



Federal Subsistence Board
Work Session Materials
August 2-3, 2023
Anchorage, Alaska



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**FEDERAL SUBSISTENCE BOARD PUBLIC
WORK SESSION**

Gordon Watson Conference Room
U.S. Fish and Wildlife Service
1011 E. Tudor Rd, Anchorage
August 2-3, 2023

9:00 a.m. until finished (each day) Teleconference
call-in number: **(888) 455-7761**
Listen-Only Passcode **4622241**

WORK SESSION AGENDA

** Indicates action item*

1. Call to Order and Welcome
2. Review and adopt agenda
3. Information exchange
4. Denali NP Individual C&T*
 - a. ICTP23-01 (*supplemental*)
 - b. ICTP23-02 (*supplemental*)
5. Regional Advisory Council Annual Report Replies*
6. Regional Advisory Council Charter Change Requests*
7. Briefing on Council Correspondence Policy
8. SERAC Letter to FSB on Transboundary River Watersheds
9. Adjourn



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

Federal Subsistence Board

1011 East Tudor Road, MS 121
Anchorage, Alaska 99503 - 6199



FOREST SERVICE

OSM 23072

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

Dear Chairman Hernandez:

This letter responds to the Southeast Alaska Subsistence Regional Advisory Council's (Council) fiscal year 2022 Annual Report. The Secretaries of the Interior and Agriculture have delegated to the Federal Subsistence Board (Board) the responsibility to respond to these reports. The Board appreciates your effort in developing the Annual Report. Annual Reports allow the Board to become aware of the issues outside of the regulatory process that affect subsistence users in your region. We value this opportunity to review the issues concerning your region.

1. Transboundary River Mining – Impacts to Subsistence Users

a. Communication to Alaska Lt. Governor and Secretary of State

The Board in its FY2021 Annual Report Reply requested that the Council resubmit their concerns on transboundary mining in a new letter to the Board, which will then elevate the letter to the U.S. Department of State. The letter contains a request that the U.S. Department of State and the Alaska Lieutenant Governor take the lead in collaborating with Canada to address the impacts of transboundary mining on the Taku, Stikine, and Unuk rivers. The Council continues to receive new information on the impacts of mining on resources utilized by subsistence users, and the Council anticipates that this issue will become more complex in the future. The Council has submitted a follow-up letter to once again voice concerns to those who have the authority to take the action needed to protect the rivers that Southeast coastal communities rely on for sustainable resources.

b. Support of Salmon Beyond Borders Effort

Most recently, the Council received notification of an effort by Salmon Beyond Borders to ask the current Biden Administration, United State government, Prime Minister Justin Trudeau, and the Canadian government for action on this issue. The Salmon Beyond Borders representative

shared resolutions passed in communities across Southeast Alaska over the last year, including Pelican, Petersburg, Sitka, Craig, Wrangell, and Ketchikan. It is a concern for all of Southeast Alaska. In addition to the steps this Council has taken in the past to advocate for protection of Southeast fish and wildlife resources from the negative impacts of largescale mining in the transboundary rivers area, the Council would like to also add its voice to support this movement by Salmon Beyond Border and bring more attention to this crucial issue.

Request to the Board

1. *Please keep this Council informed of any responses to the Council's letter to the Board regarding its request that the U.S. Department of State and the Alaska Lieutenant Governor take the lead in collaborating with Canada to address the transboundary mining issue.*
2. *Advise how the Council may proceed in its support of the efforts of Salmon Beyond Borders, within the correspondence policy, with forwarding the transboundary mining concerns to other entities, such as:*
 - *Secretaries of Interior and Agriculture*
 - *U.S. Department of State*
 - *Assistant Secretary of State, Oceans and International Environmental Scientific Affairs and Special Envoy for Biodiversity and Water Resources*
 - *Director, Office of Canadian Affairs*
 - *U.S. International Joint Commission Members (Messrs. Sisson, Yohe, and Corwin)*

Response

Thank you for persevering in your efforts to address the potential impacts of transboundary mining on the Taku, Stikine, and Unuk rivers in Southeast Alaska. Unfortunately, as you know, the Board did not receive a response from our January 2017 letters to Lieutenant Governor Byron Mallott or the U.S. Department of State, asking them to take the lead in collaborating with Canada to address the transboundary mining issue. At the time of this reply, the Board will be taking up your letter expressing concern on the transboundary mining issue at the summer 2023 work session, and we will let your Council know the results of this discussion at your fall 2023 meeting.

