however,

most miners had left the area by 1910. Alaska Native and non-Native residents worked on steamboats, in mines, and in wood chopping camps, as well as on traplines. In the 1970s land auctions attracted new residents to Eagle. Gold miners continue to return to the area seasonally. Roads have linked Eagle on the Yukon with the Alaska Highway since the 1950s and, the Steese Highway connected the Yukon River community of Circle with Fairbanks in 1927. The Dalton Highway, or Haul Road, from Livengood to Deadhorse crosses the Yukon River between the communities of Rampart and Stevens Village (Crow and Obley 1981, Hosley 1981).

A significant factor affecting the management of salmon fisheries in the upper Yukon River drainage is the three highway access points. Federal regulations do not affect the State fisheries at the three highway access points because none are located on Federal public lands. The following is a description of salmon fishing patterns of communities that harvest salmon in Subdistrict 5D.

Residents of Eagle and Eagle Village

People rely on large quantities of salmon, including Chinook Salmon, that they harvest from the upper Yukon River drainage in Subdistrict 5D (Jallen, Decker, and Hamazaki 2012). More fall Chum Salmon are harvested than other salmon species. Historically fish, especially salmon, were a vital resource for *Han* people living in the Upper Yukon area encompassing Subdistrict 5D (Mishler and Simeone 2004). Chinook Salmon pass Eagle Village beginning around July 1 and continue through early August. After a short break, the fall Chum Salmon run begins in mid-August and continues to late September. There are fishwheels harvesting salmon from Eagle Village to the Canadian border. “Up until the 1970s, *Han* families usually moved to their fish camps while the salmon were running” (Mishler and Simeone 2004:60). They processed Chinook Salmon for human consumption and Chum Salmon for dog food. They cut salmon fillets into long strips and smoked salmon, kippered and froze salmon, and smoked salmon eggs.

Residents of Chicken

The community of Chicken is located on the Taylor Highway on a tributary of the Fortymile River, about 95 highway miles from Yukon River at the community of Circle. Salmon are not observed in the Fortymile River drainage in Alaska except a few Chum Salmon below the Taylor Highway bridge that crosses the Fortymile River about 46 miles from Chicken. No subsistence harvests of salmon have been reported by Chicken residents (Jallen, Decker, and Hamazaki 2012).

Residents of Beaver, Birch Creek, Circle, Fort Yukon, Venetie, Chalkyitsik, and Arctic Village

Most residents harvest more fall Chum Salmon than other salmon species from the upper Yukon River drainage (Jallen, Decker, and Hamazaki 2012). Five groups, or bands, of *Gwich'in* were centered historically in the Upper Yukon-Porcupine region of Alaska (Slobodin 1981). In 1983, Caulfield described the harvest of fish. “Traditionally fish were one of the most reliable and abundant food resources in the Upper Yukon-Porcupine region, and this fact remains true today . . . Harvest of fish was a major component of the annual cycle for bands” (Caulfield 1983:36).

Salmon are harvested primarily along the Yukon River King salmon arrive at Fort Yukon during the end of June and are generally caught . . . during the early part of July. Chum Salmon arrive in August The most intensive fishing activity for Chums takes place in late August and early September King salmon are extremely oily and are usually cut into strips and hung to dry in smokehouses. King salmon heads are often split, dried, and used in soups Several thousand Chums may be split and dried on racks in the fall for dog food (Caulfield 1983:74).

Additionally, “Chalkyitsik has traditionally been an important fishing site” located on the Salmon Fork of the Black River (Caulfield 1983:127). “The main reason for the . . . settlement was the presence of an abundant source of whitefish which run down the nearby creek during the fall” (Nelson 1973:18). Traditional territory included the Porcupine and Black rivers. Some Chum Salmon were gaffed in the fall at spawning areas.

Residents of Arctic Village generally harvest salmon from the Chandalar River drainage above Venetie (ADF&G 1986; Caulfield 1983; Jallen, Decker, and Hamazaki 2012). Fall Chum Salmon account for the majority of salmon returning to the Chandalar River and begin to arrive in late July or early August. “Summer Chum Salmon, while not as abundant, have been intermittently observed in the Chandalar River. . . . While Chinook Salmon are known to spawn in the Chandalar River, their actual abundance is unknown” (Melegari and Osborne 2008:1).

Residents of Central

Central residents harvest some salmon, primarily Chinook Salmon (Jallen, Decker, and Hamazaki 2012). Central is located on the upper reaches of Birch Creek and along the Steese Highway that connects Fairbanks to the community of Circle on the Yukon River, 33 highway miles away. They harvest salmon from the mainstem of the Yukon River. Central was a mining supply site and telegraph maintenance station in the 1890s and early 1900s. Mining activity in the area continues today. Central also provides services to area residents (Hosely 1981; Jallen, Decker, and Hamazaki 2012).

Residents of Stevens Village

People harvest more Chinook or fall Chum salmon than summer Chum or Coho salmon (Jallen, Decker, and Hamazaki 2012). Chinook Salmon are generally available in the area from late June or early July through July and in some years into August. Late-run Chinook Salmon are mixed with summer Chum Salmon. Coho Salmon arrive by September. In 1984, Sumida (1986) wrote that all Chinook Salmon were prepared for human consumption, and only some entrails, backbones, and other discarded parts were fed to dogs. Summer Chum Salmon were used primarily for dog food, some fall Chum Salmon were prepared for human consumption and some were fed to dogs, and most Coho Salmon were used for dog food and some were prepared for human consumption. Most fish camps were located along the Yukon River mainstem from just below the Dalton Highway bridge (about 27 river miles downriver) to several miles above Stevens Village. Chinook Salmon were desired by all households in the community. They were cut, smoked, and dried in strips, frozen, salted, and/or canned. Fish heads and roe were sometimes processed for later use. Summer Chum and Coho salmon were selectively cut for human consumption or

dog food based in part on the quality of the fish, number of dogs, and the number of Chinook Salmon already harvested. Salmon for dog food were handled with less care (Sumida 1986). In 2007, about 40% of Stevens Village households had fish camps where they processed and smoked salmon. Most fishing sites were located downriver from the community about halfway to the Dalton Highway bridge where a few fish camps had seasonal occupants from outside the area. The average use of a particular fish camp site by a family was 51 years. Sled dogs were common in Stevens Village (Wolfe and Scott 2010). Wolfe and Scott (2010) quoted from a Stevens Village resident describing the traditional use area and the impact of the Dalton Highway bridge.

You know all these villages of the Interior originally were separate bands Every band or village had its traditional hunting and fishing ground that the other bands recognized. Traditionally, the Stevens Village people’s traditional use area was forty miles upriver [from the Yukon bridge] halfway to Beaver Village, around Marten Island, then north back to the foothills, south to Hess Creek. On the western edge, the traditional boundary was at the Ray River area, which is now where the Dalton Highway crosses the Yukon. Traditionally, at that Ray River area for a few miles on either side was like an overlap of Rampart people and Stevens Village people.

Now and more contemporary times, with the advent of state fishing regulations and with this road, that traditional type area is not recognized anymore [by outsiders]. You have nonlocal Natives will come in and set up camp right off the road, like you saw last night. In more traditional times, they would ask permission from the tribe of whose area they were in. That’s kind of still a little bit in practice, but not so much, because nowadays people travel, and even Native peoples kind of abide by the state and federal hunting and fishing boundaries and permitting system rather than the traditional form of governance over traditional tribal fishing and hunting boundaries (Wolfe and Scott 2010:28–29).

Residents of Rampart

Rampart is located in District 5C downriver from Subdistrict 5D. People harvest more Chinook and fall Chum salmon than summer Chum or Coho salmon (Jallen, Decker, and Hamazaki 2012). People have fish camps up to the Dalton Highway bridge (in Subdistrict 5D). A stretch of river below the bridge is used by residents of Stevens Village and Rampart. Wolfe and Scott (2010) reported that in 2007 five fish camp families in the area below the bridge were dual residents of Rampart and Fairbanks and four fish camps were occupied by people without connections to the villages.

Table 1. The number of people in the customary and traditional use determination for Chinook Salmon in Subdistrict 5D of the upper Yukon River drainage, by community and Fishery Management District, 1960-2010.

Community	1960	1970	1980	1990	2000	2010	2010 number of households
Tanana city	349	120	388	345	308	246	100

Rampart CDP	49	36	50	68	45	24	10
Stevens Village CDP	102	74	96	102	87	78	26
Beaver CDP	101	101	66	103	84	84	36
Fort Yukon city	701	448	619	580	595	583	246
Chalkyitsik CDP	57	130	100	90	83	69	24
Arctic Village CDP	110	85	111	96	152	152	65
Venetie CDP	107	112	132	182	202	166	61
Birch Creek CDP	32	45	32	42	28	33	17
Circle CDP	41	54	81	73	100	104	40
Chicken CDP	0	0	0	0	17	7	5
Central CDP	28	26	36	52	134	96	53
Eagle Village CDP	0	0	54	35	68	67	31
Eagle city	92	36	110	168	129	86	41
District 5 subtotal	1,769	1,267	1,875	1,936	2,032	1,795	755

CDP=Census Designated Place. Blank cell=information is not available. Source: ADCCED 2014.

Regulatory History

Since 2001, the Yukon River Chinook Salmon stock has been categorized as a “stock of yield concern” by the Alaska Board of Fisheries in accordance with the State’s *Policy for the management of sustainable salmon fisheries*. This designation identifies a chronic inability to maintain expected yields or harvestable surpluses above a stock’s escapement needs despite restrictive management actions. Directed commercial fishing for Yukon River Chinook Salmon has been discontinued since 2007 and subsistence fishing opportunities have become increasingly more restrictive in an effort to conserve Chinook Salmon.

For management purposes, the summer season refers to the fishing associated with Chinook and summer Chum Salmon migrations and the fall season refers to the fishing associated with the fall Chum and Coho salmon migrations. During the fishing season, management is based on preseason projections and in-season run assessments. Since 1995 the main river sonar project at Pilot Station has provided in-season estimates of salmon passage for fisheries management. The level of commercial, subsistence, and personal use harvests can be adjusted through the use of State emergency orders and Federal special actions to manage time, gear, and area of openings and closures. For Chinook Salmon, since 2001 there has been an action plan developed through a public process that includes goals, objectives, and provisions necessary to rebuild Chinook Salmon runs (Munro and Tide 2014).

The Canadian IMEG of 42,500– 55,000 Chinook Salmon is based on the Eagle sonar (**Figure 2**). In order to meet this goal, the passage at the Eagle sonar station must include a minimum of 42,500 fish for escapement, provide for a subsistence harvest in the community of Eagle upstream of the sonar (approximately 1,000–2,000 fish), and incorporate Canadian harvest sharing as dictated in the US/Canada Yukon River Treaty which is typically 20–26% of the TAC (ADF&G 2014a). Subsistence fishers have had very limited opportunities to harvest Chinook Salmon in the Yukon River drainage during recent years of low abundance. The 2014 season was “the most conservatively managed Chinook Salmon season in

recent history” (ADF&G 2014a). For example, District 5 subsistence fishers were not allowed to use greater than 4-inch mesh-size gillnets for up to 45 days in summer 2014 (ADF&G 2015b). Management of the Yukon River salmon fishery is complex due to the (1) inability to determine stock-specific abundance and timing, (2) overlapping multi-species salmon runs, (3) efficiency of methods and means, (4) allocation issues, and (5) the immense size of the Yukon River drainage. Currently the Yukon River fisheries are managed chronologically to protect the main pulse of the Chinook Salmon run. Federal in-season managers look to manage the fisheries in concordance with pre-season management goals for the predicted year. When opportunities arise for subsistence harvest, in-season managers liberalize the fishery to allow more harvest as was observed in 2016. Due to the nature of this type of adaptive management strategy, calls into question whether FP17-01 is warranted or could be effective if the Federal in-season manager has the ultimate discretion to allow liberalizations to be made or restrictions.

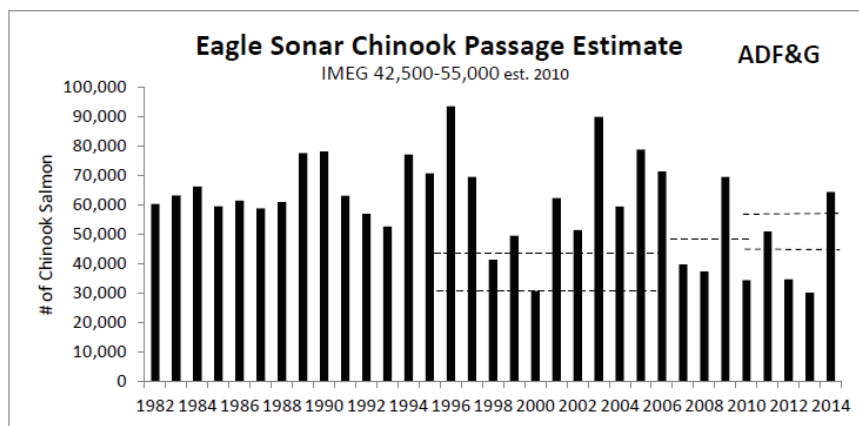


Figure 2. Eagle sonar Chinook passage estimates from 1982-2014 (ADF&G 2014b).

Current Events Involving the Species

The 2013 Chinook Salmon run was one of the poorest runs on record. In response, fishery managers reduced subsistence fishing opportunity to limit harvests to approximately 25% of historical levels. However, even with reduced subsistence harvests, the lower bound of the Canadian IMEG (42,500 – 55,000 fish) was not met and the estimated escapement past the Eagle sonar was 30,752 Chinook Salmon. In 2014 and 2015, the Chinook Salmon fishery was also managed conservatively. Chinook Salmon escapement into Canada exceeded the upper bound of the Canadian IMEG both years, at 63,462 and 84,015 fish, respectively. The 2016 drainage-wide Chinook Salmon outlook is for a run size of 130,000 to 175,000 fish past the Pilot Station sonar site (Figure 3; ADF&G 2016b). The preseason forecast for the Yukon River main stem Chinook Salmon return is predicted to be below-average and in this regard, a conservative management approach will likely be required in order to achieve the IMEG (JTC 2016).

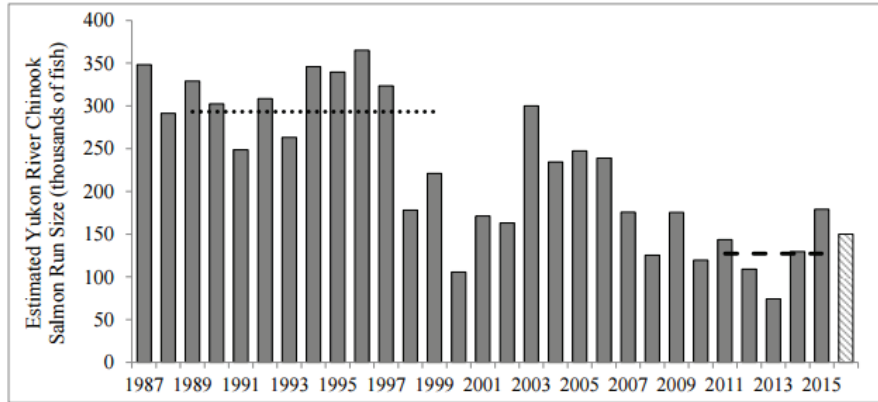


Figure 3. The 2016 dashed bar represents the approximate midpoint of the projected outlook range of 130,000 to 175,000 Chinook salmon at Pilot Station sonar. The dotted line represents the historical average run size and the dashed line is the recent 5 – year average run size (ADF&G 2016).

As the 2016 season started, in-season fisheries managers proceeded to manage the Chinook fishery with caution and acted in a conservative manner in which they described in their 2016 forecast management plan. As the season progressed and the sonar escapement at Eagle was predicted to be met, in-season fisheries managers began to liberalize the fisheries to increase opportunities for subsistence purposes.

During the early 2016 season, ADF&G and the U.S. Fish and Wildlife Service (USFWS) presented a news release with specific management actions for Subdistrict 5D to restrict gear size of gillnets during specific times. ADF&G management actions for Subdistrict 5D were as follows (**Table 3**):

Table 3. News releases of the in-season management actions for the 2016 season.

<u>Area of 5D</u>	<u>Date</u>	<u>Action</u>	<u>Season</u>	<u>Methods</u>	<u>New Release</u>
LOWER	31-May	Open 24 hrs a day	Seven days / week	Fish wheels or gillnets with mesh 7.5 inches or smaller	(NR #7)
MIDDLE					
UPPER					
LOWER	19-Jun	Open 24 hrs a day	Seven days / week	Fish wheels or gillnets with mesh 6 inches or smaller	(NR #17)
MIDDLE	22-Jun	Open 24 hrs a day			(NR # 27)
UPPER	24-Jun	Open 24 hrs a day			(NR # 27)
LOWER	28-Jun	CLOSE			(NR #29)
MIDDLE	1-Jul	CLOSE			(NR #29)
UPPER	3-Jul	CLOSE			(NR #55)

Continued from previous page.

LOWER	11-Jul		One 12-hour period	Fish wheels or gill- nets mesh size 6 inches or smaller	(NR #55)
MIDDLE	13-Jul				(NR #55)
UPPER	15-Jul				(NR #55)
LOWER	17-Jul		One 24-hour period	Fish wheels or gill- nets mesh size 6 inches or smaller	(NR #60)
MIDDLE	17-Jul				(NR #60)
UPPER	15-Jul		One 36-hour period		(NR #60)
LOWER	20-Jul		3.5 day period	Fish wheels or gill- nets mesh size 6 inches or smaller	(NR #61)
MIDDLE	20-Jul				(NR #61)
UPPER	20-Jul				(NR #61)
5D	19-Jul		4.5 day	Fish wheels or gill- nets mesh size 6 inches or smaller	(NR # 64)
5D	24-Jul	Open 24 hrs a day	One 24-hour period	Fish wheels or gill- nets mesh size 7.5-inch or smaller	(NR # 65)
5D	25-Jul	Open 24 hrs a day	Seven days / week	Fish wheels or gill- nets mesh size 6 inches or smaller	(NR # 65)
5D	26-Jul	Open 24 hrs a day	Seven days / week	Fish wheels or gill- nets mesh size 7.5-inch or smaller	(NR #67)

Biological Background

Recent analyses indicate that Yukon River Chinook Salmon stocks appear to be in the 8th year of a multi-year period of low productivity. Historically, the Yukon River Chinook Salmon stocks show periods of above-average abundance (1982-1997) and periods of below-average abundance (1998 onwards), as well as periods of generally higher productivity (brood years 1993 and earlier) mixed with years of low productivity (brood years 1994-1996 and 2002-2005; Schindler et al. 2013). The minimum spawning escapement target was not achieved in 5 of the past 9 years (Department of Fisheries and Oceans Canada 2016). Presently, the Chinook Salmon escapement at the Eagle sonar site (68,010 fish 8/4/2016) has met the Canadian IMEG and opportunities for subsistence have been provided thru in-season management actions. During 2012 and 2013 the Eagle sonar escapement experienced the lowest returning adults in history (**Table 4**). It is expected that the progeny of the 2012 and 2013 year class will be weak due to low escapement. If this is a true, the expected run strength of the 2017 thru 2019 year class might be weak and management will likely remain cautionary.

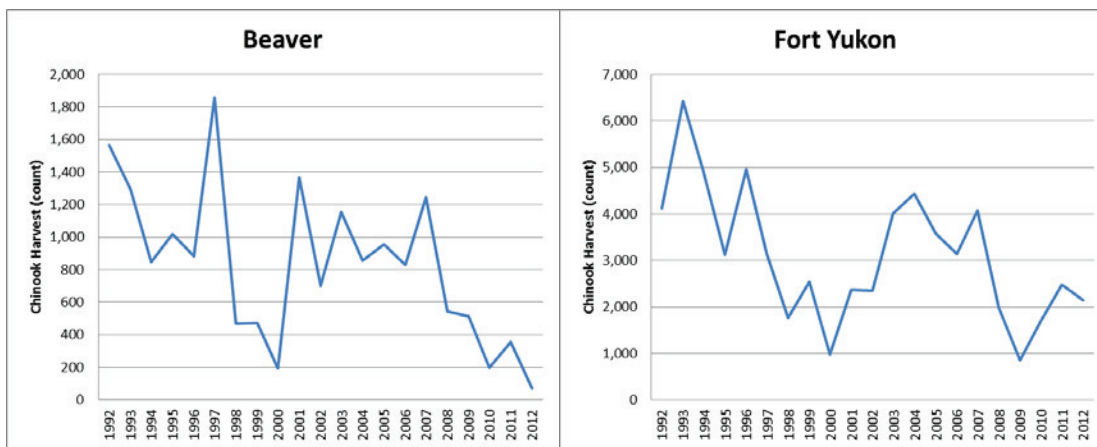
Table 4. Eagle sonar Chinook Salmon escapement for the past four years (2012 – 2015).

Cumulative 2015	Cumulative 2014	Cumulative 2013	Cumulative 2012
84,015	63,462	30,725	34,747

Harvest History

Chinook Salmon subsistence harvests average approximately 50,000 fish annually in the Alaskan portion of the Yukon River from 1989 - 1997. However, subsistence harvest levels of Chinook Salmon have declined since 1997 due to declining run abundance and resultant harvest restrictions. In recent years, subsistence fishing has increasingly targeted other species of fish. In order to allow continued subsistence opportunity throughout the season, subsistence fishing activity has been managed to avoid Chinook and allow the harvest of other fish species.

The Yukon River drainage in District 5 includes the communities of Stevens Village, Birch Creek, Beaver, Fort Yukon, Circle, Central, Eagle, Venetie and Chalkyitsik. District 5 harvested an estimated 5-year average (2001–2005) of 13,969 Chinook Salmon annually and 2006 – 2010 averaged 11,252 Chinook Salmon (Jallen et al. 2012). This pattern coincided with a decrease in the other 6 Yukon River management districts. In District 5, only 18% of the surveyed subsistence households responded that their Chinook Salmon needs (76% to 100%) were met, the lowest of any U.S. Yukon River district (Jallen et al. 2012). Declines in harvest of Chinook Salmon have been noticeably observed in four communities (Fort Yukon, Beaver, Circle, and Eagle) of Subdistrict 5D (**Figure 3**). The preliminary harvest estimates of Chinook, Chum (both summer and fall), and Coho salmon were below the State’s amounts necessary for subsistence levels (JTC 2016). The estimated 16 – year harvest of Chinook Salmon for the following communities; (Beaver 983 fish, Circle 1,045 fish, Eagle 1,722 fish, and Fort Yukon 3,495 fish). From 1992 to 2007, the communities of Stevens Village, Birch Creek, Beaver, Fort Yukon, Circle, Eagle, and Venetie harvested an estimated 20% of all the Alaskan villages subsistence Chinook harvest (Fall et al. 2012).



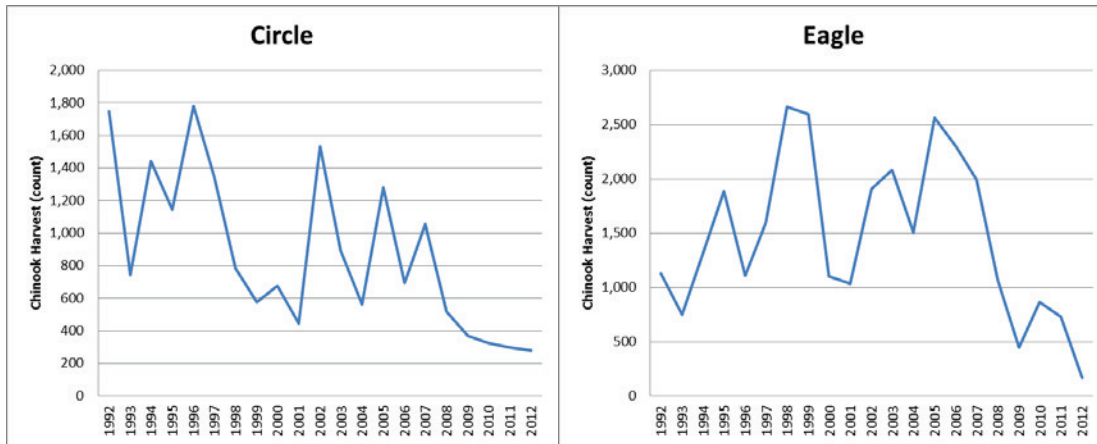


Figure 3. 20 year trends of four communities Chinook Salmon harvest in Subdistrict 5D.

Commercial harvest

Commercial fishing has been closed since 2007 for Chinook Salmon and there is not an anticipated fishery for 2016 on the Yukon River in Subdistrict 5D. Currently, there is one permit holder for commercial fishing in Subdistrict 5D (Firmin 2016).

Effects of the Proposal

If FP17-01 were adopted, Federally qualified subsistence users would be allowed to harvest salmon during closures when the Federal in-season managers project that the midrange of the Canadian IMEG and the TAC goal are projected to be achieved. In-season managers use a variety of tools to assess the abundance of salmon in the Yukon River, however the estimates do come with uncertainty. Adoption of FP17-01 would ensure timely access to harvest fish in the event the in-season managers delay opportunities. Due to the large size of Subdistrict 5D, run timing is critical for the lower Subdistrict 5D to have opportunities to fish when the Canadian obligations have been achieved. The harvest in Subdistrict 5D has shown to be relatively low in the past and should not significantly impact the population of either Chinook Salmon or fall Chum Salmon if this regulation were adopted. The communities of Eagle, Fort Yukon, Circle, and Beaver have all shown declines in harvest and providing an ensured opportunity to harvest salmon could benefit all of the communities within Subdistrict 5D. It is also likely that an increase in participation from the subsistence users could develop due achieving the “target” with fulfilling Canadian obligations and having a known benchmark to begin fishing.

If FP17-01 were not to be adopted, it is likely that the declining trend of harvest among communities in Subdistrict 5D would persist. Subsistence harvesters might be less inclined to put in the effort to build and assemble fish wheels when waiting for the in-season manager’s decision to open the fishery. Jallen et al. has shown through previous harvest surveys that subsistence needs are rarely met for District 5.

Federal in-season managers would still retain the management actions in a chronological fashion as they have done in the past. Eagle sonar estimates are gathered daily and when the Canadian IMEG has been achieved, it is known almost instantaneously. This information can be relayed via teleconference and it is likely that the fishery for Subdistrict 5D be opened shortly after the Federal in-season manager announces the mid-range of the Canadian IMEG and TAC have been achieved.

OSM PRELIMINARY CONCLUSION

Support Proposal FP17-01 **with modification** to change the wording in the proposed regulation from “projected to be achieved” to “achieved,” and to specify that the Federal in-season manager is the person to declare when the IMEG and TAC are achieved.

The modified regulation should read:

Yukon-Northern Area – Salmon

50 CFR§100.27 Subsistence taking of fish

§ __.27(i)(3) (i) Unless otherwise restricted in this section, you may take fish in the Yukon-Northern Area at any time. In those locations where subsistence fishing permits are required, only one subsistence fishing permit will be issued to each household per year. You may subsistence fish for salmon with rod and reel in the Yukon River drainage 24 hours per day, 7 days per week, unless rod and reel are specifically otherwise restricted in paragraph (e)(3) of this section.

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

*(xiii)(B) In Subdistrict 5D, **during in-season subsistence fisheries closures**, you may take salmon for subsistence use once the mid-range of the **Canadian** interim management escapement goal and the total allowable catch goal are ~~projected to be~~ **achieved, and announced by the Federal in-season manager.***

Justification

Adoption of this proposal with modification could result in additional harvest opportunity for Federally qualified subsistence users in Subdistrict 5D in times of Chinook Salmon conservation. Estimates of in-season run strength usually have a high degree of uncertainty, so it would be prudent to wait until the Eagle sonar counts achieve the mid-range of the IMEG and TAC, before lifting the closure to Federally qualified subsistence users. As was observed in the 2016 season the in-season fisheries managers closely monitored and regulated the fishery until the IMEG was predicted to be met. At that point, the fishery was liberalized to further provide more subsistence opportunity for subsistence purposes drawing in the question if the FP17-01 regulatory proposal is needed if the in-season managers plan to open the fishery when the IMEG and TAC is predicted to be met. The primary cause of concern from the Council is to have ensured opportunity as soon as the Canadian obligations have been fulfilled. Some years such as 2015, the

Canadian obligations were met. However the fishery remained closed, which prompted concern about the continued access to the fishery in future years when the Canadian obligations are met.

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FP17-02 Executive Summary	
General Description	Proposal FP17-02, requests a new regulation be made to Subdistrict 5D to allow for harvest of early-run Chinook Salmon until arrival of the first pulse of Chinook Salmon. This would allow access to a small number of early-run Chinook Salmon while still protecting the main Chinook Salmon run. <i>Submitted by: Eastern Interior Alaska Subsistence Regional Advisory Council.</i>
Proposed Regulation	§ __.27(i)(3) (i) <i>Unless otherwise restricted in this section, you may take fish in the Yukon-Northern Area at any time. In those locations where subsistence fishing permits are required, only one subsistence fishing permit will be issued to each household per year. You may subsistence fish for salmon with rod and reel in the Yukon River drainage 24 hours per day, 7 days per week, unless rod and reel are specifically otherwise restricted in paragraph (e)(3) of this section.</i> (ii) <i>For the Yukon River drainage, Federal subsistence fishing schedules, openings, closings, and fishing methods are the same as those issued for the subsistence taking of fish under Alaska Statutes (AS 16.05.060), unless superseded by a Federal Special Action.</i> (xiii) In Subdistrict5D you may take early- run salmon migrating up river before the first pulse of Chinook Salmon.
OSM Preliminary Conclusion	Support FP17-02
Yukon-Kuskokwim Regional Council Recommendation	
Western Interior Regional Council Recommendation	
Seward Peninsula Regional Council Recommendation	
Eastern Interior Regional Council Recommendation	
Interagency Staff Committee Comments	
ADF&G Comments	
Written Public Comments	None

**DRAFT STAFF ANALYSIS
FP17-02**

ISSUE

Proposal FP17-02 submitted by the Eastern Interior Alaska Subsistence Regional Advisory Council (Council), requests Federally qualified subsistence users in Subdistrict 5D be allowed harvest of early arriving Chinook Salmon until subsistence fishing is closed to protect the first pulse of Chinook Salmon. This would allow Federally qualified subsistence users in portions of Subdistrict 5D access to a small number of Chinook Salmon while still protecting the main Chinook Salmon run.

DISCUSSION

Subsistence fishing on the Yukon River in Subdistrict 5D is open 7 days a week with no harvest limit for salmon, unless closed by the inseason managers for conservation purposes. On June 19th 2016, as the Chinook Salmon run began to build, the lower portion of Subdistrict 5D was restricted to fishing on the early segment of the run with 6-inch or smaller mesh size gillnets and fish wheels (ADF&G 2016a). On June 28th, 2016, subsistence fishing was closed to subsistence salmon fishing with gillnets and fish wheels to protect Chinook Salmon in the lower portion of Subdistrict 5D and followed sequentially to the middle and upper portions as the migration progressed upstream.

Few summer Chum Salmon migrate as far upriver as District 5 therefore, any subsistence opportunity provided would likely target Chinook Salmon, the majority of which are of Canadian-origin. Because few alternative fish species are available for subsistence harvest during the summer season, District 5 often experiences the most restrictive management measures. In an effort to increase harvest opportunity for Federally qualified subsistence users in Subdistrict 5D, the Council proposed allowing harvest of the early arriving Chinook Salmon. Federally qualified subsistence users would be able to harvest the early arriving Chinook Salmon until the first pulse of Chinook Salmon arrived in Subdistrict 5D which is often protected by a fishing closure. Local knowledge defines a pulse of salmon as an aggregate of fish entering the river and traveling upstream together (Bue 2016, pers. comm.). These aggregates of fish usually begin their river migration as a result of changing environmental condition such as tide and wind near the mouth of the river. The aggregates usually represent a mixed of fish that are bound for multiple streams, as they migrate upriver they cause an increase in the fish counts at the escapement projects. Closures to protect the first pulse of Chinook Salmon are not required for Subdistrict by regulation.

Existing Federal Regulation

Yukon-Northern Area –Salmon

*50 CFR§100.27 Subsistence taking of fish Year round
§ ____.27(i)(3) (i) Unless otherwise re-*

stricted in this section, you may take fish in the Yukon-Northern Area at any time. In those locations where subsistence fishing permits are required, only one subsistence fishing permit will be issued to each household per year. You may subsistence fish for salmon with rod and reel in the Yukon River drainage 24 hours per day, 7 days per week, unless rod and reel are specifically otherwise restricted in paragraph (e)(3) of this section.

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

Proposed Federal Regulation

Yukon-Northern Area –Salmon

50 CFR§100.27 Subsistence taking of fish §__.27(i)(3) (i) Unless otherwise restricted in this section, you may take fish in the Yukon-Northern Area at any time. In those locations where subsistence fishing permits are required, only one subsistence fishing permit will be issued to each household per year. You may subsistence fish for salmon with rod and reel in the Yukon River drainage 24 hours per day, 7 days per week, unless rod and reel are specifically otherwise restricted in paragraph (e)(3) of this section.

Year round

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

(xiii) In Subdistrict 5D you may take early-run salmon migrating up river before the first pulse of Chinook Salmon.

