

**SOUTHEAST ALASKA
and
SOUTHCENTRAL ALASKA
Subsistence
Regional Advisory Council**



Carl Johnson

Evening light falls on downtown Anchorage with the Chugach Mountains in the background.

Meeting Materials

March 11-13, 2014

Anchorage

What's Inside

Page

1	Southeast Agenda
4	Southeast Council Roster
5	Southcentral Agenda
8	Southcentral Council Roster
9	DRAFT Southeast Council fall 2013 meeting minutes
22	Customary & Traditional Use Determination Briefing
28	ANILCA Section 804 Briefing
31	Customary & Traditional Use - Council Action Summaries
35	Letters between Southeast Council and & USFWS re: sea otters
40	Rural Determination Review - Council Action Summaries
48	Delegation Letter
51	Delegated Authorities
56	R10 USFS briefing on Climate Change
57	Food Security Briefing
59	Fisheries Resource Monitoring Program Briefing
62	Partners Program Briefing
63	Nominations Information
66	2/12/14 letter from WIRAC to Sec. DOI re: late appts (w/ encl)
70	Summary of Special Actions
72	WP14-11
80	News Release & Call for Fisheries Proposals 2015-17
84	Guidance on Annual Reports
86	FY2012 Annual Report Reply - Southeast Council

What's Inside (cont.)

Page

91	FY2012 Annual Report Reply - Southcentral Council
94	Draft SEARAC FY2013 Annual Report
97	Report to Regional Advisory Council on Consultation Policies
99	DRAFT Tribal Consultation Implementation Guidelines
108	DRAFT ANCSA Consultation Policy
111	Meeting Calendars
113	2013 Southeast Council Charter
117	2013 Southcentral Council Charter

SOUTHEAST ALASKA SUBSISTENCE REGIONAL ADVISORY COUNCIL

Crowne Plaza Hotel, 109 W. International Airport Road, Anchorage

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. Because the Council is meeting in Anchorage, persons not present at the meeting location and wishing to provide public comments should arrange testimony by using the toll free number: 1-866-560-5984 then, when prompted, enter the passcode: 12960066.

PLEASE NOTE: The Southeast Alaska and the Southcentral Councils will meet in concurrent and joint session to discuss issues common to both Regions. The meeting will start at 10:30 a.m. the first day only. Starting times for the second and third days will be announced during the meeting. The agenda is subject to change. Contact staff for the current schedule. Evening sessions are at the call of the chair.

March 11-13, 2014, 10:30 a.m. – 5:00 p.m.

AGENDA

*Asterisk identifies action item.

- 1. Call to Order** (*Chair*)
- 2. Roll Call and Establish Quorum** (*Secretary*)..... 4
- 3. Welcome and Introductions** (*Chair*)
- 4. Review and Adopt Agenda*** (*Chair*) 1
- 5. Election of Officers***
 - Chair (*DFO*)
 - Vice Chair (*Chair*)
 - Secretary (*Chair*)
- 6. Review and Approve Previous Meeting Minutes*** (*Chair*) 9
- 7. Reports**
 - Council member reports

Chair's report

8. Public and Tribal Comment on Non-Agenda Items (this opportunity is available each day)

SOUTHEAST AND SOUTHCENTRAL COUNCILS MEET IN JOINT SESSION (Tuesday afternoon and Wednesday)

J1. Briefing and summary of Customary & Traditional Use Determination (*David Jenkins*)..... 22

J2. Coordination with North Pacific Fisheries Management Council (*Chris Oliver NOAA*)

J3. Briefing on sea otter management (*USFWS*) 35

J4. Briefing and summary of Rural Determination Process Review (*David Jenkins*) 40

J5. Delegation of authority to in-season managers (*Agenda planning group*)..... 48

J6. Council members attending other Council and Board meetings (*Carl Johnson*)

J7. Status of Secretarial review of subsistence program (*David Jenkins*)

J8. Climate change policies (*Greg Hayward, USFS*)..... 56

J9. Food Security (*Agenda planning group*)..... 57

J10. Briefing on Fisheries Resource Monitoring Program process (*Cal Casipit and David Jenkins*)59

J11. FSB Action Summary from January 2014 Meeting

J12. Partner's Briefing/Preview of Call for Proposals..... 62

J13. Council Nominations Process and Outreach (*Carl Johnson*)..... 63

9. Agency Reports

Special Actions 70

OSM

USFS

Budget Update

Chugach National Forest Update

Tongass National Forest Update

USFWS

NPS

BLM

ADF&G

Tribal Governments

Native Organizations

(a) NVE Partners

SOUTHEAST ALASKA COUNCIL, concurrent session (March 13)

10. New Business (Chair)

- a. Call for Federal Subsistence Fisheries Regulatory Proposals* 80
- b. Call for State of Alaska Fisheries Regulatory Proposals
- c. Priority Information Needs Development for 2016*
- d. Review and Approve FY2013 Annual Report* 84
- e. Customary & Traditional Use Determination process recommendation*
- f. Tribal Consultation Implementation & ANCSA Consultation Policy*97
- g. North Pacific Fisheries Management Council process recommendation*
- h. Sea otter letter of concern to Board and Secretaries of the Interior and Agriculture*
- i. Stikine River subsistence fishery summary and Council recommendation*

11. Future Meeting Dates*

- a. Confirm date and location of fall 2014 meeting 111
September 23-25, 2014 in Sitka
- b. Select date and location of winter 2015 meeting 112

SOUTHEAST ALASKA AND SOUTHCENTRAL COUNCILS MEET IN JOINT SESSION

Closing Comments

12. Adjourn (Chair)

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

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

If you have any questions regarding this agenda or need additional information, please contact Robert Larson, Council Coordinator at 907-772-5930, robertlarson@fs.fed.us, or contact the Office of Subsistence Management at 1-800-478-1456 for general inquiries.

REGION 1
Southeast Alaska Subsistence Regional Advisory Council

Seat	Yr Apptd <i>Term Expires</i>	Member Name & Address
1	2014 2016	Arthur M. Bloom Tenakee Springs
2		<i>Awaiting Appointment</i>
3	1993 2016	Patricia Ann Phillips Pelican
4	2000 2016	Michael Allen Douville Craig
5	2002 2016	Harvey Kitka Sitka
6	1999 2014	Bertrand J. Adams Sr. Chair Yakutat
7	2014 2014	Robert F. Schroeder Juneau
8	2002 2014	Donald C. Hernandez Point Baker
9	2013 2015	Kenneth L. Jackson Kake
10	2013 2015	Aaron T. Isaacs, Jr. Klawock
11	2010 2014	John A. Yeager Wrangell
12	2003 2015	Michael D. Bangs Petersburg
13	2009 2015	Cathy A. Needham Juneau

SOUTHCENTRAL ALASKA SUBSISTENCE REGIONAL ADVISORY COUNCIL

Crowne Plaza
109 West International Airport Road
Anchorage, Alaska

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

March 11 - 13, 2014

AGENDA

*Asterisk identifies action item.

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2. Call to Order (*Chair*)

3. Welcome and Introductions (*Chair*)

4. Review and Adopt Agenda* (*Chair*) 5

5. Election of Officers

 Chair (*DFO*)

 Vice Chair (*Chair*)

 Secretary (*Chair*)

6. Review and Approve Previous Meeting Minutes* (*Chair*)

7. Reports

 Council member reports

 Chair’s report

8. Public and Tribal Comment on Non-Agenda Items (available each morning)

SOUTHEAST AND SOUTHCENTRAL COUNCILS MEET IN JOINT SESSION (Tuesday

afternoon and Wednesday) For the joint session, you can participate telephonically by using the toll free number: 1-866-560-5984 then, when prompted, enter the passcode: 12960066.

J1. Briefing and summary of Customary & Traditional Use Determination (*David Jenkins*)..... 22

J2. Coordination with North Pacific Fisheries Management Council (*Chris Oliver NOAA*)

J3. Briefing on sea otter management (*USFWS*) 35

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9. Agency Reports

 Special Actions 70

 OSM

 Budget Update

 Staffing Update

 USFS

 Budget Update

 Chugach National Forest Update

 Tongass National Forest Update

 USFWS

 NPS

 BLM

 ADF&G

 Tribal Governments

 Native Organizations

(a) NVE Partners

SOUTHCENTRAL ALASKA COUNCIL, concurrent session (March 13)

10. Old Business

- a. Customary Trade (*Pippa Kenner*)
- b. **WP14-11** – Limited moose hunt of one bull per community (Chenega Bay, Cooper Landing, Hope, and Tatitlek) every 4 years for Unit 7 portion that drains into Kings Bay 72

11. New Business (*Chair*)

- a. Call for Fisheries Regulatory Proposals* 80
- b. Priority Information Needs Development for 2016*
- c. Review and Approve Draft FY2013 Annual Report* 84
- d. Tribal Consultation Implementation & ANCSA Consultation Policy* 97

12. Additional Agency Reports

- a. Alaska Energy Authority
- b. Donlin Gold
- c. Tyonek Tribal Conservation District

13. Future Meeting Dates*

- a. Confirm date and location of fall 2014 meeting 111
- b. Select date and location of winter 2015 meeting 112

SOUTHEAST ALASKA AND SOUTHCENTRAL COUNCILS MEET IN JOINT SESSION

Closing Comments

14. Adjourn (*Chair*)

To teleconference into the meeting, call the toll free number: 1-866-916-7020, then when prompted enter the passcode: 37311548

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If you have any questions regarding this agenda or need additional information, please contact Donald Mike, Council Coordinator at 907786-3629, donald_mike@fws.gov, or contact the Office of Subsistence Management at 1-800-478-1456 for general inquiries.

REGION 2—Southcentral Alaska Subsistence Regional Advisory Council

Seat	Yr Apptd Term Expires	Member Name & Address	
1	2007 2016	Robert J. Henrichs Cordova	
2		<i>Awaiting Appointment</i>	
3	2003 2016	Richard Greg Encelewski Ninilchik	
4	2010 2013	Mary Ann Mills Kenai	
5	2014 2016	William C. Shuster Cooper Landing	
6	2003 2014	Gloria Stickwan Tazlina	
7	2011 2014	James R. Showalter Sterling	
8	2011 2014	Michael V. Opheim Seldovia	
9	2011 2014	Andrew T. McLaughlin Chenega Bay	
10	2009 2015	Judith C. Caminer Anchorage	Secretary
11	1993 2015	Ralph E. Lohse Copper River	Chair
12	2003 2015	Thomas M. Carpenter Cordova	Vice-Chair
13	2013 2015	Herman N. Moonin, Jr. Anchor Point	

**MINUTES OF THE SEPTEMBER 24-26, 2013 SOUTHEAST ALASKA
SUBSISTENCE REGIONAL ADVISORY COUNCIL MEETING**

Location of Meeting:

Ted Ferry Civic Center
888 Venetia Avenue
Ketchikan, AK 99901

Time and Date of Meeting:

Tuesday September 24, 2013, 9:00 a.m. – Thursday September 26, 2013, 12:45 p.m.

Call to Order:

The fall meeting of the Southeast Alaska Subsistence Regional Advisory Council was called to order Tuesday, September 24, 2013 at 9:00 a.m.

All Council members were present.

Irene Dundas provided a welcome to the Council from the Ketchikan Indian Community, Lee Wallace provided a welcome from the Native Village of Saxman and Jeff DeFreest welcomed the Council to Ketchikan on behalf of the U.S. Forest Service, an invocation was provided by Lee Wallace.

Review and Adopt Agenda:

Motion approved (13-0) to accept the Agenda as a guide with the following changes: Jack Lorrigan would report on Tribal consultations for the regulatory proposals, Ben Van Alen would provide a summary report for the Fishery Resource Monitoring Program and the Cape Fox Dancers would present a program at 4:00 p.m. on Wednesday afternoon.

Review and Approve Previous Meeting Minutes:

Motion approved (13-0) to approve the March 12-14, 2013 Council meeting minutes.

Attendees:

Anthony Christianson	Hydaburg	Subsistence Board
Beth Pendleton	Juneau	Subsistence Board
David Jenkins	Anchorage	OSM
Jack Lorrigan	Anchorage	OSM
Gene Peltola Jr.	Anchorage	OSM
Cal Casipit	Juneau	USFS

Dennis Chester	Juneau	USFS
Jeff DeFreest	Sitka	USFS
Carol Goularte	Sitka	USFS
Steve Kessler	Anchorage	USFS
Greg Killinger	Sitka	USFS
Justin Koller	Sitka	USFS
Robert Larson	Petersburg	USFS
Susan Oehlers	Yakutat	USFS
Jeff Reeves	Craig	USFS
Terry Suminski	Sitka	USFS
Ben Van Alen	Juneau	USFS
Pat Petrivelli	Anchorage	BIA
Doug Larsen	Juneau	ADF&G
Lauren Sill	Juneau	ADF&G
Jennifer Yuhas	Anchorage	ADF&G
Ron Leighton	Kasaan	Organized Village of Kasaan
Irene Dundas	Ketchikan	Ketchikan Indian Community
Andre LeCornu	Ketchikan	Ketchikan Indian Community
Louie Wagner	Metlakatla	Metlakatla Indian Community
Daniel Monteith	Douglas	Saxman IRA
Lee Wallace	Saxman	Saxman IRA
Jessica Gill	Sitka	Sitka Tribe of Alaska
Victoria McDonald	Ketchikan	Rivers Without Borders
Holly J. Burns Churchill	Ketchikan	Central Council Tlingit-Haida Indian Tribes of AK
Rob Sanderson Jr.	Ketchikan	Central Council Tlingit-Haida Indian Tribes of AK
Richard Jackson	Ketchikan	ANB/ANS Grand Camp
James Llanos Sr.	Ketchikan	ANB/ANS Grand Camp
George Suckinaw James Jr.	Ketchikan	ANB Camp 14
Cynthia Llanos	Ketchikan	ANB Camp 14
Steve Reifenstuhl	Sitka	Northern Southeast Region Aquaculture Association
Jaeleen Araujo	Juneau	Sealaska Corporation
David Landis	Saxman	Cape Fox Corporation
Norman Arriola	Ketchikan	Public
Cheryl Dewitt	Saxman	Public
Merle Hawkins	Ketchikan	Public
Edward John	Saxman	Public
Jacob Lauth	Saxman	Public
John Morris	Ketchikan	Public
Joe Thomas	Saxman	Public
Cindy Wagner	Metlakatla	Public
Dorothy Williams	Saxman	Public

Attendees by teleconference:

Trevor Fox	Anchorage	OSM
Pippa Kenner	Anchorage	OSM
Dan Sharp	Anchorage	BLM
Peter Naoroz	Juneau	Kootznoowoo Inc.

Reports:

Mr. Ackerman reported there was a good return of eulachon to the Haines area this spring that began with eulachon returning to the Chilkoot River in February. The commercial Dungeness crab fishery is impacting the local crab resource as more crabbers are fishing in upper Lynn Canal. There was a confirmed sighting of a mountain lion near Haines and the local glaciers are continuing to melt. There were good numbers of salmon returning to local streams.

Mr. Jackson reported that residents of Kake enjoyed a warm and dry summer this year. There were epic salmon returns and the local cold storage was opened this year. The cost of fuel and electricity is high in Kake and is negatively affecting the economy. Sealaska and the U.S. Forest Service are thinning old clear-cuts to benefit wildlife. Sea otters are impacting all local shellfish stocks. There is no longer any crab available for harvest near Kake because of depletion by sea otters.

Mr. Hernandez noted that salmon were very abundant in the central portion of Southeast Alaska this summer. The deer populations on Kupreanof, Kuiu and North Prince of Wales Islands are depressed due to predation and are slow to recover from severe winters. He is concerned about finding the “tipping point” between ecologic protection and economic development.

Mr. Isaacs reported that sockeye salmon returns to Klawock were very weak this year. Deer are abundant in the Craig-Klawock area. Sea otters are continuing to diminish shellfish stocks and there does not appear to be any solution. Road closures are reducing hunting opportunities. Cancer rates in Native people are high and a serious issue.

Mr. Kookesh counseled the group that in addition to talking about an issue, a solution must be the outcome of that discussion. There should be increased opportunities to participate in subsistence activities because there is a greater reliance on subsistence foods in rural areas. There has been no progress in addressing issues identified in the petition for extending Federal jurisdiction into the marine waters near Angoon.

Mr. Yeager reported there were very good returns of salmon to the Wrangell area. Moose hunting on the Stikine has been slow because of warm weather at the start of the season.

Ms. Needham is working with the Hydaburg Cooperative Association on the Hetta Lake sockeye salmon stock assessment project. There were only 2,100 sockeye salmon escape into Hetta Lake this year; a very poor return. There has been no progress to finding a solution to address the sea otter problem although Kasaan Indian Association is organizing a sea otter symposium to investigate op-

tions. She was part of the Chief of the Forest Service's review of the Alaska Region and served on the Social Relevancy Panel where she reminded folks of the importance of subsistence to local residents.

Mr. Wright reminded the other council members that "where you live determines what you eat." Although Native people living outside villages desire Native foods, access is oftentimes very difficult. Herring and whales were abundant in Port Fredrick this summer and there was a good crop of berries. Sea otters are increasing in number and having a continuing negative affect on shellfish stocks.

Ms. Phillips observed that fuel is very expensive in Pelican and influences harvesting behavior. Salmon were abundant on the outer coast this year and there was a good berry crop. Yellow cedar trees are dying and she is very concerned about the number of bears and their impact on deer. Sea otters are a direct competitor with people and are impacting shellfish stocks. The Office of Subsistence Management's website is difficult to navigate and she is looking forward to changes that will make it more user friendly.

Mr. Douville agreed there was a high abundance of pink and coho salmon this summer. The very poor returns of sockeye to Klawock may be due to poor logging practices. Beavers have dammed the tributaries that previously supported spawning sockeye and there is little spawning habitat available anymore. Subsistence harvests at Klawock are high and unsustainable.

Mr. Bangs was very appreciative of the wonderful weather everyone enjoyed this summer. Halibut stocks are increasing but he is concerned about the effects of a high and ever increasing whale population. Sea otters are having a continuing negative effect on the commercial crab and dive fisheries. There are very few deer near Petersburg but there is a high wolf population. The electrical transmission line from Petersburg to Kake is moving forward. He has heard comments regarding unattended nets in the Stikine River subsistence fishery.

Mr. Kitka informed the Council that residents of Sitka are concerned about the rural determination process and the chance that they may lose their rural status. Local residents are also concerned about herring and the chances that the Sitka Sound stock will diminish. Sockeye salmon were overharvested at Klag Bay this summer due to low water preventing them from escaping into the creek. Sea otter regulations must be changed to allow for more harvest.

Mr. Adams reported that clean-up efforts in Yakutat for material remaining after WW II are ongoing. Everyone in town is pleased that eulachon were abundant in local streams near Yakutat this spring. With the exception of Chinook salmon in the Situk, salmon were abundant this summer and subsistence needs were met. Halibut and berries were abundant. The moose quota was set at 25 bulls west of the Dangerous River again this year but high abundance of sea lions, sea otters and beavers are causing problems.

Public and Tribal Comments:

James Llanos reported that Bob Loescher does not represent the Alaska Native Brotherhood any longer. ANCSA and ANILCA are laws for people and not communities or tribes. These laws are designed to target and protect individual persons. A presence of road does not guarantee success in

harvesting subsistence resources. Canadian mining activities will have a negative effect on fishery resources.

Victoria McDonald reported that Sea Bridge Mining met with tribes this summer regarding proposed mining near the Unuk River and the town of Hyder. She believes that future seismic events will cause the failure of mine tailings containment structures. Ketchikan Indian Association is opposed to mines in Canada that will negatively affect the water quality in Alaska.

Holly Churchill was concerned about maintaining access to forest products for subsistence uses. There are increasing numbers of sea otters and recreational equipment is degrading forest habitat.

Steve Reifentuhl, Northern Southeast Regional Aquaculture Association, volunteered to evaluate Kanalku for enhancement opportunities if requested.

Louie Wagner believes that water quality sampling in the Unuk River must be started prior to impacts from the mining activities in Canada to be effective. Eulachon returns to the Unuk River are slowly recovering and he plans to monitor the return next spring.