Regarding your question about how to support the efforts of Salmon Beyond Borders, according to the Board's Council Correspondence Policy, the Council may write letters of support, resolutions, letters offering comment or recommendations, ANILCA §810 comments (subsistence and land use decisions), and any other correspondence to any government agency or any Tribal or private organization or individual within the United States. If you wish to write to any elected or politically appointed person in Federal agencies, you must request that the Board forward your concerns.

Specific to your support for Salmon Beyond Borders, you have a number of options available for action. Your Council is a public forum for the expression of opinions and recommendations on any matter that relates to subsistence use of fish and wildlife in your region. You may continue

to invite Salmon Beyond Borders to your meetings to learn more about their reports, actions, and resources. You may also forward information shared during your meetings, through the Board, to the Secretaries of the Interior and Agriculture and to all the positions you have listed in this report.

2. Support awareness for bycatch issues

The Council is aware of the controversial issue surrounding bycatch and is distressed because this issue affects the salmon that our communities depend upon for food, their livelihood, and cultural significance. The Council received testimony at its fall 2022 meeting regarding the inaction by the North Pacific Fishery Management Council (NPFMC) this past June, regarding the bycatch issue. The Council was informed that after days of public testimony at the NPFMC meeting, ultimately there was no additional reduction to the bycatch limits of the trawl fleet and no effort was made to reduce interception. The Council also received a copy of the letter from four other Regional Advisory Councils requesting reduction in Chinook and Chum salmon bycatch in the Bering Sea/Aleutian Island commercial fishery and representation of subsistence resource users on the NPFMC. The Southeast Council would like to lend its support to their fellow Regional Advisory Councils for their specific bycatch concerns and to recognize that, although the problem may vary from region to region, this is a statewide issue.

For Southeast Alaska, one of the bycatch concerns revolves around transboundary mining and the trawl interception of Chinook Salmon in the Gulf of Alaska (of which 45% is believed by some to be Canada fish). It is anticipated that during North Pacific Salmon Treaty discussions, Canada may demand an increase in fish. The Council would also like to see information shared with National Oceanic and Atmospheric Administration – National Marine Fisheries Service (NOAA-NMFS). Even though the management of Halibut does not fall under the jurisdiction of the Board, subsistence users depend on Halibut to supplement their subsistence lifestyle and it would help spotlight the issue of bycatch across all agencies involved in the management of resources, specifically Chinook Salmon and Halibut.

Lastly, the Council wholeheartedly feels that subsistence representation on the NPFMC is vital to ensuring subsistence needs are explicitly considered in the management of commercial fisheries where management actions impact subsistence resources.

Request to the Board

The Council asks the Board to forward the Council's letter in support of the other four Councils' bycatch letter to NOAA-NMFS.

Response

The Board appreciates the Council's concern over salmon bycatch in Gulf of Alaska fisheries. The Board is encouraged by the recent addition of a designated Tribal seat on the NPFMC Advisory Panel, which should improve representation for the concerns of subsistence users in NPFMC-managed fisheries. The Advisory Panel's tribal seat is held by Shawaan Jackson-Gamble of Kake, a rural community within the Southeast region. We encourage you to communicate your concerns to Mr. Jackson-Gamble so that he may bring them forward to the

NPFMC. The Council may work with your Coordinator to ensure your letter is forwarded. The letter was instructional for us, and we are certain that it will be useful to NOAA-NMFS.

3. Unguided sports fishermen issues

The Council continues to receive information and testimony about the harmful consequences regarding unguided sport fishing. This issue is of such importance that the Council recently recommended that fisheries closures for some Southeast waters (Neva, Kah Sheets Creek) remain in place because of the increased competition with unguided sport fishing. The Council recommendation was based on the years of public testimony that unguided sport fishing is having a significant impact on resources that are used by subsistence users; however, assessing these impacts is difficult.