Existing State Regulation

Chapter 01. Subsistence Finfish Fishery.

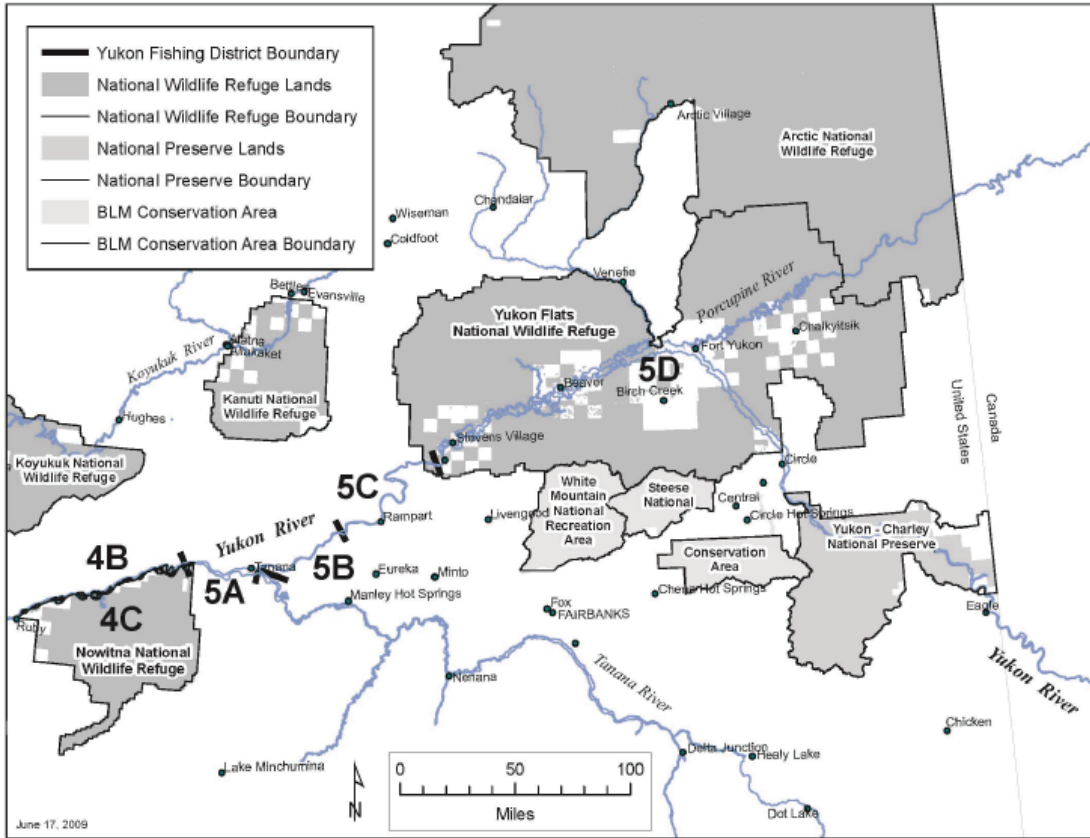
Article 4. Yukon Area.

5 AAC 01.210. Fishing seasons and periods.

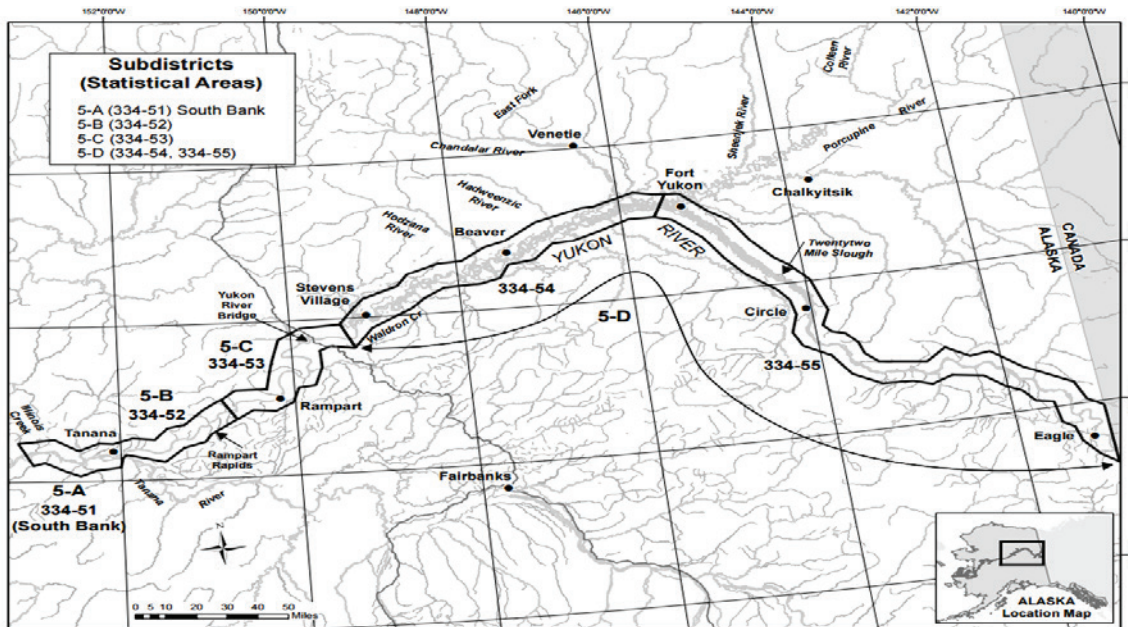
- (a) Unless restricted in this section, or in 5 AAC 01.220 – 5 ACC 01.249, salmon may be taken in the Yukon Area at any time.*
- (b) When there are no commercial salmon fishing periods, the subsistence fishery in the Yukon River drainage will be based on a schedule implemented chronologically, consistent with migratory timing as the salmon run progresses upstream. The commissioner may alter fishing periods by emergency order, if the commissioner determines that preseason or inseason run indicators indicate it is necessary for conservation purposes. The fishing periods for subsistence salmon fishing in the Yukon River drainage will be established by emergency order as follow:
 - (1) Coastal District, Koyukuk River, Kantishna River, and Sub-district 5D: seven days per week.**

Extent of Federal Public Waters

The area addressed by this proposal includes all Federal public waters of the Yukon River. Federal public waters of the Yukon River watershed include all navigable and non-navigable waters, located within and adjacent to the exterior boundaries of the Innoko, Kanuti, Koyukuk, Nowitna, Tetlin, Yukon Flats, Yukon Delta National Wildlife Refuges (NWR); the Arctic NWR; the Denali Preserve; the 1980 additions to the Denali Park; the gates of the Arctic National Park and Preserve; the Wrangell–St. Elias National Park and Preserve; Yukon-Charley Rivers National Preserve; the Steese National Conservation Area; the White Mountain National Recreation Area, and Preserve, and those segments of the Wild and Scenic River system, of the Yukon River drainage, located outside the boundaries of these Federal Conservation System Units (i.e., portions of Beaver and Birch Creeks and the Delta, and the Fortymile Rivers). The area addressed by this proposal includes all Federal public waters of the Yukon River drainage in Subdistrict 5D, approximately from the village of Stevens Village upstream to the Canadian border. For purposes of this discussion, the phrase “Federal public waters” is defined as those waters described under 36 CFR 242.3 and 50 CFR 100.3. (**Map 1 and Map 2**)



Map 1. Area map of Subdistrict 5D and surrounding Federal lands (ADF&G 2016d).



Map 2. Area map of Subdistrict 5D with local communities (ADF&G 2016d).

Customary and Traditional Use Determinations

For salmon other than Fall Chum Salmon, residents of the Yukon River drainage, and the community of Stebbins have a positive customary and traditional use determination. For freshwater fish (other than salmon) residents of the Yukon Northern Area have a positive customary and tradition use determination within the Yukon River Drainage.

Regulatory History

Since 2001, the Yukon River Chinook Salmon stock has been categorized as a “stock of yield concern” by the Alaska Board of Fisheries in accordance with the *Policy for the management of sustainable salmon fisheries* (5 AAC 39.222). This designation identifies a chronic inability to maintain expected yields or harvestable surpluses above a stock’s escapement needs despite restrictive management actions. Directed commercial fishing for Yukon River Chinook Salmon has been discontinued since 2007 and subsistence fishing opportunities have become increasingly more restrictive in an effort to conserve Chinook Salmon.

Management of the Yukon River salmon fishery is complex due to the (1) inability to determine stock-specific abundance and timing, (2) overlapping multi-species salmon runs, (3) efficiency of methods and means, (4) allocation issues, and (5) the immense size of the Yukon River drainage. The 2014 season was “the most conservatively managed Chinook Salmon season in recent history” (ADF&G 2014a). The management strategies implement in 2014 have continued to be in place through 2016 to conserve Chinook Salmon (ADF&G 2016). Once Chinook Salmon began travel through the fishing districts, closures were initiated. The closure would be implemented in fishing districts based on the migratory timing of the salmon. In 2016, the southern portion of the Coastal District was restricted to 6-inch mesh gillnets when Chinook entered the river. The northern portion of the Coastal District and Districts 1 through 4 and Subdistricts 5A, 5B and 5C were closed to gillnets as the first Chinook salmon migrated upriver. The Districts were reopened with dipnets, beach seines, and live-release fishwheels to ensure the live release of Chinook salmon. As Chinook Salmon entered Subdistrict 5D gillnets were restricted to 6-inch. Once Chinook Salmon began travel through the fishing districts, closures were initiated. The closure would be implemented in fishing districts based on the migratory timing of the salmon. During subsistence salmon fishing closures, non-salmon species were harvested by using 4-inch or smaller mesh size gillnets and targeting of Chinook Salmon was not allowed. Subsistence restrictions would be relaxed after the Chinook Salmon run has passed through each section of the river. Finally, sport fishing for Chinook Salmon was closed in the U.S. portion of the Yukon River drainage.

The Canadian Interim Management Escapement Goal of 42,500– 55,000 Chinook Salmon is based on the Eagle sonar program. In order to meet this goal, the passage at the Eagle sonar station must include a minimum of 42,500 fish for the Canadian escapement, plus provide for a subsistence harvest in upstream of the sonar (approximately 1,000–2,000 fish), and incorporate Canadian harvest sharing as dictated in the US/Canada Yukon River Treaty. Few summer Chum Salmon migrate as far upriver as Subdistrict 5 therefore, any subsistence opportunity provided would likely target Chinook Salmon, the majority of which are of Canadian-origin. Subsistence fishers have had very limited opportunities to harvest Chinook Salmon in the Yukon River drainage during years of low abundance.

While the 2016 Yukon River Chinook Salmon run is forecasted to be stronger than previous years, managers predicted a below average return (ADF&G 2016a). It was likely that conservation measures would be necessary to meet the IMEG of 42,000-55,000 Chinook Salmon. The 2016 drainage-wide Chinook Salmon forecast was for a run size of 130,000 to 175,000 fish. The upper end of this range was similar in size to the run observed in 2015 and would likely require subsistence harvest restrictions in order to assure escapement objectives are met. The first Chinook Salmon were caught in the Lower Yukon Test Fishery on May 17 and May 23 indicating that the 2016 Chinook Salmon run had begun entering the river (ADF&G 2016c). As Chinook Salmon move into District 5D, fishing remained open to allow harvest of the early Chinook Salmon ticklers (ADF&G 2016b). However, gillnet mesh size was restricted to no larger than 6-inches in an effort to conserve the larger bodied female component of the run. As the first pulse of Chinook Salmon move up the drainage, subsistence salmon fishing was closed under both State and Federal management actions to protect the migrating Chinook Salmon. The sport and commercial fisheries for Chinook Salmon were closed through the U.S. portion of the Yukon River drainage, excluding the Tanana River drainage. Restrictions for the Tanana Rivers drainage sport fishery were announced in early June.

Biological Background

Recent analyses indicate that Yukon River Chinook Salmon stocks appear to be in the 8th year of a multi-year period of low productivity. Historically, the Yukon River Chinook Salmon stocks show periods of above-average abundance (1982-1997) and periods of below-average abundance (1998 onwards), as well as periods of generally higher productivity (brood years 1993 and earlier) mixed with years of low productivity (brood years 1994-1996 and 2002-2005; Schindler et al. 2013). Conservation efforts have been on going to help protect the fishery from further declines.

The 2016 drainage-wide Chinook Salmon outlook is for a run size of 130,000 to 175,000 fish. The upper ends of this range is similar in size to the run observed in 2015 and will require subsistence harvest restrictions in order to assure minimum escapement objectives are met. As in recent years, initial management will be based on the expectation that the 2016 Chinook Salmon run size will likely be near the lower end of this range. Although an optimistic projection, historically the estimated projection is still considered below average (JTC 2016).

Harvest History

Chinook Salmon subsistence harvests have been approximately 50,000 fish annually in the Alaskan portion of the Yukon River over the past 20 years. However, subsistence harvest levels of Chinook Salmon have declined since 1997 due to declining run abundance and resultant harvest restrictions. In recent years, subsistence fishing has increasingly targeted non-Chinook Salmon and other species such as whitefish. In order to allow continued subsistence opportunity throughout the season, subsistence fishing activity has been managed to avoid Chinook Salmon and allow the harvest of other fish species. Yukon River drainage District 5 includes the communities of Tanana, Rampart, Steven Village, Birch Creek, Beaver, Fort Yukon, Circle, Central, Eagle, Venetie and Chalkyitsik. District 5 harvested an estimated 5-year average (2001–2005) of 13,969 Chinook Salmon annually and 2006 – 2010 averaged 11,252 (Jallen et al. 2012). A decrease occurred in all 6 management districts. Household harvest surveys are not done with residents of Rampart, Circle, Central, Eagle, Manley, Minto, Nenana, and Healy. Instead, all Alaska residents fishing in these areas must obtain a State subsistence or personal use permit.

Cultural Knowledge and Traditional Practices

People who are members of Yup'ik Eskimo and *Deg Hit'an*, *Doy Hit'an*, Holikachuk, *Denaakk'e* (Koyukon), *Gwich'in*, *Han*, Tanana, Tanacross, or Upper Tanana Athabaskan cultural groups live in the 61 rural communities and have a customary and traditional use determination for Chinook Salmon in the District 5D of the Yukon River drainage in Alaska (**Table 1**). Settlement patterns since 1900 have been characterized by movement from nomadism to permanent settlements at important harvesting sites, around trading posts, and to send children to school. Others have moved to the area to work in education, government, mining, trade, and other industries (Clark 1981; Fienup-Riordan 1984, 1986; Haynes and Simeone 2007; Hosley 1981; Mishler and Simeone 2004; Nelson 1983; Slobodin 1981; Wolfe and Scott 2010; VanStone 1984; VanStone and Goddard 1981).

A major force of change affecting salmon harvest levels in the upper Yukon River drainage was the use of salmon to feed sled dogs described below.

The period from 1900 to 1940 encompasses the peak sled dog era in the Yukon River drainage . . . virtually every family maintained a small number of sled dogs In the 1930s airplanes began to replace commercial dog teams for the movement of freight and mail but sled dogs continued to provide the bulk of winter transportation for individuals and families throughout the Yukon River drainage (Andersen and Scott 2010:2–5).

By the 1970s snowmobiles had largely replaced the family dog team. Some people continue to keep dogs. In the upper Yukon River drainage no one reported harvesting Chinook Salmon for dog food in 2009, 2010, or 2011, nor during a survey conducted in 2008 that included the communities of Tanana and Fort Yukon (Andersen and Scott 2010; Jallen, Decker, and Hamazaki 2012; Jallen, Ayers, and Hamazaki 2012; Jallen and Hamazaki 2011). In 2011, an estimated 40,178 salmon were harvested for dog food in the upper Yukon River drainage (from Tanana, in District 5A, to the Canada Border, in District 5D). The

majority was fall Chum Salmon. Smaller amounts of summer Chum Salmon and Coho Salmon were also harvested to feed dogs.

In contrast to the lower and middle, the population in only the upper Yukon River (from Tanana, in District 5A, to the Canada border, in District 5D) drainage peaked between 1970 and 2000 and has since declined; the population increased by only 1.5% in the 50 years between 1960 and 2010 (**Table X**, ADCCED 2014). Villages are generally described as culturally affiliated with Koyukon, Gwich'in, and Han Athabascans (Clark 1981, Hosley 1981, Mishler and Simeone 2004, Nelson 1983, Slobodin 1981, Wolfe and Scott 2010, VanStone and Goddard 1981). Eagle City, Chicken, and Central were established as gold mining supply sites; however, most miners had left the area by 1910. Native and non-Natives worked on steamboats, in mines, and in wood chopping camps, as well as on traplines. In the 1970s land auctions attracted new residents to Eagle City. Gold miners continue to return to the area seasonally. Roads have linked Eagle with the Alaska Highway since the 1950s, the Steese Highway connected Central with Fairbanks in 1927, and the Dalton Highway (Haul Road) from Fairbanks crosses the Yukon River between the communities of Rampart and Stevens Village (Crow and Obley 1981, Hosley 1981).

A significant factor affecting the management of salmon fisheries in the upper Yukon River drainage is the three highway access points, described above. Federal regulations do not affect the State fisheries at the three highway access points because none are located on Federal public lands. The following is a description of salmon fishing patterns of communities that harvest salmon in District 5D.

Residents of Eagle and Eagle Village

People rely on large quantities of salmon, including Chinook Salmon, that they harvest from the upper Yukon River drainage in District 5D (Jallen, Decker, and Hamazaki 2012). More fall Chum Salmon are harvested than other salmon species. Historically fish, especially salmon, were a vital resource for Han people living in the Upper Yukon area encompassing District 5D (Mishler and Simeone 2004). Chinook Salmon pass Eagle Village around July 1 and continue for about a month. After a short break, the fall Chum Salmon run begins in mid-August and continues to late September. There are fishwheels harvesting salmon from Eagle Village to the Canadian border. "Up until the 1970s, Han families usually moved to their fish camps while the salmon were running" (Mishler and Simeone 2004:60). They processed Chinook Salmon for human consumption and Chum Salmon for dog food. They cut salmon fillets into long strips and smoked salmon, kippered and froze salmon, and smoked salmon fish eggs.

Residents of Chicken

The community of Chicken is situated on the Taylor Highway on a tributary of the Fortymile River and about 95 highway miles from Yukon River at the community of Circle. Salmon are not observed in the Fortymile River drainage in Alaska except a few Chum Salmon below the Taylor Highway bridge that crosses the Fortymile River about 46 miles from Chicken. No subsistence harvests of salmon have been reported by Chicken residents (Jallen, Decker, and Hamazaki 2012).

Residents of Beaver, Birch Creek, Circle, Fort Yukon, Venetie, Chalkyitsik, and Arctic Village

Most residents harvest more fall Chum Salmon than other salmon species from the upper Yukon River drainage (Jallen, Decker, and Hamazaki 2012). Five groups, or bands, of Gwich'in were centered historically in the Upper Yukon-Porcupine region of Alaska (Slobodin 1981). In 1983, Caulfield described the harvest of fish. "Traditionally fish were one of the most reliable and abundant food resources in the Upper Yukon-Porcupine region, and this fact remains true today . . . Harvest of fish was a major component of the annual cycle for bands" (Caulfield 1983:36).

Salmon are harvested primarily along the Yukon River . . . King salmon arrive at Fort Yukon during the end of June and are generally caught . . . during the early part of July. Chum Salmon arrive in August . . . The most intensive fishing activity for Chums takes place in late August and early September . . . King salmon are extremely oily and are usually cut into strips and hung to dry in smokehouses. King salmon heads are often split, dried, and used in soups . . . Several thousand Chums may be split and dried on racks in the fall for dog food (Caulfield 1983:74).

Additionally, "Chalkyitsik has traditionally been an important fishing site" located on the Salmon Fork of the Black River (Caulfield 1983:127). "The main reason for the . . . settlement was the presence of abundant source of whitefish which run down the nearby creek during the fall" (Nelson 1973:18). Traditional territory included the Porcupine and Black rivers. Some Chum Salmon were gaffed in the fall at spawning areas.

Residents of Arctic Village generally harvest salmon from the Chandalar River drainage above Venetie (ADF&G 1986; Caulfield 1983; Jallen, Decker, and Hamazaki 2012). Fall Chum Salmon account for the majority of salmon returning to the Chandalar River and begin to arrive in late July or early August. "Summer Chum Salmon, while not as abundant, have been intermittently observed in the Chandalar River. . . While Chinook Salmon are known to spawn in the Chandalar River, their actual abundance is unknown" (Melegari and Osborne 2008:1).

Residents of Central

Central residents harvest some salmon, primarily Chinook Salmon (Jallen, Decker, and Hamazaki 2012). Central is located on the upper reaches of Birch Creek and along the Steese Highway that connects Fairbanks to the community of Circle on the Yukon River, 33 highway miles away. They harvest salmon from the mainstem of the Yukon River, probably at Circle. Central was a mining supply site and telegraph maintenance station in the 1890s and early 1900s. Mining activity in the area continues today. Central also provides services to area residents (Hosely 1981; Jallen, Decker, and Hamazaki 2012).

Residents of Stevens Village

People harvest more Chinook or fall Chum Salmon than summer Chum or Coho Salmon (Jallen, Decker, and Hamazaki 2012). Chinook Salmon are generally available in the area from late June or early July through July and in some years into August. Late run Chinook Salmon are mixed with summer Chum

Salmon. Coho Salmon arrive by September. In 1984 Sumida (1986) wrote that all Chinook Salmon were prepared for human consumption, and only some entrails, backbones, and other discarded parts were fed to dogs. Summer Chum Salmon were used primarily for dog food, some fall Chum Salmon were prepared for human consumption and some were fed to dogs, and most Coho Salmon were used for dog food and some were prepared for human consumption. Most fish camps were located along the Yukon River mainstem from just below the Dalton Highway bridge (about 27 river miles downriver) to several miles above Stevens Village. Chinook Salmon were desired by all households in the community. They were cut, smoked, and dried in strips, frozen, salted, and/or canned. Fish heads and roe were sometimes processed for later use. Summer Chum and Coho Salmon were selectively cut for human consumption or dog food based in part on the quality of the fish, number of dogs, and the number of Chinook Salmon already harvested. Salmon for dog food were handled with less care (Sumida 1986). In 2007, about 40% of Stevens Village households had fish camps where they processed and smoked salmon. Most fishing sites were located downriver from the community about halfway to the Dalton Highway bridge where a few fish camps had seasonal occupants from outside the area. The average use of a particular fish camp by a family was 51 years. Sled dogs were common in Stevens Village (Wolfe and Scott 2010). Wolfe and Scott (2010) quoted from a Stevens Village resident describing the traditional use area and the impact of the Dalton Highway bridge.

You know all these villages of the Interior originally were separate bands Every band or village had its traditional hunting and fishing ground that the other bands recognized. Traditionally, the Stevens Village people's traditional use area was forty miles upriver [from the Yukon bridge] halfway to Beaver Village, around Marten Island, then north back to the foothills, south to Hess Creek. On the western edge, the traditional boundary was at the Ray River area, which is now where the Dalton Highway crosses the Yukon. Traditionally, at that Ray River area for a few miles on either side was like an overlap of Rampart people and Stevens Village people.

Now and more contemporary times, with the advent of state fishing regulations and with this road, that traditional type area is not recognized anymore [by outsiders]. You have nonlocal Natives will come in and set up camp right off the road, like you saw last night. In more traditional times, they would ask permission from the tribe of whose area they were in. That's kind of still a little bit in practice, but not so much, because nowadays people travel, and even Native peoples kind of abide by the state and federal hunting and fishing boundaries and permitting system rather than the traditional form of governance over traditional tribal fishing and hunting boundaries (Wolfe and Scott 2010:28–29).

Residents of Rampart

Rampart is located in District 5C downriver from District 5D. People harvest more Chinook and fall Chum Salmon than summer Chum or Coho Salmon (Jallen, Decker, and Hamazaki 2012). People have fish camps up to the Dalton Highway bridge (in District 5D). A stretch of river below the bridge is used by residents of Stevens Village and Rampart. Wolfe and

Table 1. The number of people in the customary and traditional use determination for Chinook Salmon in District 5D of the upper Yukon River drainage, by community and Fishery Management District, 1960-2010.

U.S. CENSUS POPULATION							
Community	1960	1970	1980	1990	2000	2010	2010 number of households
Stebbins city	158	231	331	400	547	556	134
Outside drainage subtotal	158	231	331	400	547	556	134
Alakanuk city	278	265	522	544	652	677	160
Nunam Iqua city	125	125	103	109	164	187	43
Emmonak city	358	439	567	642	767	762	185
Kotlik city	57	228	293	461	591	577	128
District 1 subtotal	818	1,057	1,485	1,756	2,174	2,203	516
Mountain Village city	300	419	583	674	755	813	184
Pitkas Point CDP	28	70	88	135	125	109	31
Saint Marys city	260	384	382	441	500	507	151
Pilot Station city	219	290	325	463	550	568	121
Marshall city	166	175	262	273	349	414	100
District 2 subtotal	973	1,338	1,640	1,986	2,279	2,411	587
Russian Mission city	102	146	169	246	296	312	73
Holy Cross city	256	199	241	277	227	178	64
Shageluk city	155	167	131	139	129	83	36
District 3 subtotal	513	512	541	662	652	573	173
Anvik city	120	83	114	82	104	85	33
Grayling city	0	139	209	208	194	194	55
Kaltag city	165	206	247	240	230	190	70
Nulato CDP	183	308	350	359	336	264	92
Koyukuk city	128	124	98	126	101	96	42
Huslia city	168	159	188	207	293	275	91
Hughes city	69	85	73	54	78	77	31
Allakaket city	115	174	163	170	97	105	44
Alatna CDP				31	35	37	12
Bettles city	77	57	49	36	43	12	9
Evansville CDP	77	57	45	33	28	15	12
Wiseman CDP	0	0	8	33	21	14	5
Coldfoot CDP					13	10	6
Galena city	261	302	765	833	675	470	190
Ruby city	179	145	197	170	188	166	62
District 4 subtotal	1,542	1,839	2,506	2,582	2,436	2,010	754
Tanana city	349	120	388	345	308	246	100
Rampart CDP	49	36	50	68	45	24	10
Stevens Village CDP	102	74	96	102	87	78	26
Beaver CDP	101	101	66	103	84	84	36
Fort Yukon city	701	448	619	580	595	583	246
Chalkyitsik CDP	57	130	100	90	83	69	24

Continued on next page

Table 1. Continued from previous page

U.S. CENSUS POPULATION							
Community	1960	1970	1980	1990	2000	2010	2010 number of households
Arctic Village CDP	110	85	111	96	152	152	65
Venetie CDP	107	112	132	182	202	166	61
Birch Creek CDP	32	45	32	42	28	33	17
Circle CDP	41	54	81	73	100	104	40
Chicken CDP	0	0	0	0	17	7	5
Central CDP	28	26	36	52	134	96	53
Eagle Village CDP	0	0	54	35	68	67	31
Eagle city	92	36	110	168	129	86	41
District 5 subtotal	1,769	1,267	1,875	1,936	2,032	1,795	755
Livengood CDP					29	13	7
Manley CDP	72	34	61	96	72	89	41
Minto CDP	161	168	153	218	258	210	65
Whitstone CDP						97	22
Nenana city	286	362	470	393	402	378	171
Four Mile Road CDP					38	49	14
Healy CDP	67	79	334	487	1,000	1,021	434
McKinley Park CDP	0	0	60	171	142	185	109
Anderson city	341	362	517	628	367	246	90
Ferry CDP				56	29	33	17
Lake MinChumina CDP	0	0	22	32	32	13	6
Cantwell CDP	85	62	89	147	222	219	104
Delta Junction city	0	703	945	652	840	958	377
Fort Greely CDP	0	1,820	1,635	1,299	461	539	236
Deltana CDP					1,570	2,251	784
Healy Lake CDP	0	0	33	47	37	13	7
Big Delta CDP	0	0	285	400	749	591	206
Dry Creek CDP	0	0	0	106	128	94	29
Dot Lake CDP	56	42	67	70	19	13	7
Dot Lake Village CDP					38	62	19
Tanacross CDP	102	84	117	106	140	136	53
Tetlin CDP	122	114	107	87	117	127	43
Tok CDP	129	214	589	935	1,393	1,258	532
Northway CDP	196	40	73	123	95	71	27
Northway Jct. CDP	0	0	0	88	72	54	20
Northway Village CDP						98	
Alcan border CDP	0	0	0	27	21	33	16
Nabesna CDP						5	3
District 6 subtotal	1,617	4,084	5,557	6,168	8,271	8,856	3,439
TOTAL	7,390	10,328	13,935	15,490	18,391	18,404	6,358

CDP=Census Designated Place.

Black cell=information is not available.

Source: ADCCED 2014.

Effects of the Proposal

If FP17-02 were adopted, it would give Federally qualified subsistence users in Subdistrict 5D the ability to harvest early arriving Chinook Salmon, migrating through portions Subdistrict 5D, without action from the Federal inseason manager, provided a surplus is available for harvest. In times of low Chinook Salmon abundance, when conservation actions are required, the inseason manager may still impose a subsistence fishing schedule and/or gear restrictions through Federal Special Actions. Since 2014, Federally qualified subsistence users have been allowed to harvest the earliest returning Chinook Salmon with gear restrictions. Once the first pulse of Chinook Salmon arrived in the subdistrict, the inseason manager issued a closure to protect the salmon pulse. If this proposal were adopted, the Federally qualified subsistence users in Subdistrict 5D would have that same opportunity as they have had in recent years without a Federal Special Action.

OSM PRELIMINARY CONCLUSION

Support Proposal FP17-02

Justification

Adoption of this proposal would result in continued opportunity for Federally qualified subsistence users in portions of Subdistrict 5D adjacent to Federal Management Units to harvest the earliest returning Yukon River Chinook Salmon. Since 2014, Federally qualified subsistence users were allowed to harvest Chinook Salmon until the inseason manager closed the district to protect the first pulse of Chinook Salmon.

Adoption of this proposal would provide a preference to Federally qualified subsistence users to continue harvesting the earliest Chinook Salmon arriving in Subdistrict 5D without a Federal Special Action when the remaining waters not adjacent to Federal Management Units are closed.

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FP17-03 Executive Summary	
General Description	<p>Proposal FP17-03 is a request to allow subsistence drift gillnet fishing for Chum Salmon in the lower portion of the Yukon River Subdistrict 4A annually between Jun. 10 and Aug. 2.</p> <p><i>Submitted by: Western Interior Alaska Subsistence Regional Advisory Council.</i></p>
Proposed Regulation	<p><i>50CFR§100.27 Subsistence Taking of Fish</i></p> <p><i>(e)(3) Yukon-Northern Area</i></p> <p><i>(xv) In Districts 4, 5, and 6, you may not take salmon for subsistence purposes by drift gillnets, except as follows:</i></p> <p><i>(A) In Subdistrict 4A upstream from the mouth of Stink Creek, you may take Chinook salmon by drift gillnets less than 150 feet in length from June 10 through July 14, and chum salmon by drift gillnets after August 2.</i></p> <p><i>(B) In Subdistrict 4A downstream from the mouth of Stink Creek, you may take Chinook salmon by drift gillnets less than 150 feet in length from June 10 through July 14, unless closed by the Federal In-season Manager; from June 10 through August 2, the Federal In-season Manager may open fishing periods during which Chum salmon may be taken by drift gillnets.</i></p>
OSM Preliminary Conclusion	<p>Support Proposal FP17-03 with modification to include the proposed changes to the upper section of Yukon River Subdistrict 4A as well.</p>
Western Interior Regional Council Recommendation	
Yukon Kuskokwim Delta Regional Council Recommendation	
Eastern Interior Regional Council Recommendation	

Interagency Staff Committee Comments	The Interagency Staff Committee found the staff analysis to be a thorough and accurate evaluation of the proposal and that it provides sufficient basis for the Regional Council recommendation and Federal Board action on the proposal.
ADF&G Comments	
Written Public Comments	

DRAFT STAFF ANALYSIS
FP17-03

ISSUE

Proposal FP17-03, submitted by the Western Interior Alaska Subsistence Regional Advisory Council, seeks to allow subsistence drift gillnet fishing for Chum Salmon in the lower portion of the Yukon River Subdistrict 4A annually between June 10 and August 2.

DISCUSSION

The proponent's intent is to amend the current Federal regulations to match that of the State regulations for Subdistrict 4A downstream of the mouth of Stink Creek. The proposed change would make State and Federal regulations consistent by allowing Federally qualified subsistence users to have the same subsistence opportunities for targeting summer Chum Salmon with drift gillnets during times of Chinook Salmon conservation. The Federal in-season manager can already modify gear, time, and area, while the State manager has authority over time and area, but not gear.

Existing Federal Regulation

Yukon-Northern Area—Salmon

50CFR§100.27 Subsistence Taking of Fish

(e)(3) Yukon-Northern Area

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

(xv) In Districts 4, 5, and 6, you may not take salmon for subsistence purposes by drift gillnets, except as follows:

(A) In Subdistrict 4A upstream from the mouth of Stink Creek, you may take Chinook salmon by drift gillnets less than 150 feet in length from June 10 through July 14, and chum salmon by drift gillnets after August 2.