Rob Sanderson informed the Council that by-catch in the Gulf of Alaska trawl fisheries is a serious problem. These fisheries take a large amount of halibut and Chinook salmon that could be used by local residents. There needs to be a larger voice by Tribes at the North Pacific Fisheries Management Council meetings.

Peter Naoroz reported that sockeye salmon returns to the Angoon area were very poor this year. There must be an effort to involve local residents in the planning process for the conduct of commercial and subsistence fisheries. Sockeye salmon returning to Kanalku Lake have not been sampled adequately to be part of the genetic database.

Old Business:

David Jenkins, OSM presented the latest customary and traditional determination briefing and the results of discussions the other Councils have had on this issue. David will present the same briefing to the other Councils and provide a summary report of the other council's actions at the winter meeting. Cathy Needham wanted to see all the current customary use determinations (317?) and have a discussion of which of them may not serve subsistence users. Patty Phillips reminded the council and staff that ANILCA does not talk about factors or criteria only providing a preference for use of wild renewable resources by rural residents. The council voiced support for Mr. Adams and Ms. Needham to attend the Southcentral Council meeting and discuss items of common interest with that group in preparation for the winter joint/concurrent council meeting. Specifically, the Council tasked the coordinator to work with the ad hoc C&T workgroup to develop a proposal for consideration at the proposed joint Southeast-Southcentral Council meeting in Anchorage on March 11, 2014. The Council also requested the OSM address several questions:

- What are the effects of the draft proposal to eliminate or change current regulations
- Can there be Region specific regulations

- Are there examples where the C&T process has not been favorable to continuation of subsistence uses e.g. unnecessary allocations through exclusive use in times of plenty
- Is it possible to maintain exclusive uses (Customary and Traditional use determinations) if the regulations are significantly changed or eliminated

Motion approved (13-0) to continue the customary and traditional use determination ad hoc workgroup (Cathy Needham, Patty Phillips, Don Hernandez) with the expectation that they would be prepared to provide additional information to the Council at the winter meeting.

Steve Kessler and Jennifer Yuhas reviewed the August 21, 2013 letter from Beth Pendleton to the Council regarding the specific questions forwarded to the Board regarding the extended jurisdiction process. There is an October 17, 2013 meeting planned in Angoon with Kootznoowoo Inc. and the ADF&G to formulate proposals that would be forwarded to the Board of Fisheries. There were no changes to the State's 2013 Seine Fishery Management Plan due to the issues identified in the extended jurisdiction petition. It is unknown whether there was changes made in-season due to petition concerns. Proposals to change State fishery regulations are due to the State Board of Fisheries by April 10, 2014. There is a small amount of funding for Phase II of the facilitation process but there are no specific plans at this time. Escapement goals and genetic stock identification are still under development. Some blasting was conducted at the partial barrier falls at Kutlaku this fall and the effectiveness of that effort will be evaluated next year. The determination of a solution to this problem within the 3-year time frame specified by the Secretaries requires the State Board of Fisheries to act in 2014.

Motion approved (13-0) for the Council to write a letter requesting the State's plans to address the issues identified in the extended jurisdiction petition. Mike Bangs will head the drafting committee.

Jeff Reeves, U.S. Forest Service, provided a Power Point presentation of wildlife harvests in the Region under Federal and State rules as well as a summary of the subsistence fish and wildlife Special Actions issued in the Region since the previous meeting. A table of actions was distributed to the council.

Robert Larson, U.S. Forest Service, and John Yeager, council member from Wrangell, reported on management of the Stikine River subsistence salmon fishery and coordination with the Transboundary Panel of the Pacific Salmon Commission. At the fisheries regulatory meeting last winter, the Board deferred action for one year on the proposal to change or eliminate the guideline harvest level for sockeye salmon (Proposal FP13-19). The 2013 pre-season forecast of Chinook salmon was less than required to conduct a directed fishery and the subsistence fishery was closed then re-opened for the last three days of the season once the in-season forecast was above the threshold. The Council recommended that Mr. Larson and Mr. Yeager continue to coordinate with the Pacific Salmon Commission to make the appropriate changes to the Pacific Salmon Treaty.

New Business

Wildlife Regulatory Proposals:

Jack Lorrigan reported that there were no Tribal or Native Regional Corporation consultations regarding the wildlife proposals for the Southeast Region. There was one Tribal and one corporation comment in opposition to the State-wide proposal WP14-01.

WP14-03; Eliminate doe (female) deer harvest season in Unit 2.

There were no Written Public Comments.

Ron Leighton testified that the current regulations allowed taking too many doe deer and that was affecting the health of the deer population. There is a family of eight persons (six children) that harvested eight doe deer last year. If there is a harsh winter, that type of activity will result in a serious conservation issue. The Board should be proactive and not wait until this is a big problem before they act.

The ADF&G commented that although doe deer seasons are generally discouraged when there are multiple sources of predation, similar to the situation in Unit 2, deer populations are currently healthy in Unit 2. The State's position is neutral as long as the deer population remains healthy.

The ***motion to adopt the proposal was opposed*** (2-11-0). The Council's justification to oppose:

- The evidence provided in the staff analysis shows a healthy deer population in Unit 2 and there is no general conservation concern at this time.
- The number of female deer harvest reported appears to be stable and not increasing.
- The Council recognizes that the deer population on the North section of Prince of Wales Island is depressed and has been slow to recover from recent harsh winters.

The minority opinion noted that residents of the northernmost communities on Prince of Wales Island are spending more time than other residents of Prince of Wales Island to harvest a deer and eliminating the doe harvest may assist in rebuilding the deer population in that area.

Harvesting doe deer is not necessary to satisfy subsistence needs as there are adequate buck deer available in most areas of Unit 2. Harvesting doe deer may decrease the total deer population in Unit 2.

WP14-04, Provides for a June 15 starting date for the deer season in Unit 2 for persons 60 years of age or 70% disabled.

There were no Written Public Comments.

Ron Leighton testified that, although he was the proponent, he does not suggest that the early season start in a different regulatory year (June). There is a shortage of designated hunters in Kasaan and elderly persons want an opportunity to hunt for themselves.

John Morris is opposed to the proposal as there are too many unanswered questions and there is considerable opportunity for elderly/disabled people to either hunt for themselves or designate someone else to hunt for them.

The ADF&G has a neutral position on this proposal since it is clearly an allocation issue within qualified subsistence users. There is no conservation issue with an earlier start date to the Federal subsistence season but an earlier start date for only a subset of subsistence users will result in enforcement issues.

Steve Kessler provided comments from the Interagency Staff Committee. They noted that this proposal would create a special class of qualified subsistence users, not identified in ANILCA. It is unclear how much demand there is for this regulation change and there is no cultural or traditional use precedent.

The ***motion to adopt the proposal was opposed*** (0-12-1). The Council's justification to oppose:

- There is no conservation concern with the present deer regulations in Unit 2 that is addressed by this proposal or the Office of Subsistence Management's proposed modification.
- ANILCA provides a preference for rural residents, not for a special class of rural residents. This proposal would unnecessarily allocate deer between subsistence users. All Federally qualified users should be treated as equals.
- Determining disability has been shown to be complex and problematic, and add an additional administrative barrier to participants because this provision would require a separate Federal subsistence hunting permit.
- Establishing a hunting season that spans two regulatory years creates complexity by requiring hunters maintain two sets of harvest tickets, and harvest reporting would be delayed by almost half a year.
- The proposal is unnecessary to provide additional opportunity as the current season provides for ample chances for residents, of any age or physical condition to either hunt for themselves or to designate others to hunt for them.

WP14-05, requests that the deer harvest season within the Lindenberg Peninsula portion of Unit 3 (Kupreanof Island, east of the Portage Bay – Duncan Canal Portage) be reduced from the current 4-month season to a 2-week season and the harvest limit be reduced from two male deer to 1 male deer

There were no Written Public Comments.

There was no public testimony on this proposal.

The ADF&G testified that there is a conservation concern for deer in this area. Only the original proposal provides the needed reduction in deer harvest. The deer population is much below carrying capacity and the ADF&G is currently doing habitat studies to identify population goals. There are plans to conduct intensive management for wolves in this area with the goal to reduce predation mortality and facilitate increases in the deer population.

The ***motion to adopt the proposal was supported*** (13-0-0). The Council's justification to support:

- There is a conservation concern for deer in this area and deer harvest must be significantly reduced to improve recruitment and shorten the time for the deer population to increase.
- Adopting this proposal would align Federal and State deer hunting regulations for this portion of Unit 3.
- The OSM proposed modification does not provide adequate protection to deer in this area.

Proposal WP14-01, submitted by Kevin Bopp, requests the establishment of new statewide provisions to require trapper identification tags on all traps and snares, establish a maximum allowable time limit for checking traps, and establish a harvest/trapping report form to collect data on non-target species captured in traps and snares.

There were two Written Public Comments in opposition to this proposal, neither from the Southeast Region.

There was no public testimony on this proposal.

There were comments from two Tribes (neither from the Southeast Region); one in favor of the proposal and one in opposition to the proposal.

The ADF&G agreed with the OSM staff analysis to oppose the proposal.

The ***motion to adopt the proposal was opposed*** (0-13-0). The Council's justification to oppose:

- Although the Southeast Council may be in agreement with some aspects of the proposal, the issues addressed in the proposal are not the same in every Region. Proposals to address issues specific to a region should be made to that region as the solutions may not make any sense to other regions.

Rural Determination Process:

The Council attended the Federal Subsistence Board's Rural Determination Process Review public hearing. The meeting started at 7:00 p.m. September 24, was recessed at 10:00 p.m., and reconvened the next morning to hear the last four testimonies. There were 27 people that provided testimony on

the issue but few spoke directly to the criteria that the Federal Subsistence Board will use to make the determinations.

Motion approved (13-0) to incorporate comments from the public and the subsequent Council discussion into a letter regarding the rural determination criteria to the Federal Subsistence Board. Specifically, the letter would the following items discussed by the Council:

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

Fisheries Resource Monitoring Plan:

Mr. Van Allen described the current Fisheries Resource Monitoring Plan (FRMP) projects in the Southeast and Yakutat Regions. Many of the projects proposed for 2014 are continuations of current projects. Mr. Suminski presented the 2014 monitoring plan as recommended by the Technical Review Committee and asked for the input of the Council: especially the prioritization of the projects.

The Council highlighted possible conservation concerns at Klawock and Hetta Lakes from the 2013 season that were not considered by the Technical Review Committee. The Council noted the importance of the Kanalku and Kook Lake projects to the extended jurisdiction petition. The Council's prioritized list was developed by evaluating: conservation concerns, Tribal capacity, importance to evaluating the extended jurisdiction petition, importance to subsistence users, and geographic distribution of the projects. The projects recommended for funding in priority order are:

Klawock Lake, Kanalku Lake, Hetta Lake, Falls Lake, Neva Lake, Sitkoh Lake, Klag Lake, Unuk River, Hatchery Creek, Redoubt Lake, Kook Lake, and Eek Lake

Length of Service Awards

Board member and USFS Regional Forester, Beth Pendleton, presented Patty Phillips an award for 20 years of service. Board member Tony Christianson presented 10 years of service awards to Floyd Kookesh, Harvey Kitka, Don Hernandez and Mike Bangs.

Annual Report Items

The Council recommended the following items be considered for the 2013 Annual Report:

- Resolution of the customary and traditional use determination process
- Adequate funding of the subsistence program and the population assessment studies for fish and wildlife
- Deference for rural determinations and customary and traditional use determinations
- Water quality testing of waters flowing into Alaska from mines in Canada
- Waste water from tour ships.

Agency Reports:

David Jenkins and Steve Kessler reported that budgets are continuing to decrease and that may affect all portions of the operation e.g. staffing, travel, funds for wildlife and fisheries projects. Tribal consultation is an ongoing process and the MOU between the Federal and State programs is a work in progress.

Susan Oehlers, USFS Yakutat, reported that the moose bull-cow ratio remains less than the desired level near Yakutat and the harvest quota for the area west of the Dangerous River has been set at 25 bulls for 2013 to address that concern. The goat population remains low and the deer population does not appear to have recovered from the recent harsh winters.

Pat Petrivelli, BIA, provided preliminary results of the Unit 2 deer uses and needs study. The final written report is due to be available soon.

Jennifer Yuhas, ADF&G, reminded the Council that proposals to change state fisheries regulations are due in April 2014. Genetic stock identification samples have been obtained from Kanalku Lake. The State would welcome any funds from the U.S. Forest Service that can be used to facilitate discussions of the extended jurisdiction petition. ADF&G already funds the supervision and reporting of the Kanalku Lake sockeye salmon assessment project.

Lauren Sills, ADF&G, is conducting a comprehensive harvest use survey in Angoon and has plans on conducting this survey in Sitka next year. There is an Ethnographic study of salmon beginning for the Stikine River and herring use studies are continuing in Sitka.

Doug Larson, ADF&G, informed the Council of ADF&G plans for intensive management of deer and wolves in a portion of Unit 3. Activities include hiring local residents to trap wolves; habitat assessment studies to determine carrying capacities, deer pellet DNA assessments, and employing re-

mote cameras to monitor predator-prey interactions. There is an ongoing wolf research study in Unit 2 and a brown bear population assessment study in Yakutat.

Future Meeting Dates:

The Council's recommendation is to have a joint/concurrent winter 2014 meeting with the Southcentral Council. The suggested meeting date is March 11-13, 2014 in Anchorage; pending coordination and approval of the Southcentral Council. The fall council meeting was tentatively scheduled for September 23-25 in Sitka.

The Council meeting adjourned at 12:45 p.m. September 26, 2013

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

|s| Robert Larson

December 23, 2013

Robert Larson, DFO, USFS Subsistence Management Program

|s| Bertrand Adams

December 23, 2013

Bertrand Adams, Chair, Southeast Alaska Subsistence Regional Advisory Council

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

CUSTOMARY AND TRADITIONAL USE DETERMINATION BRIEFING

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

populations),

(3) make some other change, or

(4) make no change.

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

APPENDIX A

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

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

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

- (1) A long-term consistent pattern of use, excluding interruptions beyond the control of the community or area;*
- (2) A pattern of use recurring in specific seasons for many years;*
- (3) A pattern of use consisting of methods and means of harvest which are characterized by efficiency and economy of effort and cost, conditioned by local characteristics;*
- (4) The consistent harvest and use of fish or wildlife as related to past methods and means of taking; near, or reasonably accessible from, the community or area;*
- (5) A means of handling, preparing, preserving, and storing fish or wildlife which has been traditionally used by past generations, including consideration of alteration of past practices due to recent technological advances, where appropriate;*
- (6) A pattern of use which includes the handing down of knowledge of fishing and hunting skills, values, and lore from generation to generation;*
- (7) A pattern of use in which the harvest is shared or distributed within a definable community of persons; and*
- (8) A pattern of use which relates to reliance upon a wide diversity of fish and wildlife resources of the area and which provides substantial cultural, economic, social, and nutritional elements to the community or area.*

APPENDIX B

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

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

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

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

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

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

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

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

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

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

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

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

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

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

INFORMATION/ BRIEFING MEMORANDUM ON ANILCA SECTION 804

Federal Subsistence Priority

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

Limiting the Pool of Federally Qualified Subsistence Users

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

1. ANILCA Section 804

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

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

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

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

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

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

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

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

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

Discussion

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

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

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

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

Element	804 analysis	C&T use determination analysis
Function	Used to identify the pool of qualified subsistence users when a population of fish or wildlife in a particular area is not sufficient to allow for all qualified subsistence users to harvest from it	Used to recognize a community or area whose residents generally exhibit characteristics of customary and traditional use of specific fish stocks and wildlife populations for subsistence
Authority	ANILCA Section 804 and 50 CFR 100.17	36 CFR 242.16 and 50 CFR 100.16
Legal language	Except as otherwise provided in this Act and other Federal laws, the taking on public lands of fish and wildlife for nonwasteful subsistence uses shall be accorded priority over the taking on such lands of fish and wildlife for other purposes. Whenever it is necessary to restrict the taking of populations of fish and wildlife on such lands for subsistence uses in order to protect the continued viability of such populations, or to continue such uses, such priority shall be implemented through appropriate limitations based on the application of the following criteria:	(a) The Board shall determine which fish stocks and wildlife populations have been customarily and traditionally used for subsistence. These determinations shall identify the specific community's or area's use of specific fish stocks and wildlife populations. For areas managed by the National Park Service, where subsistence uses are allowed, the determinations may be made on an individual basis. (b) A community or area shall generally exhibit the following factors, which exemplify customary and traditional use. The Board shall make customary and traditional use determinations based on application of the following factors:
Criteria/factors	(1) Customary and direct dependence upon the populations as the mainstay of livelihood; (2) Local residency; and (3) The availability of alternative resources.	(1) A long-term consistent pattern of use, excluding interruptions beyond the control of the community or area; (2) A pattern of use recurring in specific seasons for many years; (3) A pattern of use consisting of methods and means of harvest which are characterized by efficiency and economy of effort and cost, conditioned by local characteristics; (4) The consistent harvest and use of fish or wildlife as related to past methods and means of taking; near, or reasonably accessible from, the community or area; (5) A means of handling, preparing, preserving, and storing fish or wildlife which has been traditionally used by past generations, including consideration of alteration of past practices due to recent technological advances, where appropriate; (6) A pattern of use which includes the handing down of knowledge of fishing and hunting skills, values, and lore from generation to generation; (7) A pattern of use in which the harvest is shared or distributed within a definable community of persons; and (8) A pattern of use which relates to reliance upon a wide diversity of fish and wildlife resources of the area and which provides substantial cultural, economic, social, and nutritional elements to the community or area.
Frequency	Since 1990, the Board has taken action on about twenty 804 analyses	Since 1990, the Board has made about 300 C&T determinations

SUBSISTENCE REGIONAL COUNCIL CUSTOMARY AND TRADITIONAL USE DETERMINATIONS – ACTION SUMMARIES

Southeast

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

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

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

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

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

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

Southcentral

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

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

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

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

Kodiak-Aleutians

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

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

Bristol Bay

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

Yukon-Kuskokwim Delta

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

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

Western Interior

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

Seward Peninsula

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

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

Northwest Arctic

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

Eastern Interior

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

North Slope

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



***Southeast Alaska Subsistence
Regional Advisory Council***

Bertrand Adams Sr., Chair

kaadashan@alaska.net

April 7, 2010

Mr. Geoffrey L. Haskett
Alaska Regional Director
U.S. Fish and Wildlife Service
1011 East Tudor Road
Anchorage, Alaska 99503

Dear Mr. Haskett:

The Council appreciates the effort you and Mr. Burns made to attend the Council meeting in Saxman on March 16, 2010. We are encouraged by your commitment to form a new partnership with the Central Council of Tlingit and Haida Indian Tribes and the Sitka Tribe of Alaska for addressing sea otter concerns. The Alaska Native Sea Otter Co-management Committee (ANSOCC) appears to be well suited to address issues associated with sea otter management in the Southeast Alaska Region. The Council also welcomes the commitment by the U. S. Fish and Wildlife Service (USFWS) to engage in an outreach program to educate users of sea otters, as mentioned in your letter to the Council on January 19, 2010.

In a March 24, 2009 letter, the Council expressed its unanimous support for a proposed study, "Ecological, economic and social changes as a result of sea otter recolonization in southern Southeast Alaska." The Council was pleased to hear the USFWS was supportive and instrumental in obtaining this funding. Thank you; completion of this study will be necessary to determine the true impact of sea otters to the communities and subsistence users we represent.

The Council continues to receive testimony on reasons for the underutilization of sea otters and the devastating affects the expanding sea otter population is having on shellfish stocks important to subsistence users and the economies of local communities. In previous correspondence, we recommended joint management plus an education program to familiarize users with current rules and are encouraged that progress is being made along those lines. The Council has several additional recommendations for consideration by the ANSOCC and the USFWS to further facilitate the subsistence use of sea otters.

Council Recommendations:

1. The Council recommends a thorough review of current regulations. Regulations appropriate to protect a small fragile population are likely too restrictive to encourage harvest of a robust and rapidly increasing population.