Through authorities given by the Board, this Council, through its local and regional participation authority in ANILCA §805, has made multiple attempts to address unguided sports fishermen issues through the Alaska Board of Fisheries process, including but not limited to:

- a. 2014: Submitted two State proposals (one for freshwater, one for marine waters) to address abuses to sport fishing bag and possession limits by nonresident anglers and the fear that this is contributing to conservation issues on some streams.*
- b. 2017: Submitted two State proposals (#195 & #196) to establish nonresident annual limits for Sockeye Salmon in Southeast Alaska salt and freshwaters and to mandate recording of annual limits (mail-out statewide harvest survey is inadequate)*
- c. 2018: Submitted comments on its 2017 State proposals, stating “with the growing number [of] lodges and the ‘unguided’ skiff rentals, the non-resident angler is taking unaccounted salmon from our streams . . . non-resident anglers have no obligation to report any amount of take . . . the Council feels strongly about this problem and would like the Alaska Board of Fisheries to address this to help make accountability more accurate.”*
- d. 2019: Comment letter sent to Alaska Department of Fish and Game (ADF&G) in opposition to the State’s proposed elimination of the freshwater sport fish guide logbooks program in 2019, stressing the importance of gathering information and monitoring angler activity and fish harvests. The lack of data will be detrimental to management of these resources.*
- e. 2020: Submitted State proposal (#143, covering both fresh and marine waters) requesting that all non-resident sport fishermen in Southeast/Yakutat areas be required to complete and submit a logbook of all fish and shellfish harvested with an evaluation of harvest data after six years to determine if the perceived increase in competition or use exists.*
- f. 2021: Council’s Vice Chair attended Alaska Board of Fisheries meeting to deliver in-person comments on 20 State fish proposals, including the five fish proposals submitted initially by the Council (including #143 mentioned above).*

The Council has participated numerous times in the public process to effectuate change, however, the actions of the Alaska Board of Fisheries have not addressed these concerns. The

Council remains concerned about the lack of data available to accurately ascertain the impacts to subsistence resources by unguided fishermen. Established limits and improved recordkeeping are sound fish and wildlife management practices and are consistent with ANILCA Title VIII. The Council feels that absent adequate reporting, the current process of obtaining limited data from unguided fishermen is making resources vulnerable to overharvest by this user group.

Request to the Board

The Council wants to know what other mechanisms could be taken to elevate this important issue. What procedures can the Council take to address sportfishing bag and possession limits and implement harvest data log books? The Council requests the Board's help in identifying other means to collect crucial data required to accurately assess the impact of unguided sport fishing on the resources throughout Southeast Alaska.

Response

Thank you for elevating the concern about nonresident anglers in Southeast Alaska through both the State and Federal regulatory processes. The categories of proposals submitted to restrict nonresident angler daily, weekly, or annual harvest limits, or to require additional accounting and reporting through logbooks, creel surveys, self-reporting, check stations, airport inspections, etc., has been in front of the Alaska Board of Fisheries (BOF) in most regions of Alaska at some point in time and multiple times in certain regions. The BOF has disagreed with the concerns of the Council through their opposition to all proposals for waters outside Federal subsistence fisheries management jurisdiction. The ADF&G comments on these types of proposals indicate they too disagree with the Council on these issues.

The only mechanism to govern a nonresident sport fishery in waters outside the jurisdiction of the Board is through the regulatory body that governs those waters, which is the BOF. The Board supports your Council's efforts and encourages you to continue to seek changes to State managed fisheries outside of Federal subsistence fisheries jurisdiction, where the Board can only make recommendations. The Council may wish to keep in mind when submitting future BOF proposals that proposals submitted with conservation concerns as justification are evaluated by the BOF and Board, but if there is a commercial fishery that targets the same stocks that nonresident anglers pursue, then fisheries managers and regulatory boards are very unlikely to believe that there is a conservation concern.

The Council could update their priority information needs for the Fisheries Resource Monitoring Program to highlight conducting creel surveys in the freshwaters of U.S. Forest Service lands in Southeast Alaska, specifically where testimony received by the Council has identified systems of concern due to nonresident angler activities. The Council meeting transcripts would help develop a list of systems under federal subsistence jurisdiction that have received complaints on record from federally qualified subsistence users and the public. Another option would be to request funding to send Council members to local State Advisory Committees (ACs) to present the Council's case and build support. Your Council could encourage the local ACs submit or cosponsor a proposal to the BOF to restrict or monitor nonresident anglers in the State's sport fisheries of concern in Southeast Alaska.