(B) In Subdistrict 4A downstream from the mouth of Stink Creek, you may take Chinook salmon by drift

gillnets less than 150 feet in length from June 10 through July 14;

Proposed Federal Regulation

Yukon-Northern Area—Salmon

50CFR§100.27 Subsistence Taking of Fish

(e)(3) Yukon-Northern Area

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

(xv) In Districts 4, 5, and 6, you may not take salmon for subsistence purposes by drift gillnets, except as follows:

(A) In Subdistrict 4A upstream from the mouth of Stink Creek, you may take Chinook salmon by drift gillnets less than 150 feet in length from June 10 through July 14, and chum salmon by drift gillnets after August 2.

*(B) In Subdistrict 4A downstream from the mouth of Stink Creek, you may take Chinook salmon by drift gillnets less than 150 feet in length from June 10 through July 14, **unless closed by the Federal In-season Manager; from June 10 through August 2, the Federal In-season Manager may open fishing periods during which Chum salmon may be taken by drift gillnets.***

Existing State Regulation

Yukon Area—Subsistence Finfish Fishery

Chapter 01. Subsistence Finfish Fishery.

Article 4. Yukon Area.

5 AAC 01.220. Lawful gear and gear specifications

(a) Salmon may be taken only by gillnet, beach seine, a hook and line attached to a rod or pole, handline, or fish wheel, subject to the restrictions set out in this section, 5 AAC 01.210, and 5 AAC 01.225–5 AAC 01.249.

(e) In Districts 4, 5, and 6, salmon may not be taken for subsistence purposes by drift gillnets, except as follows:

(1) In Subdistrict 4A upstream from the mouth of Stink Creek,

(A) king salmon may be taken by drift gillnets from June 10 through July 14, unless closed by emergency order;

(B) from June 10 through August 2, the commissioner may open, by emergency order, fishing periods during which chum salmon may be taken by drift gillnets; and

(C) chum salmon may be taken by drift gillnets after August 2

(2) In Subdistrict 4A downstream from the mouth of Stink Creek

(A) king salmon may be taken by drift gillnets from June 10 through July 14, unless closed by emergency order;

(B) from June 10 through August 2, the commissioner may open, by emergency order, fishing periods during which chum salmon may be taken by drift gillnets;

(3) A person may not operate a drift gillnet that is more than 150 feet in length during the seasons described in (1) and (2) of this subsection.

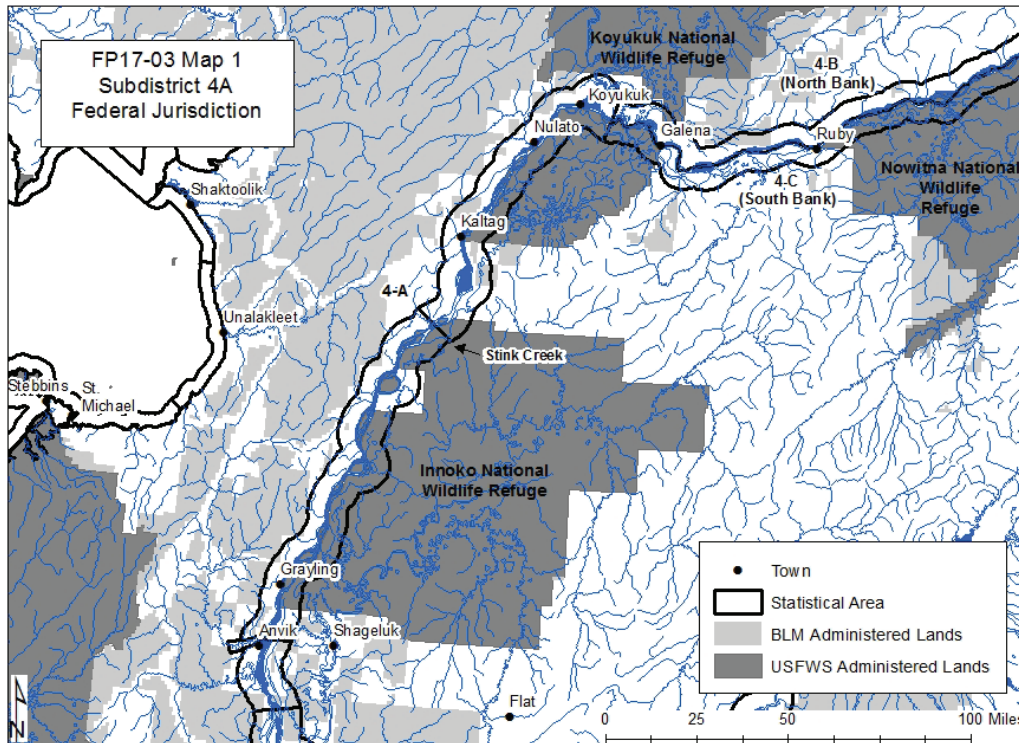
Extent of Federal Public Waters

For purposes of this discussion, the phrase “Federal public waters” is defined as those waters described under 36 CFR 242.3 and 50 CFR 100.3. The Federal public waters addressed by this proposal are those portions of the Yukon River located adjacent to Innoko National Wildlife Refuge in District 4, specifically State of Alaska Subdistrict 4A.

Per 5 AAC 05.200, Subdistrict 4A consists of that portion of the Yukon River drainage from an ADF&G regulatory marker at the mouth of an unnamed slough three-fourths of a mile downstream from Old Paradise Village upstream to the tip of Cone Point (**Map 1**).

Communities located in the lower section of Subdistrict 4A include Anvik and Grayling; while the

upstream communities include Kaltag, Nulato, Koyukuk, and Galena.



Customary and Traditional Use Determinations

Residents of the Yukon River drainage have a customary and traditional use determination for salmon species other than fall Chum Salmon in Subdistrict 4A of the Yukon River drainage.

Regulatory History

State of Alaska Regulatory History

Historically, Subdistrict 4A has had relatively minor State subsistence regulation changes compared to other subdistricts in the surrounding area. Outlined below is a brief summary of State regulatory changes and thoughts pertaining to the use of drift gillnets in Subdistrict 4A.

In December 1976, the Alaska Board of Fisheries prohibited the use of drift gillnets for subsistence Chinook Salmon fishing in the middle and upper Yukon Areas (Districts 4-6). The Alaska Board of Fisheries discussions at that time indicated that the possible increase in the use of drift gillnets could seriously impact both the conservation and allocation of middle and upper Yukon River salmon stocks, which were being harvested at maximum levels (ADF&G 2001). Subsistence users were allowed to continue using drift gillnets throughout the Yukon River drainage until the 1977 season.

In 1981, drift gillnets were again allowed for subsistence Chinook Salmon harvest in Subdistrict 4A upstream from the mouth of Stink Creek.

In 1994, the Alaska Board of Fisheries questioned the need for drift gillnets to provide for adequate subsistence opportunity. State staff comments suggested that at that time it did not appear necessary (ADF&G 2001). The Alaska Board of Fisheries stated that the Alaska Department of Fish and Game could allow increased time for subsistence fishing with other gear types by Emergency Order, as an alternative, if subsistence needs were not being met. No Alaska Board of Fisheries action was taken.

During the 1995 season, the remainder of Subdistrict 4A, below Stink Creek, was reopened to the use of drift gillnets for subsistence Chinook Salmon harvest.

In March 2015, the Alaska Board of Fisheries adopted a new regulation that allowed the use of drift gillnets to harvest summer Chum Salmon for subsistence purposes during times of Chinook conservation from June 10 through August 2, by emergency order, in the upper portion of Subdistrict 4A [5 AAC 01.220(e)(1)].

In January 2016, the Alaska Board of Fisheries adopted the same regulations [5 AAC 01.220 (e) (2)] in the lower portion of the Subdistrict 4A.

Federal Regulatory History

Federal regulatory history in Subdistrict 4A is limited and, until recently, has mirrored State regulatory changes in the area.

Since October 1999, Federal subsistence management regulations for the Yukon-Northern Area stipulated that, unless otherwise restricted, rural residents may take salmon in the Yukon-Northern Area at any time by gillnet, beach seine, fish wheel, or rod and reel unless exceptions are noted.

In 2002, the Federal Subsistence Board delegated some of its authority to manage Yukon River drainage subsistence salmon fisheries to the Branch Chief for Subsistence Fisheries, U.S. Fish and Wildlife Service, in Fairbanks, Alaska. The Federal Subsistence Board's delegation allows the Federal manager to open or close Federal subsistence fishing periods or areas provided under codified regulations, and to specify methods and means.

Currently, Federal regulations in both the upper and lower portions of Subdistrict 4A are not consistent with State regulations adopted by the Alaska Board of Fisheries in March 2015 and January 2016. This proposal seeks to alleviate this difference for the downstream section of Subdistrict 4A.

Biological Background

Chinook Salmon

Recent analyses indicate that Yukon River Chinook Salmon stocks appear to be in the 8th year of a multi-year period of low productivity. Historically, the stocks show periods of above-average abundance (1982-

1997) and periods of below-average abundance (1998 onwards), as well as periods of generally higher productivity (brood years 1993 and earlier) mixed with years of low productivity (brood years 1994-1996 and 2002-2005; Schindler et al. 2013).

The 2014 run was expected to be the smallest on record, with a projected size of 64,000-121,000 fish. Despite initial concerns, the cumulative passage estimate at the mainstem Yukon River sonar project in Pilot Station was approximately 138,000±17,000 (90% CI) fish (**Figure 1**). The passage estimate was still below the historical average of 143,000 fish and below the average of 195,800 fish for years with early run timing. Even with below average run sizes, all escapement goals that could be assessed were achieved (JTC 2015).

The 2015 projected run size was 118,000-140,000 fish, which was once again below average but higher than the previous year's projection. Cumulative passage estimates at the sonar station in Pilot Station were approximately 116,000±30,000 fish (90% CI) (**Figure 1**). As with the previous year, this number was still below the historical average. All escapement goals were again met (JTC 2016).

The 2016 run outlook is a below-average run of 130,000–176,000 fish (**Figure 1**) (JTC 2016). As of July 17, the cumulative Chinook Salmon passage at the sonar project near Pilot Station was approximately 175,000 fish. Preliminary run timing dates suggest the 2016 Chinook salmon run was up to four days earlier than the historical average run timing (ADFG News Release)

Summer Chum Salmon

Summer Chum Salmon runs in the Yukon River have provided a harvestable surplus in each of the last 13 years, 2003-2015. In 2014, the projected outlooks were for a run size of approximately 1.3-1.5 million fish, while the 2015 projection was approximately 1.8-2.4 million fish.

In 2014, approximately 1.9 million ±100,000 (90% CI) fish passed the Yukon River sonar project at Pilot Station, which was identical to the historical median for the project. In 2015, the passage estimate at Pilot Station dropped slightly to 1.4 million ±100,000 (90% CI) (**Figure 2**). Most tributaries experienced average to above-average escapement in 2015, with the exception of the Anvik and Salcha rivers, which had below-average escapements (JTC 2015, JTC 2016). The 2016 projections are slightly lower than the 2015 total run size estimate of 1.8 million summer Chum Salmon. The 2016 run is anticipated to provide for escapements, normal subsistence harvest, and a surplus for commercial harvest (JTC 2015, JTC 2016). As of July 17, the cumulative summer Chum Salmon passage at the sonar project near Pilot Station is approximately 1,900,000 fish, which is above the historical cumulative median of 1,700,000 fish for this data. The escapement goal of at least 40,000 summer Chum Salmon at the East Fork Andreafsky River weir was achieved on July 10. Summer Chum Salmon passage estimates at the Gisasa and Henshaw creek weirs are well above average for this date; however summer Chum Salmon passage at the Anvik sonar project is below average for this date (ADFG News Release).

Harvest History

Chinook Salmon

The 2014 Chinook Salmon subsistence harvest of 2,720 fish was the lowest on record for the Alaska portion of the Yukon River drainage. Harvest increased slightly to approximately 6,640 Chinook Salmon in 2015 (**Figure 3**). Although the increase looks large when comparing successive years, both of these harvest numbers are still well below the 5-year subsistence harvest average (2011-2015) of 17,774 fish and well below the 2006-2010 average of 44,308 (JTC 2015, JTC 2016) .

Subdistrict 4A's harvest trends appear to follow the same trajectory as the Yukon River, with severely declining harvest after 2010. The subdistrict's subsistence harvest comprised around 19% of the total subsistence harvest from the Yukon River, until 2014 when the subdistrict's harvest plummeted to 2% (**Figure 3, Figure 4**) On average, the communities surrounding the upstream section of Subdistrict 4A tends to harvest a larger portion compared to the downstream section (Estensen et al. 2015) (**Table 1**).

Summer Chum Salmon

In 2014, subsistence users in the Alaska portion of the Yukon River harvested 74,240 summer Chum Salmon. Preliminary 2015 estimates show a marked decrease, with only 62,803 fish harvested (**Figure 5**). In both years subsistence harvest was below the recent 5-year average of 82,098 fish (JTC 2015, JTC 2016).

Subsistence harvest in the communities surrounding Subdistrict 4A has historically averaged around 7% of the total Yukon River harvest. The subdistrict's harvest trends follow the total Yukon River harvest very well (**Figure 5, Figure 6**). Since 2004, communities surrounding the upstream section in Subdistrict 4A tend to have slightly larger subsistence harvest than the downstream section. (Estensen et al. 2015; **Table 2**).

Cultural Knowledge and Traditional Practices

The use and importance of salmon and other non-salmon species for Yukon River communities has been documented through oral histories and harvest surveys conducted in the area. Historically, many Yukon communities followed a semi-nomadic, subsistence lifestyle, spending time at seasonal camps, migrating with the resources and harvesting various species of fish, along with hunting and gathering subsistence resources. Humans have lived in the Yukon area for over 10,000 years and fishing was a family and community activity, deeply ingrained in to the cultures of the people in this area. People traditionally used weirs and fish traps, and nets made of animal sinew and willow bark and more recently employed set nets along with fish wheels for salmon at their fish camps. Multi-generational family groups would travel to seasonal camps to harvest fish and wildlife. Although fewer young people spend time at seasonal camps now due to employment, school, and other responsibilities, subsistence fishing continues to be important for communities up and down the river. According to surveys, many older people recalled whole families spending long hours at their fish camps, harvesting, processing, and preserving fish. Children learned about subsistence activities from their elders at fish camp (Brown, Koster, and Koontz 2010; Brown and Godduhn 2015).

Customary trade of fish is an important part of continuing trade networks in rural areas of Alaska. Salmon fishing takes place in the summer and timing is based on the runs for various species. Local residents also use nets under the ice to fish for pike, whitefish, or sheefish in the spring before breakup. Communities have used various types of nets and fish wheels to harvest fish through the generations. Fish wheels are used less now than they were in the past when people were catching more fish to feed sled dogs, but are still used in some areas, mainly to catch fish for human consumption (Brown, Koster, and Koontz 2010). Chum salmon, once primarily used for dog food, was caught using nets set from the shore but is now consumed by people in the US and overseas. As more village runways were built, increasing air travel, and more snow machines were brought to the villages, the dependency on sled dogs was reduced, reducing the need for harvesting fish to feed dogs (Brown, Koster, and Koontz 2015).

Salmon is considered the most reliable and significant subsistence resource on the Lower Yukon River. Salmon has always been an important part of the culture, economically and socially, and the knowledge of how to catch, process, and preserve fish has been passed down from generation to generation. Before contact by outsiders dried fish was regularly traded between Yukon villages along with other commodities such as furs and sea mammal products (Wolfe 1981).

Yukon River residents are dependent on the harvest of salmon, especially Chinook Salmon, for both subsistence and commercial uses. Some people in places like Nulato, for example, became more interested in the cash earned from commercial fishing than in spending time at their fish camps for subsistence fishing. Starting in the late 1990s, Chinook Salmon began to decline so people harvested more summer and fall Chum Salmon along with other subsistence resources (Brown and Godduhn 2015).

In the 1960s, people started using gillnets to drift fish for salmon for personal and commercial use. Today fishing still plays an important cultural role in the communities along the lower and middle Yukon River, and the knowledge of how and when to fish is still passed down from generation to generation.

Effects of the Proposal

Adopting this proposal as submitted will allow Federally qualified subsistence users located in the lower portions of Subdistrict 4A the opportunity to harvest summer Chum Salmon with drift gillnets during times of Chinook Salmon conservation. This would provide more harvest opportunity for the affected communities when summer Chum Salmon are abundant and harvest of Chinook Salmon is limited. It also gives discretion to the Federal in-season manager, who can control the opening and closing of the driftnet harvest, based on the best-available data of salmon runs and timing in the area. Effects on summer Chum Salmon and Chinook Salmon are negligible as the State already allows drift gillnets in Subdistrict 4A during times of Chinook Salmon conservation.

Although increased opportunities of subsistence harvest for Federally qualified users is a large part of what this document covers, the crux of the proposal is to fix the inconsistency between State and Federal regulations pertaining to Subdistrict 4A. Currently, Federal regulations in both the upper and lower portions of Subdistrict 4A are not consistent with State regulations recently adopted by the Alaska Board of Fisheries. If adopted, this proposal would make State and Federal management consistent in the downstream area, but does not alter the upstream area consistency.

In discussions with the Subsistence Specialist for the Koyukuk/Nowitna/Innoko National Wildlife Refuge, it was noted that some local Federally qualified subsistence users in the lower section of Subdistrict 4A would prefer to have the same regulations as the upper section of Subdistrict 4A, which would allow Federally qualified subsistence users to utilize drift gillnets to harvest Chum Salmon after August 2. The reasoning behind this is that Chum Salmon arriving before August 2 can be of good quality, but a majority of them are pretty close to spawning. As the current regulations exist, fishermen can only use set nets, which have very limited quality locations. As local fishermen see it, the extension of the drift gillnet fishing season matching the upper section of Subdistrict 4A would grant them increased harvest opportunities for quality fish other than Chinook Salmon during times of Chinook conservation (Havener 2016, pers. comm.).

OSM PRELIMINARY CONCLUSION

Support Proposal FP17-03 **with modification** to include the proposed changes to the upper section of Subdistrict 4A.

The modified regulation should read:

Yukon-Northern Area—Salmon

50CFR§100.27 Subsistence Taking of Fish

(e)(3)(ii) For the Yukon River drainage, Federal subsistence fishing schedules, openings, closings, and fishing methods are the same as those issued for the subsistence taking of fish under Alaska Statutes (AS 16.05.060), unless superseded by a Federal Special Action.

(e)(3)(xv) In Districts 4, 5, and 6, you may not take salmon for subsistence purposes by drift gillnets, except as follows:

*(A) In Subdistrict 4A upstream from the mouth of Stink Creek, you may take Chinook salmon by drift gillnets less than 150 feet in length from June 10 through July 14, and chum salmon by drift gillnets after August 2, **unless closed by Federal Special Action; from June 10 through August 2, the Federal In-season Manager may open fishing periods during which Chum Salmon may be taken by drift gillnets.***

*(B) In Subdistrict 4A downstream from the mouth of Stink Creek, you may take Chinook salmon by drift gillnets less than 150 feet in length from June 10 through July 14, **unless closed by Federal Special Action; from June 10 through August 2, the Federal In-season Manager may open fishing periods during***

which Chum Salmon may be taken by drift gillnets.

Justification

Adoption of this proposal will provide more harvest opportunity for Federally qualified subsistence users in the affected communities to meet their subsistence salmon needs during times of Chinook Salmon conservation and when summer Chum Salmon concurrently abundant.

Adding the same regulations as the downstream section of Subdistrict 4A to the upstream section of sub-district 4A would make Federal and State regulations consistent. It would also provide managers the ability to enact separate restrictions to the subdistrict areas should the need arise.

While the suggested modifications would address the upper section of Subdistrict 4A, it is important to note that although State and Federal regulations will mirror each other, there will still remain a discrepancy amongst regulations in the upper and lower sections of the subdistrict. The upper area of the subdistrict allows Chum Salmon harvest via gillnet after August 2, while the lower area does not.

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Table 1. Chinook Salmon subsistence harvest totals from communities downstream and upstream of the mouth of Stink Creek, as estimated from postseason survey, returned permits and test fishery projects, Yukon Area, 2004-2015. The totals from downstream are from the communities of Anvik and Grayling, while the totals from upstream are from Kaltag, Nulato, Koyukuk, and Galena (Estensen et al. 2015).

Year	Downstream	Upstream	Subdistrict 4A	Yukon Total
2004	3,457	10,551	10,672	53,675
2005	3,084	9,376	9,602	52,561
2006	2,660	8,755	9,102	47,710
2007	2,821	7,209	7,557	53,976
2008	3,194	6,398	7,000	43,694
2009	1,929	5,873	6,771	32,900
2010	3,191	8,404	8,679	43,259
2011	2,426	6,809	8,932	40,211
2012	1,516	4,657	7,127	28,311
2013	347	2,123	2,123	10,991
2014	3	63	63	2,718
2015	N/A	N/A	N/A	6,640

Table 2. Summer Chum Salmon subsistence harvest totals from communities downstream and upstream of the mouth of Stink Creek, as estimated from postseason survey, returned permits and test fishery projects, Yukon Area, 2004-2015. The totals from downstream are from the communities of Anvik and Grayling, while the totals from upstream are from Kaltag, Nulato, Koyukuk, and Galena (Estensen et al. 2015).

Year	Downstream	Upstream	Subdistrict 4A	Yukon Total
2004	1,916	2,836	4,752	69,672
2005	1,377	1,522	2,899	78,902
2006	1,312	2,864	4,176	90,907
2007	1,031	2,596	3,627	76,805
2008	5,891	2,031	7,922	68,394
2009	1,000	3,246	4,246	67,742
2010	1,706	3,279	4,985	65,948
2011	2,063	2,572	4,635	77,715
2012	1,058	4,713	5,771	103,751
2013	3,987	1,986	5,973	91,979
2014	1,448	5,106	6,554	74,240
2015	N/A	N/A	N/A	62,803

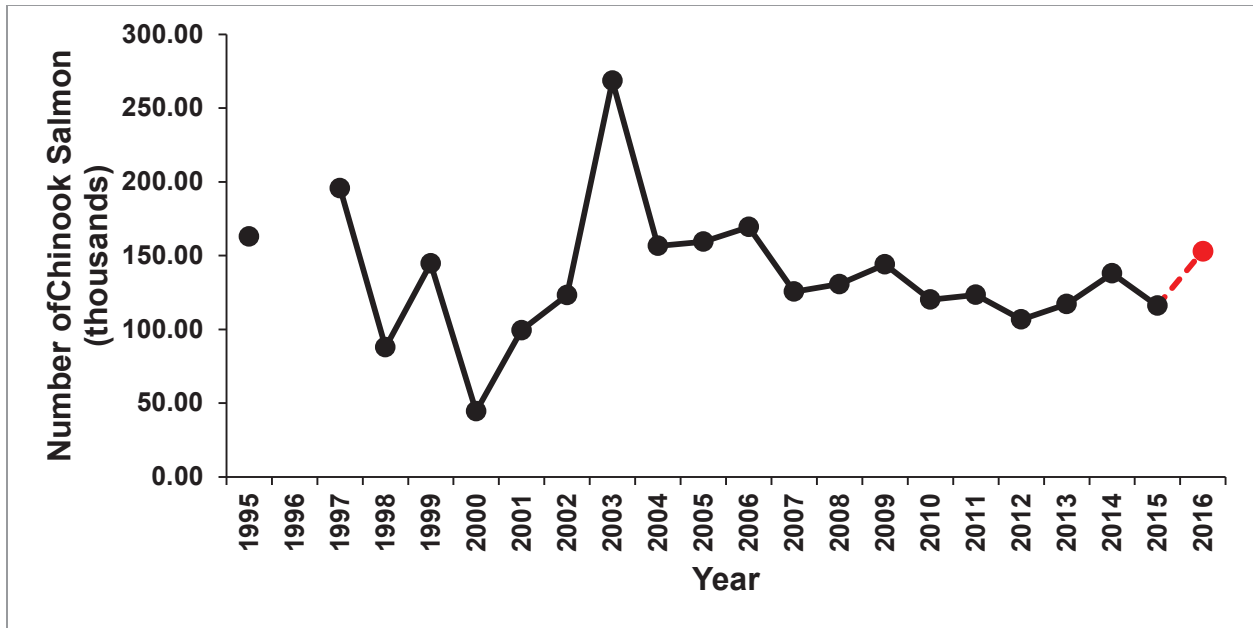


Figure 1. Chinook Salmon passage estimates based on the mainstem Yukon River sonar near Pilot Station, Yukon River drainage, 1995 and 1997-2015, with 2016 projection (JTC 2016, Appendix A2.). Red dashed line indicates the 2016 Chinook salmon passage outlook.

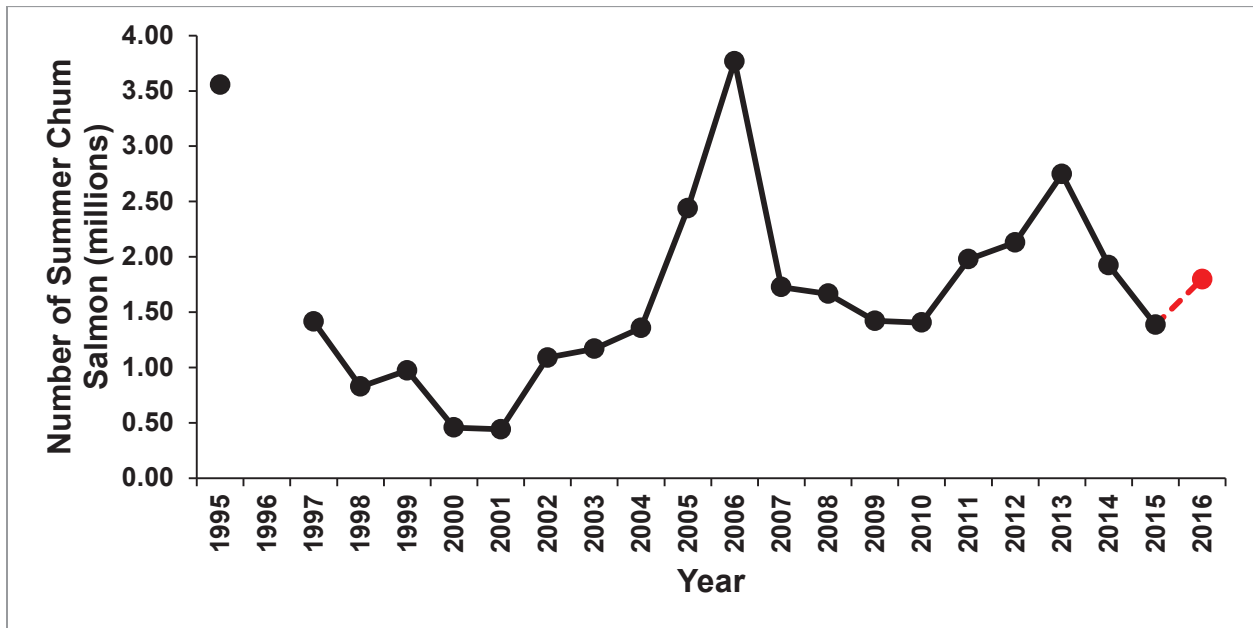


Figure 2. Summer Chum Salmon passage estimates based on the mainstem Yukon River sonar near Pilot Station, Yukon River drainage, 1995 and 1997-2015, with 2016 projection (JTC 2016, Appendix A2.). Red dashed line indicates the 2016 Summer Chum salmon passage outlook.

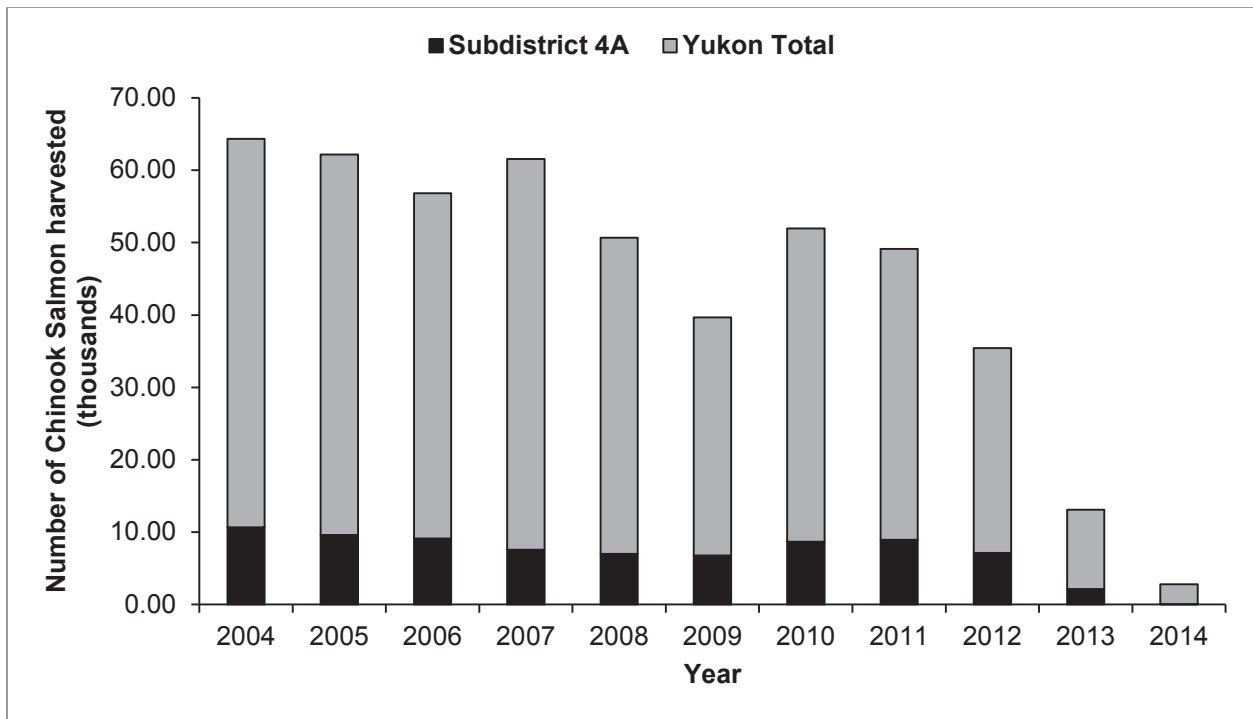


Figure 3. Comparison of Chinook Salmon subsistence harvest in communities surrounding Subdistrict 4A and the Yukon River from 2004 to 2014 (Estensen et al. 2015).

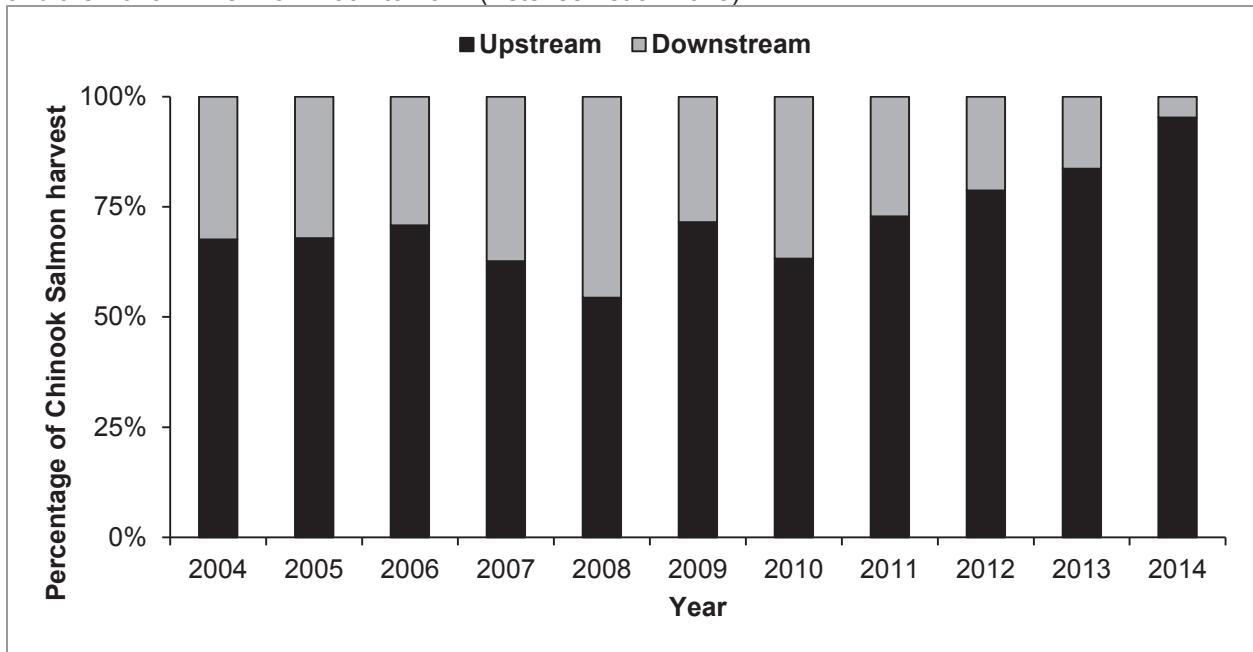


Figure 4. Comparison of upstream and downstream Chinook Salmon subsistence harvest in communities surrounding Subdistrict 4A from 2004-2014 (Estensen et al. 2015).