Geoffrey L. Haskett

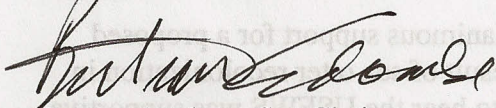
2 of 2

April 7, 2010

2. Regulations need to be amended to encourage harvest when and where there is a significant level of harvest opportunity commonly referred to as potential biological removal. The use of Alaska Department of Fish and Game fishing Districts may be well suited to define area boundaries.
3. The process of tanning sea otter pelts results in a product that is certainly "significantly altered." That concept should be clearly described in regulation by amending Section 18.3 "Definitions" in the code of Federal regulations to include tanned hides as significantly altered.
4. Requiring the use of registered agents inhibits the potential utilization of sea otters. Section 18.23 (b) 1 (i) (ii) and 2 (i) (ii) "Native exemptions" should be amended to remove the requirement to utilize registered agents and allow the direct sale and transportation of sea otters by qualified users. Current language in these paragraphs is exceedingly confusing and unnecessarily restrictive.
5. There is no need for tags to remain affixed to the skin through the tanning process. Section 18.23 (f) 9 (iii) (E) should be deleted in its entirety.

Please address any questions regarding this request either directly to me or through Mr. Robert Larson, Council Coordinator, U. S. Forest Service, Box 1328, Petersburg, AK 99833, 1-907-772-5930, robertlarson@fs.fed.us.

Sincerely,



Bertrand Adams Sr., Chair

cc: Peter J. Probasco, Office of Subsistence Management
Beth Pendleton, Forest Service Regional Forester
Ralph E. Lohse, Chair Southcentral Subsistence Regional Advisory Council
Speridon M. Simeonoff Sr., Chair Kodiak/Aleutians Subsistence Regional Advisory Council
Molly Chythlook, Chair, Bristol Bay Subsistence Regional Advisory Council
Lawrence Widmark, Chairman Sitka Tribe of Alaska
William E. Martin, President Central Council of Tlingit and Haida Indian Tribes



IN REPLY REFER TO:

United States Department of the Interior

FISH AND WILDLIFE SERVICE

1011 E. Tudor Road
Anchorage, Alaska 99503-6199



AFES/MMM

JUN 20 2011

Mr. Bertrand Adams, Sr.
Chair
Southeast Alaska Subsistence Regional Advisory Council
U.S. Forest Service
Box 1328
Petersburg, Alaska 99833

Dear Chairman Adams:

Following the March 2011 meeting of the Southeast Alaska Subsistence Regional Advisory Council (Council), my staff informed me of the Council's continued concerns about increasing sea otter populations in southeast Alaska and their potential effects on commercial and subsistence users. We would like to continue dialogue with users on the issue. We are working with the Alaska Department of Fish and Game and others to seek solutions. We have laid out below the issues that we believe continue to need discussion and/or current positions.

- 1. The Council recommends a thorough review of current regulations. Regulations appropriate to protect a small fragile population are likely too restrictive to encourage harvest of a robust and rapidly increasing population.**

Currently we are participating in a joint NOAA Fisheries/U.S. Fish and Wildlife Service (Service) working group reviewing regulations regarding marine mammal parts. At the suggestion of the Service, representatives from the Indigenous People's Council for Marine Mammals have been included in this working group and participated in the most recent teleconference. As for whether the regulations are too restrictive in the context of a robust population, consistent with the MMPA our regulations provide for harvest of sea otters by coastal dwelling Alaska Natives for subsistence and handicraft purposes provided that harvest is not wasteful; this is regardless of population size.

- 2. Regulations need to be amended to encourage harvest when and where there is a significant level of harvest opportunity commonly referred to as potential biological removal. The use of Alaska Department of Fish and Game fishing districts may be well suited to define area boundaries.**

The purpose of the MMPA is to maintain marine mammal species and population stocks at levels where they are significant functioning elements in the ecosystems of which they are a part. Under the current statute and regulations, Alaska Native Tribes have the ability to develop sea otter management plans for their Tribal members. These plans could identify management goals and objectives, including the identification of areas where sea otter

**TAKE PRIDE
IN AMERICA** 

hunting would be encouraged (such as subsistence food gathering areas) or discouraged (such as tour boat routes). At a recent meeting in Sitka with representatives from Federally-recognized Alaska Native Tribes, my staff offered to assist Tribes with the preparation of such management plans.

3. **The process of tanning sea otter pelts results in a product that is certainly "significantly altered." That concept should be clearly described in regulation by amending Section 18.3 "Definitions" in the code of Federal regulations to include tanned hides as significantly altered.**

Amending the definition in our regulations to include tanned hides as "significantly altered" would not be consistent with the statute. The MMPA defines the term "marine mammal" to include any part of a marine mammal, including its raw, dressed, or dyed fur or skin (16 U.S.C. 1362). The term "dressed" in this context means "to put through a finishing process," and is synonymous with "tanning" among taxidermists. Thus, a tanned hide is a marine mammal part and not a "significantly altered" product. In September 2010, Congressman Don Young of Alaska introduced a bill to amend the MMPA to allow the sale of sea otter pelts, as it is not legal under the current law to sell pelts.

4. **Requiring the use of registered agents inhibits the potential utilization of sea otters. Section 18.23 (b)(1)(i) (ii) and 2 (i)(ii) "Native exemptions" should be amended to remove the requirement to utilize registered agents and allow the direct sale and transportation of sea otters by qualified users. Current language in these paragraphs is exceedingly confusing and unnecessarily restrictive.**

The Service will work with Alaska Natives to develop outreach materials that present this information more clearly. The regulations referenced above are not intended to prohibit the direct sale and transportation of sea otters between Alaska Natives. The use of Registered Agents is a way to connect buyers and sellers but is not a requirement.

5. **There is no need for tags to remain affixed to the skin through the tanning process. Section 18.23 (1)(9)(iii) (E) should be deleted in its entirety.**

The requirement for tagging is included in our regulations to help control the illegal trade in sea otter hides. However, we understand that tags may impair the tanning process and are working with staff of the marine mammal Marking, Tagging, and Reporting Program and the Office of Law Enforcement to explore the possibility of developing a system for re-tagging hides once the tanning process is complete.

6. **Even though you did not ask the question in your letter, we feel there needs to be clarification on the definition of "subsistence" under the MMPA.**

Trade, barter, or sale of raw sea otter pelts to non-Natives is not considered "subsistence." Our regulations regarding the Native exemption at 50 CFR Part 18.23 clearly state that "no marine mammal taken for purposes of creating and selling authentic Native articles of handicraft or clothing may be sold or transferred to any person other than an Indian, Aleut, or Eskimo ... "unless" ... it has first been transformed into an authentic Native article of

handicraft or clothing." Raw or dressed/tanned furs may be traded or sold between Alaska Natives, but not to non-Natives (with the exception of Registered Agents).

My staff remains fully engaged in this issue. Mr. Douglas Burn, Sea Otter Program Leader for the Alaska Region, provided information to the Council at your last meeting in Sitka, Alaska. In recent months we have assisted in the formation of a southeast Alaska sea otter task force to increase communication among interested parties, including the Council. In addition to a web site that serves as a clearinghouse for information, this task force has also convened several teleconferences to discuss ongoing activities.

If you have additional questions about the information in this letter or sea otter management in southeast Alaska, please contact Mr. Douglas Burn, Sea Otter Program Leader, at (907) 786-3807, or by electronic mail at Douglas_Burn@fws.gov.

Bert, I know this doesn't answer all your concerns but wanted to make sure you know we are still working on this with you & others in this

Sincerely,



Regional Director

cc: Robert Larson, U.S. Forest Service

RURAL DETERMINATION REVIEW REGIONAL ADVISORY COUNCIL ACTION SUMMARIES

Southeast

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

Southcentral

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

Overall Comments:

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

Timelines:

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

Population Thresholds:

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

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

Information Sources:

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

Kodiak-Aleutians

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

Aggregation

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

Population Thresholds

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

Rural Characteristics

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

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

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

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

Timing of Review

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

Information Resources

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

Other Issues

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

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

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

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

Population Threshold with three categories of population:

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

Our suggested thoughts:

Population Threshold:

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

Rural characteristics:

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

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

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

Aggregation of communities:

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

Timelines:

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

Information sources:

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

These talking points have been provided by:

“Kodiak Rural Subsistence Roundtable”

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

Providing information for an ethnically diverse community

Bristol Bay

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

Timelines:

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

Population Thresholds:

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

Information Sources:

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

Yukon-Kuskokwim Delta

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

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

Aggregation:

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

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

Information sources:

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

Western Interior

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

Seward Peninsula

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

Northwest Arctic

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

Eastern Interior

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

Population threshold:

The Council decided by consensus to maintain the current population thresholds

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

Rural characteristics:

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

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

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

Aggregation:

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

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

Timeline:

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

Information sources:

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

North Slope

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

FWS/OSM/C:/Delagationltr

Mr. Thomas H. Boyd
Assistant Regional Director, Subsistence Management
U. S. Fish & Wildlife Service
3601 C Street, Suite 1030
Anchorage, Alaska 99503

Dear Mr. Boyd:

This letter delegates regulatory authority from the Federal Subsistence Board to you as Assistant Regional Director of the Office of Subsistence Management to issue emergency special actions when necessary to assure the conservation of healthy wildlife populations and to provide for subsistence uses of wildlife on Federal lands subject to ANILCA Title VIII.

Overview

It is the intent of the Federal Subsistence Board that wildlife management by Federal officials be coordinated with the Alaska Department of Fish and Game and involve Regional Advisory Council representatives to conserve healthy populations 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.

DELEGATION OF AUTHORITY

1. Delegation: The Project Leader of the Office of Subsistence Management is hereby delegated authority to issue emergency regulations (special actions) affecting wildlife on Federal lands as outlined under 2. Scope of Delegation.

2. Scope of Delegation: The regulatory authority hereby delegated is limited to authority to open, close or adjust Federal subsistence wildlife seasons and to set harvest and possession limits. This delegation may be exercised only when it is necessary to conserve wildlife populations or to continue subsistence uses, and only after staff analysis of the potential action and unanimous consent of the Staff Committee.

All other proposed changes to codified regulations, such as customary and traditional use determinations, Section 804 determinations or adjustments to method or means of take, shall be directed to the Federal Subsistence Board.

The Federal lands subject to this delegated authority are those described in the Subsistence Management Regulations for Public Lands in Alaska. You will coordinate your decisions with all affected Federal land managers and the Alaska Department of Fish and Game.

3. Effective Period: This delegation of authority is effective from the date of this letter, and continues until revoked by the Federal Subsistence Board.

4. Guidelines for Delegation: You will become familiar with the management history of wildlife in the region, with the current State and Federal regulations and management plans, and be up-to-date on population and harvest status information. You will review special action requests or situations that may require a special action and all supporting information to determine (1) if the request/situation falls within the scope of delegation, (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 your delegated authority will be forwarded to the Federal Subsistence Board for consideration. You will keep a record of all special action requests and their disposition.

You will immediately notify the Federal Subsistence Board and Staff Committee, and notify/consult with local ADF&G managers, Regional Advisory Council members, and other affected Federal conservation unit managers concerning special actions being considered. You will issue timely decisions. Users, affected State and Federal managers, law enforcement personnel, and Regional Advisory Council representatives will 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 24 hours before the State action would be effective.

You may defer a special action to the Federal Subsistence Board in instances where the proposed management action will significantly restrict a large number of Federal subsistence users. Such deferrals should not be considered where immediate management actions are necessary for conservation purposes.

Mr. Boyd

3

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

6. Authority: This delegation of authority is established pursuant to 36 CFR 242.10(d)(6) and 50 CFR 100.10(d)(6).

This delegation of authority will assure conservation of wildlife populations through sound management decisions in cooperation with State managers, thereby providing for the long-term needs of the subsistence user.

Sincerely,



Mitch Demientieff, Chair
Federal Subsistence Board

cc: Members of the Federal Subsistence Board
Regional Council Chairs
Mr. Stanley Pruszenski, Assistant Regional Director - Law Enforcement, U.S. Fish and
Wildlife Service
Mr. Frank Rue, Commissioner, Alaska Department of Fish and Game

Wildlife Delegations of Authority (excluding USFS) March 2012

<i>Unit(s)</i>	<i>Species</i>	<i>Authority Delegated</i>	<i>Authority Documentation</i>
Wrangell-St. Elias National Park and Preserve Superintendent			
Unit 5B	Moose	Close season when harvest quota is reached	§ __.26(n)(5)
Kodiak National Wildlife Refuge Manager			
Unit 8	Elk	Close season when 15% of the herd is harvested	§ __.26(n)(8)
Unit 8	Brown Bear	Issue permits within the "up to" numbers as stated in the regulations.	§ __.26(n)(8)
Lake Clark National Park and Preserve Superintendent			
Unit 9B	Brown Bear	Issue permits and close season when quota is met.	§ __.26(n)(9)
Unit 9B (that portion within the NP&P)	Sheep	Close season when harvest quota is reached	§ __.26(n)(9)
Katmai National Park and Preserve Superintendent			
Unit 9C	Brown Bear	Issue permits and close the r season when six female or ten bears have been harvested, whichever occurs first	§ __.26(n)(9)
Izembek National Wildlife Refuge Manager			
Unit 9D	Caribou	Announce quotas and close season quota is met.	§ __.26(n)(9)
Unit 9D	Moose	Close season when 10 bulls are harvested	§ __.26(n)(9)
Wrangell-St. Elias National Park and Preserve Superintendent			
Unit 11	Goat	Close season in the Park after 45 goats have been harvested	§ __.26(n)(11)
Units 11 and 12	Moose	Issue moose harvest permit to Batzulnetas Culture Camp	§ __.26(n)(11)(i)(B) § __.26(n)(12)(i)(C)
Tetlin National Wildlife Refuge Manager			
Unit 12 remainder	Caribou	Announce winter season dates and sex of animal to be taken	§ __.26(n)(12)
BLM Glennallen Field Office Manager			
Units 11 and 13 (except 13E)	Moose	Annually issue a permit to harvest 1 bull by the Tazlina/Chickaloon Culture Camp	Letter from the Board Chairman, dated 06/16/06
Unit 13	Caribou and Moose	Issue permits to harvest 2 caribou and 1 bull moose by Hudson Lake Residential Treatment Camp	§ __.26(n)(13)(iii)(B)
Unit 13	Caribou <i>or</i> Moose	Issue permits to harvest either 2 caribou or 1 bull moose by Ahtna Heritage Foundation Camp	§ __.26(n)(13)(iii)(C)
Denali National Park and Preserve Superintendent			
Unit 13	Brown Bear	Close Unit season in the Park after 4 bears have been harvested	§ __.26(n)(13)
BLM Glennallen Field Office Manager			
Units 13A and 13B	Caribou	Announce the sex that may be taken	§ __.26(n)(13)
Kenai National Wildlife Refuge Manager			
Units 15B and 15C	Moose	Close the October/ November season based on conservation concerns.	§ __.26(n)(15)
Unit 15C	Brown Bear	Announce fall and spring seasons and close season.	§ __.26(n)(15)
Togiak National Wildlife Refuge Manager			
Unit 17A (all drainages west of Right Hand Point)	Caribou	Close season and reduce harvest limit.	§ __.26(n)(17)
Units 17A and 17C (that portion consisting of the Nushagak Peninsula south of the Igushik River, Tuklung River and Tuklung Hills, west to Tvativak Bay)	Caribou	Announce harvest quota, harvest limit, number of permits available, and season closure	§ __.26(n)(17)
Units 17A remainder and 17C remainder	Caribou	Announce harvest quota, harvest limit, hunt area, and season dates.	§ __.26(n)(17)
Unit 17A	Moose	Announce winter season	§ __.26(n)(17)
Unit 18 (Goodnews River drainage and south to the Unit 18 boundary)	Moose	Close the season	§ __.26(n)(18)
Yukon Delta National Wildlife Refuge Manager and BLM Anchorage Field Office Manager			
Unit 19A remainder	Moose	Establish the harvest quota and number of draw permits and announce a season closure once the quota has been met.	§ __.26(n)(19)
BLM Eastern Interior Field Office Manager			
Units 20E, 20F, and 25C	Caribou	Close seasons/establish hunt restrictions after established quotas have been met or Nelchina CH are present.	§ __.26(n)(20) § __.26(n)(25)
Koyukuk/Nowitna National Wildlife Refuge Manager			
Units 20 and 21	Moose	Issue three permits for the Nuchalawoyya Potlatch.	§ __.26(n)(20)(iii)(C) § __.26(n)(21)(iv)(C)
Unit 21	Moose	Issue three permits for the Kaltag/Nulato Stickdance.	§ __.26(n)(21)(iv)(D)
Koyukuk/Nowitna National Wildlife Refuge Manager and BLM Central Yukon Field Office Manager			
Unit 21D (north of the Yukon River and east of the Koyukuk River)	Caribou	Announce a winter season.	§ __.26(n)(21)
Koyukuk/Nowitna National Wildlife Refuge Manager			
Unit 21B (that part of the Nowitna	Moose	Announce a five-day winter season.	§ __.26(n)(21)

River drainage downstream from and including the Little Mud River drainage)			
Unit 21D—Koyukuk Controlled Use Area	Moose	Announce March 1-5 antlerless moose season and establish cow quota.	§ __.26(n)(21)
Koyukuk/Nowitna National Wildlife Refuge Manager and BLM Central Yukon Field Office Manager			
Unit 21D—Koyukuk Controlled Use Area	Moose	Announce Apr 10-15 antlered bull season in Unit 21(D) remainder and establish quota.	§ __.26(n)(21)
Unit 21D remainder	Moose	Announce antlerless moose season and establish cow quota	§ __.26(n)(21)
Innoko National Wildlife Refuge Manager			
Unit 21E	Moose	Establish permit conditions and announce closures for the winter season	§ __.26(n)(21)
BLM Anchorage Field Office Manager			
Unit 22B (west of Golovin Bay and west of a line along the west bank of the Fish and Niukluk Rivers and excluding the Libby River drainage)	Caribou	Open a season between May 1 and Sept. 30.	§ __.26(n)(22)
Bering Land Bridge National Preserve Superintendent			
Unit 22	Moose and Musk Ox	Issue permits to take one moose and one musk ox for the Kingikmiut Dance Festival	§ __.26(m)(22)(iii)(D)
BLM Anchorage Field Office Manager			
Unit 22A (that portion in the Unalakleet drainage and all drainages flowing into Norton Sound north of the Golsovia River drainage and south of the Tagoomenik and Shaktoolik River drainages)	Moose	Close the season.	§ __.26(n)(22)
Unit 22B (west of the Darby Mountains)	Moose	Announce quota and closures for fall and winter seasons.	§ __.26(n)(22)
Unit 22D (that portion within the Kougarok, Kuzitrin, and Pilgrim River drainages)	Moose	Announce quota and closures for the season.	§ __.26(n)(22)
Unit 22D (that portion west of the Tisuk River drainage and Canyon Creek)	Moose	Announce quota and closures for fall and winter seasons.	§ __.26(n)(22)
Unit 22B	Musk Ox	Announce quotas and closures.	§ __.26(n)(22)
Western Arctic National Parklands Superintendent			
Units 22D and 22E	Musk Ox	Announce quotas and closures.	§ __.26(n)(22)
Unit 23	Musk Ox	Announce quotas and closures.	§ __.26(n)(23)
Unit 23 (south of Rabbit Creek, Kiyak Creek, and the Noatak River, and west of the Cutler and Redstone Rivers (Baird Mountains)) and Unit 23 (north of Rabbit Creek, Kiyak Creek, and the Noatak River, and west of the Anuk River (DeLong Mountains))	Sheep	Close seasons when quotas are reached	§ __.26(n)(23)
Koyukuk/Nowitna National Wildlife Refuge Manager and BLM Central Yukon Field Office Manager			
Unit 24C and 24D (that portion within the Koyukuk Controlled Use Area and Koyukuk National Wildlife Refuge)	Moose	Announce March 1-5 antlerless moose season or April 10-15 antlered bull season and establish quota.	§ __.26(n)(24)
Yukon Flats National Wildlife Refuge Manager			
Unit 25D (west)	Moose	Close season when 60 moose have been harvested.	§ __.26(n)(25)
Western Arctic National Parklands Superintendent			
Unit 26A (that portion west of Howard Pass and the Etivluk River (DeLong Mountains)) and Units 26A and 26B (for Anaktuvuk pass residents only)	Sheep	Close seasons when quotas are reached.	§ __.26(n)(26)
Arctic National Wildlife Refuge Manager			
Unit 26C	Musk Ox	Establish number of permits to be issued.	§ __.26(n)(26)

Fisheries and Wildlife Management Authority Delegated to Federal Officials in the Southeastern and Yakutat Areas from the Federal Subsistence Board

March, 2013

Fisheries Management Delegated to the US Forest Service in the Southeastern and Yakutat Areas

Management Area	Species	Delegated Official	Authority Delegated
Ranger District	All Fish	Each District Ranger for their Ranger District	To issue emergency special actions not to exceed 60 days to “open or close Federal public waters for the taking of fish for subsistence uses, or modify the requirements for take for subsistence uses, or close Federal public waters to take for non-subsistence uses of fish, or restrict the requirements for take for non-subsistence uses”.