4. Commercial fisheries impacts to subsistence fisheries

Council Engagement

The Council remains concerned about limitations on shrimp harvesting set by the State of Alaska under the guise of ‘conservation concerns.’ The actions by the State in recent years, such as the limit of two five-gallon buckets of shrimp per trip placed on subsistence harvesters, is negatively impacting subsistence users. As mentioned in its FY-2018 Annual Report, there seems to be a reallocation of resources from the subsistence harvester to the commercial industry. This is contrary to Tier II of the State subsistence regulations, which provides that if there is not enough resource to meet everyone’s needs, then elimination/restriction starts with other user groups before the subsistence harvest is restricted. Instead of enforcing laws that prohibits illegal use of subsistence harvest, additional restrictions have been placed on the legitimate or legal subsistence harvesters in recent years, making it difficult to meet their subsistence needs.

Impacts created by commercial fisheries on subsistence shrimp continue, and the State should recognize shrimp as a subsistence resource when managing it. This Council continues to support proposals submitted by Southeast communities for commercial closures of shellfish to help protect access to resources vital to subsistence users. The Council has submitted and commented on State proposals and has sent representatives to Alaska Board of Fisheries meetings to deliver the Council’s perspective on numerous issues regarding State management in hopes that the State would appreciate the relationship between users and resources. This approach resulted in successful outcome, as mostly recently, the Alaska Board of Fisheries adopted one of the proposals supported by the Council.

Request to the Board

The Council asks the Board to continue its support and funding for the Council’s engagement in the State regulatory process, including attendance at Alaska Board of Fisheries/Game meetings.

Research Needed to Document Commercial Fishery Impacts to Subsistence Resources

The Council heard testimony about commercial boats setting crab pots in bays, which negatively affect the amount of crab available for subsistence. According to anecdotal evidence, this practice has been ongoing for several years. The Council would like to know if research can be done to document effects of the commercial fishing fleets on key subsistence resources. It would be helpful to identify the user groups that are setting pots and how much is being harvested so that there can be effective management of the resource. As mentioned previously in this report, the Council has spent a lot of time supporting proposals for commercial closures for shellfish around communities to protect Federally qualified subsistence users’ access to subsistence resources; however, further action needs to be taken to document perceived impacts. Additional studies and research may be the only way to gather this data.

Request to the Board

The Council would like to learn of any opportunities through the Federal Subsistence Management Program (FSMP) to document the commercial fishery impacts on subsistence resources and identify available means to gather the data and vital information necessary to effectively manage these resources for all user groups.

Response

Council Engagement

The Board recognizes the concern with the allocation of shrimp in Southeast Alaska, especially in areas where their abundance is declining. Currently, there is no closed season and no limit on subsistence and personal use harvest of shrimp throughout most of Southeast Alaska. The exception is in the Sitka management area of District 13, where the limit is ten gallons of shrimp. However, there are several areas where subsistence and personal use harvest are closed due to low abundance and recruitment of shrimp. Many of these areas, such as Hoonah Sound and Tenakee Inlet, have historically been important sources of shrimp for subsistence users. Currently, all areas closed to subsistence and personal use of shrimp are also closed to commercial harvest, but stocks in some areas have been slow to recover.

As the Council notes, changes in the management of the shrimp fishery must occur through the Alaska Board of Fisheries regulatory process. The Board encourages the Council to continue to take an active role representing subsistence users in the State regulatory process and believes that it is an integral part of its role. Council requests for travel to attend Alaska Board of Fisheries and Board of Game meetings should be submitted with justification to OSM Assistant Regional Director (ARD) with the assistance of your Council Coordinator. Support for Council members' travel will have to be determined by OSM ARD on a case-by-case basis.

Research Needed to Document Commercial Fishery Impacts to Subsistence Resources

Typically, any such assessment would be performed in the context of other Program activities, such as an analysis of a regulatory proposal. However, it may be possible to seek the assistance of Program staff if the Council has concerns about a specific area, resource, or issue. Staff can request data from the State, such as harvest and effort information, population surveys, etc.

Conducting original research or studies of commercial harvest in marine waters is usually beyond the scope of the Program's mission and funding, so opportunities to do so are very limited. However, the Council may want to consider writing to organizations who do conduct research, such as Alaska Department of Fish and Game or University of Alaska Southeast, to communicate your concerns about data gaps and your desire to see research projects developed that address them.