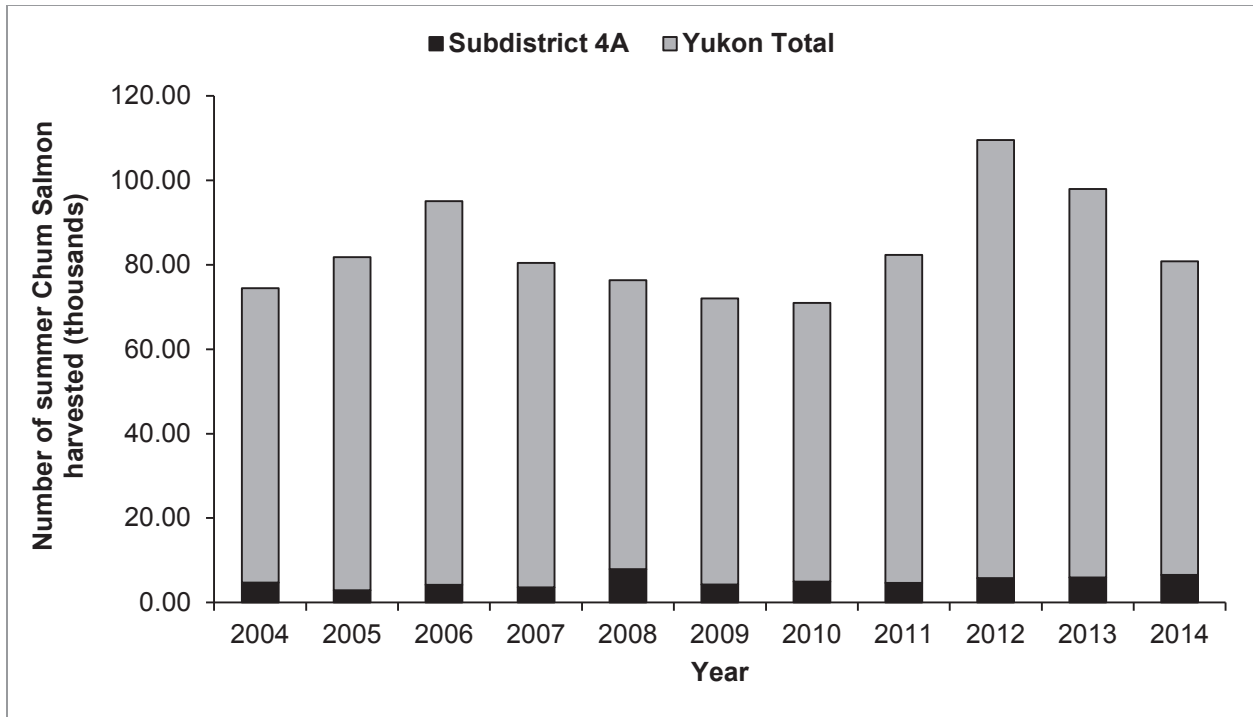


Figure 5. Comparison of summer Chum Salmon subsistence harvest in communities surrounding Subdistrict 4A and the Yukon River from 2004 to 2014 (Estensen et al. 2015).

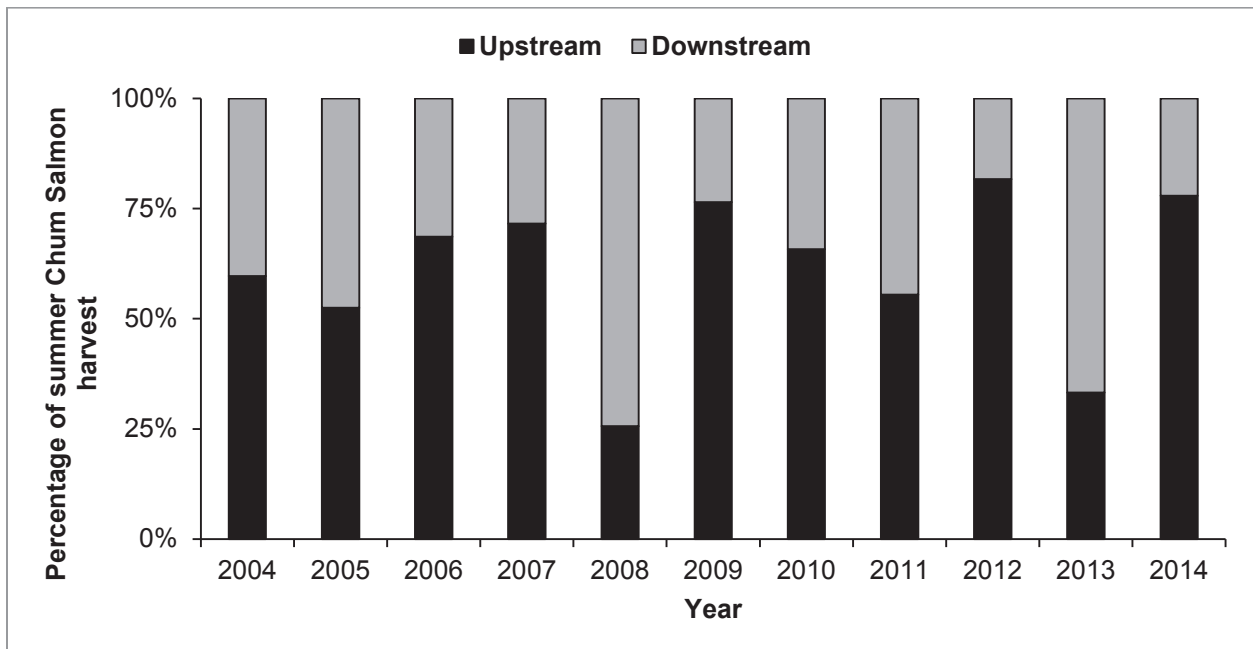


Figure 6. Comparison of upstream and downstream summer Chum Salmon subsistence harvest in communities surrounding Subdistrict 4A from 2004-2014 (Estensen et al. 2015).

FP17-04 Executive Summary	
General Description	<p>Proposal FP17-04, requests increased gillnet obstruction of Racetrack Slough of the Koyukuk River and sloughs of the Huslia River drainage between ice out and June 15.</p> <p><i>Submitted by: Western Interior Alaska Subsistence Regional Advisory Council.</i></p>
Proposed Regulation	<p>§ __.27(e)(3)(ii) <i>For the Yukon River drainage, Federal subsistence fishing schedules, openings, closings, and fishing methods are the same as those issued for the subsistence taking of fish under Alaska Statutes (AS 16.05.060), unless superseded by a Federal Special Action.</i></p> <p><i>(e)(3)(xvi) Unless otherwise specified in this section, you may take fish other than salmon by set gillnet, drift gillnet, beach seine, fish wheel, long line, fyke net, dip net, jigging gear, spear, lead, or rod and reel, subject to the following restrictions, which also apply to subsistence salmon fishing:</i></p> <p><i>(F) In Racetrack Slough on the Koyukuk River and in the sloughs of the Huslia River drainage, from when each river is free of ice through June 15, the offshore end of the set gillnet may not be closer than 20 feet from the opposite bank, unless closed by Federal special action.</i></p>
OSM Preliminary Conclusion	Support Proposal FP17-04
Western Interior Regional Advisory Council Recommendation	
Eastern Interior Regional Advisory Council Recommendation	
Yukon/Kuskokwim Delta Regional Advisory Council Recommendation	
Interagency Staff Committee Comments	
ADF&G Comments	
Written Public Comments	

DRAFT STAFF ANALYSIS
FP17-04

ISSUES

Proposal FP17-04, submitted by the Western Interior Alaska Subsistence Regional Advisory Council (Council), requests that the Federal Subsistence Board allow an increase in the portion of Racetrack Slough on the Koyukuk River and sloughs of the Huslia River drainage that may be covered with a gillnet to provide more subsistence harvest opportunity for Northern Pike between ice out and June 15.

DISCUSSION

The Council submitted this proposal to be more consistent with State regulations approved by the Alaska Board of Fisheries in January 2016 (State Proposal 144 with modified language adopted from RC 57). The proposed regulatory changes would provide more subsistence harvest opportunity for Northern Pike in Racetrack Slough on the Koyukuk River and sloughs of the Huslia River drainage (**Map 1**), primarily residents of Huslia. Federal subsistence regulations currently allow for a fishery at this time; however, gillnets may not obstruct more than one-half of the width of any stream.

Existing Federal Regulation

§ ____.27 Subsistence taking of fish.

(b)(4) Except as otherwise provided for in this section, you may not obstruct more than one-half the width of any stream with any gear used to take fish for subsistence uses.

(e)(3)(ii) For the Yukon River drainage, Federal subsistence fishing schedules, openings, closings, and fishing methods are the same as those issued for the subsistence taking of fish under Alaska Statutes (AS 16.05.060), unless superseded by a Federal Special Action.

(e)(3)(xvi) Unless otherwise specified in this section, you may take fish other than salmon by set gillnet, drift gillnet, beach seine, fish wheel, long line, fyke net, dip net, jigging gear, spear, lead, or rod and reel, subject to the following restrictions, which also apply to subsistence salmon fishing:

Proposed Federal Regulation

§ ____.27 Subsistence taking of fish.

(b)(4) Except as otherwise provided for in this section, you may not obstruct more than one-half the width of any stream with any gear used to take fish for subsistence uses.

(e)(3)(ii) For the Yukon River drainage, Federal subsistence fishing schedules, openings, closings, and fishing methods are the same as those issued for the subsistence taking of fish under Alaska

Statutes (AS 16.05.060), unless superseded by a Federal Special Action.

(e)(3)(xvi) Unless otherwise specified in this section, you may take fish other than salmon by set gillnet, drift gillnet, beach seine, fish wheel, long line, fyke net, dip net, jigging gear, spear, lead, or rod and reel, subject to the following restrictions, which also apply to subsistence salmon fishing:

(F) In Racetrack Slough on the Koyukuk River and in the sloughs of the Huslia River drainage, from when each river is free of ice through June 15, the offshore end of the set gillnet may not be closer than 20 feet from the opposite bank, unless closed by Federal special action.

Existing State Regulation

5 AAC 01.220. Lawful gear and gear specifications. – Yukon Area

(f) Unless otherwise specified in this section, fish other than salmon and halibut may be taken only by set gillnet, drift gillnet, beach seine, fish wheel, longline, fyke net, dip net, jigging gear, spear, a hook and line attached to a rod or pole, handline, or lead, subject to the following restrictions, which also apply to subsistence salmon fishing:

(4) a gillnet may not obstruct more than one-half the width of any fish stream and any channel or side channel of a fish stream; a stationary fishing device may not obstruct more than one-half the width of any salmon stream and any channel or side channel of a salmon stream, except that in Racetrack Slough off of the Koyukuk River and in the sloughs of the Huslia River drainage, from when each river is free of ice through June 15, the offshore end of the gillnet may not be closer than 20 feet from the opposite bank, unless closed by emergency order;

Extent of Federal Public Waters

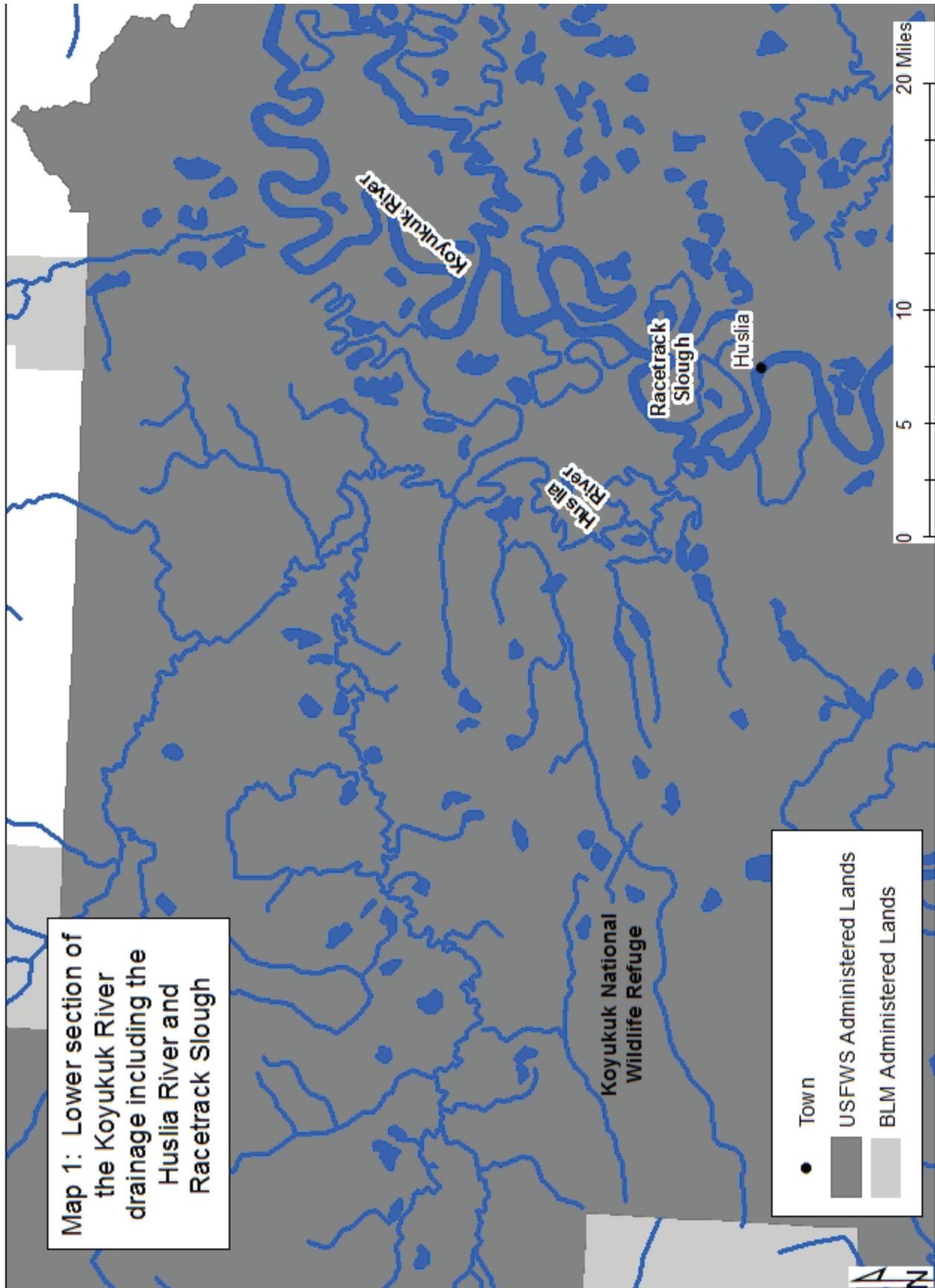
For the purpose of this discussion, the phrase “Federal public waters” is defined as those waters described under 36 CFR 242.3 and 50 CFR 100.3. The Federal public waters addressed by this proposal are Racetrack Slough on the Koyukuk River (**Map 1**), as well as those portions of the Huslia River located within, or adjacent to, the external boundaries of the Koyukuk National Wildlife Refuge (**Map 2**).

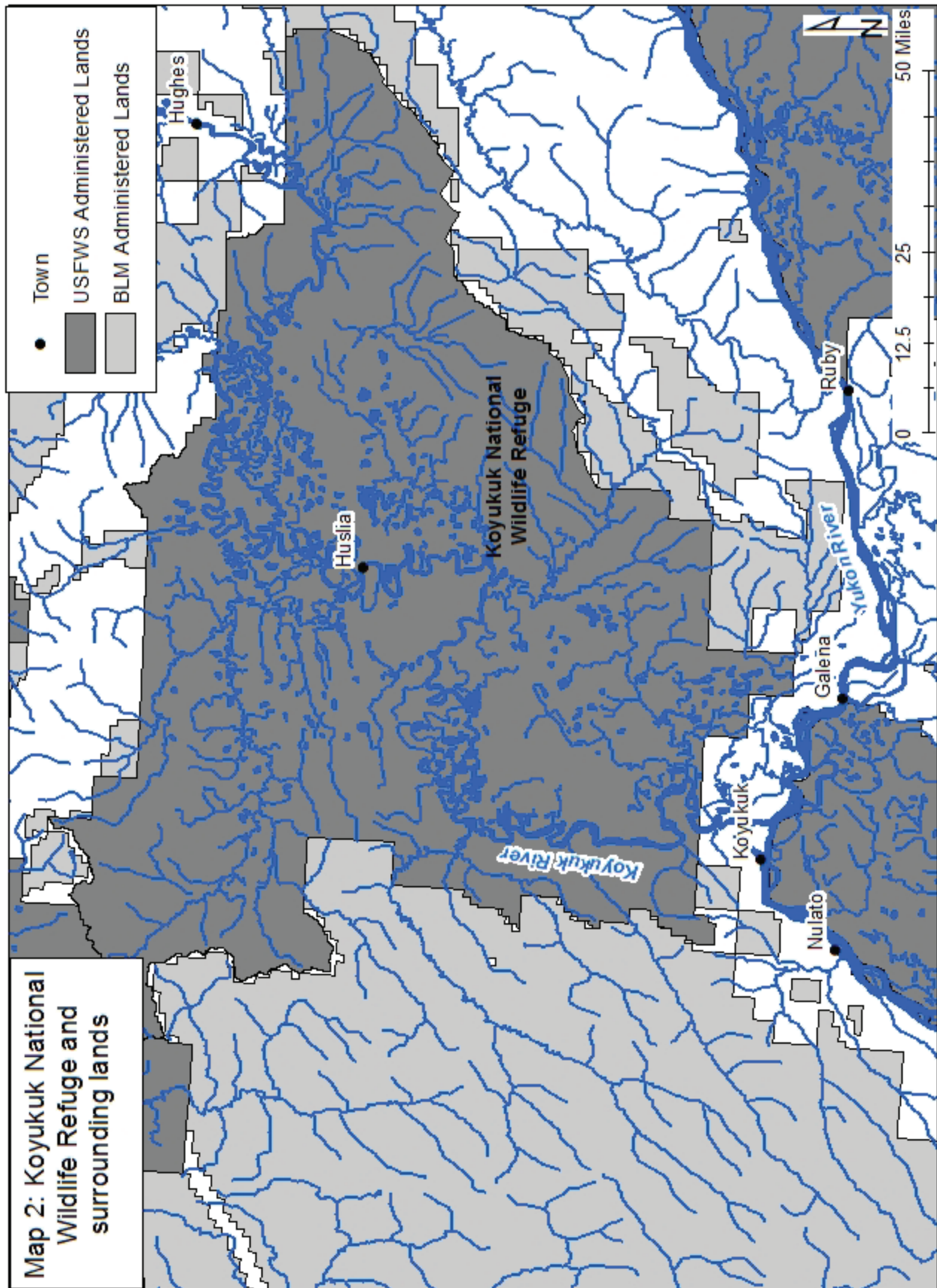
Customary and Traditional Use Determinations

Residents of the Yukon-Northern Area have a customary and traditional use determination for all freshwater fish, other than salmon.

Regulatory History

Federal subsistence fishing in the Koyukuk River for freshwater species (other than salmon) including Sheefish, whitefish, lamprey, Burbot, Longnose Sucker, Arctic Grayling, Northern Pike, char, and Alaska





Blackfish is open year-round with no harvest limits. Stationary fishing gear may not obstruct more than one-half the width of any stream.

Subsistence fishing under State regulations in the Koyukuk River is open with 7.5 inch or smaller mesh size gillnets, 24 hours per day, seven days per week before June 15. These regulations restrict gillnets to obstructing not more than one-half of the width of any fish stream and any channel or side channel of a fish stream for this region. These regulations have been recently updated, however, to provide an exception for Racetrack Slough on the Koyukuk River and sloughs of the Huslia River, allowing for gillnet obstruction of all but 20 feet of a stream or channel between ice out and June 15.

This proposal was submitted to make Federal regulations more consistent with State of Alaska regulations approved by the Alaska Board of Fisheries (State Proposal 144 with modified language adopted from RC 57) at the Arctic/Yukon/Kuskokwim Finfish meeting held January 12-16, 2016.

Biological Background

Northern Pike *Esox lucius* is a freshwater fish found throughout the northern hemisphere, including the Yukon River drainage. They are opportunistic feeders that prefer soft-rayed fish such as whitefish as prey, but will consume other fish species depending on what is available (Eklöv & Hamrin 1989). They will also consume smaller pike, as well as other animals including waterfowl, frogs, insects, and small mammals like mice and shrews (Morrow 1980).

Little is known of the population numbers for Northern Pike in the region covered by this proposal. They would likely be migrating to spawning locations during the time period, which are typically shallow weedy areas (McPhail and Lindsay 1970). The species is susceptible to overharvest, which can lead to early maturation (Diana 1983) and stunting (Diana 1987).

While Northern Pike are the main targeted species identified in this proposal, other species are also present in this area and may also be captured between ice out and June 15. Surveys in the North Fork Huslia River and Billy Hawk Creek (both in the Huslia River drainage) found Broad Whitefish, Humpback Whitefish, Round Whitefish, Arctic Grayling, Longnose Sucker, and Burbot to be present (Wiswar 1994). Species present in the greater Koyukuk River drainage after mid-summer include Sheefish (Alt 1978), Chum Salmon (Wiswar 1994), Chinook Salmon, Coho Salmon, and Sockeye Salmon (Johnson and Litchfield 2015). Rates of incidental capture of other species of fish when targeting Northern Pike are unknown at this time, and may be dependent upon the mesh-size of nets in use during the time period and location specified in this request.

The proposal would revise the methods and means for this specific area through June 15, with the intent of switching back to standard regulations prior the arrival of salmon in the area. Run timing for Chinook and Chum Salmon at the Gisasa River Weir, which is on a tributary approximately 90 km upriver from the mouth of the Koyukuk River, indicates that salmon would not be in the area covered under this proposal during the time period in question. Between the years 1995 and 2013, the earliest returns to the Gisasa weir of Chinook and Chum Salmon was June 20 and June 16, respectively (Carlson 2014). The waters that

would be impacted by this proposal are approximately 300 km upriver from the mouth of the Koyukuk River, and therefore would have an even later date of return for these species.

Harvest Histories

Subsistence

Northern Pike is an important subsistence resource for the community of Huslia, generally ranking only behind summer Chum Salmon, fall Chum Salmon, and large whitefish in number harvested (Marcotte 1986; Jallen et al. 2015). Subsistence harvests of Northern Pike by Huslia residents averaged 1,209 fish per year (range of 94 – 5,191 fish) between 1993 and 2015 (Jallen 2016, pers. comm.).

Sport Fishing

There are no directed sport fisheries in this area, but there are a substantial number of guided moose hunters in the fall and some degree of sport fishing for Northern Pike and Arctic Grayling associated with those users (Viavant 2016, pers. comm.). For the years 1996 to 2014, harvests of Northern Pike in the Huslia River were only reported in 1997 (N=103), while catches were reported in both 1997 (N=687) and 2011 (N=35) in the Alaska Sport Fishing Survey Database (2016). No harvests were reported by this statewide survey for any other years.

Commercial Fishing

No commercial fishing takes place in this portion of the Yukon River drainage.

Cultural Knowledge and Traditional Practices

Huslia is an Athabaskan village which had a population of 274 in 2014 (City-Data.com 2016). The village is located within the Koyukuk National Wildlife Refuge on the north bank of the Koyukuk River, about 290 air miles west of Fairbanks and 170 miles by river from Galena and is dependent on subsistence resources. The current residents are descendants of Koyukon Athabascans who lived between the south fork of the Koyukuk River and the Kateel River and who hunted and fished near present day Huslia. In the mid-1800s Russian explorers made contact with their Athabaskan ancestors approximately 50 miles downriver from Huslia. The community moved to their current location in 1949 because where they were located was prone to flooding and the ground was swampy. The first school was established there in 1950, followed by a post office and an airport in 1952. During this time families began to settle permanently in Huslia. The city was incorporated in 1969 (Tananachiefs.org 2016).

According to a report based on research done by Marcotte in 1983, people in Huslia harvested a variety of fish along with other subsistence resources. Fish nets were used for Sheefish and whitefish, starting in early May. Chinook and Chum Salmon were caught in set nets starting in June. Pike were caught along with Arctic Grayling and Longnose Suckers June through October (Marcotte 1986). In 1983, 28 households reported harvesting pike with the mean household harvest of 69.5 pounds for a total community

harvest of 1,947 fish. Residents reported harvesting fish in various locations near Huslia and processing fish at their fish camps which were often on their Native allotments (Marcotte 1986).

Effects of the Proposal

If FP17-04 were adopted, Federally qualified subsistence users would be allowed to use gillnets to obstruct all but 20 feet of a channel between ice out and June 15 for Racetrack Slough on the Koyukuk River and sloughs of the Huslia River drainage. This would allow Federally qualified subsistence users the same opportunities as subsistence users under State of Alaska regulations. There would likely be an increase the harvest of Northern Pike and other resident fish species during this time period.

Adoption of this proposal would likely increase the rate of capture of Northern Pike and other fish species, as well as incidental capture of other animals such as ducks and small mammals. The Federal in-season fisheries manager has expressed some concern about the unknown impacts of this regulatory change, should it take place, and has suggested the use of a post-season harvest survey or registration permit to better understand use patterns and harvests (Bue 2016, pers. comm.).

If FP17-04 were not adopted, there would continue to be an inconsistency between State and Federal subsistence regulations for this area, and Federally qualified subsistence users would be held to the regional regulation allowing for obstruction of no more than one-half of a stream. This would also increase enforcement or management complexity.

OSM PRELIMINARY CONCLUSION

Support Proposal FP17-14.

Justification

Adoption of this proposal would result in additional opportunity for Federally qualified subsistence users in Racetrack Slough on the Koyukuk River and the sloughs of the Huslia River drainage. The Alaska Board of Fisheries recently authorized these same changes for this region under State of Alaska regulations. The timeline for this gear change under the proposal would curtail this activity prior the arrival of salmon into these systems.

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FISHERIES RESOURCE MONITORING PROGRAM YUKON-KUSKOKWIM DELTA ALASKA OVERVIEW

BACKGROUND

Beginning in 1999, the Federal government assumed expanded management responsibility for subsistence fisheries on Federal public lands in Alaska under the authority of Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA). Expanded subsistence fisheries management introduced substantial new informational needs for the Federal system. Section 812 of ANILCA directs the Departments of the Interior and Agriculture, cooperating with the State of Alaska and other Federal agencies, to undertake research on fish and wildlife and subsistence uses on Federal public lands. To increase the quantity and quality of information available for management of subsistence fisheries, the Fisheries Resource Monitoring Program (Monitoring Program) was established within the Office of Subsistence Management (OSM). The Monitoring Program was envisioned as a collaborative interagency, interdisciplinary approach to enhance existing fisheries research and monitoring, and effectively communicate information needed for subsistence fisheries management on Federal public lands.

To implement the Monitoring Program, a collaborative approach is utilized in which five Federal agencies (U.S. Fish and Wildlife Service, Bureau of Land Management, National Park Service, Bureau of Indian Affairs, and U.S. Forest Service) work with the Alaska Department of Fish and Game, Regional Advisory Councils, Alaska Native Organizations, and other organizations. An interagency Technical Review Committee provides scientific evaluation of project proposals submitted for funding consideration. The Regional Advisory Councils provide strategic priorities and recommendations, and public comment is invited. The Interagency Staff Committee also provides recommendations. The Federal Subsistence Board takes into consideration recommendations and comments from the process, and forwards the successful proposals on to the Assistant Regional Director of OSM for final approval and funding.

During each biennial funding cycle, the Monitoring Program budget funds ongoing multi-year projects (2, 3 or 4 years) as well as new projects. Budget guidelines are established by geographic region (**Table 1**). The regional guidelines were developed by the Federal Subsistence Board using six criteria that included level of risk to species, level of threat to conservation units, amount of subsistence needs not being met, amount of information available to support subsistence management, importance of a species to subsistence harvest and level of user concerns with subsistence harvest. Budget guidelines provide an initial target for planning; however they are not final allocations and will be adjusted annually as needed.

Table 1. Regional allocation guideline for Fisheries Resource Monitoring Funds.

Region	Department of Interior Funds	Department of Agriculture Funds
Northern	17%	0%
Yukon	29%	0%
Kuskokwim	29%	0%
Southwest	15%	0%
Southcentral	5%	33%
Southeast	0%	67%
Inter-regional	5%	0%

Two primary types of research projects are solicited for the Monitoring Program including Harvest Monitoring/Traditional Ecological Knowledge (HMTEK) and Stock, Status and Trends (SST), although projects that combine these approaches are also encouraged. Definitions of the two project types are listed below:

- **Stock Status and Trends Studies (SST)** - These projects address abundance, composition, timing, behavior, or status of fish populations that sustain subsistence fisheries with linkage to Federal public lands.
- **Harvest Monitoring and Traditional Ecological Knowledge (HMTEK)** -These projects address assessment of subsistence fisheries including quantification of harvest and effort, and description and assessment of fishing and use patterns.

PRIORITY INFORMATION NEEDS

OSM staff works with the Regional Advisory Councils, Federal and State fishery managers and land managers to ensure the Monitoring Program focuses on the highest priority information needs for management of Federal subsistence fisheries. Input from the Regional Advisory Councils is used to develop the Priority Information Needs by identifying issues of local concerns and knowledge gaps related to subsistence fisheries. The Priority Information Needs provide a framework for evaluating and selecting project proposal. Successful project proposals selection may not be limited to the identified Priority Information Needs but project proposals not addressing a priority information need must include compelling justification with respect to strategic importance.

PROJECT EVALUATION PROCESS

In the current climate of increasing conservation concerns and subsistence needs, it is imperative that the Monitoring Program prioritizes high quality projects that address critical subsistence questions. Projects are selected for funding through an evaluation and review process that is designed to advance projects that are strategically important for the Federal Subsistence Program, technically sound, administratively competent, promote partnerships and capacity building, and are cost effective.

Five criteria are used to evaluate project proposals:

1. **Strategic Priority** - Studies must be responsive to identified issues and priority information needs. All projects must have a direct linkage to Federal public lands and/or waters to be eligible for funding under the Monitoring Program.
2. **Technical-Scientific Merit** - Technical quality of the study design must meet accepted standards for information collection, compilation, analysis, and reporting.

3. **Investigator Ability and Resources** - Investigators must demonstrate that they are capable of successfully completing the proposed study by providing information on the ability (training, education, and experience) and resources (technical and administrative) they possess to conduct the work.
4. **Partnership-Capacity Building** - Partnerships and capacity building are priorities of the Monitoring Program. ANILCA mandates that rural residents be afforded a meaningful role in the management of Federal subsistence fisheries. Investigators are requested to include a strategy for integrating local capacity development in their investigation plans.
5. **Cost Benefit** – Each proposal is evaluated for “best value” and overall project costs.

PROJECTS FUNDED UNDER THE MONTORING PROGRAM

Since the inception of the Monitoring Program in 2000, 94 projects have been funded in the Kuskokwim River Drainage (**Table 2**) and 115 in the Yukon River Drainage including ten new projects operating during 2016 (**Table 3**).

Table 2. Fisheries Resource Monitoring Program projects funded in the Kuskokwim River Drainage from 2000-2016.