Wildlife Management Delegated to the US Forest Service in the Southeastern and Yakutat Areas

Management Area	Species	Delegated Official	Authority Delegated
Admiralty Ranger District	Deer	Admiralty District Ranger	To issue emergency special actions not to exceed 60 days or Temporary Special Actions to set Federal subsistence harvest quotas, close, reopen or adjust harvest and possession limits for deer. You may also close Federal Public lands to the take of this species by all users.
Craig Ranger District	Deer Wolves	Craig District Ranger	To issue emergency special actions not to exceed 60 days or Temporary Special Actions to set Federal subsistence harvest quotas, close, reopen or adjust harvest and possession limits for deer. You may also close Federal Public lands to the take of this species by all users. To close the Federal hunting and trapping seasons when the combined Federal-State harvest quota is reached.
Hoonah Ranger District	Deer Brown Bear	Hoonah District Ranger	To issue emergency special actions not to exceed 60 days or Temporary Special Actions to set Federal subsistence harvest quotas, close, reopen or adjust harvest and possession limits for deer. You may also close Federal Public lands to the take of this species by all users. To issue up to five Federal Registration Permits to take brown bears for educational purposes associated with teaching customary and traditional practices.

Continued:

Wildlife Management Delegated to the US Forest Service in the Southeastern and Yakutat Areas

Management Area	Species	Delegated Official	Authority Delegated
Juneau Ranger District	Deer Moose Mountain Goats	Juneau District Ranger	To issue emergency special actions not to exceed 60 days or Temporary Special Actions to set Federal subsistence harvest quotas, close, reopen or adjust harvest and possession limits for deer, moose and mountain goats. You may also close Federal Public lands to the take of this species by all users.
Ketchikan-Misty Fiords Ranger District	Deer Moose Mountain Goats	Ketchikan-Misty Fiords District Ranger	To issue emergency special actions not to exceed 60 days or Temporary Special Actions to set Federal subsistence harvest quotas, close, reopen or adjust harvest and possession limits for deer, moose and mountain goats. You may also close Federal Public lands to the take of this species by all users.
Petersburg Ranger District	Deer Moose Mountain Goats	Petersburg District Ranger	To issue emergency special actions not to exceed 60 days or Temporary Special Actions to set Federal subsistence harvest quotas, close, reopen or adjust harvest and possession limits for deer, moose and mountain goats. You may also close Federal Public lands to the take of this species by all users. Also, to extend the deer season in Unit 3 until Dec. 31.
Sitka Ranger District	Deer Mountain Goats Brown Bear	Sitka District Ranger	To issue emergency special actions not to exceed 60 days or Temporary Special Actions to set Federal subsistence harvest quotas, close, reopen or adjust harvest and possession limits for deer and mountain goats. You may also close Federal Public lands to the take of this species by all users. To issue Federal Registration Permits, to harvest up to three mountain goats from Baranof Island, to the Sitka Tribe of Alaska or the Southeast Alaska Indian Cultural Center for Cultural and Educational purposes. To issue up to five Federal Registration Permits to take brown bears for educational purposes associated with teaching customary and traditional practices.
Thorne Bay Ranger District	Deer Wolves	Thorne Bay District Ranger	To issue emergency special actions not to exceed 60 days or Temporary Special Actions to set Federal subsistence harvest quotas, close, reopen or adjust harvest and possession limits for deer. You may also close Federal Public lands to the take of this species by all users. To close the Federal hunting and trapping seasons when the combined Federal-State harvest quota is reached.

Continued:

Wildlife Management Delegated to the US Forest Service in the Southeastern and Yakutat Areas

Management Area	Species	Delegated Official	Authority Delegated
Wrangell Ranger District	Deer Moose Mountain Goats	Wrangell District Ranger	To issue emergency special actions not to exceed 60 days or Temporary Special Actions to set Federal subsistence harvest quotas, close, reopen or adjust harvest and possession limits for deer, moose and mountain goats. You may also close Federal Public lands to the take of this species by all users.
Yakutat Ranger District	Deer Moose Mountain Goats	Yakutat District Ranger	To issue emergency special actions not to exceed 60 days or Temporary Special Actions to set Federal subsistence harvest quotas, close, reopen or adjust harvest and possession limits for deer, moose and mountain goats. You may also close Federal Public lands to the take of this species by all users.

Wildlife Management Delegated to the National Park Service in the Yakutat Area

Management Area	Species	Delegated Official	Authority Delegated
Unit 5 B	Moose	National Park Service	To close the season when 25 antlered bulls have been taken.



Climate Change and the Alaska Region

Background: The Forest Service mission is to sustain ecosystem health, diversity, and productivity to meet the needs of present and future generations. Climate change will amplify the already difficult task of managing national forests for multiple goals. Broad policy guidance for addressing the impacts of climate change on national forest resources can be found in Presidential Executive Orders, Department of Agriculture Strategic Direction, and Forest Service Regulation and Policy.

Alaska Region Actions on Climate Change:

Climate Change Performance Scorecard – Every national forest conducts an annual evaluation of its performance on ten climate change and sustainable operation metrics (elements). In fiscal year 2013, the Tongass NF successfully accomplished five of ten elements and the Chugach NF accomplished six of ten elements.

Forest Service Research – Forest Service research (primarily through the Pacific Northwest Research Station) is conducting a wide variety of climate-related science throughout Alaska. Social scientists are investigating the effect of climate change on subsistence foods; forestry research is examining how a changing climate impacts forest health and individual species such as yellow cedar; fisheries scientists are exploring the means by which climate change is altering the life cycle of salmon; and bird biologists are documenting changes in annual migration patterns and timing.

Land Management Planning – Forest Service land management planning regulations (36 CFR 219) requires national forests and grasslands to “emphasize restoration of natural resources to make our ... lands more resilient to climate change, protect water resources, and improve forest health.” The planning rule further requires national forests to assess the vulnerability of key resources to environmental changes and to monitor the effects of climate change.

Climate Change Vulnerability Assessments – Both the Chugach and Tongass NFs are currently conducting climate change vulnerability assessments. The Chugach NF is conducting an assessment focused on effects to recreation resources in conjunction with its Forest Plan revision. The ongoing Tongass NF climate vulnerability assessment is focused on ice, water, and fisheries resources.

Education – The Alaska Region participates with governmental and non-governmental organizations to disseminate information demonstrating how the Forest Service is working with others to address climate change related resource issues. The Alaska Region is a national leader in climate change education delivered to youth and international audiences.

Partnerships – The Alaska Region has engaged in wide range of partnerships to share information, resources, and capacity to address climate change issues, including:

- CCTHITA
- State of Alaska
- University of Alaska
- Department of the Interior Agencies
- Pacific Northwest Research Station
- Alaska Coastal Rainforest Center
- Defenders of Wildlife
- Eco-Adapt

For More Information, contact Wayne Owen, Alaska Region Director of Wildlife, Fisheries, Ecology, Watershed, and Subsistence Management at wowen@fs.fed.us or (907) 586-7916.

Food Security

The topic of food security is an emerging issue and is closely linked to land management activities, climate change and the management of wild renewable resources. The following information is provided to introduce the subject to those not familiar with this issue.

Definition:

The World Health Organization defines food security as “when all people at all times have access to sufficient, safe, nutritious food to maintain a healthy and active life”.

Food Security is defined by Carolina Behe at the 2012 Inuit Circumpolar Council as the successful junction of three components of local resources:

- Availability
- Accessibility
- Utilization

Behe, Carolina. July 10, 2012. How to assess Food Security from an Inuit Perspective: Building a Framework on How to assess Food Security in the Alaskan Arctic

There is also considerable interest in promoting the use of locally grown, harvested and produced foods. The following websites may appeal to

locavores. <http://sitklocalfoodsnetwork.org/>; <http://www.locavores.com/>

Food Vulnerability

Food security may be compromised due to:

- Climate change
- Human developments
- Cultural shifts
- Harvest regulations and competition

Accountability

How do we evaluate and maintain food security

- Understand the dynamics effecting the abundance and distribution of wild resources
- Incorporate and provide consideration for the social and cultural consequences of land management and other human induced sources of disruptions
- Recognize that harvest and land use regulations may effect food security
- Factors affecting food security should be recognized and minimized

Agency Policies

The Strategic Plan for FY2012-2015 by the U.S. Department of Agriculture references food security in Strategic Goal 2, Objective 2.1:

“Restoring declining ecosystems and protecting healthy one will ensure the Nation’s lands are resilient to threats and impacts from a changing climate. It will also provide ecosystem benefits, food, fiber, and timber and non-timber products in a sustainable way.”

Current Events

The Alaska Federation of Natives adopted a “FOOD SECURITY AND MANAGEMENT OF SUBSISTENCE RESOURCES ACTION PLAN” during their 2012 Annual Convention. Major components of this plan included:

- Restoration of Native rights to harvest wild renewable resources and promote a meaningful role for Alaska Natives in management of the resources
- Expansion of federal jurisdiction to waters up-stream and down-stream from federal enclaves and to Native allotments and advocate for a Constitutional Amendment to Alaska’s Constitution that would recognize Alaska Native subsistence rights
- Work within established groups and statutes (Marine Mammal Protection Act, the Migratory Bird Treaty Act and North Pacific Fisheries Management Council) to adopt management measures through consultation with affected tribes that will protect subsistence uses

The report “The Inuit and the Right to Food”, a submission to the United Nations Special Rapporteur on the Right to Food for the Official Country, Mission to Canada, 2012; defines the right to food as:

“The right to have regular, permanent and free access, either directly or by means of financial purchases, to quantitatively and qualitatively adequate and sufficient food corresponding to the cultural traditions of the people to which the consumer belongs, and which ensures a physical and mental, individual and collective, fulfilling and dignified life free of fear.”

In 2005 Sophie Thériault et al. published an article in the Alaska Law Review, “THE LEGAL PROTECTION OF SUBSISTENCE: A PREREQUISITE OF FOOD SECURITY FOR THE INUIT OF ALASKA”. The following is the executive summary:

“For the last twenty-five years, the legal protection of subsistence in Alaska has given rise to legal and political controversies. Subsistence is closely related to the concept of “food security,” as defined by the World Food Summit. The purpose of this Article is to highlight the need to recognize and critically examine the link between food security and the efficient legal protection of the traditional hunting, fishing, and gathering activities of the Inuit people of Alaska. The Article first describes the genesis and evolution of the subsistence debate in Alaska. It then attempts to demonstrate that the legal protection of subsistence is a prerequisite to Inuit food security for nutritional, cultural, and economic reasons. Finally, the Article identifies specific features of the Alaskan legal regime that threaten Inuit subsistence and food security.”

The Alaska Indigenous blog published an article by Tim Aqukkasuk on August 9, 2013 titled Food Security in the North pt2: how to win the subsistence debate. Concepts highlighted in this blog include:

Conflict should be expected because country food harvesting is governed by state and federal regulation rather than local indigenous management regimes that recognize differences in social and economic circumstances between rural Native and urban non-Native people.

Fisheries Resource Monitoring Program

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

Overview

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

Funding Regions

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

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

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

Subsistence Resource Concerns

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

In the coming year there will be at least two opportunities for Regional Advisory Councils and other stakeholders to discuss subsistence fishery resource concerns for their Monitoring Program funding regions. These discussions will occur at each of the winter 2014 and fall 2015 Regional Advisory Councils meetings. Resource concerns identified during these discussions will be used to direct the request for proposals for studies on subsistence fisheries during the 2016 funding cycle.

Funding Cycles

Every two years the Monitoring Program requests proposals for studies on subsistence issues such as subsistence harvest (Harvest Monitoring), traditional knowledge of subsistence resources (Traditional Ecological Knowledge), and the populations of subsistence fish resources (Stock Status and Trends). The most recent funding cycle for the Monitoring Program occurred in 2014. The request for proposals was announced in spring of 2013 and funding decisions were made in winter of 2014. Projects selected to receive funding in 2014 will last from one to four years depending on the duration of the proposed study. The next funding cycle will begin with a request for proposals in spring of 2015 and funding decisions (Monitoring Plan) announced in 2016.

Funding Recommendations

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

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

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

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

The Partners for Fisheries Monitoring
Call for Funding 2016-2019

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

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

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

Timeline:

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

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

Federal Subsistence Regional Advisory Council

MEMBERSHIP INFORMATION

Membership applications or nominations for seats on the 10 Federal Subsistence Regional Advisory Councils are being accepted now through **March 21, 2014**.

The Regional Advisory Councils provide advice and recommendations to the Federal Subsistence Board about subsistence hunting, trapping, and fishing issues on Federal public lands. Membership on the Councils is one way for the public to become involved in the Federal subsistence regulatory process.

Each Council has either 10 or 13 members, and membership includes representatives of subsistence use and commercial/sport use.

Council Membership

Regional Advisory Council members are usually appointed to three-year terms. The Councils meet at least twice a year; once in the fall (August through October) and once in the winter (February or March). While Council members are not paid for their volunteer service, their transportation and lodging are pre-paid and per diem is provided for food and other expenses under Federal travel guidelines.

Council Responsibilities:

- **Review and make recommendations to the Federal Subsistence Board** on proposals for regulations, policies, management plans, and other subsistence-related issues;
- **Develop proposals that provide for the subsistence harvest of fish and wildlife;**
- **Encourage and promote local participation** in the decision-making process affecting subsistence harvests on Federal public lands;
- **Make recommendations on customary and traditional use determinations** of subsistence resources; and,
- **Appoint members** to National Park Subsistence Resource Commissions

Membership Criteria Who Qualifies?

- ✓ RESIDENT of the region member represents
- ✓ RESOURCE KNOWLEDGE – Knowledge of the region's fish and wildlife resources
- ✓ SUBSISTENCE USES – Knowledge of the region's subsistence uses, customs, and traditions
- ✓ OTHER USES – Knowledge of the region's sport, commercial, and other uses
- ✓ LEADERSHIP SKILLS – Leadership and experience with local and regional organizations
- ✓ COMMUNICATION SKILLS – Ability to communicate effectively
- ✓ AVAILABILITY – Willingness to travel to attend two or more Regional Advisory Council meetings each year (usually in October and February) and occasionally attend Federal Subsistence Board meetings.

“Sharing common values and developing solutions to resource problems helps to bridge cultures by developing trust and respect through active communication and compromise. Our meetings allow warm renewal of decades of friendships and acquaintances.... Basically, membership on a Regional Advisory Council comes down to a lot of hard work, mutual respect, willingness to compromise, and a sense of humor. As a result, one develops the ultimate satisfaction of being able to help folks you care about.”

*-Pat Holmes, Council member,
Kodiak/Aleutians Regional Advisory Council*

2014 Application Timeline

March 21	Deadline for submitting membership applications and nominations.
Mar.-May.	Regional panels conduct interviews.
Aug.	Federal Subsistence Board reviews panel reports and develops recommendations.
Sept.-Dec.	Secretaries of the Interior and Agriculture review recommendations and appoint members to the Regional Advisory Councils.

Federal Subsistence Regional Council Coordinators

Federal Subsistence Regional Advisory Council coordinators facilitate the work of the Regional Advisory Councils and serve as the primary contacts for the Councils.

Southeast Alaska, Region 1:

Robert Larson, Petersburg
(907) 772-5930; fax: (907) 772-5995
e-mail: robertlarson@fs.fed.us

Southcentral Alaska, Region 2 / Bristol Bay, Region 4:

Donald Mike, Anchorage
(800) 478-1456 or (907) 786-3629; fax: 786-3898
e-mail: donald_mike@fws.gov

Kodiak/Aleutians, Region 3:

Carl Johnson, Anchorage
(800) 478-1456 or (907) 786-3676; fax: 786-3898
e-mail: carl_johnson@fws.gov

Western Interior Alaska, Region 6 / Northwest Arctic, Region 8:

Melinda Hernandez, Anchorage
(800) 478-1456 or (907) 786-3885; fax: 786-3898
e-mail: melinda_hernandez@fws.gov

Yukon-Kuskokwim Delta, Region 5 /

Seward Peninsula, Region 7:

Alex Nick, Bethel
(800) 621-5804 or (907) 543-1037; fax: 543-4413
e-mail: alex_nick@fws.gov

Eastern Interior Alaska, Region 9 / North Slope, Region 10:

Eva Patton, Anchorage
(800) 478-1456 or (907) 786-3358; fax: 786-3898
e-mail: eva_patton@fws.gov

Federal Subsistence Board

The Federal Subsistence Board oversees the Federal Subsistence Management Program. The Board members include Alaska heads of the U.S. Fish and Wildlife Service, National Park Service, Bureau of Land Management, Bureau of Indian Affairs, and U.S. Forest Service. The Board's chair is a representative of the Secretaries of the Interior and Agriculture. In 2012, the Secretaries added two seats for representatives of rural Alaska subsistence users. Federal Subsistence Regional Advisory Councils and State of Alaska representatives play active roles in Board deliberations.

For more information on the nominations process and for a full application packet, go to:

<http://www.doi.gov/subsistence/councils/application/index.cfm>

Number of Regional Advisory Council Applications Received Each Year

	<i>SE</i>	<i>SC</i>	<i>KA</i>	<i>BB</i>	<i>YK</i>	<i>WI</i>	<i>SP</i>	<i>NW</i>	<i>EI</i>	<i>NS</i>	TOTAL
1995											104
1996	13	18	11	10	19	11	20	11	10	5	128
1997	18	11	11	7	8	7	7	4	11	4	88
1998	13	10	15	8	18	11	9	9	7	8	108
1999	17	15	7	12	16	7	7	5	7	6	99
2000	17	13	13	9	15	9	8	3	20	8	114
2001	20	11	9	5	16	14	3	4	11	5	98
2002	19	16	8	8	13	8	7	5	14	9	107
2003	17	17	4	10	13	9	5	7	7	5	96
2004	14	16	10	7	16	8	7	8	6	8	100
2005	7	7	5	3	7	4	9	5	6	5	58
2006	10	8	1	5	9	3	5	9	7	3	60
2007	17	16	8	9	17	6	5	2	12	3	95
2008	9	8	5	8	12	7	7	4	3	4	67
2009	12	12	4	3	11	5	2	6	7	2	64*
2010	15	14	6	7	6	6	2	8	8	3	75*
2011	15	9	7	7	12	6	8	4	7	5	81
2012	11	10	7	7	11	5	4	5	4	3	67
2013	13	7	5	5	12	5	6	6	11	4	74*

NOTE: No information is available for the years 1993 and 1994.

* Too few applications were received in the initial application period so a second call for applications was published. This number is the total of both application periods open that cycle.