Project Number	Project Title	Project Cost
00-007	Tatlawiksuk River Salmon Weir	\$90,000
00-008	Bethel In-season Subsistence Harvest Data	\$35,000
00-009	Bethel Post-season Harvest Monitoring	\$53,073
00-019	Kwethluk River Salmon Weir	\$111,784
00-027	Goodnews River Salmon Weir	\$75,000
00-028	Kanetok River Salmon Weir	\$33,800
00-029	Documentation/Communication on Floating Weirs	\$11,200
00-030	Kuskokwim Salmon Project Site Surveys	\$27,000
01-019	Planning Meetings in AVCP Region	\$47,404
01-023	Upper Kuskokwim River In-season Data	\$62,804
01-024	Bethel Post-season Fishery Household Surveys	\$96,840
01-070	Kuskokwim River Chinook Salmon Genetic Diversity	\$300,000
01-086	Kuskokwim River Escapement Project Technician	\$60,000
01-088	Natural Resource Internship Program	\$103,089
01-112	Aniak River Subsistence Fisheries Study	\$117,947
01-116	Kuskokwim River Salmon Work Group Support	\$157,600
01-117	Kuskokwim Salmon Age-Sex-Length Assessment	\$154,811
01-118	Kanetok River Salmon Weir	\$390,000
01-132	Bethel In-season Subsistence Salmon Harvest Data	\$139,966
01-141	Holitna River Chinook, Chum, and Coho Telemetry	\$678,300

01-147	Aniak River Sport Fisheries Survey	\$113,700
01-225	Middle Kuskokwim River In-season Salmon Harvest	\$154,157
01-226	Subsistence Fisheries Research Capacity Building	\$159,000
01-235	Upper Kuskokwim Community Use Profiles	\$79,000
02-036	Aniak Post-season Subsistence Fishery Surveys	\$14,782
02-046	Kuskokwim River Chinook Salmon In-river Abundance	\$322,200
02-097	Kuskokwim and Yukon Rivers Sex-ratios of Juvenile and Adult Chinook	\$19,875
03-030	Kuskokwim River Salmon Mark-Recapture	\$1,210,872
03-041	Kuskokwim Coho Salmon Genetics	\$281,650
04-301	Kwethluk River Salmon Weir	\$131,249
04-302	Tuluksak River Salmon Weir	\$119,615
04-304	Whitefish Lake Whitefish Telemetry	\$106,675
04-305	Kanetok River Salmon Weir	\$240,171
04-306	Holitna River Chinook and Chum Salmon Telemetry	\$231,400
04-307	Kuskokwim Age-Sex-Length Sampling	\$57,953
04-308	Kalskag Salmon Mark-Recapture	\$92,237
04-309	Kuskokwim Native Association Internship Program	\$23,449
04-310	Tatlawiksuk River Salmon Weir	\$73,556
04-311	Kuskokwim Coho Salmon Genetic Mixed Stock Assessment	\$66,200
04-312	Goodnews River Coho Salmon Weir	\$24,829
04-351	Kuskokwim Bay Traditional Ecological Knowledge and Oral History	\$48,500
04-353	Bethel In-season Subsistence Salmon Data Collection	\$62,449
04-359	Kuskokwim Post-season Salmon Subsistence Harvest Surveys	\$158,424
05-301	Whitefish PIT Tags	\$95,000
05-302	Kuskokwim River Chinook Salmon In-river Abundance	\$703,772
05-304	George and Takotna River Salmon Weirs	\$240,209
05-305	Kuskokwim Chinook Salmon Genetic Stock Identification	\$197,766
05-307	Lower Kuskokwim Subsistence Fisheries Catch Monitoring	\$26,464
05-353	Nunivak Island Subsistence Cod Fisheries	\$106,000
06-303	Kuskokwim River Whitefish Migratory Behavior	\$507,845
06-305	Kuskokwim River Inconnu Spawning Distribution	\$214,283
06-306	Lower Kuskokwim Salmon In-season Subsistence Catch Monitoring	\$109,778
06-307	Kuskokwim River Salmon Management Working Group	\$96,891
06-351	Lower Kuskokwim Non-salmon Harvest and TEK	\$177,971
07-304	Tatlawiksuk River Salmon Weir	\$492,577
07-306	Kwethluk River Salmon Weir	\$554,423
07-307	Tuluksak River Salmon Weir	\$487,245
08-300	Aniak River Rainbow Trout Seasonal Distribution	\$89,466
08-302	Lower Kuskokwim Subsistence Chinook Salmon Age-Sex-Length	\$438,920
08-303	George River Salmon Weir	\$610,404
08-304	Takotna River Salmon Weir	\$374,168
08-351	Tuluksak River Subsistence Chinook Salmon Age-Sex-Length	\$170,318
08-352	Bethel and Aniak Post-season Subsistence Salmon Harvest	\$497,267

Fisheries Resource Monitoring Program Summary

10-300	Kanetok and Goodnews River Salmon Assessment	\$689,089
10-303	Kuskokwim River Salmon Age-Sex-Length Assessment	\$459,793
10-304	Tatlawiksuk River Salmon Assessment	\$775,965
10-305	Kuskokwim River Sheefish Spawning, Distribution, and Timing	\$106,777
10-306	Kwethluk River Salmon Assessment	\$909,544
10-307	Tuluksak River Salmon Assessment	\$710,994
10-352	Kuskokwim Salmon Post-season Harvest Monitoring	\$362,229
10-353	Kuskokwim Salmon Working Group Support	\$182,219
10-354	Kuskokwim Salmon In-season Harvest Monitoring	\$120,680
12-302	Lower Kuskokwim River Chinook Salmon Harvest ASL	\$373,434
12-303	George River Salmon Weir (Option A or B)	\$314,533
12-304	Takotna River Salmon Escapement Monitoring	\$231,441
12-308	McGrath Broad Whitefish Spawning Population	\$188,436
12-309	Kwethluk River Weir Video Salmon Escapement Enumeration	\$36,240
12-312	Highpower Creek Sheefish Status and Upper Kuskokwim River	\$171,000
12-313	Kuskokwim River Bering Cisco Spawning Origins	\$148,132
12-352	Upper Kuskokwim River Whitefish Climate Change Trends	\$175,480
14-301	Kuskokwim River Broad Whitefish Spawning Demographics	\$174,061
14-302	Tatlawiksuk River Salmon Weir	\$875,078
14-303	George River Salmon Weir	\$864,821
14-306	Tuluksak River Salmon Run Timing and Abundance	\$784,448
14-308	Kwethluk River Salmon Run Timing and Abundance	\$853,077
14-351	Kuskokwim Delta Non-local Harvest of Chinook Salmon	\$106,763
14-352	Kuskokwim Area Salmon Post-season Subsistence Harvest Surveys	\$700,693
14-353	Kuskokwim River Salmon In-season Subsistence Survey	\$106,375
14-354	Cooperative Management of the Kuskokwim River Subsistence Salmon Fishery Lower Kuskokwim Villages Local and Traditional Knowledge of Non-salmon	\$262,381
14-356	Species	\$397,327
16-301	Lower Kuskokwim Chinook Subsistence Harvest ASL Composition	\$157,108
16-302	Pitka Fork Salmon River Weir	\$466,469
16-303	Upper Kuskokwim Sheefish Enumeration and Spawning Area	\$299,600
16-351	Middle Kuskokwim Subsistence Salmon Harvest Monitoring	\$429,983
Total		\$25,162,498

Table 3. Fisheries Resource Monitoring Program projects funded in the Yukon River Drainage from 2000-2016.

Project Number	Project Title	Project Cost
00-003	Effects of <i>Ichthyophonus</i> on Chinook Salmon	\$83,281
00-004	Humpback Whitefish/Beaver Interactions	\$43,000
00-005	Tanana Upper Kantishna River Fish Wheel	\$23,000
00-006	Traditional Ecological Knowledge Beaver/Whitefish Interactions	\$39,600
00-018	Pilot Station Sonar Upgrade	\$411,096
00-021	Dall River Northern Pike	\$24,000
00-023	Upper Tanana River Humpback Whitefish	\$60,000
00-024	Pilot Station Sonar Technician Support	\$29,700
00-025	Henshaw Creek Salmon Weir	\$60,000
00-026	Circle and Eagle Salmon and Other Fish TEK	\$30,000
01-003	Old John Lake TEK of Subsistence Harvests and Fish	\$51,950
01-011	Arctic Village Freshwater Fish Subsistence Survey	\$32,300
01-014	Yukon River Salmon Management Teleconferences	\$10,500
01-015	Yukon River Salmon TEK	\$52,507
01-018	Pilot Station Sonar Technician Support	\$20,400
01-026	East Fork Andreafski River Salmon Weir	\$102,600
01-029	Nulato River Salmon Weir	\$94,275
01-032	Rampart Rapids Tagging Study	\$300,000
01-038	Kateel River Salmon Weir	\$246,230
01-048	Innoko River Drainage Weir Survey	\$5,900
01-050	Kaltag Chinook Salmon Age-Sex-Length Sampling	\$1,225
01-052	Whitefish Lake Humpback and Broad Whitefish	\$409,731
01-053	Tuluksak River Salmon Weir	\$464,465
01-058	East Fork Andreafski Weir Panel Replacement	\$50,000
01-100	Koyukuk Non-salmon Fish TEK and Subsistence Uses	\$205,102
01-122	Lower Yukon River Salmon Drift Test Fishing	\$359,106
01-140	Yukon Flats Northern Pike	\$410,400
01-177	Rampart Rapids Extension	\$553,300
01-197	Rampart Rapids Summer CPUE Video	\$64,250
01-199	Tanana Fisheries Conservation Outreach	\$12,000
01-200	Effects of <i>Ichthyophonus</i> on Chinook Salmon	\$89,147
01-211	Upper Yukon, Porcupine, and Black River Salmon TEK	\$68,938
02-006	Arctic Village Freshwater Fish Subsistence	\$48,300
02-009	Pilot Station Sonar Technician Support	\$20,000
02-011	Rampart Rapids Fall Chum Handling/Mortality	\$90,000
02-037	Lower Yukon River Non-salmon Harvest Monitoring	\$268,546
02-084	Old John Lake Oral History and TEK of Subsistence	\$26,500
02-121	Yukon River Chinook Salmon Genetics	\$555,360
02-122	Yukon River Chinook and Chum Salmon In-season Subsistence	\$12,228

03-009	Tozitna River Salmon Weir	\$81,000
03-013	Gisasa River Salmon Weir	\$221,033
03-015	Phenotypic Characterization of Chinook Salmon Subsistence Harvests	\$17,894
03-034	East Fork Andreafski River Salmon Weir	\$163,170
03-038	Yukon River Sub-district 5-A Test Fishwheel	\$90,000
04-206	Tozitna River Salmon Weir	\$198,000
04-208	East Fork Andreafski River Salmon Weir	\$254,300
04-209	Gisasa River Salmon Weir	\$248,581
04-211	Henshaw Creek Salmon Weir	\$192,958
04-217	Rampart Rapids Fall Chum Salmon Abundance	\$916,769
04-228	Yukon River Chum Salmon Genetic Stock Identification	\$163,800
04-229	Lower Yukon River Salmon Drift Test Fishing	\$177,500
04-231	Yukon River Chinook Salmon Telemetry	\$807,871
04-234	Kaltag Chinook Salmon Age-Sex-Length Sampling	\$9,000
04-251	Fort Yukon Traditional Ecological Knowledge Camp	\$109,318
04-253	Upper Tanana Subsistence Fisheries Traditional Ecological Knowledge	\$197,707
04-255	Yukon River Salmon Fishery Traditional Ecological Knowledge	\$49,993
04-256	Tanana Conservation Outreach	\$111,226
04-263	Yukon River Salmon Management Teleconferences	\$117,780
04-265	Yukon River TEK of Customary Trade of Subsistence Fish	\$77,853
04-268	Hooper Bay Subsistence Monitoring	\$108,620
04-269	Kanuti NWR Whitefish TEK and Radio Telemetry	\$228,050
05-203	Yukon River Coho Salmon Genetics	\$49,920
05-208	Anvik River Salmon Sonar Enumeration	\$175,922
05-210	Tanana River Fall Chum Salmon Abundance	\$586,691
05-211	Henshaw Creek Salmon Weir	\$275,228
05-254	Yukon River Salmon In-season Subsistence Harvest Monitoring	\$94,000
06-205	Yukon River Chum Salmon Mixed Stock Analysis	\$273,600
06-252	Yukon Flats Non-salmon Traditional Ecological Knowledge	\$208,957
06-253	Middle Yukon River Non-salmon TEK and Harvest	\$150,660
07-202	East Fork Andreafski River Salmon Weir	\$436,137
07-204	Lower Yukon River Salmon Drift Test Fishing	\$160,460
07-206	Innoko River Inconnu Radio Telemetry	\$183,082
07-207	Gisasa River Salmon Weir	\$385,594
07-208	Tozitna River Salmon Weir	\$34,047
07-209	Yukon River Salmon Management Teleconferences	\$15,000
07-210	Validation of DNA Gender Test Chinook Salmon	\$18,980
07-211	Kaltag Chinook Salmon Age-Sex-Length Sampling	\$3,500
07-253	Yukon River Salmon Harvest Patterns	\$324,917
07-302	Kuskokwim River Chum Salmon Run Reconstruction	\$105,913
08-200	Kaltag Chinook Salmon Age-Sex-Length Sampling	\$15,750
08-201	Henshaw Creek Salmon Weir	\$185,597
08-202	Anvik River Salmon Sonar Enumeration	\$289,143

08-206	Yukon and Kuskokwim Coregonid Strategic Plan	\$295,464
08-250	Use of Subsistence Fish to Feed Sled Dogs	\$74,841
08-253	Yukon River Teleconferences and In-season Management	\$67,900
10-200	Yukon River Chinook Salmon Run Reconstruction	\$150,407
10-201	Yukon River Chinook Salmon ASL Data	\$66,500
10-202	East Fork Andreafski River Salmon Assessment	\$599,216
10-205	Yukon River Chum Salmon Mixed Stock Analysis	\$499,032
10-206	Nulato River Salmon Weir	\$21,390
10-207	Gisasa River Chinook and Summer Chum Salmon Assessment	\$536,247
10-209	Yukon Delta Bering Cisco Mixed-Stock Analysis	\$151,861
10-250	Yukon Climate Change Impacts on Subsistence Fisheries	\$169,823
12-200	Alatna River Inconnu Population Structure	\$32,547
12-202	Henshaw Creek Salmon Weir	\$268,359
12-203	Chinook Salmon Ultrasound Evaluation of Reproductive Biology	\$342,009
12-204	Anvik River Sonar	\$190,409
12-205	Kaltag Chinook Salmon Sampling	\$16,000
12-207	Yukon River Bering Cisco Spawning Origins Telemetry Investigation	\$158,100
12-251	In-season Salmon Harvest Teleconferences	\$225,000
14-201	Gisasa River Salmon Weir Videography Integration	\$24,850
14-202	East Fork Andreafski River Chinook and Summer Chum Abundance and Run Timing	\$590,551
14-203	Gisasa River Chinook and Summer Chum Abundance and Run Timing Assessment	\$536,305
14-206	Yukon River Coho Salmon Microsatellite Baseline	\$58,520
14-207	Yukon River Chum Salmon Mixed Stock Analysis	\$599,870
14-208	Koyukuk River Chum Salmon Radio Telemetry	\$301,397
14-209	Henshaw Creek Abundance and Run Timing of Adult Salmon	\$214,312
14-252	Lower Yukon River Whitefish Harvest Monitoring and TEK	\$458,771
14-253	Upper Yukon River Customary Trade	\$281,237
16-203	Upper Yukon Flats Bering Cisco Spawning Abundance	\$361,930
16-204	Henshaw Creek Weir Adult Salmon Abundance and Run Timing	\$637,035
16-205	Upper Yukon and Upper Tanana Rivers Burbot Population Assessment	\$103,947
16-251	Yukon Burbot Life/History Characterization and Subsistence Uses	\$387,850
16-255	Yukon River In-season Community Surveyor Program	\$282,661
16-256	Yukon River In-season Salmon Management Teleconferences	\$74,015
Total		\$22,722,814

MEMORANDUM OF
UNDERSTANDING BETWEEN
UNITED STATES DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE ALASKA REGION

AND

KUSKOKWIM RIVER INTER-TRIBAL FISH COMMISSION

This Memorandum of Understanding (MOU) is entered into in order to formalize the fishery management partnership between the United States Department of the Interior (Department), U.S Fish and Wildlife Service (Service) and the Kuskokwim River Inter-Tribal Fish Commission (hereinafter referred to as "Commission").

ARTICLE I – BACKGROUND AND OBJECTIVES

In his address to the Alaska Federation of Natives Convention in October 2014, and to the National Congress of American Indians in February 2015, Deputy Secretary Mike Connor announced plans to develop a meaningful Partnership Project that could be implemented administratively, with the goal of more meaningfully integrating Kuskokwim Tribes and Federally qualified users into Federal fisheries management on the Kuskokwim River drainage. Development of this MOU is one component of the Kuskokwim River Partnership Project. It formalizes a management partnership that begins to address the long-standing desire of Alaska Native Tribes in the Kuskokwim Drainage to engage as co-managers of fish resources.

The Association of Village Council Presidents (AVCP) and Tanana Chiefs Conference (TCC) are regional Tribal organizations whose membership includes all of the federally recognized tribes in the Kuskokwim drainage. The AVCP and TCC were instrumental in the establishment of the Commission and in the development of this MOU. Both AVCP and TCC have adopted resolutions that support the Commission's participation in the Kuskokwim River Partnership Project through the signing of this MOU.

The Partnership Project sets forth a two-part structure to meaningfully integrate Kuskokwim Tribes and Federally qualified users into the decision-making process for fisheries management on Federal public waters of the Kuskokwim River drainage. The MOU represents one component of a two part structure that will implement the 2014 directive from the Deputy Secretary to establish a demonstration project for the Kuskokwim River Drainage that integrates Alaska Natives into Federal fishery management into the decision-making process. The MOU builds upon the experience and success gained from consultations between the Commission and the Yukon Delta National Wildlife Refuge Manager related to Federal in-season fishery management decisions for the 2015 season, and will provide an opportunity to advance issues that are critical to the Commission and Federally qualified users in future years. The second component of the Partnership Project is a proposal cooperatively developed by the Commission, the Office of Subsistence Management (OSM), and the Service which was submitted to the two Regional Advisory Councils (Councils) in the Kuskokwim River drainage for a subcommittee jointly chartered by the two Councils. The goals of the proposal include providing a meaningful role for the Commission in the Federal subsistence management process and developing unified recommendations for fishery management for the Kuskokwim River drainage.

The Department of the Interior and the Service also share a mutual concern with the Commission for the

conservation of fish resources and their habitats and ensuring the opportunity for the continuation of the subsistence way of life. Both are engaged in fish management strategies and programs and desire to develop and maintain a cooperative relationship which will be in the best interests of the Parties and the resource.

Additionally, the Department, Service, and Commission share the goal of meaningfully integrating the tribal governments located in Kuskokwim River drainage, through their membership and participation in the Commission, as broadly as possible, into the management of Federal public waters in the Kuskokwim River drainage fisheries.

The Parties share the goal of effective and timely communication of all information and consultation and collaboration for in-season fishery management actions;

ARTICLE II - AUTHORITY

The following authorities support the MOU:

- Alaska National Interest Lands Conservation Act (ANILCA) Title VIII
- Alaska Native Claims Settlement Act
- Executive Order 13175 “Consultation and Coordination with Indian Tribal Governments”
- Secretarial Order 3317, Department of Interior Policy on Consultation with Indian Tribes (December 2011)
- Secretarial Order 3335 “Reaffirmation of the Federal Trust Responsibility to Recognized Indian Tribes and Individual Indian Beneficiaries”
- U.S. Fish and Wildlife Service Native American Policy (1994)
- Federal Subsistence Board regulations 36 CFR 242 and 50 CFR 100

The Federal Subsistence Board (Board) is vested with authority delegated by the Secretaries of the Interior and Agriculture to manage subsistence uses and resources on the Federal public lands in Alaska. The Board may delegate specific regulatory authority related to the in-season management of fish species for the Federal public waters in the Kuskokwim Area. The manager of the Yukon Delta National Wildlife Refuge (Refuge) is currently delegated this authority. The Letter of Delegation from the Board to the Refuge manager is attached as an appendix.

The Department has a government-to-government relationship and trust responsibility with the Federally recognized tribes in the Kuskokwim River Drainage and is committed to implementing programs that further tribal self-determination. The Federally recognized Kuskokwim River Tribes are the governing bodies for the tribal members who are residents of these rural communities in the Kuskokwim River Drainage. The Kuskokwim River Tribes established the Commission for the purpose of engagement in the management of Kuskokwim River fisheries.

ARTICLE III - STATEMENT OF WORK

This MOU formalizes an agreement for substantive consultation between the Federal in-season manager and the Commission prior to in-season management decisions and actions. The MOU also acknowledges the collaborative development of a proposal by the Parties for a fisheries subcommittee jointly chartered by the Western Interior and Yukon-Kuskokwim Delta Regional Advisory Councils (Councils).

THE SERVICE AGREES:

1. The Federal in-season manager will consult with the Commission for the purpose of collaboratively making fisheries management decisions with the integration and application of Commission knowledge, information, and management strategies.
2. All relevant data and information will be provided by the Service to the Commission at the earliest practicable time before consultation.
3. The Federal in-season manager will serve as the primary point of contact for the agency.
4. To engage the Commission as partners in the development and implementation of fishery management projects for the Kuskokwim River drainage, such as research, monitoring, harvest surveys, subsistence studies, test fisheries, and other programs, and to enter into cooperative funding agreements with the Commission to support such capacity building to the degree funding is available from the Service or the Department.
5. To provide a timely written justification to the Commission when the Refuge manager is unable to reach consensus with the Commission regarding Kuskokwim Fisheries in-season management decisions. The justification will include an explanation of how the Commission's traditional and scientific information and position were integrated and considered in the management decision.

THE COMMISSION AGREES:

1. To maintain its status as a tribal organization with membership open to all of the Federally recognized Tribes in the Kuskokwim River drainage, that the Commission represents a significant majority Kuskokwim tribes representing all segments of the drainage, and that the Commission is authorized by its member tribes to engage in the management activities formalized through this MOU.
2. To recognize the Refuge Manager at Yukon Delta National Wildlife Refuge as the Federal in-season manager to the extent such authority has been delegated by the Board, including delegated authority to issue emergency special actions for the management of fish within the Federal public waters of the Kuskokwim River drainage. The scope of delegation set by the Board and limited by 36 CFR 242.10(d)(6) and 50 CFR 100.10(d)(6).
3. To provide all relevant data and information to the Service at the earliest practicable time before consultation, including local and traditional observations and knowledge and regional customary and traditional fishing practices.
4. To inform the Kuskokwim River Villages about in-season and other fishery management plans and actions.
5. To meaningfully engage in consultations with the Service to collaboratively manage fish in the Kuskokwim River drainage.
6. To designate an in-season consultation committee composed of the fewest number of Commissioners that can adequately represent the member tribes, understanding that the lower, middle, and upper regions of the watershed will be equitably represented.

7. To assist the Service with communication and outreach of critical biological and regulatory information to Commission members throughout the year.

THE PARTIES MUTUALLY AGREE:

1. To engage in consultation and collaboration throughout the year to coordinate planning for management actions regarding fish resources on Federal public waters of the Kuskokwim River, and to facilitate development of a unified management strategy that is informed by traditional ways of knowing and science that is biologically, environmentally and culturally sound.

2. Each party will engage in consultation and collaboration with an open mind and without committing to a special action before consultation occurs between the Parties. The Parties will notify each other, in a timely manner, of discussions with other management agencies and provide a summary of the information exchanged.

3. Both parties acknowledge the dynamics of in-season management and that in certain instances, due to the need for a timely decision, immediate consultation and collaboration may not be possible or will need to be abbreviated. Both parties will, in good faith, minimize the instances when abbreviated consultations occur and will meet soon thereafter to discuss the management action taken and modifications that may be necessary.

4. The Service and Commission will contribute to and support a Technical Advisory Body (TAB) that consists of fisheries biologists/scientists, social scientists, and traditional knowledge experts. The TAB will meet as requested by the Service or Commission, freely exchange information, and strive to cooperatively develop a unified presentation of information for consideration during negotiation, consultation and collaboration.

5. The Federal in-season manager and the Commission will negotiate for the purpose of striving to reach consensus on in-season management decisions. The parties expect that consensus will be reached for a large majority of issues. If consensus cannot be reached by negotiation, the Commission may take one or more of the actions below:

- A. The Commission may request that a conference call or meeting occur with the Service Regional Director/Deputy Regional Director, the Assistant Regional Director of OSM, the Federal in-season manager, and, at the request of the Commission, the Bureau of Indian Affairs Regional Director or Deputy Regional Director, in a timely fashion to engage knowledgeable experts and key decision makers in a discussion for the purpose of achieving a mutually beneficial compromise. This strategy is consistent with the *qasgiq* model, a Yup'ik problem-solving framework, similar to a collaborative decision-making framework widely practiced among Federal agencies known as operational leadership. The Federal in-season manager maintains delegated authority. Members of the TAB may be requested to attend the meeting.
- B. The Commission may submit a Special Action Request with urgency to the Board in an effort to address a concern. The Service agrees to request that the Commission's Special Action Request be addressed with urgency.
- C. The Commission may submit a request to the Board to reconsider an in-season management action.

6. To support the development and establishment of a joint subcommittee appointed by the Councils. The

goal for the Subcommittee is to develop recommendations to the Councils on the initiation, review, and evaluation of proposals for regulations, policies, management plans, special actions (in-season management), and other matters or potential impacts relating to management, conservation, and subsistence users of fish in the Kuskokwim River Area, or for fisheries which have impacts on Kuskokwim River Area stocks. Fishery proposals developed by the Subcommittee and forwarded to the Board by both Councils as recommendations will be entitled to deference in accordance with Section 805 of ANILCA and Board policy.

7. If the Councils choose not to establish a Subcommittee that incorporates the substance of the Parties' proposal, the Parties will jointly develop a proposal for the Department of the Interior under the authority of ANILCA Section 805(a) or other legal authority that incorporates the objectives of the Subcommittee.

8. To send the same representatives to attend consultations. The parties may send an alternate to consultations only when necessary, recognizing this should only occur on a very limited basis.

9. To develop supplemental memoranda of understanding between the Commission and the Refuge, as may be required to implement the objectives of the Partnership Project as it develops.

10. To attend and meaningfully participate in consultations during in-season fisheries management and at other times when requested by either Party, and to promote a professional, productive, and collaborative atmosphere, while avoiding confrontational speech or behaviors.

11. To actively encourage and seek the participation of the State of Alaska fishery managers in the consultation and collaboration process.

12. To jointly develop a proposal to the Board for an abbreviated process that will, to the degree practicable, provide an opportunity for timely relief when a request is submitted to reconsider an in-season management action.

ARTICLE IV - TERMS OF AGREEMENT

1. This MOU shall become effective upon the signature of the Service and the Commission.

2. This MOU shall continue until terminated by the Service or the Commission. A party may terminate this MOU by providing sixty (60) days advance written notice to the other party. Upon notice of termination, the Parties will meet promptly to discuss the reasons for the notice and to try to resolve their differences.

3. Amendments to this MOU may be proposed by the Service or the Commission and shall become effective upon the signature of the Parties.

4. If the Board changes the delegation of authority for the Kuskokwim River Federal in-season manager, this MOU will be carried forward and amended to reflect the new delegation.

5. Any significant change in the scope of Federal public lands or tribal lands in the Kuskokwim region will require a re-evaluation and possible amendment of this MOU.

6. This MOU shall be re-evaluated by the Parties after two (2) years from the date of execution.

ARTICLE V - KEY OFFICIALS

A. Key officials are essential to ensure maximum coordination and communication between the Parties and the work being performed. They are:

For the Commission:

Mike Williams, Chair KRITFC Bethel, AK 99559

Mwilliams19522004@yahoo.com

Telephone: 907-765-2061

For the Refuge:

Refuge Manager

Yukon Delta National Wildlife Refuge

State Highway

Box 346

Bethel, Alaska 99559

Telephone: 907-543-3151

Facsimile: 907-543-4413

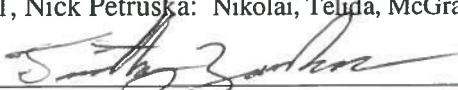
ARTICLE XI - SIGNATURES

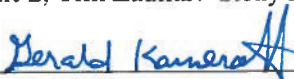
IN WITNESS WHEREOF, the parties hereto have executed this MOU on the date(s) set forth below.

FOR THE KUSKOKWIM RIVER INTER-TRIBAL FISH COMMISSION:

Executive Council:

 . Date: 4/5/16
Unit 1, Nick Petruska: Nikolai, Telida, McGrath, Takotna

 . Date: 4/3/16
Unit 2, Tim Zaukar: Stony River, Lime Village, Sleetmute, Red Devil, Georgetown, Crooked Creek

 . Date: 3-17-16
Unit 3, Gerald Kameroff: Napaimute, Chuathbaluk, Aniak, Upper Kalskag, Lower Kalskag

 . Date: 3/29/16
Unit 4, James Nicori: Tuluksak, Akiak, Kwethluk, Akiachak

 . Date: 5/11/16
Unit 5, Greg Roczicka: Bethel

 . Date: 4-1-2016
Unit 6, Golga Frederick: Oscarville, Napaskiak, Napakiak, Atmauthluak, Kasigluk, Nunapitchuk

 . Date: 3/29/16
Unit 7, James Charles: Tuntutuliak, Eek, Kongiganak, Kwigillingok, Cheformak, Kipnuk, Quinhagak


Officers:

 . Date: 3/3/16
Mike Williams, KRITFC Chair

 . Date: 3-29-16
Nick Kameroff, KRITFC Vice-Chair

 . Date: 4/1/16
Charlene Erik, KRITFC Secretary

FOR THE U.S. DEPARTMENT OF INTERIOR U.S. FISH AND WILDLIFE SERVICE:

 . Date: 2/19/16
Geoffrey Haskett, USFWS Director - Alaska Region

 . Date: 2/26/16
Vernon Born, Manager - Yukon Delta National Wildlife Refuge

SUPPORTING AGENCIES/ORGANIZATIONS:


_____. Date: 04-15-2016
Myron Naneng, President – Association of Village Council Presidents


_____. Date: 4-18-16
Victor Joseph, President – Tanana Chiefs Conference

[**Note:** Track changes represent the Yukon-Kuskokwim Delta RAC's review and recommendation for the Subcommittee Charge]

Subcommittee Charge **Kuskokwim River Fisheries Subcommittee**

January 1, 2016

Subcommittee's Official Designation. This subcommittee's official designation is the Kuskokwim River fisheries subcommittee (Subcommittee) **Councils can develop a different name for the subcommittee**.

Note: This Charge is subject to revisions pending finalization of the MOU, prior to appointment of Subcommittee members.

Charge – The Yukon-Kuskokwim Delta and Western Interior Alaska Subsistence Regional Advisory Councils (Councils) hereby jointly create the Subcommittee to provide a meaningful role for the Federally recognized tribes and rural residents of the Kuskokwim River Area in the management decisions regarding ~~salmon and other subsistence~~ fisheries management in Federal public waters. This Charge is pursuant to and in accordance with the Memorandum of Understanding (MOU) between the Kuskokwim River Inter-Tribal Fish Commission and the U.S. Fish and Wildlife Service.

Purpose - The Subcommittee will provide ~~a forum~~ for tribal governments and residents of Kuskokwim River villages and communities with personal knowledge of local conditions and resource requirements to have a meaningful role in the management of ~~subsistence~~ fisheries on Federal public waters in the Kuskokwim River Area, as described in 50 CFR 100.27(e)(4); 36 CFR 242.27(e)(4).

In jointly establishing the Subcommittee, the Councils recognize that there is a government-to-government relationship between Federal agencies and tribal governments. Tribes are the primary, if not only, government for many Kuskokwim River Area communities and their support and involvement is vital for successful fishery management. Moreover, the Kuskokwim River Area Tribes contribute valuable traditional knowledge accumulated through countless generations of living in the watershed and with its resources.

A primary objective of the Subcommittee is to establish a process for the Council representatives and other Subcommittee members to regularly meet, exchange information, develop and seek broad support for fishery management recommendations~~decisions~~. To this end, the State of Alaska will be provided an opportunity to meaningfully engage with the Subcommittee.

Specific Responsibilities - The Subcommittee reports directly to the Councils. It will not report directly to the Federal Subsistence Board, any other agency, or any Federal officer. Its specific responsibility is to provide recommendations for the management of Kuskokwim River Area fisheries and subsistence uses of fisheries resources, which include:

- Recommendations to the Councils on the initiation, review, and evaluation of proposals for regulations, policies, management plans, special actions (in-season management), and other matters or potential impacts relating to subsistence uses of fish in the Kuskokwim River Area, or for fisheries which have impacts on Kuskokwim River Area stocks. The Councils will review the recommendations of the Subcommittee and provide final recommendations to the Federal Subsistence Board or In-Season Manager.
- Provide ~~a forum~~ for the expression of knowledge, opinions, and recommendations by persons interested in any matter related to ~~subsistence uses of fisheries management~~ in Federal public waters within the Kuskokwim River Area.
- ~~Encourage~~ Incorporate tribal, local and regional participation in the decision making process in matters related to the subsistence uses of fish in Federal public waters within the Kuskokwim River Area.

Designated Federal Official (DFO) - The DFO is the Subsistence Council Coordinator for the parent Councils or other Federal employee designated by the Assistant Regional Director - Subsistence, Region 7, U.S. Fish and Wildlife Service (Service). The DFO is a full-time Federal employee from within the Office of Subsistence Management (OSM) that is appointed in accordance with Agency procedures. The DFO will assist in:

- Approve or call all of the Subcommittee meetings;
- Prepare and approve all meeting agendas;
- Attend all Subcommittee meetings;
- Record and prepare meeting minutes;
- Adjourn any meeting when he or she determines it to be in the public interest; and
- Chair the meeting when so directed by the agency head.

Estimated Number and Frequency of Meetings - The Subcommittee will meet a minimum of two times per year and at times as designated by the DFO for the Councils.

Duration - The Subcommittee's termination date is the same as its parent Councils.

Support - The Service will provide administrative support for the activities of the Subcommittee through the OSM. The OSM will assist with Subcommittee formation and operation. The OSM staff will assist with the review of management recommendations, identifying issues and concerns, and develop options to address potential concerns.

Technical Committee – To provide a collective review and assessment of available data, the Yukon Delta Wildlife Refuge Manager or designee will attend KRFS meetings and work with OSM to provide information and technical advice to the Subcommittee. The Alaska Department of Fish and Game Kuskokwim Area Manager, or designee, and an expert in traditional knowledge and an expert in fishery management from the KRITFC shall also be encouraged to join this team of technical advisory and attend all KRFS meetings. **[The Councils can describe to best meet their needs. Note that OSM would provide technical support, as with the Councils (i.e., fish biologist, anthropologist)]**

Membership – The Subcommittee is composed of members who are knowledgeable and experienced in matters relating to subsistence uses and management of fish and who are residents of villages along the Kuskokwim River watershed. **[The number and composition of members will be up to the RACs]**

- (4) The Councils will each provide two Council members to serve on the Subcommittee.
- (3) The Kuskokwim River Inter-Tribal Fish Commission will nominate three Commissioners for appointment by the Councils. For geographic diversity and population considerations, it is the goal to seat one Commissioner who resides in communities on the upper Kuskokwim River, one Commissioner who resides in communities on the middle Kuskokwim River, and one Commissioner resides in communities on the lower Kuskokwim River.
- (2) The Kuskokwim River Salmon Working Group shall nominate two members for appointment by the Council, representing different geographic regions of the watershed, and who have knowledge about commercial or sport uses as well as subsistence uses.

Members will be appointed for 3 year terms. A vacancy on the Subcommittee will be filled in the same manner in which the original appointment was made. Members serve at the discretion of the DFO and Councils. There is no term limit.

Subcommittee members will elect a Chair, a Vice-Chair, and a Secretary for a one year term each.

Six of the members must be present in order to form a quorum. Members shall strive for consensus for all recommendations forwarded to the Councils. Failing consensus, the members may vote. An affirmative vote by two-thirds of the members present shall be required for the adoption of a recommendation.

Members of the Subcommittee will serve without compensation. However, while away from their homes or regular places of business, Subcommittee members engaged in 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. When possible, teleconferences will be used to minimize expenditures.

Recordkeeping - Records of the Subcommittee shall be handled in accordance with General Records Schedule 26, Item 2, or other approved Agency records disposition schedule. These records shall be available for public inspection and copying, and are subject to the Freedom of Information Act, 5 U.S.C. 552. Meeting minutes will be kept for each meeting and will be forwarded to OSM for storage.

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(11 Aug 2016)

MEMORANDUM OF UNDERSTANDING

For

Coordinated Interagency Fish and Wildlife Management for Subsistence Uses on Federal
Public Lands in Alaska

between the

Federal Subsistence Board

(U.S. Fish and Wildlife Service, USDA Forest Service, National Park Service, Bureau of
Land Management, Bureau of Indian Affairs, and Secretarial Appointees)

and

State of Alaska

(Alaska Department of Fish and Game (ADF&G) and Alaska Board of Fisheries and
Alaska Board of Game (State Boards))

I. PREAMBLE

This Memorandum of Understanding (MOU) between the Federal Subsistence Board and the State of Alaska establishes guidelines to coordinate management of subsistence uses of fish and wildlife resources on Federal public lands in Alaska.

WHEREAS, the Secretaries of Agriculture and the Interior (Secretaries), by authority of the Alaska National Interest Lands Conservation Act (ANILCA) and other laws of Congress, regulations, and policies, are responsible for ensuring that the taking of fish and wildlife for nonwasteful subsistence uses on Federal public lands, as discussed in ANILCA §802(2) and defined in ANILCA §803, shall be accorded priority over the taking on such lands of fish and wildlife for other purposes as provided for in ANILCA §804; and that the Secretaries are responsible for protecting and providing the opportunity for rural residents of Alaska to engage in a subsistence way of life on Federal public lands in Alaska, consistent with the conservation of healthy populations of fish and wildlife and recognized scientific principles; and that these lands are defined in ANILCA §102 and Federal regulation (36 CFR Part 242 and 50 CFR Part 100); and that the Secretaries primarily implement this priority through the Federal Subsistence Board, providing for public participation through Regional Advisory Councils and Subsistence Resource Commissions as authorized by ANILCA §805 and §808 and Federal regulations (above); and,

WHEREAS, the State of Alaska, under its laws and regulations, is responsible for the management, protection, maintenance, enhancement, rehabilitation, and extension of the fish and wildlife resources of the State of Alaska on the sustained yield principle, subject to preferences among beneficial uses, such as providing a priority for subsistence harvest and use of fish and wildlife (where such uses are customary and traditional), and implements its program through the State Boards and the ADF&G, providing for public participation

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through Advisory Committees authorized in the State's laws and regulations (Alaska Statutes Title 16; Alaska Administrative Code Title 5) and through Alaska Administrative Procedure Act; and,

WHEREAS, ANILCA, Title VIII, authorizes the Secretaries to enter into cooperative agreements in order to accomplish the purposes and policies of Title VIII, and the Federal Subsistence Board and the State of Alaska believe it is in the best interests of the fish and wildlife resources and the public to enter into this Memorandum of Understanding;

THEREFORE, the signatories endorse coordination of Federal and State regulatory processes and the collection and exchange of data and information relative to fish and wildlife populations and their use necessary for subsistence management on Federal public lands. This MOU forms the basis for such cooperation and coordination among the parties with regard to subsistence management of fish and wildlife resources on Federal public lands.

II. PURPOSE

The purpose of this MOU is to provide a foundation and direction for coordinated interagency fish and wildlife management for subsistence uses on Federal public lands, consistent with specific Federal and State authorities as stated above, that will protect and promote the sustained health of fish and wildlife populations, ensure conservation of healthy populations and stability in fish and wildlife management, and include meaningful public involvement. The signatories hereby enter this MOU to accomplish this purpose and to establish guidelines for subsequent agreements and protocols to implement coordinated management of fish and wildlife resources used for subsistence purposes on Federal public lands in Alaska.

III. GUIDING PRINCIPLES

- 1) Ensure conservation of fish and wildlife resources while providing for continued uses of fish and wildlife, including a priority for subsistence uses, through interagency subsistence management and regulatory programs that promote coordination, cooperation, and exchange of information between Federal and State agencies, regulatory bodies, Regional Advisory Councils, Subsistence Resource Commissions, State Advisory Committees, state and local organizations, tribes and/or other Alaska Native organizations, and other entities;
- 2) Recognize that wildlife management activities on Federal public lands, other than the subsistence take and use of fish and wildlife remain within the authority of the individual land management agencies.
- 3) Use the best available information, including scientific, cultural and local knowledge and knowledge of customary and traditional uses, for decisions regarding fish and wildlife management for subsistence uses on Federal public lands;

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- 4) Avoid duplication in research, monitoring, and management;
- 5) Involve subsistence and other users in the fisheries and wildlife management planning processes;
- 6) Promote stability in fish and wildlife management and minimize unnecessary disruption to subsistence and other uses of fish and wildlife resources; and
- 7) Promote clear and enforceable hunting, fishing, and trapping regulations.

**IV. THE FEDERAL SUBSISTENCE BOARD AND STATE OF ALASKA
MUTUALLY AGREE**

- 1) To cooperate and coordinate their respective research, monitoring, regulatory, and management actions to help ensure the conservation of fish and wildlife populations for subsistence use on Federal public lands.
- 2) To recognize that fish and wildlife population data and information, including local knowledge of customary and traditional uses, are important components of successful implementation of Federal responsibilities under ANILCA Title VIII.
- 3) To recognize a Federal priority for rural residents on Federal public lands for subsistence uses of fish and wildlife resources. Additionally, to allow for other uses of fish and wildlife resources when harvestable surpluses are sufficient, consistent with ANILCA and Alaska Statute 16.05.
- 4) To recognize that cooperative funding agreements implementing the provisions of this MOU be negotiated when necessary and as authorized by ANILCA §809 and other appropriate statutory authorities. Federal funding agreements for cooperative research and monitoring studies of subsistence resources with organizations representing local subsistence users and others are, and will continue to be, an important component of information gathering and management programs.
- 5) To recognize that Federal and State scientific standards for conservation of fish and wildlife populations are generally compatible. When differences interpreting data are identified, the involved agencies should appoint representatives to seek resolution of the differences.
- 6) To cooperatively pursue the development of information to clarify Federal and State regulations for the public.
- 7) To recognize that the signatories establish protocols or other procedures that address data collection and information management, data analysis and review, in-season fisheries and wildlife management, and other key activities and issues jointly agreed upon that affect subsistence uses on Federal public lands. (See Appendix)

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- 8) To have Federal and State staff work cooperatively with Regional Advisory Councils, Subsistence Resource Commissions, State Advisory Committees, tribes and other stakeholders, as appropriate, to review data analyses associated with regulatory proposals, harvest assessment and monitoring studies, and subsistence resource management.
- 9) To designate liaisons for policy and program communications and coordination between the Federal and State programs.
- 10) To provide adequate opportunity for the appropriate Federal and State agencies to review analyses and justifications associated with special actions and emergency orders affecting subsistence uses on Federal public lands, prior to implementing such actions. Where possible and as required, Federal and State agencies will provide advance notice to Regional Advisory Council, Subsistence Resource Commission, and/or State Advisory Committee representatives, tribes and other interested members of the public before issuing special actions or emergency orders. Where conservation of the resource or continuation of subsistence uses is of immediate concern, the review shall not delay timely management action.
- 11) To cooperatively review existing, and develop as needed, Federal subsistence management plans and State fish and wildlife management plans that affect subsistence uses on Federal public lands. Provide an opportunity for Regional Advisory Council, Subsistence Resource Commission and/or State Advisory Committee representatives, tribes and other public to participate in the review. Consider Federal, State and cooperative fish and wildlife management plans as the initial basis for any management actions so long as they provide for subsistence priorities. Procedures for management plan reviews and revisions will be developed by the respective Federal and State Boards in a protocol.
- 12) To use the State's harvest reporting and assessment systems supplemented by information from other sources to monitor subsistence uses of fish and wildlife resources on Federal public lands. In some cases, Federal subsistence seasons, harvest limits, or data needs necessitate separate Federal subsistence permits and harvest reports.
- 13) To ensure that local residents, tribes and other users will have meaningful involvement in subsistence wildlife and fisheries regulatory processes that affect subsistence uses on Federal public lands.

V. GENERAL PROVISIONS

- 1) No member of, or Delegate to, Congress shall be admitted to any share or part of this document, or to any benefit that may arise from it.
- 2) This MOU is complementary to and is not intended to replace the Master Memoranda of Understanding between the individual Federal agencies and ADF&G, with the exception of specific Federal responsibilities for subsistence uses of fish and wildlife on

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Federal public lands. Supplemental protocols to this document may be developed to promote further interaction and coordination among the parties.

- 3) Nothing herein is intended to conflict with Federal, State, or local laws or regulations.
- 4) Nothing in this MOU enlarges or diminishes each party's existing responsibilities and authorities.
- 5) Upon signing, the parties shall each designate an individual and an alternate to serve as the principal contact or liaison for implementation of this MOU.
- 6) This MOU becomes effective upon signing by all signatories and will remain in force until such time as the Secretary of the Interior determines that the State of Alaska has implemented a subsistence management program in compliance with Title VIII of ANILCA, or, signatories terminate their participation in this MOU by providing 60 days written notice. Termination of participation by one signatory has no impact on this MOU's effectiveness between the remaining signatories.
- 7) Regional Advisory Councils, Subsistence Resource Commissions and State Advisory Committees will be asked annually to provide comments to the signatories concerning Federal/State coordination. The signatories will meet annually or more frequently if necessary, to review coordinated programs established under this MOU, to consider Regional Advisory Council, Subsistence Resource Commission and State Advisory Committee comments, and to consider modifications to this MOU that would further improve interagency working relationships. Any modifications of this MOU shall be made by mutual consent of the signatories, in writing, signed and dated by all parties.
- 8) Nothing in this document shall be construed as obligating the signatories to expend funds or involving the United States or the State of Alaska in any contract or other obligations for the future payment of money, except as may be negotiated in future cooperative funding agreements.
- 9) This MOU establishes guidelines and mutual management goals by which the signatories shall coordinate, but does not create legally enforceable obligations or rights.
- 10) This MOU does not restrict the signatories from participating in similar agreements with other public or private agencies, tribes, organizations, and individuals.

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SIGNATORIES

In WITNESS THEREOF, the parties hereto have executed this MOU as of the last date written bellow.

Commissioner
Alaska Department of Fish and Game
Date:

Chair of the Federal Subsistence Board
Date:

Chair
Alaska Board of Fisheries
Date:

Regional Director
U.S. Fish and Wildlife Service
Date:

Chair
Alaska Board of Game
Date:

Regional Forester
USDA Forest Service
Date:

Regional Director
National Park Service
Date:

State Director
Bureau of Land Management
Date:

Regional Director
Bureau of Indian Affairs
Date:

Member of the Federal Subsistence Board
Date:

Member of the Federal Subsistence Board
Date:

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APPENDIX

SCOPE FOR PROTOCOLS AND/OR PROCEDURES

- 1) Joint technical committees or workgroups may be appointed to develop protocols and/or procedures.
- 2) Individual protocols and/or procedures should:
 - a. Be developed by an interagency committee. The committee shall involve, as appropriate, Regional Advisory Council, Subsistence Resource Commissions and/or State Advisory Committee representatives and other Federal/State regional or technical experts.
 - b. Identify the subject or topic of the protocol and provide justification.
 - c. Identify the parties to the protocol.
 - d. Identify the process to be used for implementing the protocol.
 - e. Provide for appropriate involvement of Regional Advisory Councils, Subsistence Resource Commissions and/or State Advisory Committees, tribes and/or other Alaska Native organizations, governmental organizations, and other affected members of the public when implementing protocols.
 - f. Specify technical committee or workgroup memberships.
 - g. Develop a timeline to complete tasks.
 - h. Identify funding obligations of the parties.
 - i. Define the mechanism to be used for review and evaluation.
- 3) Protocols or procedures require concurrence by the land agencies party to the specific protocols as appropriate and prior to implementation.

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.

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

Yukon-Kuskokwim Delta Subsistence Regional Advisory Council

Charter

1. **Committee's Official Designation.** The Council's official designation is the Yukon-Kuskokwim Delta Subsistence Regional Advisory (Council).
2. **Authority.** The Council is renewed by virtue of the authority set out in the Alaska National Interest Lands Conservation Act (16 U.S.C. 3115 (1988)), and under the authority of the Secretary of the Interior, in furtherance of 16 U.S.C. 410hh-2. The Council is regulated by the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C. Appendix 2.
3. **Objectives and Scope of Activities.** The objective of the Council is to provide a forum for the residents of the Region with personal knowledge of local conditions and resource requirements to have a meaningful role in the subsistence management of fish and wildlife on Federal lands and waters in the Region.
4. **Description of Duties.** The Council has 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 \$175,000, including all direct and indirect expenses and 1.15 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 be inactive 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:

Thirteen 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 Board in their nomination recommendations to the Secretary will strive to ensure that nine of the members (70 percent) represent subsistence interests within the Region and four 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.

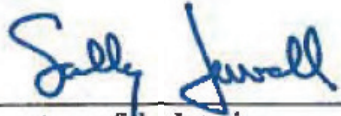
Members will be appointed for 3-year terms. A vacancy on the Council will be filled in the same manner in which the original appointment was made. Members serve at the discretion of the Secretary.

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

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

- 13. Ethics Responsibilities of Members.** No Council or subcommittee member will participate in any 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 6.2, 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 20 2015

Date Signed

DEC 03 2015

Date Filed



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Natural Resources

DIVISION OF MINING, LAND AND WATER

DIRECTOR'S OFFICE

550 W. 7th Avenue, Suite 1070

Anchorage, AK 99501-3576

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August 8, 2016

US Fish and Wildlife Service
Office of Subsistence Management
1011 East Tudor Road
MS 121
Attn: Theo Matuskowitz
Anchorage, AK 99503-6199

VIA ELECTRONICALLY & US MAIL

Re: Docket No. FWS-R7-SM-2015-0159

Dear Mr. Matuskowitz:

The State of Alaska reviewed the June 8, 2016 Federal Register Notice regarding the proposed rule to add certain submerged parcels of land to the subsistence management regulations for public lands in Alaska as indicated by the above-mentioned docket number. The proposed rule intends to identify and add the following submerged lands as "lands within the Tongass National Forest that did not pass to the State of Alaska at Statehood" and, therefore, are subject to the subsistence provisions of ANILCA:

(5) Southeastern Alaska, including the:

(i) Makhnati Island Area: Land and waters beginning at the southern point of Fruit Island, 57°02'35" north latitude, 135°21'07" west longitude as shown on United States Coast and Geodetic Survey Chart No. 8244, May 21, 1941; from the point of beginning, by metes and bounds; S. 58° W., 2,500 feet, to the southern point of Nepovorotni Rocks; S. 83° W., 5,600 feet, on a line passing through the southern point of a small island lying about 150 feet south of Makhnati Island; N. 6° W., 4,200 feet, on a line passing through the western point of a small island lying about 150 feet west of Makhnati Island, to the northwestern point of Signal Island; N. 24° E., 3,000 feet, to a point, 57°03'15" north latitude, 134°23'07" west longitude; East, 2,900 feet, to a point in course No. 45 in meanders of U.S. Survey No. 1496, on west side of Japonski Island; southeasterly, with the meanders of Japonski Island, U.S. Survey No. 1,496 to angle point No. 35, on the southwestern point of Japonski Island; S. 60° E., 3,300 feet, along the boundary line of Naval reservation described in Executive Order No. 8216, July 25, 1939, to the point of beginning, and that part of Sitka Bay lying south of Japonski Island and west of the main channel, but not including Aleutski Island as revoked in Public Land Order 925, October 27, 1953, described by metes and bounds as follows: Beginning at the southeast point of Japonski Island at angle point No. 7 of the meanders of U.S. Survey No. 1496; thence east approximately 12.00 chains to the center of the main channel; thence S. 45° E. along the main channel approximately 20.00 chains; thence S. 45° W. approximately 9.00 chains to the southeastern point of Aleutski Island; thence S. 79° W. approximately 40.00 chains to the southern point of Fruit Island; thence N. 60° W. approximately 50.00 chains to the southwestern point of Japonski Island at angle point No. 35 of U.S. Survey No.

on May 29, 1992 (57 FR 22940). The program regulations have subsequently been amended a number of times. Because this program is a joint effort between Interior and Agriculture, these regulations are located in two titles of the Code of Federal Regulations (CFR): Title 36, "Parks, Forests, and Public Property," and Title 50, "Wildlife and Fisheries," at 36 CFR 242.1–242.28 and 50 CFR 100.1–100.28, respectively. The regulations contain subparts as follows: Subpart A, General Provisions; Subpart B, Program Structure; Subpart C, Board Determinations; and Subpart D, Subsistence Taking of Fish and Wildlife.

Consistent with subpart B of these regulations, the Secretaries established a Federal Subsistence Board to administer the Federal Subsistence Management Program (Program). The Board comprises:

- A Chair appointed by the Secretary of the Interior with concurrence of the Secretary of Agriculture;
- The Alaska Regional Director, U.S. Fish and Wildlife Service;
- The Alaska Regional Director, National Park Service;
- The Alaska State Director, Bureau of Land Management;
- The Alaska Regional Director, Bureau of Indian Affairs;
- The Alaska Regional Forester, U.S. Forest Service; and
- Two public members appointed by the Secretary of the Interior with concurrence of the Secretary of Agriculture.

Through the Board, these agencies and public members participate in the development of regulations for subparts C and D, which, among other things, set forth program eligibility and specific harvest seasons and limits.

In administering the program, the Secretaries divided Alaska into 10 subsistence resource regions, each of which is represented by a Regional Advisory Council (Council). The Councils provide a forum for rural residents with personal knowledge of local conditions and resource requirements to have a meaningful role in the subsistence management of fish and wildlife on Federal public lands in Alaska. The Council members represent varied geographical, cultural, and user interests within each region.

Public Review Process—Comments and Public Meetings

The Federal Subsistence Regional Advisory Councils have a substantial role in reviewing this proposed rule and making recommendations for the final rule. The Federal Subsistence Board, through the Councils, will hold public meetings on this proposed rule at the

following locations in Alaska, on the following dates:

- Region 1—Southeast Regional Council, Petersburg, October 4, 2016
- Region 2—Southcentral Regional Council, Anchorage, October 18, 2016
- Region 3—Kodiak/Aleutians Regional Council, Cold Bay, September 28, 2016
- Region 4—Bristol Bay Regional Council, Dillingham, October 26, 2016
- Region 5—Yukon-Kuskokwim Delta Regional Council, Bethel, October 12, 2016
- Region 6—Western Interior Regional Council, McGrath, October 11, 2016
- Region 7—Seward Peninsula Regional Council, Nome, November 1, 2016
- Region 8—Northwest Arctic Regional Council, Selawik, October 5, 2016
- Region 9—Eastern Interior Regional Council, Fort Yukon, October 25, 2016
- Region 10—North Slope Regional Council, Barrow, November 1, 2016

A public notice of specific dates, times, and meeting locations will be published in local and statewide newspapers prior to each meeting. Locations and dates may change based on weather or local circumstances. The Regional Advisory Council's agenda determines the length of each Council meeting based on workload.

The Board will discuss and evaluate submitted comments and public testimony on this proposed rule during a public meeting scheduled for January 2017 in Anchorage, Alaska. The Federal Subsistence Regional Advisory Council Chairs, or their designated representatives, will present their respective Councils' recommendations at the Board meeting. Additional public testimony may be provided to the Board on this proposed rule at that time. At that public meeting, the Board will deliberate and make final recommendations to the Secretaries on this proposed rule.

You may submit written comments and materials concerning this proposed rule by one of the methods listed in **ADDRESSES**. If you submit a comment via <http://www.regulations.gov>, your entire comment, including any personal identifying information, will be posted on the Web site. If you submit a hardcopy comment that includes personal identifying information, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so. We will post all hardcopy comments on <http://www.regulations.gov>.

Comments and materials we receive, as well as supporting documentation we

used in preparing this proposed rule, will be available for public inspection on <http://www.regulations.gov>, or by appointment, between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays, at: USFWS, Office of Subsistence Management, 1011 East Tudor Road, Anchorage, AK 99503.

Reasonable Accommodations

The Federal Subsistence Board is committed to providing access to these meetings for all participants. Please direct all requests for sign language interpreting services, closed captioning, or other accommodation needs to Deborah Coble, 907–786–3880, subsistence@fws.gov, or 800–877–8339 (TTY), seven business days prior to the meeting you would like to attend.

Tribal Consultation and Comment

As expressed in Executive Order 13175, "Consultation and Coordination with Indian Tribal Governments," the Federal officials that have been delegated authority by the Secretaries are committed to honoring the unique government-to-government political relationship that exists between the Federal Government and Federally Recognized Indian Tribes (Tribes) as listed in 75 FR 60810 (October 1, 2010). Consultation with Alaska Native corporations is based on Public Law 108–199, div. H, Sec. 161, Jan. 23, 2004, 118 Stat. 452, as amended by Public Law 108–447, div. H, title V, Sec. 518, Dec. 8, 2004, 118 Stat. 3267, which provides 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 No. 13175."

The Alaska National Interest Lands Conservation Act does not provide specific rights to Tribes for the subsistence taking of wildlife, fish, and shellfish. However, because tribal members are affected by subsistence fishing, hunting, and trapping regulations, the Secretaries, through the Board, will provide Federally recognized Tribes and Alaska Native corporations an opportunity to consult on this proposed rule.

The Board will engage in outreach efforts for this proposed rule, including a notification letter, to ensure that Tribes and Alaska Native corporations are advised of the mechanisms by which they can participate. The Board provides a variety of opportunities for consultation: Proposing changes to the existing rule; commenting on proposed changes to the existing rule; engaging in dialogue at the Regional Advisory Council meetings; engaging in dialogue

at the Board's meetings; and providing input in person, by mail, email, or phone at any time during the rulemaking process. The Board will commit to efficiently and adequately providing an opportunity to Tribes and Alaska Native corporations for consultation in regard to subsistence rulemaking.

The Board will consider Tribes' and Alaska Native corporations' information, input, and recommendations, and address their concerns as much as practicable.

Jurisdictional Background and Perspective

The *Peratrovich* case dates back to 1992 and has a long and involved procedural history. The plaintiffs in that litigation raised the question of which marine waters in the Tongass National Forest, if any, are subject to the jurisdiction of the Federal Subsistence Management Program. In its May 31, 2011, order, the U.S. District Court for Alaska (Court) stated that "it is the duty of the Secretaries [Agriculture & Interior] to identify any submerged lands (and the marine waters overlying them) within the Tongass National Forest to which the United States holds title." It also stated that, if such title exists, it "creates an interest in [the overlying] waters sufficient to make those marine waters public lands for purposes of [the subsistence provisions] of ANILCA."

Most of the marine waters within the Tongass National Forest were not initially identified in the regulations as public lands subject to the subsistence priority based upon a determination that the submerged lands were State lands, and later through reliance upon a disclaimer of interest filed by the United States in *Alaska v. United States*, No. 128 Orig., 546 U.S. 413 (2006). In that case, the State of Alaska had sought to quiet title to all lands underlying marine waters in southeast Alaska, which includes most of the Tongass National Forest. Ultimately, the United States disclaimed ownership to most of the submerged lands in the Tongass National Forest. The Supreme Court accepted the disclaimer by the United States to title to the marine waters within the Tongass National Forest, excepting from that disclaimer several classes of submerged public lands that generally involve small tracts. *Alaska v. United States*, 546 U.S. at 415.

When the United States took over the subsistence program in Alaska in 1990, the Departments of the Interior and Agriculture stated in response to comments on the scope of the program during promulgation of the interim

regulations that "the United States generally does not hold title to navigable waters and thus navigable waters generally are not included within the definition of public lands" (55 FR 27115; June 29, 1990). That position was changed in 1999 when the subsistence priority was extended to waters subject to a Federal reserved water right following the *Katie John* litigation. The Board identified certain submerged marine lands that did not pass to the State and, therefore, where the subsistence priority applied. However, the Board did not attempt to identify each and every small parcel of submerged public lands and thereby marine water possibly subject to the Federal Subsistence Management Program because of the potentially overwhelming administrative burden. Instead the Board invited the public to petition to have submerged marine lands included. Over the years, several small areas of submerged marine lands in the Tongass National Forest have been identified as public lands subject to the subsistence priority.

In its May 31, 2011, order, the Court stated that the petition process was not sufficient and found that "concerns about costs and management problems simply cannot trump the congressional policy that the subsistence lifestyle of rural Alaskans be preserved as to public lands." The Court acknowledged in its order that inventorying all these lands could be an expensive undertaking, but that it is a burden "necessitated by the 'complicated regulatory scheme' which has resulted from the inability of the State of Alaska to implement Title VIII of ANILCA." The Court then "enjoined" the United States "to promptly initiate regulatory proceedings for the purpose of implementing the subsistence provisions in Title VIII of ANILCA with respect to submerged public lands within Tongass National Forest" and directed entry of judgment.

The BLM and USDA-FS started a time- and resource-consuming review of hundreds of potential pre-statehood (January 3, 1959) withdrawals in the marine waters of the Tongass National Forest. Both agencies are reviewing their records to identify dock sites, log transfer sites, and other areas that may not have passed to the State at statehood. The review process is ongoing and expected to take quite some time.

Developing the Applicability and Scope; Tongass National Forest Submerged Lands Proposed Regulations

In April and October of 2015, BLM submitted initial listings of parcels of

submerged public lands to the Board. This proposed rule will add those listings to the subsistence regulations to ensure compliance with the Court's order. Additional listings will be published as BLM and USDA-FS continue their reviews of pre-statehood withdrawals. In addition, this proposed rule would make nonsubstantive changes to 36 CFR 242.3 and 50 CFR 100.3 to correct errors, such as misspellings and punctuation errors, which occur in the existing regulations.

Because this proposed rule concerns public lands managed by an agency or agencies in both the Departments of Agriculture and the Interior, identical text will be incorporated into 36 CFR part 242 and 50 CFR part 100.

Compliance With Statutory and Regulatory Authorities

National Environmental Policy Act

A Draft Environmental Impact Statement that described four alternatives for developing a Federal Subsistence Management Program was distributed for public comment on October 7, 1991. The Final Environmental Impact Statement (FEIS) was published on February 28, 1992. The Record of Decision (ROD) on Subsistence Management for Federal Public Lands in Alaska was signed April 6, 1992. The selected alternative in the FEIS (Alternative IV) defined the administrative framework of an annual regulatory cycle for subsistence regulations.

A 1997 environmental assessment dealt with the expansion of Federal jurisdiction over fisheries and is available at the office listed under **FOR FURTHER INFORMATION CONTACT**. The Secretary of the Interior, with concurrence of the Secretary of Agriculture, determined that expansion of Federal jurisdiction does not constitute a major Federal action significantly affecting the human environment and, therefore, signed a Finding of No Significant Impact.

Section 810 of ANILCA

An ANILCA § 810 analysis was completed as part of the FEIS process on the Federal Subsistence Management Program. The intent of all Federal subsistence regulations is to accord subsistence uses of fish and wildlife on public lands a priority over the taking of fish and wildlife on such lands for other purposes, unless restriction is necessary to conserve healthy fish and wildlife populations. The final § 810 analysis determination appeared in the April 6, 1992, ROD and concluded that the Federal Subsistence Management

Program, under Alternative IV with an annual process for setting subsistence regulations, may have some local impacts on subsistence uses, but will not likely restrict subsistence uses significantly.

During the subsequent environmental assessment process for extending fisheries jurisdiction, an evaluation of the effects of the subsistence program regulations was conducted in accordance with § 810. This evaluation also supported the Secretaries' determination that the regulations will not reach the "may significantly restrict" threshold that would require notice and hearings under ANILCA § 810(a).

Paperwork Reduction Act of 1995 (PRA)

This proposed rule does not contain any new collections of information that require Office of Management and Budget (OMB) approval under the PRA (44 U.S.C. 3501 *et seq.*) OMB has reviewed and approved the collections of information associated with the subsistence regulations at 36 CFR 242 and 50 CFR 100, and assigned OMB Control Number 1018-0075. We may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid OMB control number.

Regulatory Planning and Review (Executive Order 12866)

Executive Order 12866 provides that the Office of Information and Regulatory Affairs (OIRA) in the Office of Management and Budget will review all significant rules. OIRA has determined that this proposed rule is not significant.

Executive Order 13563 reaffirms the principles of E.O. 12866 while calling for improvements in the nation's regulatory system to promote predictability, to reduce uncertainty, and to use the best, most innovative, and least burdensome tools for achieving regulatory ends. The executive order directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public where these approaches are relevant, feasible, and consistent with regulatory objectives. E.O. 13563 emphasizes further that regulations must be based on the best available science and that the rulemaking process must allow for public participation and an open exchange of ideas. We have developed this proposed rule in a manner consistent with these requirements.

Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*) requires

preparation of flexibility analyses for rules that will have a significant effect on a substantial number of small entities, which include small businesses, organizations, or governmental jurisdictions. In general, the resources to be harvested under this proposed rule are already being harvested and consumed by the local harvester and do not result in an additional dollar benefit to the economy. However, we estimate that two million pounds of meat are harvested by subsistence users annually and, if given an estimated dollar value of \$3.00 per pound, this amount would equate to about \$6 million in food value statewide. Based upon the amounts and values cited above, the Departments certify that this rulemaking will not have a significant economic effect on a substantial number of small entities within the meaning of the Regulatory Flexibility Act.

Small Business Regulatory Enforcement Fairness Act

Under the Small Business Regulatory Enforcement Fairness Act (5 U.S.C. 801 *et seq.*), this proposed rule is not a major rule. It will not have an effect on the economy of \$100 million or more, will not cause a major increase in costs or prices for consumers, and will not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises.

Executive Order 12630

Title VIII of ANILCA requires the Secretaries to administer a subsistence priority on public lands. The scope of this program is limited by definition to certain public lands. Likewise, these proposed regulations have no potential takings of private property implications as defined by Executive Order 12630.

Unfunded Mandates Reform Act

The Secretaries have determined and certify pursuant to the Unfunded Mandates Reform Act, 2 U.S.C. 1502 *et seq.*, that this proposed rulemaking will not impose a cost of \$100 million or more in any given year on local or State governments or private entities. The implementation of this rule is by Federal agencies and there is no cost imposed on any State or local entities or tribal governments.

Executive Order 12988

The Secretaries have determined that these proposed regulations meet the applicable standards provided in §§ 3(a) and 3(b)(2) of Executive Order 12988, regarding civil justice reform.

Executive Order 13132

In accordance with Executive Order 13132, the proposed rule does not have sufficient Federalism implications to warrant the preparation of a Federalism Assessment. Title VIII of ANILCA precludes the State from exercising subsistence management authority over fish and wildlife resources on Federal lands unless it meets certain requirements.

Executive Order 13175

The Alaska National Interest Lands Conservation Act, Title VIII, does not provide specific rights to tribes for the subsistence taking of wildlife, fish, and shellfish. However, the Secretaries, through the Board, will provide Federally recognized Tribes and Alaska Native corporations an opportunity to consult on this proposed rule. Consultation with Alaska Native corporations are based on Public Law 108-199, div. H, Sec. 161, Jan. 23, 2004, 118 Stat. 452, as amended by Public Law 108-447, div. H, title V, Sec. 518, Dec. 8, 2004, 118 Stat. 3267, which provides 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 No. 13175."

The Secretaries, through the Board, will provide a variety of opportunities for consultation: commenting on proposed changes to the existing rule; engaging in dialogue at the Regional Council meetings; engaging in dialogue at the Board's meetings; and providing input in person, by mail, email, or phone at any time during the rulemaking process.

Executive Order 13211

This Executive Order requires agencies to prepare Statements of Energy Effects when undertaking certain actions. However, this proposed rule is not a significant regulatory action under E.O. 13211, affecting energy supply, distribution, or use, and no Statement of Energy Effects is required.