Western Interior Alaska Subsistence Regional Advisory Council
c/o U.S. Fish and Wildlife Service
1011 East Tudor Road, MS 121
Anchorage, AK 99503
Phone: (907) 786-3888, Fax (907) 786-3898
Toll Free: 1-800-478-1456

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FEB 12 2014

Honorable Sally Jewell
Secretary of the Interior
U.S. Department of the Interior
Office of the Secretary
1849 C Street, N.W.
Washington, D.C. 20240

Dear Secretary Jewell:

The Western Interior Alaska Subsistence Regional Advisory Council (Council) is one of the ten Federal Subsistence Regional Advisory Councils formed under Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) and chartered under the Federal Advisory Committee Act (FACA). Section 805 of ANILCA and the Council's charter establish its authority to initiate, review, and evaluate regulations, policies, management plans, and other matters related to subsistence on Federal public lands and waters within the Western Interior Alaska region. The Council provides a regional forum for discussion and recommendations for subsistence related issues on public lands.

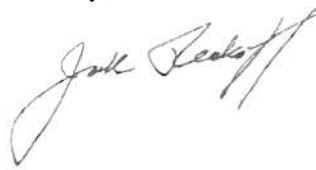
All of the Councils are dealing with an extremely late completion of the annual Secretarial Appointment process to fill Council seats. The delay also happened last year, and this Council sent a letter to you expressing concerns about the problem (see enclosure). This year's delay is even worse than last year, making each year progressively later in completing official appointments. Terms expired on December 2, 2013 for three seats on our Council. It is now February 11, less than 3 weeks before our winter meeting—we only just received word on February 6, 2014 on appointments for two seats and the question remains as to who will be appointed to fill the third seat.

The delay in appointments has had a negative effect on the planning and execution of important and extensive work which must be completed in a timely manner prior to our meetings. Further, these delays have discouraged applicants and future applicants from serving on the Council. This is a disastrous consequence given the steady decrease in the number of applications in recent years. Our Council wishes to re-emphasize that steps must be taken to ensure delays in

appointments do not continue. We suggest our Council charters be amended to allow for a member to continue serving until official Secretarial Appointments are made.

It is an important role for this Council, and others, to assist the Federal Subsistence Program in meeting its charge of protecting subsistence resources and uses of these resources on public lands and waters in Alaska. We cannot fulfill our role when timely appointments to fill vacant seats are not given a priority. If you have questions about this letter, please contact me via Melinda Burke, Subsistence Council Coordinator, with the Office of Subsistence Management at 1-800-478-1456 or (907) 786-3885.

Sincerely,



Jack Reakoff, Chair

Enclosure

cc: Tom Vilsack, Secretary of Agriculture, USDA
Laura Marquez, White House Liaison
Pat Pourchot, Special Assistant for Alaska Affairs, DOI
Geoff Haskett, Regional Director, USFWS Region 7
Eugene R. Peltola Jr., Assistant Regional Director, OSM
Karen Hyer, Acting Deputy Assistant Regional Director, OSM
David Jenkins, Policy Coordinator, OSM
Carl Johnson, Council Coordination Division Chief, OSM
Federal Subsistence Board
Interagency Staff Committee
Western Interior Alaska Subsistence Regional Advisory Council
Administrative Record

**Western Interior Alaska Subsistence Regional Advisory Council
c/o U.S. Fish and Wildlife Service
1011 East Tudor Road, MS 121
Anchorage, AK 99503
Phone: (907) 786-3888, Fax (907) 786-3898
Toll Free: 1-800-478-1456**

RAC WII3014.MH

MAY 06 2013

Honorable Sally Jewel
Secretary of Interior
U.S. Department of the Interior
Office of the Secretary
1849 C Street, N.W.
Washington, D.C. 20240

Dear Secretary Jewel:

The Western Interior Alaska Subsistence Advisory Council (Council) is one of the ten regional councils formed under Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) and chartered under the Federal Advisory Committee Act (FACA). Section 805 of ANILCA and the Council's charter establish its authority to initiate, review, and evaluate regulations, policies, management plans, and other matters related to subsistence on Federal public lands and waters within the Western Interior Alaska region. The Council provides a forum for discussion and recommendations for subsistence fish and wildlife management in the region.

The Council met in Galena, Alaska, on March 5-6, 2013, and conducted a public meeting regarding subsistence issues. Among the topics discussed at this meeting were the very late Secretarial appointments to the Regional Subsistence Advisory Councils as well as the currently vacant Assistant Regional Director position since the departure of Peter J. Probasco at the Office of Subsistence Management (OSM).

Our way of life and the extreme weather common to our region are just two of the factors that make it necessary for the Council to plan well in advance for travel (personal and Council) as well as seasonal food gathering activities. The extremely late appointments create tremendous difficulties for individuals to plan in advance for travel and Council commitments. Further, our support staff needs sufficient time to plan for the very complicated logistical arrangements necessary for travel to and from rural Alaska communities. This year's delay was significantly longer than we have experienced in the past. Two of our incumbent council members did not hear about their appointment status until less than two weeks before our most recent scheduled gathering. Shockingly, it is my understanding that there remains at least one Council that has not

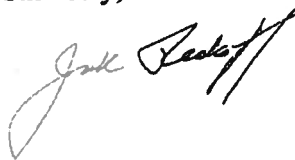
received word of a member's reappointment, amounting to a nearly four-month delay. Such delays are unacceptable to our statutory "meaningful role" in Federal subsistence management of fish and wildlife. Steps need to be taken as soon as possible so that delays in these very important and critical appointments do not happen again.

In the future, this Council would appreciate correspondence from the Office of Subsistence Management if these delays persist. Incumbent applicants must be informed of the status of appointments if they are expected to prepare for coming meetings and allow time in their schedules for travel. Old appointments expire in early December, which is when the announcement for appointments to those vacant seats is anticipated. New applicants may assume they have not been appointed if no official notice is sent about the delay. This could affect their ability to travel to their meetings, as lead time is necessary for the proper authorizations as well as clearing their personal calendars for Council duties.

The recent high number of retirements, budget issues, sequestration, and hiring freeze has caused great concern among the Council regarding the leadership and workload of OSM. The permanent hiring of a new Assistant Regional Director is a critical action which this Council feels needs to happen as soon as possible. This Council would be willing to correspond and provide any supporting language to make this happen soon, despite the current hiring freeze.

Thank you for the opportunity for this Council to assist the Federal Subsistence Management Program to meet its charge of protecting subsistence resources and uses of our resources on Federal public lands and waters. We look forward to continuing discussions about the issues and concerns of subsistence users of the Western Interior Region. If you have questions about this correspondence, please contact me via Melinda Hernandez, Subsistence Council Coordinator with OSM, at (907) 786-3885.

Sincerely,



Jack Reakoff, Chair
Western Interior Alaska Subsistence
Regional Advisory Council

cc: Kathleen M. O'Reilly-Doyle, Acting Assistant Regional Director, OSM
David Jenkins, Acting Deputy Assistant Regional Director, OSM
Carl Johnson, Council Coordination Division Chief, OSM
Melinda Hernandez, Council Coordinator, OSM
Pat Pourchot, Special Assistant for Alaska Affairs, DOI
Federal Subsistence Board
Western Interior Regional Advisory Council
Administrative Record

Summary of Federal Subsistence Special Actions in the Southeastern Alaska and Yakutat Areas

2013 Calendar Year

Special Action Number	Area & Species Affected	Summary of Action	Authorized By
FSA 13-EU-01-13	District 1 eulachon	Closed Federal public waters draining into District 1 to the taking of eulachon by all users from March 1, through April 29, 2013.	USFS Ketchikan District Ranger via authority delegated by the Federal Subsistence Board
FSA 13-KS-02-13	Yakutat Area Situk River Chinook salmon	Closed the Chinook salmon fishery in the Situk River and prohibited fishing with gillnet gear and the use of bait when fishing with rod and reel in the Situk River. The closure was effective from May 19 through July 18, 2013.	USFS Yakutat District Ranger via authority delegated by the Federal Subsistence Board
FSA 13-01	District 8 Stikine River Chinook Salmon	Closed the May 15-June 20, 2013 subsistence Chinook salmon fishery on the Stikine River and delegated authority to the Wrangell District Ranger to reopen the fishery if the in-season Chinook salmon terminal area abundance estimate allows a directed fishery	Federal Subsistence Board
FSA 13-KS-03-13	District 8 Stikine River Chinook Salmon	Reopened the Chinook salmon fishery on the Stikine River on June 15, 2013.	USFS Wrangell District Ranger via authority delegated by the Federal Subsistence Board
FSA 13-RS-04-13	District 6 Hatchery Creek sockeye salmon	Closed the sockeye salmon fishery in the Hatchery Creek drainage from June 26 through August 23, 2013. Closed the portion of the Hatchery Creek drainage, from 100 feet upstream of the upper falls to 100 feet downstream of the lower falls to all Federal subsistence fishing. The remainder of the drainage was open to subsistence fishing with rod and reel or dip net gear, however, any sockeye caught had to be released. Beginning August 1, Federally qualified users could fish for coho salmon with rod and reel or dip net gear at the upper and lower falls. Any sockeye caught must be immediately released.	USFS Thorne Bay District Ranger via authority delegated by the Federal Subsistence Board
WSA 13-BD-05-13	Unit 3 Lindenberg Peninsula, Kupreanof, Island deer	Reduced the deer season from August 1-November 30 to October 15-31 and reduced the harvest limit from two bucks to one buck in the Lindenberg Peninsula portion of Kupreanof Island near Petersburg effective August 1, 2013	USFS Petersburg District Ranger via authority delegated by the Federal Subsistence Board
FSA 13-KS-06-13	Yakutat Area Situk River Chinook salmon	Reopened the Chinook salmon fishery in the Situk River on July 12, 2013.	USFS Yakutat District Ranger via authority delegated by the Federal Subsistence Board
WSA 13-MG-07-13	Unit 4 Baranof Island mountain goat	Closed the watersheds of Blue Lake, Medvejie Lake and the South Fork Katlian River watershed on Baranof Island to the harvest of mountain goats from August 1 through December 31, 2013.	USFS Sitka District Ranger via

Special Action Number	Area & Species Affected	Summary of Action	Authorized By
WSA 13-MG-08-13	Unit 4 Baranof Island mountain goat	Closed the Federal goat hunting season within the Nakwasina River watershed on Baranof Island August 28 through October 26, 2013.	USFS Sitka District Ranger via authority delegated by the Federal Subsistence Board
WSA 13-MG-09-13	Unit 4 Baranof Island mountain goat	Closed the Federal goat hunting season within the Redoubt-Necker Bay zone on Baranof Island September 12 through November 10, 2013.	USFS Sitka District Ranger via authority delegated by the Federal Subsistence Board
WSA 13-MG-10-13	Unit 4 Baranof Island mountain goat	Extended previous Federal goat hunting closures in the watersheds of Blue Lake, Medvejie Lake, South Fork Katlian River and Nakwasina River watersheds and the Redoubt-Necker Bay zone on Baranof Island in Unit 4 for the remainder of the 2013 season.	USFS Sitka District Ranger via authority delegated by the Federal Subsistence Board
WSA-13-MO-11-13	Unit 5A Yakutat moose	Established the moose harvest quota for Unit 5A except the Nunatak Bench at 55 bulls, with no more than 25 of those bulls to be taken from the area west of the Dangerous River for the 2013 Federal moose season which is October 8-November 15.	USFS Yakutat District Ranger via authority delegated by the Federal Subsistence Board
WSA-13-MO-12-13	Unit 5A Yakutat moose	Closed the moose season for that portion of Unit 5A west of the Dangerous River, except the Nunatak Bench, effective October 27.	USFS Yakutat District Ranger via authority delegated by the Federal Subsistence Board

WP14-11 Executive Summary	
General Description	Proposal WP14-11, submitted by Andy McLaughlin of Chenega Bay, requests that Unit 7, that portion that drains into Kings Bay be opened for a limited moose hunt of one bull per community (Chenega Bay, Cooper Landing, Hope, and Tatitlek) every 4 years.
Proposed Regulation	<p>Unit 7—Moose</p> <p><i>Unit 7 – that portion draining into Kings Bay. Aug. 10–Sept. 20</i></p> <p>1 bull moose every four regulatory years by Federal registration permit only, issued by the Chugach National Forest Supervisor, and per community limit as follows:</p> <p>Chenega Bay—1 bull moose;</p> <p>Cooper Landing—1 bull moose;</p> <p>Hope—1 bull moose;</p> <p>Tatitlek—1 bull moose.</p> <p><i>Federal public lands are closed to the harvest of moose except to residents of Chenega Bay, Cooper Landing, Hope, and Tatitlek</i></p>
OSM Preliminary Conclusion	Oppose
Southcentral Regional Council Recommendation	
Interagency Staff Committee Comments	
ADF&G Comments	
Written Public Comments	None

DRAFT STAFF ANALYSIS WP14-11

ISSUES

Proposal WP14-11, submitted by Andy McLaughlin of Chenega Bay, requests that Unit 7, that portion that drains into Kings Bay be opened for a limited moose hunt of one bull per community (Chenega Bay, Cooper Landing, Hope, and Tatitlek) every 4 years.

DISCUSSION

The proponent does not want Chenega Bay and Tatitlek residents to lose the occasional opportunity to harvest a moose in this area that their ancestors commonly used. The proponent estimates that the historical average moose harvest in Kings Bay drainage by residents of Tatitlek and Chenega Bay has been at least one bull moose every 10 years. The proponent states the presumption that the moose population is limited given that there has been no recent population survey should not be a reason for having no open season, since moose move freely into this area on an annual basis.

Community harvest limits are discussed in Federal subsistence regulations (36 CFR 242 and 50 CFR 100.6(e) and 100.26(e)(2)). They state that a community harvest system can be implemented through subpart D (general regulations) of the subsistence regulations. The community harvest limit and season will apply only to members of communities with established community harvest limits, hunting on Federal public lands in the portion of Unit 7 draining into Kings Bay. Members of these communities could take moose from other areas if they have not already taken a moose in the current regulatory year, and it would not count towards the community harvest limit.

An ANILCA Section 804 analysis is not necessary to establish the community harvest system, because the proponent is not asking the Board to limit the distribution of Federal permits. Any resident of a community would be eligible to get a Federal permit and to hunt, until 1 bull moose is taken, after which hunting would be closed to that community until the passing of 3 regulatory years.

Existing Federal Regulation

Unit 7—Moose

Unit 7 – that portion draining into Kings Bay – Public lands are closed No open season to the taking of moose by all users

Federal public lands are closed to the harvest of moose.

Proposed Federal Regulation

Unit 7—Moose

Unit 7 – that portion draining into Kings Bay. 1 bull moose every four regulatory years by Federal registration permit only, issued by the Chugach National Forest Supervisor, and per community limit as follows:

Chenega Bay—1 bull moose;

Cooper Landing—1 bull moose;

Hope—1 bull moose;

Tatitlek—1 bull moose.

Federal public lands are closed to the harvest of moose except to residents of Chenega Bay, Cooper Landing, Hope, and Tatitlek

Existing State Regulation

Unit 7 remainder

Residents and Nonresidents: One bull with spike on at least one side or 50-inch antlers or antlers with 4 or more brow tines on at least one side. Aug. 20 – Sept 20

Extent of Federal Public Lands

Approximately 80% of the lands in Unit 7 are comprised of Federal public lands consisting of approximately 53% U.S. Forest Service (USFS) managed lands, 23% National Park Service managed lands and 2% U.S. Fish and Wildlife managed lands (**Map 1**).

Customary and Traditional Use Determinations

Residents of Chenega Bay, Tatitlek, Cooper Landing, and Hope have a customary and traditional use determination for moose in that portion of Unit 7 draining into Kings Bay.

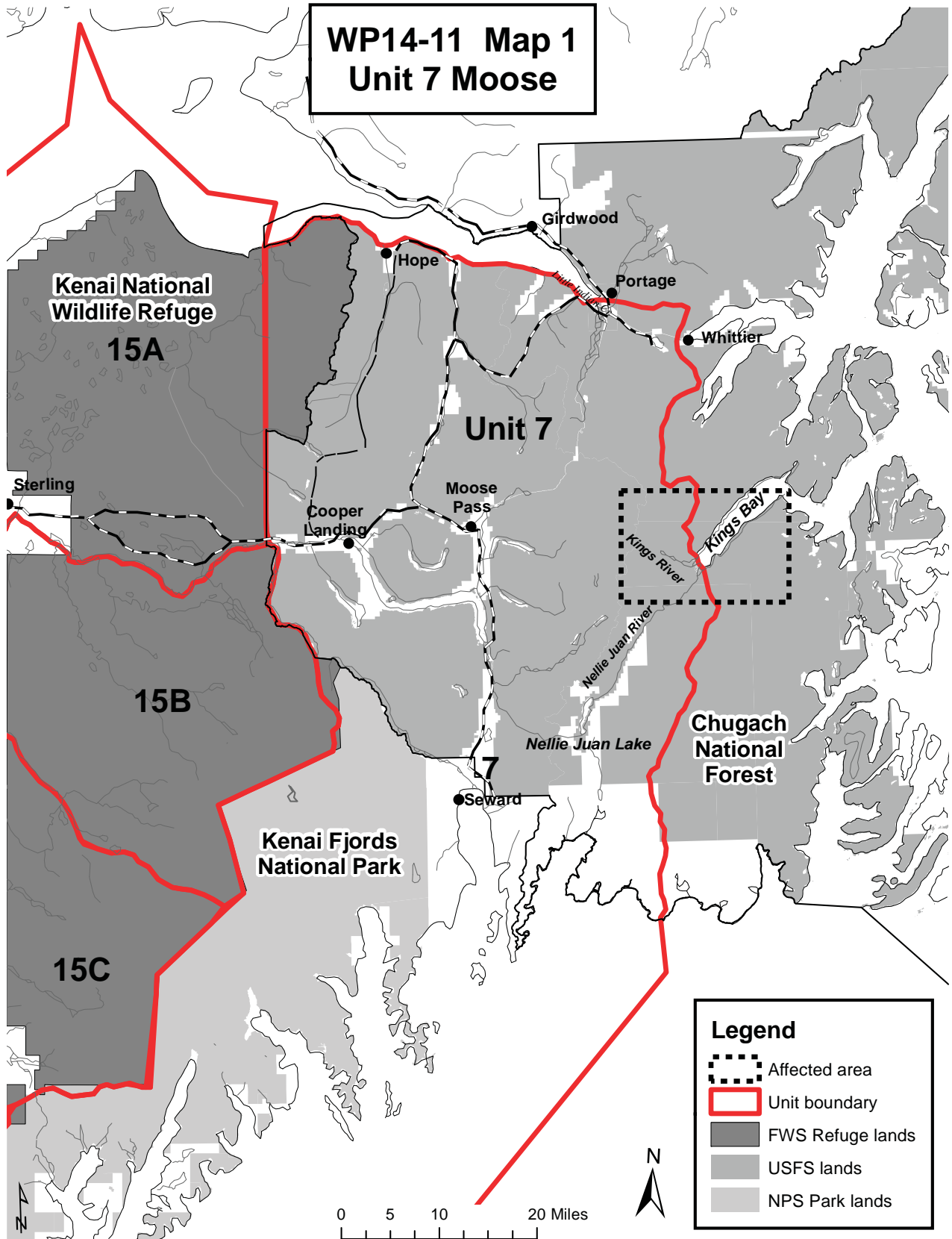
Regulatory History

Proposal P97-018b requested a positive customary and traditional use determination for Chenega Bay and Tatitlek and P97-21 requested a moose season for Federally qualified subsistence users in the portion of Unit 7 draining into Kings Bay. The harvest limit was two moose per community, which could be taken in the Kings Bay (**Map 1**), during a Sept. 1–Dec. 31 season. At its April 1997 meeting, the Federal Subsistence Board (Board) adopted P97-021 with modification to create a season from Aug. 10 – Sept. 20 with a harvest limit of 2 per community for residents of Chenega Bay and Tatitlek, with a closure to all other users (FSB 1997).

Special Action WSA01-02, submitted by the Chugach National Forest, U.S. Forest Service, requested that moose harvest in the Kings Bay drainage of Unit 7, scheduled for Aug. 10-Sept. 20, 2001, be closed. This Special Action was adopted by the Board. The Board determined that the moose population was too small to support a harvest. The Special Action lasted for one regulatory year without a proposal to continue the closure, therefore, the original Aug.10 – Sept. 20 season was re-opened.

Wildlife Closure Review 05-03 found the moose population to be at a low density and no indication that there were any increases in the population to justify harvest except by Federally qualified subsistence users.

In 2006, Proposal WP06-16 requested a season extension and harvest limit expansion. At the Mar. 14-16, 2006 Southcentral Alaska Subsistence Regional Advisory Council meeting, the Council discussed changing the Kings Bay drainage moose harvest limit, harvest season, and removing the Federal closure. The Council voted to support WP06-16 with modifications to: Remove the antler restrictions, but retain



the bull harvest; add a permit with a seven-day reporting requirement; change the harvest dates to Sept. 1–Dec. 31; and retain the Federal closure to non-Federally qualified subsistence users. The proponent from Chenega Bay stated they had never been restricted to harvest dates before Sept. 20, primarily because that time of year (in the early season) the moose are rarely (if at all) harvestable as the snow has not yet pushed them down from higher elevations that they normally occupy in the early fall. The proponent stated the historical moose harvests by Prince William Sound rural residents in the Kings Bay drainages did not take place until later into the winter months. The Council suggested the season change to accommodate a winter harvest, but added the permit requirements of one bull harvest and the Federal closure because the Council was concerned about the small population of moose in the area. Subsequently, the Federal Subsistence Board closed Federal lands to the hunting of moose by all users at its May 2006 meeting. The Board also rejected Proposal WP12-29 which requested a moose season in Unit 7 for that portion draining into Kings Bay in 2012 for conservation concerns.

Biological Background

The amount of moose habitat in the Kings Bay area is marginal, and consists of narrow riparian areas along the Kings River and Nellie Juan River. Severe winters with deep snow are common for this area and probably contribute to a high mortality rate and the relatively low moose densities encountered in Unit 7 (McDonough 2010). Aerial surveys in the vicinity of Kings Bay in Unit 7 were conducted during 1996-1997, 1997/1998, 1999/2000, 2001 and 2005-2006 (**Table 1**). An aerial survey conducted by ADF&G on January 8, 1997, revealed 20 moose in the area. The herd consisted of 8 bulls, 10 cows, and 2 calves. Counting conditions were good, with heavy snow cover and excellent visibility.

Table 1. Population data from moose surveys conducted in Unit 7 in the vicinity of Nellie Juan River and Kings River which drain into Kings Bay from 1996 to 2005 (Herreman 2013).

Year	Number of Bulls	Number of Cows	Number of Calves	Total Moose	Bulls:100 Cows	Calves: 100 Cows	% Calves
1996/1997	8	10	2	20	80	20	10
1997/1998	0	1	1	15 ^a	-	100	6.7
1999/2000	-	-	-	7 ^b	-	-	-
2000/2001	3	3	3	9	100	100	33.3
2001/2002	4	7	1	12	57	14	8.3
2005/2006	1	-	0	5 ^c	20 ^d	-	-
Total	16	21	7	68			
Mean	3	3.5	1.2	11.3			

^a Age and sex data not recorded for 14 adult moose

^b Age and sex not recorded during survey

^c Age and sex not recorded for 4 moose

^d Minimum estimate

The entire drainages of the Nellie Juan and Kings Rivers were flown in March 2001 by the ADF&G, from Nellie Juan Lake downstream to the head of Kings Bay and up the Kings River to the glacial headwaters. Nine moose were counted during the survey in conditions characterized as being excellent for aerial surveying (Spraker 2001, OSM 2005). The small area of moose habitat at Kings Bay is isolated—with only one accessible route for moose to enter the area across the mountains from the Paradise Lakes or Nellie Juan Lake areas and then down the Nellie Juan River—a distance of 15 to 20 miles over difficult terrain. Interchange of moose with other areas is therefore likely minimal. The fact that only nine moose were observed is significant. Black bear have high densities in western Prince William Sound (Crowley 2002) and brown bears are regularly present in the Kings Bay area. These two predators may elevate the importance of safe calving habitat, which appears to be limited. Productivity and viability of this small group of moose, therefore, is marginal. Their restricted use area makes the remaining herd vulnerable to hunters who walk up the river valley or use authorized motorized access.

A moose index survey was flown on March 27, 2006 that was funded by the U.S. Forest Service and conducted by ADF&G Personnel, using the standard ADF&G moose survey protocol. The conditions were generally good for counting. Extra time was spent following moose tracks to try to obtain a better observation of the total moose numbers (Zemke 2006, pers. comm.; OSM 2011). A total of five moose were observed. Four moose were observed, two were seen south of the Nellie Juan River confluence with Kings Bay and two were seen in the area between the Nellie Juan River and Kings River (Zemke 2006, pers. comm; OSM 2011.). One bull moose was observed upstream in the Kings River watershed (Zemke 2006 pers. comm., OSM 2011). No calves were observed in the area. A majority of the moose tracks were observed within half mile of the shoreline. The surveyors stated that, although additional moose could be present in this heavily timbered steep country, they were relatively certain there were a very limited number of moose in the area during the survey period. The number of moose in this area during the fall would be hard to predict from this late spring survey as some moose may have migrated out of the area before heavy winter snowfall. The U.S Forest Service and ADF&G are planning for an additional moose survey in this area during the winter of 2013-1014.

Harvest History

Harvest data indicate that no moose were harvested from this area from 1997-2000 (OSM 2013). As of 2001, some hunting had occurred from the village of Tatitlek with no success (Vlasoff 2001, OSM 2005). The hunters of Chenega Bay informally discussed this hunt on May 5, 2001, concluding that they knew of no one from the Chenega Bay that had hunted the Kings Bay herd in recent years (Robertson 2001, OSM 2005).

According to the recollections of several hunters from Chenega Bay or Tatitlek, Kings Bay has been used for moose hunting by residents of these two villages at least since the 1960s. Moose harvests have taken place incidental to commercial fishing, seal hunting, or goat hunting. ADF&G Division of Subsistence studies of the old village of Chenega in the 1960s and the re-established village of Chenega Bay in the 1980s (Stratton and Chisum 1986); and of Tatitlek in the 1980s (Stratton 1990) also report that while moose harvests were not common, Kings Bay was the moose hunting location used by these villages.

The general hunt under State regulations was closed on Federal public lands in the Kings Bay drainage in 1997. The State's general hunt regulations apply to non-Federal lands in the vicinity of Nellie Juan Lake, with a harvest limit of one bull with a spike, 50-inch antlers or antlers with 4 or more brow tines on at least one side. The landowner (Chugach Corporation), however, has restricted access to the area. According to the corporation's permit specialist, no trespass permits for hunting have been issued by the corporation since 1997 (OSM 2011).

From 2000–2008, 0–2 moose have been reported harvested each year under State regulations within the Nellie Juan River drainage area (Unit 7 remainder in State regulations) which is near the Kings River drainage for a total of five moose. The 2000–2008 moose harvest was by non-Federally qualified users and the affected area is typically accessed by aircraft.

Other Alternatives Considered

An analysis based on Section 804 of ANILCA shall be conducted whenever a proposal to change Federal regulations requests a prioritization for use of a subsistence resource among rural residents having customary and traditional use determination of that resource. A section 804 analysis has the potential to limit the level of harvest to Chenega Bay and Tatitlek. Modifying the proposal to allow the harvest of one bull moose per community with customary and traditional determination could still result in a conservation concern. Residents of Cooper Landing, Hope, Chenega and Tatitlek have a customary and traditional use determination and allowing one bull moose per community every four years could result in four bulls being harvested for this small moose population in a year.

Effects of the Proposal

If this proposal is adopted, it would allow the harvest of one bull moose from Aug. 10 – Sept. 20 for the communities of Tatitlek, Chenega Bay, Cooper Landing, and Hope every 4 years. The take of 4 bull moose, from this low density moose population that use the Kings Bay drainage which is estimated to be between 5 and 20, is not sustainable. The small population, very limited habitat, and presence of both brown and black bears in the area suggest that even a limited hunt in this area could have a negative impact on this local moose population.

OSM PRELIMINARY CONCLUSION

Oppose Proposal WP14-11.

Justification

There is little information on the current status of the affected moose population. Based on the 1996-1997, 2001-2002, and 2005-2006 survey results, the moose population has been at a low density and there are no indications that there have been any increases in the moose population to justify a subsistence or non-subsistence harvest. Interchange of moose with other areas is likely minimal due to the difficult terrain. Even a limited hunt of 4 bull moose every 4 years could effectively result in the loss of this local population. Therefore the continuation of this closure to hunting moose is necessary for the continued viability of this wildlife population. If results from the planned U.S. Forest Service and ADF&G survey indicate a population increase the a limited hunt may be considered in the future.

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

Federal Subsistence Board News Release



Forest Service

For Immediate Release:

January 13, 2014

Contact:

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

Call for Proposals to Change Federal Subsistence Fish and Shellfish Regulations

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

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

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

Submit proposals:

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

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

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

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

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

-###-



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

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

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

.....

Submit proposals:

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

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

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

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



2015–2017 Federal Subsistence Fish and Shellfish Proposal

(Attach additional pages as needed).

Name: _____

Organization: _____

Address: _____

Phone: _____ Fax: _____

E-mail: _____

**Submit proposals by
March 28, 2014**

Questions?

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

E-mail: subsistence@fws.gov

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

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

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

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

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

ANNUAL REPORTS

Background

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

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

Report Content

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

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

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

Report Clarity

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

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

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

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

Report Format

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

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



U.S. FISH and WILDLIFE SERVICE
BUREAU of LAND MANAGEMENT
NATIONAL PARK SERVICE
BUREAU of INDIAN AFFAIRS
FWS/OSM 13050.CJ

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



AUG 28 2013

Bertrand Adams, Sr., Chair
Southeast Alaska Subsistence
Regional Advisory Council
c/o U.S. Fish and Wildlife Service
Office of Subsistence Management
1011 E. Tudor Road, Mail Stop 121
Anchorage, Alaska 99503

Dear Chairman Adams:

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

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

Issue 1: Customary and Traditional Use Determination Recommendation

The Council believes the current method of restricting access to fish and wildlife resources through a customary and traditional use determination process was not intended by ANILCA. Although the Southeast Council recognizes that there are a number of possible solutions to address this problem, its preferred solution is to eliminate the customary and traditional use determination regulations (36 CFR 242.16 and 50 CFR 100.16) and allocate resources as directed in Section 804 of ANILCA. The Council wrote a letter to the other Councils requesting that they reconsider the issue of whether the current customary and traditional use determination process is appropriate and is truly meeting the needs of the residents of their regions. The Council requests the Board provide adequate staff resources to assist the other councils in making an informed decision regarding this complex issue.

Response:

The Board appreciates the Council's hard work on this important issue, including the subcommittee's time and the Council's time. As the Council is aware, the letter, attached materials, and a briefing were presented to the other nine Subsistence Regional Advisory Councils at their winter 2013 meetings and another briefing will be presented at the fall 2013 meetings. It is the intention of the Office of Subsistence Management (OSM) to provide the best possible staff support at the fall 2013 meetings and consistent briefings to all Councils. OSM will send a summary of the feedback from all the Councils from the fall meetings on this issue to this Council and the others. As requested by this Council, OSM has approved the travel of Bertrand Adams and Patricia Phillips to attend the Southcentral Alaska Subsistence Regional Advisory Council meeting this fall in Copper Center to brief that Council on this issue and discuss strategies for the joint winter meeting between the Councils.

Issue 2: Reviewing the Wildlife Information Services program and the associated Wildlife Strategic Plan

There is a need for population assessment and life history information for wildlife in this region. The Wildlife Information Services Program in this Region was initiated by the U.S. Forest Service to provide a mechanism to provide funds for studies. The program has not been funded each year and there are several information gaps that must be filled before the Council can make informed regulatory recommendations. The Council recommends that the Board work with the Departments of Agriculture and the Interior to provide funding to first update the strategic plan for wildlife in the Southeastern Alaska and Yakutat Area and, second, to fund the most important wildlife information need identified in this process. The Council suggests that this informational need is likely not restricted to this Region and it would be appropriate to investigate the formation of a statewide program similar to the Fisheries Research and Monitoring Program.

Response:

A wildlife resource monitoring program was one of the items mentioned in the 2010 Secretarial review as a possible addition to the Federal Subsistence Management Program. In an April 2012 letter to the Secretary of the Interior, the Board prioritized the implementation of wildlife monitoring studies; however, without additional funding, establishing such a program is not likely at this time. The OSM has experienced a declining budget since 2001 and the U.S. Forest Service (USFS) since 2006. Overall Federal budgets are declining and it is not likely that they will increase over the next 3–5 years.

The USFS developed a Wildlife Resources Monitoring Program in 2005 and 2006 which paralleled the state-wide Fisheries Resource Monitoring Program. A strategic plan was finalized in 2006, in coordination with the Southeast and Southcentral Regional Advisory Councils. Based on the priorities established in that plan, projects were funded on both the Tongass and Chugach National Forests. Today, the USFS Alaska Region receives about half of the total subsistence funding it received in 2005 and therefore has not been able to further implement the

Program. The USFS, however, has been able to complete priority low-expense wildlife monitoring, such as joint population monitoring flights with ADF&G. Larger projects are on hold pending available funds. If the Council desires, the USFS could also work with the Council in determining whether there are any wildlife projects that are higher priority than currently funded fisheries projects using USFS funds.

Issue 3: Review the education and outreach to the public regarding the role of the Council and how members of the public can best participate in the Federal process

The Board has expended considerable energy in developing a protocol for consultation with Tribes and Alaska Native Settlement Act (ANCSA) Corporations. There should be similar efforts to provide outreach services to other subsistence users, members of the public and interested organizations. This issue relates to an issue identified in the 2011 Annual Report concerning the need for increased emphasis on ways to understand the social, cultural and economic issues contained in evaluating regulatory proposals.

Response:

There is no current protocol regarding public outreach, but here are some steps that are taken to inform and involve the public. The Federal Subsistence Management Program encourages public participation by disseminating invitations to comment on policies and regulatory changes through an extensive distribution network to both print and electronic media outlets. The Office of Subsistence Management is currently improving its website, which it maintains to provide news releases, Special Actions, proposed regulations, final rules and the appropriate forms for the public to provide comments. The Board cannot stress enough the importance of the Councils and individual Council members in dissemination information about Federal subsistence management. The Board and Councils have greatly improved the ability of the public to participate in meetings telephonically. The public comment process is often tailored to the issues under consideration. For example, the Board will conduct a series of public meetings to collect comments and recommendations on the rural determination process; these meetings will take place in conjunction with the fall 2013 Regional Advisory Council meetings. Appropriate evaluation of the issues is only possible if the Councils and Board understand the concerns of local residents. You are welcome to provide specific suggestions on ways to increase public participation to the OSM through your Council Coordinator. Any suggested efforts would, however, be subject to increasing budget constraints.

Issue 4: Review methods of collaboration with Alaska Department of Fish and Game (ADF&G) in attaining the Amount Necessary for Subsistence Use

The Council wanted to remind the Board that most of the subsistence fish harvested in the region are taken under State authority. The reason is that the State regulations provide fishers with the greatest flexibility to fish because those regulations are valid in marine, intertidal and freshwater. State rules are contingent on providing opportunity to attain the amounts necessary for subsistence. Therefore, collaboration and cooperation with the State to identify an

appropriate level of subsistence will have an immediate and positive and direct effect on the success of rural users in subsistence fishing. The Council suggests that the Federal program take a proactive role in assisting the State to identify appropriate amounts necessary for Subsistence.

Response:

The Board appreciates the Council's concerns regarding the State's identification of the appropriate Amounts Necessary for Subsistence use (ANS). However, Alaska National Interest Land Conservation Act (ANILCA) does not make reference to the ANS process, nor does it indicate that ANS should be established. The emphasis is on providing the opportunity to continue subsistence uses. As a result, the Federal Subsistence Management Program does not view ANS as a process in which we should be involved, nor does the Program comment on any ANS proposals before the Board of Game or Fisheries. Federal agencies do, however, share information with the State to support data needs for fisheries and wildlife management.

Issue 5: Public Comment Policy at Council meetings

The Council is concerned that a lack of a policy describing conduct during the public comment portion of the Council meeting is resulting in situations affecting the ability of the Council to allocate adequate time for deliberations. For instance, testimony that is not directed at the issue under consideration, repeated testimony by an individual or excessive time (story telling) by an individual on a topic, can be disruptive to the deliberation process and does not promote efficient use of the Council's time. The Council recommends the Board provide a meeting protocol to assist the Chair in providing rules for conduct by the public, yet be flexible enough to not restrict the flow of information from the public to the Council.

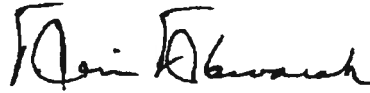
Response:

One of the primary rules of the Federal Advisory Committee process is to give all persons that wish to be heard, an equal opportunity to be heard. Although the Council provides everyone an opportunity to testify, each Council has the authority to limit the time allocated for testimony, if required, to complete the work of the Council. The Board has no plans to develop a separate meeting protocol and would prefer each Council Chair to use his or her best judgment that fits the particular situation. Any limits must be reasonable to allow each person to communicate their concerns and be consistent between persons, as well as consistent with Robert's Rules of Order. If the Council feels it is necessary to impose time limits for public testimony, the decision should be made prior to the first public comment.

In closing, I want to thank you and your Council for their continued involvement and diligence in matters regarding the Federal Subsistence Management Program. I would like to specifically thank Patricia Phillips for her 20 years and Michael Bangs for his 10 years of service to the

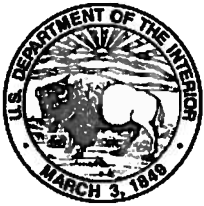
Federal Subsistence Management program as members of this Council. I speak for the entire Board in expressing our appreciation for your efforts and our confidence that the subsistence users of the Southeast Alaska Region are well represented through your work.

Sincerely,

A handwritten signature in black ink, appearing to read "Tim Towarak". The signature is written in a cursive style with a large initial "T".

Tim Towarak
Chair

- cc. Southeast Alaska Subsistence Regional Advisory Council
- Federal Subsistence Board
- Interagency Staff Committee
- Gene Peltola, Jr., Assistant Regional Director, OSM
- Kathleen M. O'Reilly-Doyle, Deputy Assistant Regional Director, OSM
- David Jenkins, Policy Coordinator, OSM
- Carl Johnson, Council Coordination Division Chief, OSM
- Robert Larson, Subsistence Council Coordinator, USFS
- Administrative Record



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

Federal Subsistence Board

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



U.S. FOREST SERVICE

FWS/OSM 13051.CJ

SEP 09 2013

Ralph Lohse, Chair
Southcentral Alaska 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

Dear Chairman Lohse:

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

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

Issue 1: Chitina Fishery

The Council has been monitoring changes made by the Alaska Board of Fisheries (BOF) regarding the classification of the Chitina salmon dipnet fishery. The Council is concerned about the recent proposal submitted by the Eastern Interior Alaska Subsistence Regional Advisory Council, requesting the BOF classify the Chitina salmon dipnet fishery as a Personal Use Fishery. Copper River residents are concerned that subsistence users will lose priority under current State management if the fishery is classified as personal use.

Response:

All Councils are entitled to submit proposals to the Board of Fisheries. They are encouraged, however, to contact other Councils if proposals would affect those Councils' regions. In 2008, the Eastern Interior Council supported a proposal to the Alaska Board of Fisheries to reclassify the

Chitna Personal Use Fishery as a subsistence fishery. In 2011, the Eastern Interior Council submitted a similar proposal to reclassify the Chitna Personal Use Fishery as a subsistence fishery. In both instances, the Office of Subsistence Management (OSM) took a neutral position on the proposal. The Council may also submit comments, through its Council Coordinator, to the Alaska Board of Fisheries on any proposals to express its concerns. The Council can be reassured that the Federal subsistence priority will remain in effect on Federal public lands, and in-season managers will take the necessary steps to ensure that priority.