Drafting Information

Theo Matuskowitz drafted these proposed regulations under the guidance of Gene Peltola of the Office of Subsistence Management, Alaska Regional Office, U.S. Fish and Wildlife Service, Anchorage, Alaska. Additional assistance was provided by:

- Daniel Sharp, Alaska State Office, Bureau of Land Management;
- Mary McBurney, Alaska Regional Office, National Park Service;
- Dr. Glenn Chen, Alaska Regional Office, Bureau of Indian Affairs;

- Trevor Fox, Alaska Regional Office, U.S. Fish and Wildlife Service; and
- Thomas Whitford, Alaska Regional Office, USDA—Forest Service.

List of Subjects

36 CFR Part 242

Administrative practice and procedure, Alaska, Fish, National forests, Public lands, Reporting and recordkeeping requirements, Wildlife.

50 CFR Part 100

Administrative practice and procedure, Alaska, Fish, National forests, Public lands, Reporting and recordkeeping requirements, Wildlife.

Proposed Regulation Promulgation

For the reasons set out in the preamble, the Secretaries propose to amend 36 CFR part 242 and 50 CFR part 100 as set forth below.

PART—SUBSISTENCE MANAGEMENT REGULATIONS FOR PUBLIC LANDS IN ALASKA

■ 1. The authority citation for both 36 CFR part 242 and 50 CFR part 100 continues to read as follows:

Authority: 16 U.S.C. 3, 472, 551, 668dd, 3101–3126; 18 U.S.C. 3551–3586; 43 U.S.C. 1733.

Subpart A—General Provisions

■ 2. In subpart A of 36 CFR part 242 and 50 CFR part 100, amend § 3 as follows:

- a. In paragraph (a), remove the word “or” and in its place add the word “of” and remove the word “poortion” and in its place add the word “portion”;
- b. In paragraph (b)(1)(iii), remove the word “A” and in its place add the word “All”;
- c. In paragraph (b)(1)(v), remove the word “Latitute” and in its place add the word “Latitude”;
- d. In paragraph (b)(2), remove “70 10’” and in its place add “70°10’” and remove “145 51’” and in its place add “145°51’”;
- e. In paragraph (b)(3), remove the word “cape” and in its place add the word “Cape”, remove the word “Latitute” and in its place add the word “Latitude”, and remove “161 46’” and in its place add “161°46’”; and
- f. Revise paragraph (b)(5) to read as set forth below:

§ 3 Applicability and scope.

* * * * *

(5) Southeastern Alaska, including the:

(i) Makhnati Island Area: Land and waters beginning at the southern point of Fruit Island, 57°02'35" north latitude, 135°21'07" west longitude as shown on

United States Coast and Geodetic Survey Chart No. 8244, May 21, 1941; from the point of beginning, by metes and bounds; S. 58° W., 2,500 feet, to the southern point of Nepovorotni Rocks; S. 83° W., 5,600 feet, on a line passing through the southern point of a small island lying about 150 feet south of Makhnati Island; N. 6° W., 4,200 feet, on a line passing through the western point of a small island lying about 150 feet west of Makhnati Island, to the northwestern point of Signal Island; N. 24° E., 3,000 feet, to a point, 57°03'15" north latitude, 134°23'07" west longitude; East, 2,900 feet, to a point in course No. 45 in meanders of U.S. Survey No. 1496, on west side of Japonski Island; southeasterly, with the meanders of Japonski Island, U.S. Survey No. 1,496 to angle point No. 35, on the southwestern point of Japonski Island; S. 60° E., 3,300 feet, along the boundary line of Naval reservation described in Executive Order No. 8216, July 25, 1939, to the point of beginning, and that part of Sitka Bay lying south of Japonski Island and west of the main channel, but not including Aleutski Island as revoked in Public Land Order 925, October 27, 1953, described by metes and bounds as follows: Beginning at the southeast point of Japonski Island at angle point No. 7 of the meanders of U.S. Survey No. 1496; thence east approximately 12.00 chains to the center of the main channel; thence S. 45° E. along the main channel approximately 20.00 chains; thence S. 45° W. approximately 9.00 chains to the southeastern point of Aleutski Island; thence S. 79° W. approximately 40.00 chains to the southern point of Fruit Island; thence N. 60° W. approximately 50.00 chains to the southwestern point of Japonski Island at angle point No. 35 of U.S. Survey No. 1496; thence easterly with the meanders of Japonski Island to the point of beginning including Charcoal, Harbor, Alice, Love, and Fruit islands and a number of smaller unnamed islands.

(ii) Tongass National Forest:

(A) Beacon Point, Frederick Sound, and Kupreanof Island are shown on the U.S. Coast and Geodetic Survey Chart No. 8210—Sheet No. 16. The reference location is marked as 57 south, 79 east, CRM, SEC 8, U.S. Survey No. 1604. The point begins on the low-water line at N. 63° W., true and approximately 1,520 feet from Beacon Point beacon; thence due south true 1,520 feet; thence true East 1,800 feet, more or less to an intersection with a low-water line; thence following, is the low-water line round the point to point of the beginning (Approx. Long. 133°00' W. Lat. 56°56¼' N.).

(B) Bushy Island and Snow Passage are shown on the U.S. Coast and Geodetic Survey Chart, labeled No. 8160—Sheet No. 12. The reference location is marked as 64 south, 80 east, CRM, SEC. 31/32 on the map labeled, USS 1607. The point begins on a low-water line about ¼ nautical miles and southwesterly from the northwest point of the island, from which a left tangent to an island that is 300 yards in diameter and 100 yards offshore, bears the location—N. 60° W., true; thence S. 60° E., true and more or less 2,000 feet to an intersection with a low-water line on the easterly side of the island; thence forward along the winding of the low-water line northwesterly and southwesterly to the point of the beginning, including all adjacent rocks and reefs not covered at low water (Approx. Long. 132°58' W. Lat. 56°16½' N.).

(C) Cape Strait, Frederick Sound, and Kupreanof Island are shown on the U.S. Coast and Geodetic Survey Chart No. 8210—Sheet No. 16. The reference location is marked as 56 south, 77478 east, CRM, on the map labeled as USS 1011. It begins at a point on a low-water line that is westerly from the lighthouse and distant 1,520 feet in a direct line from the center of the concrete pier upon which the light tower is erected; thence South 45° E., true by 1,520 feet; thence east true by 1,520 feet, more or less to an intersection with the low-water line; thence north-westerly and westerly, following the windings of the low-water line to the point of beginning (Approx. Long. 133°05' W. Lat. 57°00' N.).

(D) Point Colpoys and Sumner Strait are shown on the U.S. Coast and Geodetic Survey Chart No. 8160—Prince of Wales Island—Sheet No. 12. The reference location is marked as 64 south, 78 east, CRM, SECs. 10, 11, 12 on the map labeled as USS 1634. Location is north of a true east-and-west line running across the point to 1,520 feet true south from the high-water line at the northernmost extremity. Map includes all adjacent rocks and ledges not covered at low water and also includes two rocks awash about 1¼ nautical miles east and South and 75° East, respectively, from the aforementioned point (Approx. Long. 133°12' W. Lat. 56°20' N.).

(E) Vank Island and Stikine Strait are shown on the U.S. Coast and Geodetic Survey Chart No. 8160—Sheet No. 18. Located at 62 south, 82 east, CRM, SEC 34, on the map labeled as USS 1648. This part of the island is lying south of a true east-and-west line that is drawn across the island from low water to low water. Island is 760 feet due North from

the center of the concrete pier upon which the structure for the light is erected (Approx. Long. 132°35' W. Lat. 56°27' N.).

(F) High Point, and Woronkofski Island, Alaska, are shown on the U.S. Coast and Geodetic Survey Chart No. 8160—Sheet No. 18. The location begins at a point on low water at the head of the first bight easterly of the point and about 1/8 nautical mile distant therefrom; thence south true 1,520 feet; thence west true 1,100 feet, more or less to an intersection with the low-water line; thence northerly and easterly, following the windings of the low-water line to point of the beginning (Approx. Long. 132°33' W. Lat. 56°24' N.).

(G) Key Reef and Clarence Strait are shown on the U.S. Coast and Geodetic Survey Chart No. 8160—Sheet No. 11. The reef lies 1 3/4 miles S. 80° E., true, from Bluff Island and becomes awash at extreme high water. Chart includes all adjacent ledges and rocks not covered at low water (Approx. Long. 132°50' W. Lat. 56°10' N.).

(H) Low Point and Zarembo Island, Alaska, are shown on U.S. Coast and Geodetic Survey Chart No. 8160—Sheet No. 22. The location begins at a point on a low-water line that is 760 feet in a direct line, easterly, from the center of Low Point Beacon. The position is located on a point of shoreline about 1 mile easterly from Low Point; thence S. 35°, W true 760 feet; thence N. 800 feet and W. 760 feet, more or less, to an intersection with the low-water line to the point of beginning (Approx. Long. 132°55 1/2' W. Lat. 56°27 1/2' N.).

(I) McNamara Point and Zarembo Island, Alaska, are shown on U.S. Coast and Geodetic Survey Chart No. 8160—Sheet No. 25. Location begins at a point on a low-water line that is 1,520 feet in a direct line, northerly, from McNamara Point Beacon—a slatted tripod structure; thence true east 1,520 feet; thence true south, more or less, 2,500 feet to an intersection with the low-water line; thence northwesterly and northerly following the windings of the low-water line to the point of the beginning (Approx. Long. 133°04' W. Lat. 56°20' N.).

(J) Mountain Point and Wrangell Narrows, Alaska, are shown on the U.S. Coast and Geodetic Survey Chart No. 8170—Sheet No. 27. The location begins at a point on a low-water line southerly from the center of Mountain Point Beacon and distant there from 1,520 feet in a direct line; thence true west 1,520 feet; thence true north, more or less, 3,480 feet to an intersection with the low-water line; thence southeasterly and southerly following the windings of the low-water line to the point of the

beginning (Approx. Long. 132°57 1/2' W. Lat. 56°44' N.).

(K) Angle Point, Revillagigedo Channel, and Bold Island are shown on the U.S. Coast and Geodetic Survey Chart No. 8075—Sheet No. 3. The reference location is marked as 76 south, 92 east, CRM, USS 1603. The location begins at a point on a low-water line abreast of the lighthouse on Angle Point, the southwestern extremity of Bold Island; thence easterly along the low-water line to a point that is 3,040 feet in a straight line from the beginning point; thence N. 30° W. True 3,040 feet; thence true west to an intersection with the low-water line, 3,000 feet, more or less; thence southeasterly along the low-water line to the point of the beginning (Approx. Long. 131°26' W. Lat. 55°14' N.).

(L) Cape Chacon, Dixon Entrance, and Prince of Wales Island are shown on the U.S. Coast and Geodetic Survey Chart No. 8074—Sheet No. 29. The reference location is marked as 83 south, 89 and 90 east, CRM, USS 1608. The location begins at a point at the low-water mark on the shore line of Dixon Entrance from which the southern extremity of Cape Chacon bears south 64° true East and approximately 3/4 nautical miles; thence N. 45° true East and about 1 nautical mile, more or less, to an intersection with a low-water line on the shore of Clarence Strait; thence southerly, following the meanderings of the low-water line of the shore, to and around Cape Chacon, and continuing to the point of the beginning. Reference includes all adjacent islands, islets, rocks, and reefs that are not covered at the low-water line (Approx. Long. 132° W. Lat. 54°42' N.).

(M) Lewis Reef and Tongass Narrows are shown on the U.S. Coast and Geodetic Survey Chart No. 8094—Sheet No. 71. The reference location is marked as 75 south, 90 east, CRM, SEC 9. The area point begins at the reef off of Lewis Point and partly bare at low water. This part of the reef is not covered at low water and lies on the northeast side of a true northwest-and-southeast line that is located 300 feet true southwest from the center of the concrete pier of Lewis Reef Light (Approx. Long. 131°44 1/2' W. Lat. 55°22'25" N.).

(N) Lyman Point and Clarence Strait are shown on the U.S. Coast and Geodetic Survey, Chart No. 8076—Sheet No. 8. The reference location is marked as 73 south, 86 east, CRM, SEC 13, on a map labeled as USS 2174 TRC. It begins at a point at the low-water mark. The aforementioned point is 300 feet in a direct line easterly from Lyman Point light; thence due south 300 feet; thence due west to a low-water mark 400 feet,

more or less; thence following the winding of the low-water mark to place of beginning (Approx. Long. 132°18' W. Lat. 35°35' N.).

(O) Narrow Point, Clarence Strait, and Prince of Wales Island are shown on the U.S. Coast and Geodetic Survey Chart No. 8100—Sheet No. 9. The reference location is marked as 70 south, 84 east, CRM, on a map labeled as USS 1628. The point begins at a point on a low-water line about 1 nautical mile southerly from Narrow Point Light, from which point a left tangent to a high-water line of an islet about 500 yards in diameter and about 300 yards off shore, bears south 30° true East; thence north 30° W., true 7,600 feet; thence N. 60° E., 3,200 feet, more or less to an intersection with a low-water line; thence southeasterly, southerly, and southwesterly, following the winding of the low-water line to the point of the beginning. The map includes all adjacent rocks not covered at low water (Approx. Long. 132°28' W. Lat. 55°47 1/2' N.).

(P) Niblack Point, Cleveland Peninsula, and Clarence Strait, Alaska, are shown on the U.S. coast and Geodetic Survey Chart No. 8102—Sheet No. 6, which is the same sheet used for Caamano Point. The location begins at a point on a low-water line from which Niblack Point Beacon, a tripod anchored to three concrete piers, bears southeasterly and is 1,520 feet in a direct line; thence true northeast 1,520 feet; thence true southeast 3,040 feet; thence true southwest at 600 feet, more or less, to an intersection with a low-water line; thence northwesterly following the windings of the low-water line to the point of the beginning (Approx. Long. 132°07' W. Lat. 55°33' N.).

(Q) Rosa Reef and Tongass Narrows are shown on the U.S. Coast and Geodetic Survey Chart No. 8094—Sheet No. 71. The reference location is marked as 74 south, 90 east, CRM, SEC 31. That part of the reef is not covered at low water and lies east of a true north-and-south line, located 600 feet true west from the center of the concrete pier of Rosa Reef Light. The reef is covered at high water (Approx. Long. 131°48' W. Lat. 55°24'15" N.).

(R) Ship Island and Clarence Strait are shown on the U.S. Coast and Geodetic Survey Chart No. 8100—Sheet No. 9. The reference location is marked as south, 8 east, CRM, SEC 27. The point begins as a small island on the northwesterly side of the Clarence Strait, about 10 nautical miles northwesterly from Caamano Point and 1/4 mile off the shore of Cleveland Peninsula. The sheet includes all

adjacent islets and rocks not connected to the main shore and not covered at low water (Approx. Long. 132°12' W. Lat. 55°36' N.).

(S) Spire Island Reef and Revillagigedo Channel are shown on the U.S. Coast and Geodetic Survey Chart No. 8075—Sheet No. 3. The reference location is marked as 76 south, 92 east, CRM, SEC 19. The detached reef, covered at high water and partly bare at low water, is located northeast of Spire Island. Spire Island Light is located on the reef and consists of small houses and lanterns surmounting a concrete pier. See chart for “Angle Pt.” (Approx. Long. 131°30' W. Lat. 55°16' N.).

(T) Surprise Point and Nakat Inlet are shown on the U.S. Coast and Geodetic Survey Chart No. 8051—Sheet No. 1. The reference location is marked as 80 south, 89 east, CRM. This point lies north of a true east-and-west line. The true east-and-west line lies 3,040 feet true south from the northernmost extremity of the point together with adjacent rocks and islets (Approx. Long. 130°44' W. Lat. 54°49' N.).

(U) Caamano Point, Cleveland Peninsula, and Clarence Strait, Alaska, are shown on the U.S. Coast and Geodetic Survey Chart No. 8102—Sheet No. 6. Location consists of everything apart of the extreme south end of the Cleveland Peninsula lying on a south side of a true east-and-west line that is drawn across the point at a distance of 800 feet true north from the southernmost point of the low-water line. This includes off-lying rocks and islets that are not covered at low water (Approx. Long. 131°59' W. Lat. 55°30' N.).

(V) Meyers Chuck and Clarence Strait, Alaska, are shown on the U.S. and Geodetic Survey Chart No. 8124—Sheet No. 26. The small island is about 150 yards in diameter and located about 200 yards northwest of Meyers Island (Approx. Long. 132°16' W. Lat. 55°44½' N.).

(W) Round Island and Cordova Bay, Alaska, are shown on the U.S. coast and Geodetic Survey Chart No. 8145—Sheet No. 36. The Southwestern Island of the group is about 700 yards long, including off-lying rocks and reefs that are not covered at low water (Approx. Long. 132°30½' W. Lat. 54°46½' N.).

(X) Mary Island begins at a point that is placed at a low-water mark. The aforementioned point is southward 500 feet from a crosscut on the side of a large rock on the second point below Point Winslow and Mary Island; thence due west ¾ mile, statute; thence due north to a low-water mark; thence following the winding of the low water

to the place of the beginning (Approx. Long. 131°11'00" W. Lat. 55°05'55" N.).

(Y) Tree Point starts a point of a low-water mark. The aforementioned point is southerly ½ mile from extreme westerly point of a low-water mark on Tree Point, on the Alaska Mainland; thence due true east, ¾ mile; thence due north 1 mile; thence due west to a low-water mark; thence following the winding of the low-water mark to the place of the beginning (Approx. Long. 130°57'44" W. Lat. 54°48'27" N.).

* * * * *

Dated: May 31, 2016.

Dated: February 17, 2016.

Sally Jewell,

Secretary of the Interior.

Beth G. Pendleton,

Regional Forester USDA—Forest Service.

[FR Doc. 2016–13374 Filed 6–7–16; 8:45 am]

BILLING CODE 3410–11–4333–15–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2016–0247; FRL–9947–40–Region 4]

Air Plan Approval; South Carolina; Prong 4—2008 Ozone, 2010 NO₂, SO₂, and 2012 PM_{2.5}

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to conditionally approve the portions of revisions to the South Carolina State Implementation Plan (SIP), submitted by the South Carolina Department of Health and Environmental Control (SC DHEC), addressing the Clean Air Act (CAA or Act) visibility transport (prong 4) infrastructure SIP requirements for the 2008 8-hour Ozone, 2010 1-hour Nitrogen Dioxide (NO₂), 2010 1-hour Sulfur Dioxide (SO₂), and 2012 annual Fine Particulate Matter (PM_{2.5}) National Ambient Air Quality Standards (NAAQS). The CAA requires that each state adopt and submit a SIP for the implementation, maintenance, and enforcement of each NAAQS promulgated by EPA, commonly referred to as an “infrastructure SIP.” Specifically, EPA is proposing to conditionally approve the prong 4 portions of South Carolina’s July 17, 2008, 8-hour Ozone infrastructure SIP submission; April 30, 2014, 2010 1-hour NO₂ infrastructure SIP submission; May 8, 2014, 2010 1-hour SO₂ infrastructure SIP submission; and December 18, 2015,

2012 annual PM_{2.5} infrastructure SIP submission. All other applicable infrastructure requirements for these SIP submissions have been or will be addressed in separate rulemakings.

DATES: Comments must be received on or before July 8, 2016.

ADDRESSES: Submit your comments, identified by Docket ID No EPA–R04–OAR–2016–0247 at <http://www.regulations.gov>. Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <http://www2.epa.gov/dockets/commenting-epa-dockets>.

FOR FURTHER INFORMATION CONTACT:

Sean Lakeman of the Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. Mr. Lakeman can be reached by telephone at (404) 562–9043 or via electronic mail at lakeman.sean@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

By statute, SIPs meeting the requirements of sections 110(a)(1) and (2) of the CAA are to be submitted by states within three years after promulgation of a new or revised NAAQS to provide for the implementation, maintenance, and enforcement of the new or revised NAAQS. EPA has historically referred to these SIP submissions made for the purpose of satisfying the requirements of sections 110(a)(1) and 110(a)(2) as “infrastructure SIP” submissions. Sections 110(a)(1) and (2) require states to address basic SIP elements such as the requirements for monitoring, basic program requirements, and legal



THE STATE
of ALASKA
GOVERNOR BILL WALKER

Department of Natural Resources

DIVISION OF MINING, LAND AND WATER

DIRECTOR'S OFFICE

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August 8, 2016

US Fish and Wildlife Service
Office of Subsistence Management
1011 East Tudor Road
MS 121
Attn: Theo Matuskowitz
Anchorage, AK 99503-6199

VIA ELECTRONICALLY & US MAIL

Re: Docket No. FWS-R7-SM-2015-0159

Dear Mr. Matuskowitz:

The State of Alaska reviewed the June 8, 2016 Federal Register Notice regarding the proposed rule to add certain submerged parcels of land to the subsistence management regulations for public lands in Alaska as indicated by the above-mentioned docket number. The proposed rule intends to identify and add the following submerged lands as "lands within the Tongass National Forest that did not pass to the State of Alaska at Statehood" and, therefore, are subject to the subsistence provisions of ANILCA:

(5) Southeastern Alaska, including the:

(i) Makhnati Island Area: Land and waters beginning at the southern point of Fruit Island, 57°02'35" north latitude, 135°21'07" west longitude as shown on United States Coast and Geodetic Survey Chart No. 8244, May 21, 1941; from the point of beginning, by metes and bounds; S. 58° W., 2,500 feet, to the southern point of Nepovorotni Rocks; S. 83° W., 5,600 feet, on a line passing through the southern point of a small island lying about 150 feet south of Makhnati Island; N. 6° W., 4,200 feet, on a line passing through the western point of a small island lying about 150 feet west of Makhnati Island, to the northwestern point of Signal Island; N. 24° E., 3,000 feet, to a point, 57°03'15" north latitude, 134°23'07" west longitude; East, 2,900 feet, to a point in course No. 45 in meanders of U.S. Survey No. 1496, on west side of Japonski Island; southeasterly, with the meanders of Japonski Island, U.S. Survey No. 1,496 to angle point No. 35, on the southwestern point of Japonski Island; S. 60° E., 3,300 feet, along the boundary line of Naval reservation described in Executive Order No. 8216, July 25, 1939, to the point of beginning, and that part of Sitka Bay lying south of Japonski Island and west of the main channel, but not including Aleutski Island as revoked in Public Land Order 925, October 27, 1953, described by metes and bounds as follows: Beginning at the southeast point of Japonski Island at angle point No. 7 of the meanders of U.S. Survey No. 1496; thence east approximately 12.00 chains to the center of the main channel; thence S. 45° E. along the main channel approximately 20.00 chains; thence S. 45° W. approximately 9.00 chains to the southeastern point of Aleutski Island; thence S. 79° W. approximately 40.00 chains to the southern point of Fruit Island; thence N. 60° W. approximately 50.00 chains to the southwestern point of Japonski Island at angle point No. 35 of U.S. Survey No.

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1496; thence easterly with the meanders of Japonski Island to the point of beginning including Charcoal, Harbor, Alice, Love, and Fruit islands and a number of smaller unnamed islands.

The State of Alaska objects to the inclusion of these above-described lands as being identified as remaining in Federal public ownership. Title to the above-described lands has already passed to and is held by the State of Alaska by virtue of the Patent issued February 15, 1968 as Patent No. 50-68-0194 and by virtue of the Patent issued May 11, 1990 as Patent No. 50-90-0267. These lands are no longer part of the federal public domain. Rather, they are state-owned lands, managed and controlled by the State of Alaska.

The State of Alaska does not oppose or object to the inclusion of the remainder of lands identified as Federal public lands subject to the subsistence provisions of ANILCA.

Thank you for your consideration.

Sincerely,



Kristin A. Hess
Division Operations Manager
State of Alaska
Department of Natural Resources
Division of Mining, Land & Water

2016 Yukon Delta National Wildlife Refuge Subsistence Salmon Management

FSA 3-KS-01-16 FSA 3-KS-01a-16

On June 1, 2016, the Federal in-season manager closed Yukon Delta National Wildlife Refuge (Refuge) waters to the harvest of Chinook and chum salmon by all users except by residents of the Kuskokwim River drainage and the coastal villages of Chefornek, Kipnuk, Kwgillingok, and Kongiganek, who were identified in the Section 804 Subsistence User Prioritization analysis (FSA 3-KS-01-16). The subsistence harvest of fish other than Chinook and chum salmon with gillnets was closed in the Kuskokwim River and select tributaries identified under State of Alaska (State) regulations by Emergency Order 3-S-WR-01-16. On June 3, 2016, the Federal in-season manager closed Refuge waters to harvest of Chinook and chum salmon by Federally qualified users. Fishing openings, closings, and fishing methods for Federally qualified subsistence users would be announced by subsequent Special Action, after consultation and coordination with the Kuskokwim River Inter-Tribal Fish Commission (KRITFC) and the Alaska Department of Fish and Game (ADF&G) (FSA 3-KS-01a-16).

FSA 3-KS-02-16, FSA 3-KS-03-16

On June 12, the Federal manager allowed a harvest opportunity for Chinook and chum salmon in the Federal public waters of the Kuskokwim River drainage for 12 hours by Federally qualified subsistence users (FSA 3-KS-02-16). Legal gear types included set and drift gillnets with 6-inch or less mesh, not exceeding 45-meshes deep, and not exceeding 300-feet (50-fathoms) long from the Refuge boundary at the Kuskokwim mouth to the Johnson River, and not exceeding 150-feet (25-fathoms) long from the Johnson River to the Refuge boundary at Aniak. Additionally, the Federal manager closed the salmon spawning tributaries of Federal public waters within the Refuge to gill net fishing until August 11, 2016 (FSA 3-KS-03-16). Salmon spawning tributaries included Eek, Kwethluk, Kasigluk, Kisaralik, Tuluksak, and Aniak Rivers and their salmon spawning tributaries.

FSA 3-KS-04-16

On June 16, the Federal manager allowed a harvest opportunity for Chinook and chum salmon in the Federal public waters of the Kuskokwim River drainage, except for those closed by FSA 3-KS-03-16, for 24 hours by Federally qualified subsistence users through June 17, 2016 (FSA 3-KS-04-16). Legal gear types included set and drift gillnets, hook and line, fish wheels, dip nets, beach seines and all other gear types identified in Federal subsistence regulations. Approved gillnets included those with 6-inch or less mesh, not exceeding 45-meshes deep, not exceeding 300-feet (50-fathoms) long from the Refuge boundary at the Kuskokwim River mouth to the Johnson River, and not exceeding 150-feet (25-fathoms) long from the Johnson River to the Refuge boundary at Aniak.

FSA 3-KS-05-16, FSA 3-KS-06-16

On June 21, the Federal manager allowed a harvest opportunity for Chinook and chum salmon on the section of Federal public waters of the main stem and salmon tributaries, except for those closed by FSA 3-KS-03-16, of the Kuskokwim River from a line downstream of Kalskag at the south edge of Uknavig Slough and then due east to the edge of the bluff line to the Refuge boundary at Aniak by Federally qualified subsistence users until further notice (FSA 3-KS-05-16). Legal gear types included set and drift gillnets, hook and line, fish wheels, dip nets, beach seines and all other gear types identified in Federal subsistence regulations. Approved gillnets included those with 6-inch or less mesh, not exceeding 45-meshes deep, and not exceeding 150-foot (25-fathoms). In addition, the Federal manager allowed a harvest opportunity for Chinook and chum salmon in Federal public waters of the Kuskokwim River and tributaries, except for those closed by FSA 3-KS-03-16, for 72 hours (FSA 3-KS-06-16) by Federally qualified subsistence users through June 24, 2016. Legal gear types included set and drift gillnets, hook and line, fish wheels, dip nets, beach seines and all other gear types identified in Federal subsistence regulations. Approved gillnets included those with 6-inch or less mesh, not exceeding 45-meshes deep, not exceeding 300-foot (50-fathoms) long from the Refuge boundary at the Kuskokwim River mouth to the Johnson River, and not exceeding 150 feet (25-fathoms) long from the Johnson River to the Refuge boundary at Aniak.

FSA 3-KS-07-16

On June 29, the Federal manager allowed a harvest opportunity for Chinook and chum salmon in the Federal public waters of the Kuskokwim drainage for 72 hours (FSA 3-KS-07-16) by Federally qualified subsistence users through July 2, 2016. Approved gillnets included those with 6-inch or less mesh, not exceeding 45-meshes deep, not exceeding 300-foot (50-fathoms) long from the Refuge boundary at the Kuskokwim mouth to the Johnson River, and not exceeding 150-foot (25-fathoms) long from the Johnson River to the Refuge boundary at Aniak.

FSA 3-KS-08-16

On July 7, the Federal manager rescinded all previously issued Special Actions, which included opening the drainage to all Federally qualified users and all non-Federally qualified subsistence users and uses (FSA 3-KS-08-16).

2016 Yukon Kuskokwim Delta Region Subsistence Spring Waterfowl Closure

A 30-day Emergency Closure was established for the 2016 Alaska subsistence spring migratory bird harvest in the Yukon Kuskokwim Delta region. The spring waterfowl season was closed during the initiation of migratory bird nesting from May 20 through June 20, 2016. This emergency closure came after consultation with the Association of Village Council Presidents Waterfowl Conservation Committee and field biologists from the Service. This closure was established in 50 CFR 92.21 and through the publication of this notice. A special closure for Black Brant and Cackling Canada geese, from the time of egg laying until young birds are fledged, remained in effect through July 10, 2016.

2016 Yukon Kuskokwim Delta Region Subsistence Moose Management

The Refuge Manager issued a Special Action (# to be determined) for Refuge lands in Unit 18 Kuskokwim area for a set fifteen-day hunt. Residents of the Akiachak, Akiak, Atmautlauk, Bethel, Eek, Kalskag, Kasigluk, Kwethluk, Lower Kalskag, Napakiak, Napaskiak, Nunapitchuk, Oscarville, Tuluksak, and Tuntutuliak will be allowed to harvest one antlered bull moose on Federal lands by State registration permit September 1-15, 2016. This Special Action does not apply to the portions of Unit 18 south of and including the Kanektok River drainage, and does not affect the communities of Quinhagak, Goodnews Bay, or Platinum.

A September 1-15, 2016 Federal public lands season should allow a harvest near the goal of 90 bull moose and still allow for population growth. In addition, a fixed-duration hunt will allow hunters to better plan their hunts, particularly for those that want to travel long distances to Federal public lands.

The calf/cow ratios estimated from recent surveys indicate rapid growth of the moose population in the area. In addition much of the Refuge lands are difficult to access and require multiple days to get in and out of the field. A fixed-duration hunt for local residents will be effective at 12:00 a.m. Thursday, September 1, 2016 through 11:59 p.m. Thursday, September 15, 2016. A State registration permit (RM615) will be required to hunt on both State and Federal lands. Successful hunters will have 72-hours to report their harvest. Unsuccessful hunters will be required to report by September 25, 2016.

2016 Yukon Delta National Wildlife Refuge Subsistence Salmon Management

2016 YUKON DELTA NATIONAL WILDLIFE REFUGE KUSKOKWIM RIVER DRAINAGE- SUBSISTENCE FISHING		
Federal Special Action	Effective Date	Description
SA 3-KS-01-16	June 1, 2016- June 3, 2016	All waters within and adjacent to the Refuge boundary are closed to the harvest of Chinook and Chum Salmon except by Federally qualified subsistence users that are residents of the Kuskokwim drainage and the villages of Chefornak, Kipnuk, Kwigillingok, and Kongiganek.
SA 3-KS-01a-16	June 3, 2016- July 7, 2016	Update to FSA-16-01; fishing openings, closings, and fishing methods for Federally qualified subsistence users will be announced by subsequent Federal Special Actions.
SA 3-KS-02-16	June 12, 2016	Opening of Federal public waters of the Kuskokwim River to the harvest of Chinook and chum salmon by Federally qualified subsistence users for 12 hours.
SA 3-KS-03-16	June 12, 2016-July 7, 2016	Closing of Kuskokwim River tributaries to gillnets in Federal public waters.
SA 3-KS-04-16	June 16, 2016- June 17, 2016	Kuskokwim River Federal public waters opening to harvest of Chinook and chum salmon by Federally qualified subsistence users for 24 hours.
SA 3-KS-05-16	June 21, 2016-July 7, 2016	Opportunity for Federally qualified subsistence Users to harvest Chinook and chum salmon in the Kuskokwim River upstream of Kalskag until further notice.
SA 3-KS-06-16	June 21, 2016-June 24, 2016	Opportunity for Federally qualified subsistence users to harvest Chinook and chum salmon in the Kuskokwim River downstream from Kalskag for 72 hours.
SA 3-KS-07-16	June 29, 2016-July 2, 2016	Opportunity for Federally qualified subsistence users to harvest Chinook and chum salmon in the Kuskokwim River downstream from Kalskag for 72 hours.
SA 3-KS-08-16	July 7, 2016-present	Subsistence management of salmon reverts to State of Alaska.

2016 Yukon Kuskokwim Delta Region Subsistence Spring Waterfowl Closure

A 30-day Emergency Closure was established for the 2016 Alaska subsistence spring migratory bird harvest in the Yukon Kuskokwim Delta region. The spring waterfowl season was closed during the initiation of migratory bird nesting from May 20 through June 20, 2016. This emergency closure came after consultation with the Association of Village Council Presidents Waterfowl Conservation Committee and field biologists from the Service. This closure was established in 50 CFR 92.21 and through the publication of this notice. A special closure for Black Brant and Cackling Canada geese, from the time of egg laying until young birds are fledged, remained in effect through July 10, 2016.

2016 Yukon Kuskokwim Delta Region Subsistence Moose Management

The Refuge Manager issued a Special Action (# to be determined) for Refuge lands in Unit 18 Kuskokwim area for a set fifteen-day hunt. Residents of the Akiachak, Akiak, Atmautlauk, Bethel, Eek, Kalskag, Kasigluk, Kwethluk, Lower Kalskag, Napakiak, Napaskiak, Nunapitchuk, Oscarville, Tuluksak, and Tuntutuliak will be allowed to harvest one antlered bull moose on Federal lands by State registration permit September 1-15, 2016. This Special Action does not apply to the portions of Unit 18 south of and including the Kanektok River drainage, and does not affect the communities of Quinhagak, Goodnews Bay, or Platinum.

A September 1-15, 2016 Federal public lands season should allow a harvest near the goal of 90 bull moose and still allow for population growth. In addition, a fixed-duration hunt will allow hunters to better plan their hunts, particularly for those that want to travel long distances to Federal public lands.

The calf/cow ratios estimated from recent surveys indicate rapid growth of the moose population in the area. In addition much of the Refuge lands are difficult to access and require multiple days to get in and out of the field. A fixed-duration hunt for local residents will be effective at 12:00 a.m. Thursday, September 1, 2016 through 11:59 p.m. Thursday, September 15, 2016. A State registration permit (RM615) will be required to hunt on both State and Federal lands. Successful hunters will have 72-hours to report their harvest. Unsuccessful hunters will be required to report by September 25, 2016.



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Togiak National Wildlife Refuge
P.O. Box 270
Dillingham, Alaska 99576
Phone 907-842-1063
Fax 907-842-5402



INFORMATION BULLETIN - August 2016

Cooperative Salmon Escapement Monitoring Projects. Contact: Mark Lisac

In 2014 the Federal Subsistence Board cancelled the funding for the salmon escapement monitoring projects (weirs) on the Kanektok (KRW) and Middle Fork Goodnews (MFGRW) Rivers. ADF&G and Coastal Villages Seafood provided the bulk of the funding to operate both projects although counting for the coho salmon spawning season was cancelled due to the lack of Federal funding.

On the Middle Fork Goodnews River, ADF&G has monitored Chinook, chum and sockeye salmon escapement since 1980. Escapement goals and management of the commercial fishery are based on salmon escapement at the weir. Togiak Refuge has worked with ADF&G since 1992 to include the coho salmon and Dolly Varden runs in the project operation. ADF&G funds the project operation. Togiak Refuge provided staff support; one intern from the Careers Discovery Internship Program (CDIP) for the MFGRW. The MFGRW began operation June 22.

On the Kanektok River, ADF&G, Native Village of Kwinhagak, Coastal Villages and Togiak Refuge have worked cooperatively to monitor salmon and Dolly Varden runs since 2001. This project was cancelled for 2016 due to lack of funding

Preliminary escapement counts (<http://www.adfg.alaska.gov/sf/FishCounts>) for the MFGRW through July 31, 2016 are:

	Chinook	Sockeye	Chum	Coho
MFGRW	3,619	150,377	29,754	33

Arctic Char Population Inventory Contact: Mark Lisac

Togiak Refuge has developed a multi-year study to inventory Arctic char populations throughout the Refuge. This species was previously confirmed to occur in 27 lakes. During 2014-2016 we visited 21 lakes and documented Arctic char occurrence in 13 new lakes. We have collected size and genetic information from 355 fish and provided the UAF museum with voucher specimens. If you have any first hand knowledge of small or unique Arctic char populations and would be willing to share that information please contact Mark Lisac at the Refuge office.

Mulchatna Caribou Contact: Andy Aderman

Togiak Refuge assisted ADF&G with telemetry monitoring flights, radiocollar deployment, satellite data acquisition, data entry and database management. Results of a photocensus conducted June 28, 2016 are forthcoming.

Nushagak Peninsula Caribou Contact: Andy Aderman

A total of 64 caribou were reported harvested during the 2015-2016 hunt, of which 54 were taken during the federal (FC1702) season and 10 during the state (RC501) season. Minimum calf production to May 24 was 75 calves per 100 adult cows and 33.3 calves per 100 2-year olds. A photocensus conducted on June 30, 2016 found a minimum of 1,230 caribou. A similar effort in 2015 found a minimum of 1,313 caribou. Six caribou have been reported harvested as of August 10, 2016.

Moose Contact: Andy Aderman

During the January 1-February 29, 2016 winter hunt in Unit 17A, 18 moose (10 cows and 8 bulls) were reported harvested (Eunice Dyasuk, ADF&G, personal communication). In March we conducted 34 sightability trials during moose survey work. Survey crews observed the radio-collared moose in 22 of the trials suggesting a sightability correction factor of 1.55. Snow cover was incomplete or absent for all areas searched. Minimum calf production to May 25 was 94.1 calves per 100 adult cows. Adult twinning rate was 68.4%. Two of three 2-year olds were observed with single calves. Population surveys on the Togiak Refuge are planned for October 2016.

The relationships of wolf and brown bear predation with moose population density and growth at Togiak National Wildlife Refuge and BLM Goodnews Block, Alaska Contact: Pat Walsh

In summer 2014, Togiak Refuge, the USFWS Conservation Genetics Lab, ADF&G, and BLM initiated a study to understand the effects of wolf and brown bear predation in regulating the population dynamics of moose on Togiak Refuge, BLM Goodnews Block, and adjacent areas. The study relies on radio telemetry and stable isotope analysis. Our approach will be to relate the predation impact by wolves and bears on moose at varying levels of moose population density. We will use existing population estimates for brown bears, and through the use of radio telemetry, we will estimate the number and composition of wolf packs on the Refuge. We will model wolf and bear predation on moose based on the quantity of wolves and bears and diet composition of both species determined through analysis of carbon and nitrogen stable isotopes occurring in bear and wolf hair. Hair will be collected from wolves when captured during radio collaring operations, and will be collected from brown bears using break-away hair snares. We captured and radioed nine wolves from three packs in March 2016. During summers 2014-2016, we deployed over 400 snares, and collected over 200 hair samples.

Walrus Contact: Doug Holt

The Togiak Refuge has annually monitored the number of Pacific walrus at haul-outs since 1985, using ground counts (1985-2008), aerial surveys (2003-2011) and time lapse photography (2010-2016). The objectives of the surveys are to monitor the number and timing of haul-outs and to estimate the peak haul-out at Cape Peirce, Hagemeister Island and Cape Newenham. The use of Reconyx remote cameras has improved the understanding of haul-out timing, capturing an image every hour during the day, throughout the year. Using these survey methods, the number of

walrus hauling out at Cape Peirce has declined from 1985 through 2011, while no significant trend was detected at Hagemeister Island from 2005 through 2011. Walrus using haul-outs in Bristol Bay are typically recorded from late spring to late fall but have been observed at Cape Newenham every month since cameras were deployed in fall of 2014. Most recent data collected from monitoring sites are being compiled and analyzed and no final counts for the 2015-2016 have been completed. However, after cursory review of the photographs it appears that the number of haul-out events decreased, the timing of haul-out events were shorter, and the numbers of walrus during the haul-out events was fewer than in past years. Walrus have been observed off the refuge using non-traditional haul-outs according to reports from other agencies and stations.

Seabirds Contact: Kara Hilwig

The abundance and reproductive success of black-legged kittiwakes, common murre, and pelagic cormorants has been monitored annually at Cape Peirce from 1990-2014, and intermittently at Cape Newenham from 1990-2009. Seabird studies were resumed at Cape Peirce in 2016 with the hiring of a new Seabird Biologist in May. From 1990-2014, average numbers of kittiwakes counted per year ranged from 423-1906 individuals. In 2016, the average count of kittiwakes was 547. From 1990-2014, average numbers of pelagic cormorants counted per year ranged from 48-149 individuals. In 2016, the average count of cormorants was 32. From 1990-2014, average numbers of common murre counted per year ranged from 1680-4563 individuals. In 2016, the average count of murre was 83. Observations of murre and cormorants were the lowest recorded since the initiation of the monitoring project. Initial observations indicate near complete nest failure for kittiwakes and murre. However, large cormorant chicks were observed in early July. Several predation events were observed including bald eagles taking seabirds, and fox and raven predation of seabird eggs. Observers from Platinum indicated abundance of eggs available for traditional harvest was poor.

Water Temperature Monitoring Contact: Doug Holt

Stream temperature was monitored at 18 sites on 14 rivers in Togiak Refuge between 2001 and 2016. Temperature was recorded on an hourly basis using Onset TidbiT dataloggers and the data were successfully recovered from the field ~75% of the time. Over 1.8 million hourly temperature records have been collected, quality-graded, and entered into a relational database. Maximum daily mean temperature readings varied from ~11.5 - >20° C across sites, with the Kukaktlim Lake outlet site being the warmest and the Weary River the coldest.

A die off of stickleback and Alaska blackfish was reported by public users on Kukaktlim Lake and observed by Service employees retrieving temperature loggers on Gechiak Lake. A review of measurements from these loggers showed that temperatures were over 20° C for several hours on several days prior to each observed die off. It is unclear if the fish die offs were a direct result of the sustained high temperatures or a result of other factors, either independently of or in connection with, the temperatures. Constant monitoring of temperature are the only data available on the lakes where the die offs were observed.

Lake temperature was monitored at 1 site on the refuge and 1 site outside of the refuge. Both lakes had temperature loggers that were equally spaced throughout the water column and

measured temperature every hour. Ongivinuk Lake was on the refuge, was monitored between 2011 and 2016, was approximately 10 m deep, and monitored with 6 loggers. Snake Lake was off the refuge but was representative of deeper lakes on the refuge and chosen for monitoring because it was logistically easy to access. Snake Lake was monitored between 2013 and 2016, approximately 90 m deep, and monitored with 13 loggers. Both lakes exhibited similar patterns of turnover and surface freezing in winter beginning near the end of November and thawing near the end of April each year. Data from each lake showed evidence of multiple freeze/thaw events during the winter of 2015-2016.

Quantifying River Discharge Contact: Mark Lisac

Togiak Refuge and the USFWS Water Resources Branch have worked cooperatively since 1999 to acquire baseline hydrologic data of the flow regime (magnitude, duration, timing, frequency, and rate of change) and water quality. A network of stream discharge gages collected stream flow data from 1999-2005 at 20 locations. A subset of five of these stations continued to collect data through fall 2009, after which three of the five stations were removed. We will monitor discharge in the Togiak and Kulukak Rivers indefinitely. Each gage is instrumented with pressure sensors that measure water level every 15 minutes. On-grounds discharge measurements are made 3 to 6 times a year. In 2014, satellite transmitters were added to the stream gages that allow remote monitoring of the equipment.

Education and Outreach Contact: Terry Fuller

Togiak Refuge has an active education and outreach program including the Migratory Bird Calendar; National Wildlife Refuge Week; career fairs; production of Bristol Bay Field Notes (a new episode airs several times a week on KDLG); and numerous teacher requested classroom presentations in 12 villages in the Southwest Region, Lower Kuskokwim, Dillingham City school districts and the Dillingham 7th Day Adventist School. Field trips with area students for the 2014-2015 school year included bird walks, animal tracks and ID, archery, salmon life cycles, aquatic resources and bear safety. The refuge website is also a valuable education tool and is available at <http://togiak.fws.gov>. Togiak Refuge has a very active Facebook page which disseminates information on a daily basis to a rapidly growing global audience. Also, the refuge partners with others to conduct three environmental education camps described below:

Cape Peirce Marine Science and Yup'ik Culture Camp Contact: Terry Fuller

In July 2016 an enthusiastic group of eight area junior high students representing three villages traveled to Cape Peirce for this camp. Students experienced outstanding and uncharacteristic sunny weather and were able to observe seabirds, marine mammals, learn how field studies are conducted, as well as learning about food webs and ecological relationships. Students and agency staff also learned about traditional Yup'ik uses of animals and plants and about Native survival skills. This camp is designed to help students gain a better understanding of the biological diversity of a marine ecosystem. It also strengthens their sense of stewardship for local natural resources. Other topics at this camp included tide pools, wilderness survival skills, archery, bear safety, Leave No Trace camping practices and careers with USFWS. Amanda McCutcheon also discussed opportunities with the National Park Service (NPS), her former agency. Traditional councils and school districts from throughout western Bristol Bay are cooperators with this camp.

Southwest Alaska Science Academy (Salmon Camp) Contact: Terry Fuller

This past June and July (2016), Togiak Refuge helped with the 15th year of a summer camp aimed at teaching middle and high school students about fisheries science and the importance of salmon to our ecosystem. Students were selected from the Bristol Bay region. During the camp students worked in the field alongside fisheries professionals. Cooperators with the refuge on this project included the Bristol Bay Economic Development Corporation, Bristol Bay Science and Research Institute, University of Alaska, University of Washington School of Fisheries, the Dillingham City and Southwest Region school districts, and ADF&G. This year Togiak Staff were able to share with camp students about the following: identifying the different species of Pacific salmon at various stages in their development, the salmon life cycle, jobs associated with the fishing industry, salmon in art (fish taxidermy) and archery.

Summer Outdoor Skills and River Ecology Float Camp Contact: Terry Fuller

The 2016 Float Camp took place on the Pungokepuk River. At this camp, six high school students (two from Manokotak and four from Dillingham) learned about river ecosystems and how to enjoy them safely and responsibly while taking part in a float trip conducted on a refuge river. Students observed and learned about the many fish, wildlife and plant species found on the Pungokepuk. Rafting skills, water safety, different angling practices (Catch and Release), Leave No Trace camping practices and bear safety were topics during the trip. Students also participated in other outdoor activities such as animal tracking (plaster casting tracks, with several nice bear tracks cast) and wilderness survival skills. This camp helps students understand the biological diversity of riparian ecosystems and the importance of salmon as a nutrient source, while developing a deeper sense of stewardship for local natural resources. Traditional councils and school districts in western Bristol Bay are cooperators with this camp.

River Ranger Program Contact: Amanda McCutcheon Cochran

The Refuge River Ranger Program was conceived during the public use management planning process and was first implemented in 1991. The program serves many purposes. River Rangers are the main contact source for sport fishermen and local residents. Information distributed to the public includes Service policies, regulations, resource management practices, State sport fish regulations, bear safety, wilderness ethics, Leave-No-Trace camping and information about private lands to prevent trespass. Rangers document public use occurring on the river along with the location and timing of activities, conflicts between users, and sport fish catch/harvest per unit effort. Rangers also assist Refuge and ADF&G staff at the Kanektok River weir and assist Refuge staff with biological studies. In addition, Rangers patrol campsites for litter, monitor compliance of sport fishing guides and offer assistance as needed.

Quinhagak Resident Charlie Roberts was re-hired for summer 2016 to work as a River Ranger on the Kanektok River with Refuge Information Technician (RIT) John Mark. During the Winter Charlie is a student at the University of Alaska Fairbanks. Charlie attended the refuge's Summer Outdoor Skills and River Ecology Float Camp several years, and it later lead to this summer job that helps him save money to continue his college education.

Togiak Resident Keemuel Kenrud was hired by the Bristol Bay Economic Development

Corporation for the summer and was assigned to the Togiak River to work with RIT Pete Abraham. Keemuel was also selected as an Arctic Youth Ambassador. The program was established by the U.S. Fish and Wildlife Service, U.S. Department of the Interior, and U.S. Department of State in partnership with nonprofit partner Alaska Geographic. Youth from the program have been featured around Alaska and even in the White House to call attention to environmental and cultural issues in the Arctic.

Solid Waste Removal Contact: Pat Walsh

A new project to identify and remove solid waste from Togiak Refuge was initiated this year. Solid waste damages valuable habitat, negatively impacts ecosystems, and degrades the wilderness character of the refuge. Directorate Resource Fellow Jennifer Johnston worked on this project throughout the summer and identified at least 25 sites across the refuge and summarized her findings in a report entitled *Solid Waste Removal on the Togiak National Wildlife Refuge*. Typical sites consist of abandoned off-road vehicles, the remains of old camps, fuel cans, and/or barrels. As of August 8, 2016, five sites have been cleaned up for a total of approximately 2,300 pounds of solid waste removed from Refuge lands. Other sites have been prepared to facilitate removal when the opportunity arises. Solid waste site identification and removal efforts will be ongoing.

Conservation Easement Baseline Documentation Report Contact: Pat Walsh

Togiak Refuge and Choggiung Ltd. have proposed refuge acquisition of a conservation easement on Choggiung land on the Nushagak Peninsula. The conservation easement agreement requires completion of a Baseline Documentation Report before the easement is finalized. Baseline Documentation Reports are necessary to enforce the terms of the conservation easement and to realize the tax benefits of such an agreement. The purpose of Baseline Documentation Reports is to document the existing conditions and conservation values of the land on which the easement is placed. Jennifer Johnston, Directorate Resource Fellow, completed a working draft of this report during summer 2016. The report assesses the land for its wildlife habitat quality, its ability to provide subsistence opportunities, and the extent to which it has been altered by human activity. A finalized version of the Baseline Documentation Report will be used in the future to assess trends in conservation values and changes in the degree of human alteration of the landscape.

Staff Update

Several vacant staff positions were filled this year. In January, Wildlife Biologist Roger “Doug” Holt was hired and is overseeing the marine mammal and water monitoring projects on Togiak Refuge. In May Wildlife Biologist/Pilot Kara Hilwig was hired to oversee the refuge’s seabird program and to take over some of the flying duties left vacant by the departure of a pilot last fall. Amanda McCutcheon Cochran was hired as the Visitor Services Manager in May and will be overseeing the Refuge Information Technician (RIT), outreach, environmental education, and river ranger programs.



United States Department of the Interior

FISH AND WILDLIFE SERVICE
1011 E. Tudor Rd.
Anchorage, Alaska 99503



IN REPLY REFER TO:
FWS/R7/NWRS0054

August 3, 2016

Subject: Notification of Published Federal Regulations for Alaska National Wildlife Refuges: Non-subsistence Take of Wildlife, and Public Participation and Closure Procedures, on National Wildlife Refuges in Alaska

Dear Regional Advisory Council Coordinators and Chairs:

The United States Fish and Wildlife Service has published final regulations in the Federal Register for National Wildlife Refuges (refuges) in Alaska that clarify when predator control will be authorized on refuges, limits allowable practices for the non-subsistence take of predators on refuges, and updates existing refuge regulations for closures and restrictions. The rule was developed in response to public interest and concern about predator control and recent liberalization of predator harvest within the State of Alaska.

General (sport) hunting remains a priority public use on refuges in Alaska. Also under the Alaska National Interest Lands Conservation Act (ANILCA), all refuges in Alaska are mandated to provide the opportunity for continued subsistence use by rural Alaska residents in a manner consistent with the purposes of the refuges and the conservation of healthy fish and wildlife populations. The final rule does not change Federal subsistence regulations (36 CFR 242 and 50 CFR 100) or restrict taking of fish or wildlife for subsistence uses under Federal subsistence regulations. The Service will continue to support sustainable harvest of fish and wildlife, including predators. We thank you for your engagement and input received during our comment period (1/8/2016 to 4/7/2016) and we are available to clarify any questions you may have about the new regulations.

The final rule, environmental assessment, Finding of No Significant Impact (FONSI), and other informative materials will be available from our website (http://www.fws.gov/alaska/nwr/ak_sp_hunt_regs.htm).

If you would like to meet with someone to discuss the final rule, please contact myself at 907-786-3667 (mitch_ellis@fws.gov).

Sincerely,

Mitch Ellis
Chief of Refuges - Alaska
National Wildlife Refuge System

Yukon-Kuskokwim Delta Subsistence Regional Advisory Council

c/o U.S. Fish and Wildlife Service
Office of Subsistence Management
1011 East Tudor Road, MS 121
Anchorage, Alaska 99503

RAC YKD15066.EP

MAR 29 2016

Mr. Dan Hull, Chair
North Pacific Fishery Management Council
P.O. Box 100498
Anchorage, Alaska 99501

Dear Chairman Hull:

I am writing on behalf of the Yukon-Kuskokwim Delta Subsistence Regional Advisory Council (Council) to provide comments and recommendations on halibut bycatch in the Bering Sea/Aleutian Islands (BSAI) commercial fishery. This letter is for consideration by the North Pacific Fisheries Management Council (NPFMC) under agenda items C6, C7, and C8 at the upcoming April 2016 meeting in Anchorage, Alaska. Due to budget constraints, a representative from the Council will not be able to testify in person. We are writing this letter to convey the importance of halibut to the subsistence communities we represent and urge the NPFMC to continue to make efforts to significantly reduce the halibut bycatch in the Bering Sea trawl fisheries and mitigate the impacts this bycatch has had to our communities.

The Council represents subsistence harvesters of fish and wildlife resources on Federal public lands and waters of the Yukon and Kuskokwim Rivers as well as coastal and island communities in the region. The Council was established by the authority in Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) and is chartered under the Federal Advisory Committee Act. Section 805 of ANILCA and the Council's charter establish its authority to initiate, review and evaluate proposals for regulations, policies, management plans, and other matters related to subsistence uses of fish and wildlife within the region. The Council also reviews resource management actions occurring outside the region that may impact subsistence resources critical to communities served by the Council. The Council provides a forum for the expression of opinions and recommendations regarding any matter related to the subsistence uses of fish and wildlife within the region.

The Council recently participated in an All Council meeting in Anchorage the week of March 7-11, 2016, and received a presentation and update on Bering Sea salmon bycatch provided by NPMC during a joint session of the ten Federal Subsistence Regional Advisory Councils on March 7. The Council held its own public meeting session on March 9 regarding various subsistence issues in our region. The Council continues to be very concerned with Chinook and Chum Salmon bycatch on the Bering Sea and remains engaged this issue for

Dan Hull

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subsistence users who depend on this resource for nutritional and cultural survival in our region. Additionally, many communities in the Yukon-Kuskokwim Delta Region located on the coast have fished for halibut for generations and rely on halibut for subsistence as an integral part of their subsistence way of life. Council members who live on Nunivak and Nelson Islands have experienced hardship over the last five years with declining subsistence halibut catch in areas where it used to be abundant. The Council urges that halibut bycatch in the Bering Sea trawl fisheries be significantly reduced in order to protect this important subsistence food that has sustained many of the coastal communities in the region.

The Council would like to revisit the discussion we had with representatives from the NPFMC, on February 25-26, 2015 in Bethel. We greatly appreciated the NPFMC meeting with us in person and were encouraged to hear of the new initiatives to reduce the Bering Sea halibut bycatch by 50 percent. However, low abundance of halibut has still been an ongoing issue for our communities and we wish to reiterate those observations and concerns for your consideration on Bering Sea halibut bycatch at the April 11-12, 2016 NPFMC meeting. Council member Dale Smith of Mekoryuk relayed that the community is having to travel further and further and are catching fewer halibut. Council member David Bill, Sr. of Toksook Bay, who has been a halibut fisherman since 1978, also relayed his experience of dramatic declines in the halibut in the last four years in Etolin Strait and has to move to another area to find fish. In areas where he used to fish in deep waters, there are no longer halibut and he has had to move to shallower channel waters to find any halibut. Overall communities are greatly concerned about the bottom trawl fisheries in Kuskokwim Bay as well and the community of Kipnuk has observed dead halibut floating that were discarded as bycatch.

We appreciate the ongoing efforts to limit bycatch in the Bering Sea Pollock fishery, but urge the NPFMC to recognize the importance of halibut to our subsistence communities and take further action to significantly reduce halibut bycatch. The Council requests a report back from the NPFMC on this issue and we invite you to provide this update at our fall meeting to be held in Bethel on October 12-13, 2016.

Thank you for the opportunity to dialogue with the NPFMC. We look forward to continuing discussion about the issues and concerns of subsistence users of the Yukon-Kuskokwim Delta Region. If you have questions about this letter, please contact me via Eva Patton, Subsistence Council Coordinator, with the Office of Subsistence Management, at 1-800-478-1456 or (907) 786-3358.

Sincerely,



Lester Wilde, Sr.
Chair

Dan Hull

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cc: Federal Subsistence Board
Yukon-Kuskokwim Delta Subsistence Regional Advisory Council
Eugene R. Peltola, Jr., Assistant Regional Director, Office of Subsistence Management
Stewart Cogswell, Acting Deputy Assistant Regional Director,
Office of Subsistence Management
Carl Johnson, Council Coordination Division Chief, Office of Subsistence Management
Donald Rivard, Fisheries Biologist, Office of Subsistence Management
George Pappas, State Liaison, Office of Subsistence Management
Drew Crawford, Federal Subsistence Liaison Program,
Alaska Department of Fish and Game
Interagency Staff Committee
Administrative Record

Winter 2017 Regional Advisory Council Meeting Calendar

February-March 2017

Meeting dates and locations are subject to change.

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
<i>Feb. 5</i>	<i>Feb. 6</i> <i>Window Opens</i>	<i>Feb. 7</i>	<i>Feb. 8</i> NS — Barrow	<i>Feb. 9</i>	<i>Feb. 10</i>	<i>Feb. 11</i>
		EI — Fairbanks				
<i>Feb. 12</i>	<i>Feb. 13</i>	<i>Feb. 14</i>	<i>Feb. 15</i> YKD — Bethel	<i>Feb. 16</i>	<i>Feb. 17</i>	<i>Feb. 18</i>
	SC — Anchorage					
<i>Feb. 19</i>	<i>Feb. 20</i> PRESIDENT'S DAY HOLIDAY	<i>Feb. 21</i> WI — Fairbanks	<i>Feb. 22</i> K/A — Kodiak	<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> NWA — Kotzebue	<i>Mar. 3</i>	<i>Mar. 4</i>
<i>Mar. 5</i>	<i>Mar. 6</i> SP — Nome	<i>Mar. 7</i>	<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> SE — Saxman	<i>Mar. 15</i>	<i>Mar. 16</i>	<i>Mar. 17</i> <i>Window Closes</i>	<i>Mar. 18</i>

Fall 2017 Regional Advisory Council Meeting Calendar

August - November 2017

Meeting dates and locations are subject to change.

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Aug. 20	Aug. 21 Window Opens	Aug. 22	Aug. 23	Aug. 24	Aug. 25	Aug. 26
Aug. 27	Aug. 28	Aug. 29	Aug. 30	Aug. 31	Sept. 1	Sept. 2
Sept. 3	Sept. 4 LABOR DAY HOLIDAY	Sept. 5	Sept. 6	Sept. 7	Sept. 8	Sept. 9
Sept. 10	Sept. 11	Sept. 12	Sept. 13	Sept. 14	Sept. 15	Sept. 16
Sept. 17	Sept. 18	Sept. 19 KARAC - Cold Bay	Sept. 20	Sept. 21	Sept. 22	Sept. 23
Sept. 24	Sept. 25	Sept. 26	Sept. 27	Sept. 28	Sept. 29	Sept. 30
Oct. 1	Oct. 2	Oct. 3	Oct. 4	Oct. 5	Oct. 6	Oct. 7
Oct. 8	Oct. 9 COLUMBUS DAY HOLIDAY	Oct. 10	Oct. 11	Oct. 12	Oct. 13	Oct. 14
Oct. 15	Oct. 16	Oct. 17	Oct. 18	Oct. 19	Oct. 20	Oct. 21
Oct. 22	Oct. 23	Oct. 24	Oct. 25	Oct. 26	Oct. 27	Oct. 28
Oct. 29	Oct. 30	Oct. 31	Nov. 1	Nov. 2	Nov. 3	Nov. 4
Nov. 5	Nov. 6	Nov. 7	Nov. 8	Nov. 9	Nov. 10 Window Closes VETERANS DAY HOLIDAY	Nov. 11

Subsistence Regional Advisory Councils

U.S. Fish and Wildlife Service
c/o Office of Subsistence Management
1011 East Tudor Road M/S 121
Anchorage, Alaska 99503

RAC 15083.RL

AUG 25 2016

Mr. Tim Towarak, Chair
Federal Subsistence Board
c/o U.S. Fish and Wildlife Service
Office of Subsistence Management
1011 E. Tudor Road, Mail Stop 121
Anchorage, Alaska 99503

Dear Chairman Towarak:

The ten Federal Subsistence Regional Advisory Councils (Councils) appreciated the opportunity to meet in Anchorage for a joint session on March 7-8, 2016. The meeting was extremely informative, and the Council members were unanimous in finding value in hearing summary reports from each Council. While there were numerous concerns that were specific to each region, it was very enlightening to hear there were several subsistence concerns that were common to all regions.

The Councils would like to inform the Federal Subsistence Board (Board) of the issues that resonated with each of the Councils. Although many of these issues have been brought up previously by individual Councils in their annual reports, we would like to take this opportunity to jointly bring these requests to the Board as a collective voice:

1. We request the Board seek an increase in funding to meet the programmatic requirements of operating as a Regional Advisory Council. Reduced program funding has made it difficult for us to do our business. One example is our inability to regularly meet in the remote communities we are appointed to represent. We are currently restricted to hub communities, with only occasional opportunities to meet in non-hub communities.
2. We request the Board seek an increase in funding for conducting fish and wildlife population assessments and monitoring. The data collected in these projects are essential for us to continue to make recommendations on managing these resources appropriately. Initiate funding for a wildlife resource monitoring program was identified as an issue of concern during the Secretarial Review, but has not been acted upon due to lack of funding.
3. We request the Board seek an avenue for having a designated subsistence seat on the North Pacific Fisheries Management Council. The representative for such a seat

Chairman Towarak

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should have experience on a Council. The Councils have expressed this recently to the Board, asking that the Board forward the request to the Secretary of Commerce. The response, however, did not address the underlying concern.

4. We request the Board develop a program that will allow each of the ten Councils a mechanism to engage youth in the subsistence regulatory process. This would be in line with the Secretary of the Interior's implementation of a Play Learn Serve and Work Program, oriented toward developing youth programs. The Secretary specifically created a position in Alaska to facilitate implementation of that program.
5. We request the Board engage in formal rulemaking that includes giving deference to the Councils not only in taking of fish and wildlife, but also for other regulatory issues affecting subsistence users in our regions such as non-rural and customary and traditional use determinations. While this is currently the policy of the Board, there is no assurance that a future Board would implement policy unless it is clear in regulation.
6. The identification of priority information needs is the basis for soliciting fisheries projects for the Fisheries Resource Monitoring Program. The Councils appreciate recent efforts to make the development of those priorities more accessible and successful. The Councils request the Board to continue to support the provision of adequate technical support that will enable us to make meaningful recommendations.
7. Bringing all the Councils together allows the effective sharing of information between council members and allows the councils to identify common concerns for big picture issues. The Councils request the Board engage the Office of Subsistence Management to allow the periodic planning of joint council meetings. It is the recommendation of the Councils that such joint sessions occur at least once every five years.

In summary, we feel the joint Council meeting was very successful and will enable Council members the experiences and training necessary for us to be more effective and productive members of our Councils. We have made new friends and established contacts within the greater subsistence management community that will allow us to communicate more effectively among ourselves and with the staff. Thank for your making this opportunity available to us.

Sincerely,



Michael Bangs, Chair
Southeast Alaska Subsistence
Regional Advisory Council

Chairman Towarak

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Richard G. Encelewski, Chair
Southcentral Alaska Subsistence
Regional Advisory Council



Speridon M. Simeonoff, Chair
Kodiak/Aleutians Subsistence
Regional Advisory Council



Molly Chythlook, Chair
Bristol Bay Subsistence
Regional Advisory Council



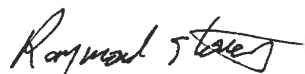
Lester Wilde, Sr., Chair
Yukon-Kuskokwim Delta Subsistence
Regional Advisory Council



Jack Reakoff, Chair
Western Interior Alaska Subsistence
Regional Advisory Council



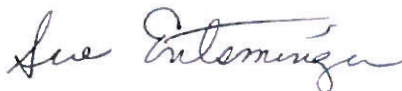
Louis Green, Chair
Seward Peninsula Subsistence
Regional Advisory Council



Raymond Stony, Chair
Northwest Arctic Subsistence
Regional Advisory Council

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Sue Entsminger, Chair
Eastern Interior Alaska Subsistence
Regional Advisory Council



Rosemary Ahtuanguaruak, Acting Chair
North Slope Subsistence
Regional Advisory Council

cc: Federal Subsistence Board
Southeast Alaska Subsistence Regional Advisory Council
Southcentral Alaska Subsistence Regional Advisory Council
Kodiak/Aleutians Subsistence Regional Advisory Council
Bristol Bay Subsistence Regional Advisory Council
Yukon-Kuskokwim Delta Subsistence Regional Advisory Council
Western Interior Alaska Subsistence Regional Advisory Council
Seward Peninsula Subsistence Regional Advisory Council
Northwest Arctic Subsistence Regional Advisory Council
Eastern Interior Alaska Subsistence Regional Advisory Council
North Slope Subsistence Regional Advisory Council
Eugene R. Peltola, Jr., Assistant Regional Director, Office of Subsistence Management
Stewart Cogswell, Acting Deputy Assistant Regional Director,
Office of Subsistence Management
Carl Johnson, Council Coordination Division Chief, Office of Subsistence Management
Chris Mckee, Wildlife Division Chief, Office of Subsistence Management
Mitch Ellis, Director of Refuges, Alaska Region, U.S. Fish and Wildlife Service
Interagency Staff Committee
Administrative Record

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