Issue 2: Wildlife Information

The Council requests that the Federal Subsistence Management Program establish a wildlife program similar to the Office of Subsistence Managements' Fisheries Resource Monitoring Program (FRMP). The FRMP program has been successful in providing invaluable fisheries information for the Council to help make its recommendations to the Board. It has also provided significant benefit to Tribal organizations and other non-governmental organizations in the form of capacity building. Such a Wildlife Resource Monitoring Program, if modeled after and managed similar to the FRMP, may see similar benefits.

Response:

A wildlife resource monitoring program was one of the items mentioned in the 2010 Secretarial review as a possible addition to the Federal Subsistence Management Program. In an April 2012 letter to the Secretary of the Interior, the Board prioritized the implementation of wildlife monitoring studies; however, without additional funding, establishing such a program is not likely at this time. The Office of Subsistence Management has experienced a declining budget since 2001 and the U.S. Forest Service (USFS) since 2006. Overall Federal budgets are declining and it is not likely that they will increase in the foreseeable future.

For National Forest lands in the Southcentral Region, which includes the Chugach National Forest, the USFS developed a Wildlife Resources Monitoring Program in 2005 and 2006 which paralleled the state-wide Fisheries Resource Monitoring Program. A strategic plan was finalized in 2006, in coordination with the Southeast and Southcentral Regional Advisory Councils. Based on the priorities established in that plan, projects were funded on both the Tongass and Chugach National Forests. Today, the USFS Alaska Region receives about half of the total subsistence funding received in 2005 and therefore has not been able to further implement the Program. The USFS, however, has been able to complete priority low-expense wildlife monitoring, such as joint population monitoring flights with Alaska Department of Fish and Game (ADF&G). Larger projects are on hold pending funding changes. If the Council desires, the USFS could also work with the Council in determining whether there are any priority wildlife projects on National Forest lands that are higher priority than currently funded fisheries projects.

Issue 3: Delegation of Authority

At its public meeting on February 20-21, 2013, in Anchorage, the Council was briefed on the Board's Delegation of Authority provided to land managers on Federal public lands. A U.S. Forest Service representative addressed the need for delegation of authority for management action necessary to protect the moose/deer population within Chugach National Forest public lands where Federal management regulations apply.

After a thorough discussion of the issue, the Council approved a motion to formally request that the Board notify affected Council members and seek consensus with the Council Chair whenever issuing a delegation of authority letter to Federal land managers.

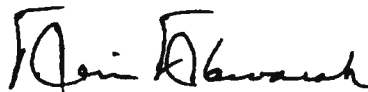
The way authority is currently delegated provides no review process or time limit. The Council would like the Federal Subsistence Board to place time limits on these delegations. As agency personnel or circumstances change, the delegation may no longer be appropriate.

Response:

The Board recognizes the concern the Council has concerning delegation of authority letters issued to Federal land managers. The Board is interested in and invites the Council's input on these matters and listens to the Council's recommendation, when making decisions. Additionally, Council members are consulted prior to any action by the land manager. The Board is willing to readdress each delegation when it may no longer be appropriate or necessary. There are two ways the Council can communicate this to the Board. First, the Council is welcome to make specific suggestions to the Board on implementing a general review policy regarding all delegation letters. Second, if there is a specific problem with a specific delegation in the region, the Council may express that in a letter to the Board at any time. OSM staff could assist the Council in drafting any documents the Council believes are necessary.

In closing, I want to thank you and your Council for their continued involvement and diligence in matters regarding the Federal Subsistence Management Program. I would like to specifically thank Ralph Lohse for his 20 years of service, and Doug Blossom, Greg Encelewski, Tom Carpenter and Gloria Stickwan for their 10 years of service to the Federal Subsistence Management program as members of this Council. I speak for the entire Board in expressing our appreciation for your efforts and our confidence that the subsistence users of the Southcentral Alaska Region are well represented through your work.

Sincerely,



Tim Towarak
Chair

cc: Southcentral Alaska Subsistence Regional Advisory Council
Federal Subsistence Board
Interagency Staff Committee
Gene Peltola, Jr., Assistant Regional Director, OSM
Kathleen M. O'Reilly-Doyle, Deputy Assistant Regional Director, OSM
Carl Johnson, Council Coordination Division Chief, OSM
Donald Mike, Subsistence Council Coordinator, OSM
Administrative Record



***Southeast Alaska
Subsistence Regional
Advisory Council***

**Bertrand Adams Sr., Chairman
P. O. Box 349
Yakutat, Alaska 99689**

RAC SE140???.RL

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

Greetings Chairman Towarak:

This is the 2013 Annual Report of the Southeast Alaska Subsistence Regional Advisory Council as authorized under Title VIII of the Alaska National Interest Lands Conservation Act. The Council wishes to share information and raise a number of concerns dealing with implementation of Title VIII of ANILCA and the continuation of subsistence uses in the Yakutat and Southeastern Alaska areas.

In 2013, the Council met in Ketchikan, March 12-14, and September 24-26. During the March meeting, the Council submitted several letters: 1) clarification regarding implementation of the extended jurisdiction petition, 2) assistance to include the subsistence harvest of Chinook salmon in the Stikine River into the base level catch, 3) concerns with the effects of transboundary mining and 4) concerns regarding accommodating subsistence uses in the newest revision of the Tongass Land Management Plan. During the September meeting, the Council was able to: 1) listen to the Federal Subsistence Board's (Board) public hearing regarding the criteria that will be used to make rural determinations, 2) provide the Board recommendations on wildlife proposals and 3) make recommendations regarding the priority for funding fisheries monitoring program projects.

The Council remains concerned with the impacts to subsistence users due to the expanding sea otter population in the region. Public testimony indicates that the USFWS is not concerned with those effects and is not promoting any rule or policy changes that would facilitate the harvest of otters by coastal Natives as authorized by Congress. The Council is also concerned with the lack of water quality testing of waters flowing into Alaska from mines in Canada and the waste water from tour ships.

2013 Annual Report Topics

Issue 1: Customary and Traditional Use Determination Process

The Council remains concerned with the appropriateness of current customary and traditional use regulations. We are pleased with the efforts by the Office of Subsistence Management to communicate our concerns to the other Councils. We anticipate that there will be a consensus between the Councils this year on Region-specific regulatory changes that will recognize local conditions and benefit local users as intended in ANILCA.

Issue 2: Adequate funding of the subsistence program and the population assessment studies for fish and wildlife

The Council's cannot function as intended by Congress without adequate funding for staff to provide comprehensive staff analyses and allocate sufficient time during the biannual meetings for conducting Council business. While we are very aware of budget challenges at the Office of Subsistence Management and the U.S. Forest Service, the Council process is the heart of the subsistence management program and adequate funds must be found to maintain that responsibility.

Issue 3: Deference for rural determinations and customary and traditional use determinations

The Councils should be given deference to regulatory changes regarding rural determinations and customary use of fish and wildlife. The Councils, as representatives of local residents, are the bodies best able to identify both the rural character of communities and the cultural and social characteristics of these communities regarding fish and wildlife harvest practices in their Regions.

Thank you for considering the management and program issues of concern to the Council. Please address any questions with this letter directly to Mr. Robert Larson, Council Coordinator, U. S. Forest Service, Box 1328, Petersburg, AK 99833, (907) 772-5930, robertlarson@fs.fed.us.

Sincerely,

Bertrand Adams Sr.
Chair

cc. Federal Subsistence Board Members
Southeast Alaska Subsistence Regional Advisory Council
David Jenkins, Acting Deputy Assistant Regional Director, OSM
Carl Johnson, Council Coordination Division Chief, OSM
Interagency Staff Committee
Administrative Record

DRAFT

Report to Federal Subsistence Regional Advisory Councils on

1. Tribal Consultation Draft Implementation Guidelines

2. Draft ANCSA Consultation Policy

January 24, 2014

From the Federal Subsistence Board's Consultation Workgroup

Requesting Regional Advisory Council Feedback on these two documents; while simultaneously seeking feedback from federally recognized Tribes and Alaska Native Claims Settlement Act (ANCSA) Corporations.

Draft Implementation Guidelines Summary

- The guidelines are intended to provide federal staff additional guidance on the Federal Subsistence Board's Tribal Consultation Policy.
- It includes
 - when consultations should be regularly offered,
 - meeting protocols including
 - meeting flow,
 - room setup suggestions,
 - topics for consultation,
 - preparation and follow-up for the meetings,
 - communication and collaboration with Tribes throughout the regulatory cycle,
 - training guidance and topics for federal staff and the Board,
 - reporting on consultation,
 - and how to make changes to the policy or guidance as needed or requested.

Draft ANCSA Corporation Consultation Policy Summary

- This policy is adapted from the DOI Policy on Consultation with ANCSA Corporations
- It includes a preamble, guiding principles and policy
- For your awareness, please read the policy section
- This draft policy has been improved upon by the workgroup, which now has representatives from village and regional ANCSA corporations, thereby adding to the meaning of this policy for the Board. It was originally drafted in December 2011.

Workgroup members

- Rosemary Ahtuanguaruak, Co-Chair, Barrow/Nuiqsut
- Crystal Leonetti, Co-Chair, US Fish & Wildlife Service
- John W. Andrew, Organized Village of Kwethluk
- Lillian Petershoare, US Forest Service
- Della Trumble, Agdaagux Tribe of King Cove, King Cove Village Corporation
- Jean Gamache, National Park Service
- Richard Peterson, Organized Village of Kasaan
- Jack Lorrigan, Office of Subsistence Management
- Brenda Takeshorse, Bureau of Land Management
- Bobby Andrew, Native Village of Ekwok
- Glenn Chen, Bureau of Indian Affairs
- Charles Ekak, Olgoonik Corporation of Wainwright
- Cliff Adams, Beaver Kwit'chin Corporation
- Gloria Stickwan, Ahtna, Inc.
- Roy Ashenfelter, Bering Straits Native Corporation
- Chief Gary Harrison, Chickaloon Native Village
- Edward Rexford, Native Village of Kaktovik
- Michael Stickman, Nulato Tribal Council

IMPLEMENTATION GUIDELINES

for the

Federal Subsistence Board Government-to-Government Tribal Consultation Policy

INTRODUCTION

This document provides federal staff additional guidance on the Federal Subsistence Management Program’s Tribal Consultation Policy. Refer to the *Federal Subsistence Board Government-to-Government Tribal Consultation Policy* for a broad scope including goals of the policy; consultation communication, roles and responsibilities, topics, timing, and methods; accountability and reporting; and training.

Tribal consultation will be regularly scheduled twice each year:

- 1) before the fall Regional Advisory Council (RAC) meetings, and
- 2) before the spring Federal Subsistence Board (Board) meetings.

Additional consultations may be initiated by the Board and consultation is also available to tribal governments at any time on regulatory or non-regulatory topics as the need arises.

CONTENTS

Meeting Protocols	Page 1
Regulatory Cycle Timeline and Roles and Responsibilities	Page 3
Other Regulatory Actions Not Covered Under Regulatory Process	Page 6
In-Season Management and Special Actions	Page 6
Non-Regulatory Issues	Page 6
Training	Page 6
Accountability, Reporting, and Information Management	Page 8

MEETING PROTOCOLS

1. Timing:

- a. During the Meeting
 - i. Intend to not rush through the consultation
- b. When to hold the meetings
 - i. Before RAC Meetings: hold one or more teleconferences (depending on number of proposals) at least two weeks before RAC meetings begin.
 - ii. At Board Meetings: consultation should begin prior to the start of the regular Board meeting. The regular Board meeting then begins after the consultation meeting is complete.

2. **Introductions:** Board member and tribal government representative introductions.
All representatives will state for the purpose of this consultation: who they officially represent, and what their role is during the consultation (e.g. “I am Geoff Haskett, a member of the Federal Subsistence Board, and for the purpose of this government-to-government consultation, I am representing the U.S. Fish and Wildlife Service. My role is to listen, ask questions, and gain an understanding of Tribal perspectives so that I can fully consider those perspectives in my actions as a decision-maker for the U.S. Fish and Wildlife Service.”).
3. **Room Setup:**
 - a. At in-person meetings, room should be configured in such a way that Board members and Tribal Government representatives are seated equally at the table. Consider chairs placed in a circle with or without tables. This will differentiate between the room configurations during the public process.
 - b. Board members and Tribal representatives should be dispersed around the table.
 - c. One or more people will be designated note-takers and notes will be made available to all participants as soon as they are typed and reviewed after the meeting.
4. **Topics:**
 - a. Topics to be consulted on can be determined by either Tribes or Board members, and do not need to be determined nor agreed upon in advance, but known topics shall be announced one week ahead of the consultation (e.g.: proposals, rural determination process, OSM budget, etc.)
 - b. The Board Chair should ask, “What other topics should we be consulting on?”
 - c. For topics not within the purview of the Board, Tribes will be referred to a federal liaison who can help them determine how that topic can be addressed.
 - d. For topics that need further consultation on any topic, the OSM Native Liaison will arrange follow-up consultation.
5. **Briefings:**
 - a. Briefing materials, such as those given to Board members should be made available to all Tribal governments one week, or earlier as they’re available, before the consultation.
 - b. Tribes who are interested are encouraged to send in briefing materials one week before the consultation to the OSM Native Liaison for their topics of interest; these will be provided to the Board.
6. **Board Member Summary:**

A lead Board member shall be selected who will conclude the consultation with a summary of the consultation discussion.
7. **Information Availability:**
 - a. Pre- and post-meeting materials and teleconference information will be displayed on the Federal Subsistence Management Program’s website.
 - b. A written summary of consultations will be provided to RACs and Tribes by email, fax, or mail as appropriate.
8. **Follow-up to Participating Tribes:**

A letter from the Chair will be sent to participating Tribes expressing appreciation for their participation and explanation of how their input was utilized and the decision that was made. These letters may be archived on the OSM website.

9. Consultation Meetings Requested by Tribes:

- a. If a consultation meeting is requested by a Tribe(s), two Board members – one representing the nearest land managing agency, and the nearest public member will participate in that meeting. Other Board members can join if they wish.
- b. Consultation meeting may take place in the Tribal community or by teleconference.
- c. Meeting notes (see 3.c.) will be provided to the entire Board upon completion.

REGULATORY CYCLE TIMELINE AND ROLES AND RESPONSIBILITIES

The Board is committed to providing Federally Recognized Tribes with opportunities to be meaningfully involved in the wildlife and fisheries regulatory process. On an annual basis, the Board accepts proposals to change wildlife or fisheries regulations on seasons, harvest limits, methods and means and customary and traditional use determinations. In some instances, regulations are modified in-season, and that is typically accomplished through in-season or special actions taken by either the Board or the relevant land manager. The Board will provide Tribes with the opportunity to consult on the regulatory process, which includes proposal development and review, proposal analysis and review, and decision making by the Board.

Tribes must be given the opportunity to consult throughout the Federal Subsistence Management process when a “departmental action with tribal implications¹” is taken. A regulatory proposal is potentially a departmental action with substantial direct effect on an Indian Tribe. As information becomes available which changes the recommendations or potential decision on a proposal, affected Tribes will be notified.

WHO SHOULD PARTICIPATE IN GOVERNMENT-TO-GOVERNMENT CONSULTATION

Tribal Officials are elected or appointed Tribal leaders or officials designated in writing by a federally recognized Tribe to participate in government-to-government consultations. Federal Officials are those individuals who are knowledgeable about the matters at hand, are authorized to speak for the agency and/or Board, and exercises delegated authority in the disposition and implementation of a federal action.

¹ Department of the Interior Policy on Tribal Consultation definition of “Departmental Action with Tribal Implications” is: Any Departmental regulation, rulemaking, policy, guidance, legislative proposal, grant funding formula changes, or operational activity that may have a substantial direct effect on an Indian Tribe on matters including, but not limited to:

1. Tribal cultural practices, lands, resources, or access to traditional areas of cultural or religious importance on federally managed lands;
2. The ability of an Indian Tribe to govern or provide services to its members;
3. An Indian Tribe’s formal relationship with the Department; or
4. The consideration of the Department’s trust responsibilities to Indian Tribes.

This, however, does not include matters that are in litigation or in settlement negotiations, or matters for which a court order limits the Department’s discretion to engage in consultation.

REGULATORY PROCESS OUTLINED BELOW CORRESPOND TO THE STEPS IN THE BOARD'S TRIBAL CONSULTATION POLICY *APPENDIX B: FEDERAL SUBSISTENCE MANAGEMENT PROGRAM ANNUAL REGULATORY PROCESS AT A GLANCE.*

Step 1.A.: Call for Proposals (January – March): This step is where changes to fish or wildlife harvesting regulations can be offered such as seasons, harvest limits, methods and means and customary and traditional use determinations. The Office of Subsistence Management (OSM) staff or land managers can assist Tribes in developing proposals.

RESPONSIBLE LEAD ACTION

Federal Agencies Contacts representatives of affected Tribes, prior to federal agency submitting regulatory proposals.

OSM

Sends a return receipt letter to Tribes:

- announcing the call for proposals and describing what this means;
- providing an overview and timeline of the annual Federal Subsistence Regulatory process;
- providing name and contact information for OSM staff who can provide assistance in reviewing and developing proposals;

Step 1.B.: Federal Subsistence Regional Advisory Council (RAC) Meetings: (Winter Meetings February-March): During these meetings, the RACs develop proposals to change subsistence regulations. The Tribes have the opportunity to work with the RACs to draft proposals.

OSM

Sends public notice to all Tribes announcing all RAC meetings.

- If available, teleconference information is included in announcements and posted to the Federal Subsistence Management Program's website.

Arranges teleconference line for RAC meeting(s) so Tribes can participate in the RAC meetings. Tribes may discuss proposals with the RACs and relevant federal staff.

Posts meeting materials on the Federal Subsistence Management Program's website so Tribes can review the materials.

Coordinates with Interagency Staff Committee (ISC) and Tribal representatives to draft summary reports on Tribal Consultations (if any have taken place since the fall RAC meetings). These written summaries are provided to the RACs. Tribal representatives are encouraged to share in the delivery of this report.

Step 2-3: Review of Regulatory Proposals (April-May) Once the Proposals are received by OSM, they are compiled into a book that includes all proposals from throughout Alaska. Tribes will have the opportunity to review the proposals. Consultation will also be made available to Tribes on deferred proposals.

OSM Sends Tribes the proposal book with a link to the Federal Subsistence Management Program website, and a description of the process schedule. Name and contact information for OSM staff will be included in the proposal book.

Coordinates with appropriate Federal staff to notify Tribes if a particular proposal might impact them.

If Tribe(s) is interested in consulting at this step, they may contact an agency official and discuss course of action through phone calls, emails, internet communication, and other methods.

Prepare draft analyses on proposals to make available to Tribes before consultations.

STEP 3: Proposal Analysis (April – August): Each of these proposals will be analyzed by agency staff to determine their effects on the resource, other resources, rural subsistence users, other users, etc.

OSM Draft analyses will be made available to Tribes one month prior to RAC meetings.

TRIBAL CONSULTATION OCCURS: One or more teleconference(s) will be scheduled to provide consultation open to all Tribes to discuss all proposals.

Step 4: Federal Subsistence Regional Advisory Council (RAC) Meetings (Fall meetings August - October): During these meetings, RACs develop recommendations on the proposal based on their review of the analysis, their knowledge of the resources and subsistence practices in the area, testimony received during the meeting, Tribal input and staff analysis.

OSM Sends public notice to all Tribes announcing all RAC meetings, including teleconference information if available.

Contacts local media (newspaper, radio, TV) to provide meeting announcement and agendas.

Arranges teleconference line for RAC meeting(s) so that Tribes can participate. Tribes may discuss proposals with the RACs, and appropriate federal staff.

Posts pre- and post-meeting materials and teleconference information on the Federal Subsistence Management Program’s website so that the Tribes can review the materials.

Coordinates reports on prior Tribal consultations during the regulatory cycle to the

RACs, and encourages Tribal representatives to share in delivery of this report.

A written summary of relevant consultations will be provided to RACs and Tribes by email, fax, or mail as appropriate.

Step 5: Federal Subsistence Board Regulatory Meeting (Winter): This is where the Board reviews the staff analyses, considers recommendations provided by the RACs, comments provided by the State, consults with Tribes, and makes a decision as to whether to adopt, reject, defer, or take no action on each proposed change to the subsistence regulations. **TRIBAL CONSULTATION OCCURS BEFORE THE BOARD MEETING.**

OSM Sends meeting announcement to Tribes, including teleconference call information.

Posts meeting materials on the Federal Subsistence Management Program’s website so that Tribes can review the materials before the meeting. During the meeting, OSM staff and/or Tribal representatives will report on the results of prior Tribal consultations.

Following the meeting, OSM will send notification on meeting results to the Tribes. Tribes who consulted on proposals will be notified of the outcome by telephone.

OTHER REGULATORY ACTIONS NOT COVERED UNDER REGULATORY PROCESS

Tribal consultation will also be offered on proposals which are deferred or not carried through the normal regulatory process.

IN-SEASON MANAGEMENT AND SPECIAL ACTIONS

Special actions include emergency and temporary special actions. Because the regulatory process occurs on a bi-annual basis (fish one year, wildlife the next), sometimes issues come up that require immediate action; these actions may be taken as needed to address harvest regulations outside of the normal regulatory process.

In-season management actions and decisions on Special Action requests usually require a quick turnaround time and consultation may not be possible; however, in-season and land managers will make every effort to consult with Tribes that are directly affected by a potential action prior to taking action. Regular public meeting requirements are followed for special actions that would be in effect for 60 days or longer. Affected Tribes will be notified of actions taken. Federal field staff are encouraged to work with Tribes in their area and distribute Tribal consultation information.

NON-REGULATORY ISSUES

For non-regulatory issues, the Board's process for consultation with Tribes will be followed when needed.

TRAINING

The Board's policy directs that the Federal Subsistence Management Program follow the Department of the Interior and Agriculture's policies for training of Federal staff.

1. OSM staff will work with the ISC to develop training modules on the subsistence regulatory process, customary & traditional use determinations, rural versus non rural criteria, proposal development, Tribal consultation, and the federal budget process. Additionally, OSM staff will work with the ISC, agency Tribal liaisons, and others such as Tribal elders to develop a training module that federal staff can deliver at regional Tribal meetings (see Appendix C of the FSB's Tribal Consultation Policy) and to interested Tribal councils.
2. These trainings will be open to other entities responsible for management of subsistence resources, such as marine mammals, migratory birds, halibut, etc.
3. Board members should make every opportunity to directly participate in or observe subsistence activities.
4. It is recommended that Board members, OSM, ISC, & Federal Land Management Staff directly involved in Tribal consultation as part of their work responsibilities attend regional cross-cultural training to learn the unique communication and cultural protocols of the Tribes with which they interact.
5. Recommended Training Topics for Federal Staff and Tribal Citizens
 - a. Alaska Native identity, language, cultures, traditions, history, and differences
 - b. Alaska Native perspectives on natural resource management
 - c. Customary and Traditional relationship to land, water, and wildlife
 - d. Effects of colonialism on Alaska Native peoples
 - e. Alaska National Interest Lands Conservation Act subsistence provisions
 - f. Natural resource law, especially pertaining to fisheries and wildlife management and conservation
 - g. Federal subsistence regulations
 - h. Federal subsistence regulatory process
 - a. Special actions

- b. In-season management
- c. Customary and traditional use determinations
- i. Rural Determination process and implications
- j. Jurisdiction (Tribal /Federal Government/ State of Alaska)
- k. Relevant information about Tribe(s), including sovereignty, history of Tribal interactions with the United States government, Tribal constitutions, and traditional knowledge
- l. Foundations of the government-to-government relationship and trust responsibility within Federal Indian law as expressed through the U.S. Constitution, U.S. Code, Supreme Court decisions, and executive actions.
- m. Tribal and Federal consultation policies
- n. Wildlife and fisheries monitoring, including the Fisheries Resource Monitoring Program
- o. Opportunities for co-management or shared stewardship
- p. Leadership transition protocols so that the tribal leaders and the agency staff are clear about 1) how authority gets transferred (who are the successors & timelines) and 2) next steps in moving a project forward (outgoing official documents project accomplishments and next steps in a letter to his supervisor and copies the relevant tribal leaders).
- q. Communication etiquette and protocols

ACCOUNTABILITY, REPORTING, AND INFORMATION MANAGEMENT

1. **Tribal Contact Information:**
 - a. Department of the Interior (DOI) employees will utilize the DOI Tribal Consultation SharePoint site contact list.
<https://connect.doi.gov/os/Portal/nat/SitePages/Home.aspx>
 - b. U.S. Department of Agriculture (USDA) employees will utilize the Forest Service contact database. [web address]
2. **Tracking Consultations:**
 - a. The Alaska Region of the Forest Service has a tribal consultation database to track Forest Service and tribal consultations.
 - b. Office of Subsistence Management and DOI employees shall utilize the DOI Tribal Consultation SharePoint site database to track and record consultations.
3. **Report on Consultations**
 - a. Report annually as required by DOI and USDA consultation policies.

- b. The OSM Native Liaison provides a summary report annually to the Board on Federal Subsistence Management Program consultations; noting any feedback received from Tribes regarding the policies and the implementation of them; and any other follow-up actions or accomplishments. The OSM report on the Board's consultations with Tribes shall be posted on the OSM web site.
4. **Review of the Tribal Consultation Policy:**
- a. Annually, the Consultation Workgroup, OSM Native Liaison, land managers, and ISC should assess the effectiveness of the Tribal Consultation Policy and implementation guidelines. The Workgroup will report to the Board at its annual winter meeting.
5. **Follow-up to Consultations at the Federal Subsistence Board Meeting:**
- a. OSM is responsible to follow up on action items from Tribal Consultations at Federal Subsistence Board meetings.
 - b. Post-Board meeting follow-up includes notification to Tribes of Board actions.

DRAFT

**Note to reviewer: This supplemental policy for consultation with ANCSA corporations is adapted from the DOI Policy on Consultation with Alaska Native Claims Settlement Act (ANCSA) Corporations. Where it said “Department”, it was changed to say “Board” or “Department” was deleted. Where ANILCA or FSMP provisions required extra explanation for this policy, it was added and is indicated as additions in italics.*

Federal Subsistence Board Policy on Consultation with Alaska Native Claims Settlement Act (ANCSA) Corporations

I. Preamble

The Federal Subsistence Board (Board) distinguishes the federal relationship to ANCSA Corporations from the Tribal government-to-government relationship enjoyed by any federally recognized Indian Tribe, and this Policy will not diminish in any way that relationship and the consultation obligations towards federally recognized Indian Tribes. Recognizing the distinction, the Board is committed to fulfilling its ANCSA Corporation consultation obligations by adhering to the framework described in this Policy.

The Department of the Interior has a Policy on Consultation with ANCSA Corporations and the U.S. Department of Agriculture has an Action Plan on Consultation and Collaboration with Tribes, which includes consultation with ANCSA corporations. The Board will follow the Department-level policies; and for the purpose of Federal Subsistence Management, this policy further clarifies the Federal Subsistence Board’s responsibilities for consultation with ANCSA Corporations.

II. Guiding Principles

In compliance with Congressional direction, this Policy creates a framework for consulting with ANCSA Corporations. Congress required that the Director of the Office of Management and Budget and all Federal agencies shall hereafter consult with Alaska Native Corporations on the same basis as Indian Tribes under Executive Order Number 13175. Pub. L. No. 108-199 as amended by Pub. L. No. 108-447. Pursuant to the Alaska Native Claims Settlement Act (ANCSA) of 1971, ANCSA Corporations were established to provide for the economic and social needs, including the health, education and welfare of their Native shareholders. ANCSA also extinguished aboriginal hunting and fishing rights.

Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) states, “except as otherwise provided by this Act or other Federal laws, Federal land managing agencies, in managing subsistence activities on the public lands and in protecting the continued viability of all wild renewable resources in Alaska, shall cooperate with adjacent landowners and land managers, including Native Corporations, appropriate State and Federal agencies and other nations.”

III. Policy

The Board will consult with ANCSA Corporations that own land within or adjacent to lands subject to the jurisdiction of the Federal subsistence program (see 36 CFR242.3 and 50 CFR 100.3) when those corporate lands or its resources may be affected by regulations enacted by the Board.

ANCSA Corporations may also initiate consultation with the Board at any time by contacting the Office of Subsistence Management Native Liaison.

Provisions described in the Federal Subsistence Board Tribal Consultation Policy sections entitled Consultation, Training, and Accountability and Reporting shall apply to the Federal Subsistence Board Policy on Consultation with ANCSA Corporations, with adjustments as necessary to account for the unique status, structure and interests of ANCSA Corporations as appropriate or allowable.

DRAFT

Fall 2014 Regional Advisory Council Meeting Calendar

August–October 2014 current as of 2/26/2014
Meeting dates and locations are subject to change.

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Aug. 17	Aug. 18 WINDOW OPENS	Aug. 19	Aug. 20	Aug. 21	Aug. 22	Aug. 23
		NS—TBD				
Aug. 24	Aug. 25	Aug. 26	Aug. 27	Aug. 28	Aug. 29	Aug. 30
Aug. 31	Sept. 1	Sept. 2	Sept. 3	Sept. 4	Sept. 5	Sept. 6
Sept. 7	Sept. 8 HOLIDAY	Sept. 9	Sept. 10	Sept. 11	Sept. 12	Sept. 13
		KA—King Cove/Cold Bay				
Sept. 14	Sept. 15	Sept. 16	Sept. 17	Sept. 18	Sept. 19	Sept. 20
Sept. 21	Sept. 22	Sept. 23	Sept. 24	Sept. 25	Sept. 26	Sept. 27
		SE—Sitka				
Sept. 28	Sept. 29	Sept. 30 End of Fiscal Year	Oct. 1	Oct. 2	Oct. 3	Oct. 4
Oct. 5	Oct. 6	Oct. 7	Oct. 8	Oct. 9	Oct. 10	Oct. 11
		SP—Nome				
		NWA—TBD				
Oct. 12	Oct. 13	Oct. 14	Oct. 15	Oct. 16	Oct. 17	Oct. 18
		SC - Kenai Peninsula				
		YKD—Bethel			WINDOW CLOSES	
Oct. 19	Oct. 20	Oct. 21	Oct. 22	Oct. 23	Oct. 24	Oct. 25
		EI - TBD				
Oct. 26	Oct. 27	Oct. 28	Oct. 29	Oct. 30	Oct. 31	Nov. 1
		BB - Dillingham				
		WI - McGrath				

Winter 2015 Regional Advisory Council Meeting Calendar

February–March 2015 current as of 2/26/2014

Meeting dates and locations are subject to change.

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
<i>Feb. 8</i>	<i>Feb. 9</i> <i>Window Opens</i>	<i>Feb. 10</i>	<i>Feb. 11</i>	<i>Feb. 12</i>	<i>Feb. 13</i>	<i>Feb. 14</i>
<i>Feb. 15</i>	<i>Feb. 16</i> HOLIDAY	<i>Feb. 17</i>	<i>Feb. 18</i>	<i>Feb. 19</i>	<i>Feb. 20</i>	<i>Feb. 21</i>
<i>Feb. 22</i>	<i>Feb. 23</i>	BB — Naknek		<i>Feb. 26</i>	<i>Feb. 27</i>	<i>Feb. 28</i>
<i>Mar. 1</i>	<i>Mar. 2</i>	<i>Mar. 3</i>	<i>Mar. 4</i>	<i>Mar. 5</i>	<i>Mar. 6</i>	<i>Mar. 7</i>
<i>Mar. 8</i>	<i>Mar. 9</i>	<i>Mar. 10</i>	<i>Mar. 11</i>	<i>Mar. 12</i>	<i>Mar. 13</i>	<i>Mar. 14</i>
<i>Mar. 15</i>	<i>Mar. 16</i>	<i>Mar. 17</i>	<i>Mar. 18</i>	<i>Mar. 19</i>	<i>Mar. 20</i> <i>Window Closes</i>	<i>Mar. 21</i>

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

Southeast Alaska Subsistence Regional Advisory Council

Charter

1. **Committee's Official Designation.** The Council's official designation is the Southeast Alaska Subsistence Regional Advisory (Council).
2. **Authority.** The Council is reestablished by virtue of the authority set out in the Alaska National Interest Lands Conservation Act (16 U.S.C. 3115 (1988)) Title VIII, and under the authority of the Secretary of the Interior, in furtherance of 16 U.S.C. 410hh-2. The Council is established in accordance with the provisions of the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C. Appendix 2.
3. **Objectives and Scope of Activities.** The objective of the Council is to provide a forum for the residents of the Region with personal knowledge of local conditions and resource requirements to have a meaningful role in the subsistence management of fish and wildlife on Federal lands and waters in the Region.
4. **Description of Duties.** The Council possesses the authority to perform the following duties:
 - a. Recommend the initiation of, review, and evaluate proposals for regulations, policies, management plans, and other matters relating to subsistence uses of fish and wildlife on public lands within the Region.
 - b. Provide a forum for the expression of opinions and recommendations by persons interested in any matter related to the subsistence uses of fish and wildlife on public lands within the Region.
 - c. Encourage local and regional participation in the decisionmaking process affecting the taking of fish and wildlife on the public lands within the Region for subsistence uses.
 - d. Prepare an annual report to the Secretary containing the following:
 - (1) An identification of current and anticipated subsistence uses of fish and wildlife populations within the Region.
 - (2) An evaluation of current and anticipated subsistence needs for fish and wildlife populations within the Region.

- (3) A recommended strategy for the management of fish and wildlife populations within the Region to accommodate such subsistence uses and needs.
 - (4) Recommendations concerning policies, standards, guidelines, and regulations to implement the strategy.
 - e. Appoint one member to the Wrangell-St. Elias National Park Subsistence Resource Commission in accordance with Section 808 of the Alaska National Interest Lands Conservation Act (ANILCA).
 - f. Make recommendations on determinations of customary and traditional use of subsistence resources.
 - g. Make recommendations on determinations of rural status.
 - h. Provide recommendations on the establishment and membership of Federal local advisory committees.
5. **Agency or Official to Whom the Council Reports.** The Council reports to the Federal Subsistence Board Chair, who is appointed by the Secretary of the Interior with the concurrence of the Secretary of Agriculture.
 6. **Support.** The U.S. Fish and Wildlife Service will provide administrative support for the activities of the Council through the Office of Subsistence Management.
 7. **Estimated Annual Operating Costs and Staff Years.** The annual operating costs associated with supporting the Council's functions are estimated to be \$175,000, including all direct and indirect expenses and 1.15 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 is subject to biennial review and will terminate 2 years from the date the charter is filed, unless prior to that date, the Charter 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 Federal Subsistence 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.

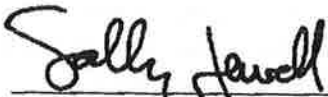
Members will be appointed for 3-year terms. A vacancy on the Council will be filled in the same manner in which the original appointment was made. Members serve at the discretion of the Secretary.

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

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

13. **Ethics Responsibilities of Members.** No Council or subcommittee member will participate in any specific party matter in which the member has a direct financial interest in a lease, license, permit, contract, claim, agreement, or related litigation with the Department.

14. **Subcommittees.** Subject to the DFO's approval, subcommittees may be formed for the purpose of compiling information and conducting research. However, such subcommittees must act only under the direction of the DFO and must report their recommendations to the full Council for consideration. Subcommittees must not provide advice or work products directly to the Agency. The Council Chair, with the approval of the DFO, will appoint subcommittee members. Subcommittees will meet as necessary to accomplish their assignments, subject to the approval of the DFO and the availability of resources.
15. **Recordkeeping.** Records of the Council, and formally and informally established subcommittees or other subgroups of the Council, shall be handled in accordance with General Records Schedule 26, Item 2, and other approved Agency records disposition schedule. These records shall be available for public inspection and copying, subject to the Freedom of Information Act, 5 U.S.C. 552.



Secretary of the Interior

NOV 25 2013

Date Signed

DEC 03 2013

Date Filed

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

Southcentral Alaska Subsistence Regional Advisory Council

Charter

- 1. Committee's Official Designation.** The Council's official designation is the Southcentral Alaska Subsistence Regional Advisory (Council).
- 2. Authority.** The Council is reestablished by virtue of the authority set out in the Alaska National Interest Lands Conservation Act (16 U.S.C. 3115 (1988)) Title VIII, and under the authority of the Secretary of the Interior, in furtherance of 16 U.S.C. 410hh-2. The Council is established in accordance with the provisions of the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C. Appendix 2.
- 3. Objectives and Scope of Activities.** The objective of the Council is to provide a forum for the residents of the Region with personal knowledge of local conditions and resource requirements to have a meaningful role in the subsistence management of fish and wildlife on Federal lands and waters in the Region.
- 4. Description of Duties.** The Council possesses the authority to perform the following duties:
 - a. Recommend the initiation of, review, and evaluate proposals for regulations, policies, management plans, and other matters relating to subsistence uses of fish and wildlife on public lands within the Region.
 - b. Provide a forum for the expression of opinions and recommendations by persons interested in any matter related to the subsistence uses of fish and wildlife on public lands within the Region.
 - c. Encourage local and regional participation in the decisionmaking process affecting the taking of fish and wildlife on the public lands within the Region for subsistence uses.
 - d. Prepare an annual report to the Secretary containing the following:
 - (1) An identification of current and anticipated subsistence uses of fish and wildlife populations within the Region.
 - (2) An evaluation of current and anticipated subsistence needs for fish and wildlife populations within the Region.

- (3) A recommended strategy for the management of fish and wildlife populations within the Region to accommodate such subsistence uses and needs.
 - (4) Recommendations concerning policies, standards, guidelines, and regulations to implement the strategy.
- e. Appoint one member to the Wrangell-St. Elias National Park Subsistence Resource Commission and two members to the Denali National Park Subsistence Resource Commission in accordance with Section 808 of the Alaska National Interest Lands Conservation Act (ANILCA).
 - f. Make recommendations on determinations of customary and traditional use of subsistence resources.
 - g. Make recommendations on determinations of rural status.
 - h. Provide recommendations on the establishment and membership of Federal local advisory committees.
5. **Agency or Official to Whom the Council Reports.** The Council reports to the Federal Subsistence Board Chair, who is appointed by the Secretary of the Interior with the concurrence of the Secretary of Agriculture.
6. **Support.** The U.S. Fish and Wildlife Service will provide administrative support for the activities of the Council through the Office of Subsistence Management.
7. **Estimated Annual Operating Costs and Staff Years.** The annual operating costs associated with supporting the Council's functions are estimated to be \$160,000, 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 terminate 2 years from the date the Charter is filed, unless, prior to that date, it is renewed in accordance with the provisions of Section 14 of the FACA. The Council will not meet or take any action without a valid current charter.
12. **Membership and Designation.** The Council's membership is composed of representative members as follows:

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 Federal Subsistence 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.

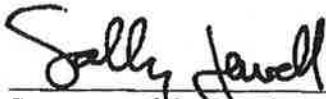
Members will be appointed for 3-year terms. A vacancy on the Council will be filled in the same manner in which the original appointment was made. Members serve at the discretion of the Secretary.

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

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

13. **Ethics Responsibilities of Members.** No Council or subcommittee member will participate in any specific party matter in which the member has a direct financial interest in a lease, license, permit, contract, claim, agreement, or related litigation with the Department.

14. **Subcommittees.** Subject to the DFO's approval, subcommittees may be formed for the purpose of compiling information and conducting research. However, such subcommittees must act only under the direction of the DFO and must report their recommendations to the full Council for consideration. Subcommittees must not provide advice or work products directly to the Agency. The Council Chair, with the approval of the DFO, will appoint subcommittee members. Subcommittees will meet as necessary to accomplish their assignments, subject to the approval of the DFO and the availability of resources.
15. **Recordkeeping.** Records of the Council, and formally and informally established subcommittees or other subgroups of the Council, shall be handled in accordance with General Records Schedule 26, Item 2, and other approved Agency records disposition schedule. These records shall be available for public inspection and copying, subject to the Freedom of Information Act, 5 U.S.C. 552.


Secretary of the Interior

NOV 25 2013

Date Signed

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Date Filed