5. Youth input/representation on Regional Advisory Councils

The Council has raised the subject of youth engagement with FSMP in its FY-2018 and FY-2019 Annual Reports and would like to reiterate its importance once again. This Council has received public testimony from young people at its meetings for years. Students from the University of Alaska Southeast Procedures and Practicum Class from Sitka have attended the Council meetings for several years and also attended Board meetings to better understand the role that the public has in the FSMP. The Council has enjoyed engaging with these young people and have benefited from their insight on a variety of subsistence, resource, and climate crisis matters. The Council feels it is essential for younger subsistence users to learn about the Federal regulatory process so that this new generation of emerging leaders can understand and participate in the public decision-making process effectively. The Council would like funding to

be set aside to support groups of youth, such as the Sitka students, for continued travel and attendance to FSMP meetings.

Further, the Council would like to advocate for a 'youth representative seat' on Regional Advisory Councils. This would allow an interested student to participate in the work of his/her Regional Advisory Council. Currently, well-qualified applicants who may, because of their age, have fewer years of experience so far in his/her career/leadership, are unable to compete with the older candidates for a seat on the Councils. Are we ignoring an opportunity to add more generational diversity on the Council, which would help train the next group of leaders and provide additional perspectives? The current Council member selection criteria may be a hurdle for achieving age diversity on the Council, and the Council would like FSMP to remove barriers, as appropriate, to allow for youth engagement in the Regional Advisory Council work.

Request to the Board

- 1. Please explore and identify sources for funding student groups to participate in the work of the FSMP, including but not limited to travel and associated costs to attend subject-specific subsistence meetings (such as special actions, etc.), Regional Advisory Council meetings, and Board meetings*
- 2. Please explore options for younger people to serve as Council members and/or consider allowing them to participate in a non-voting, developmental position on the Council*
- 3. Advise the Council how they may implement youth representation on the Council*

Response

The Board commends the Council for continuous advocacy for youth engagement with Federal Subsistence Management Program. Over the years the Board has been supportive of youth participation in Board and Council meetings and has been interested in hearing their experiences, perspectives, and opinions on various subsistence topics. As we resume in-person meetings after the pandemic and OSM continues to restore and build its capacity, the Board will continue to support youth engagement in subsistence issues, projects, and meetings. However, funding a youth program or committing funding to support travel of youth groups is not a part of the Federal Subsistence Management Program operations or budget. The main responsibility of the Board and Federal Subsistence Management Program is to administer the subsistence taking and uses of fish and wildlife on public lands and promulgating related regulations.

One of the avenues for local, rural students to engage with subsistence resource monitoring and management is through science camps and paid internships funded by the Federal Subsistence Management Program's Partners for Fisheries Monitoring Program.

Additionally, the local Tribes and non-profit organization that would like to sponsor youth travelling to meetings and learning about the regulatory process can apply for various grants, such as:

- Rural Alaska Community Action Program, Inc. Youth Development and Culture Grant Program

- Alaska Conservation Foundation grantmaking program

The Board shares the Council’s desire to have age diversity on all Councils. The Board accepts applications from the rural users to serve on the Councils including young adults. If an applicant has been involved in subsistence and/or commercial/sport activities and has a knowledge of regional fish and wildlife resources, as well as shows the qualities of an emerging leader and good communicator, then they can be appointed to serve on a Council as long as they are 18 or older. There are already some examples within the Federal Subsistence Management Program when a 19-year-old and a 22-year-old had been appointed by the Secretaries of the Interior and Agriculture to serve on a Council.

This fiscal year (FY-2023), several Councils across Alaska put forward a request to establish a non-voting “youth representative seat” or “a young adult developmental seat” on their Councils and to add corresponding language to their charters. The Board will review the Councils’ charter change requests at its August 2023 meeting and, if it finds them justifiable and with merit, will forward these requests to the Secretaries of the Interior and Agriculture for further consideration and decision.

Additionally, the Board appreciates the Council sharing information in your FY 2022 Annual Report on other issues significant to the Council: (6) meaningful priority and the interpretation of ANILCA §804 and §815(3); (7) indigenous co-management of resources; (8) adaptive management techniques to be used for young growth harvests; (9) lack of law enforcement for fisheries; (10) analyses content – improvement suggestions; and (11) climate change. The Board is also thankful to the Council for providing regional information on the fish and wildlife populations and the harvests in the Southeast Alaska Region (12). We recognize that you are uniquely positioned to offer first alerts to changing conditions and important trends that impact subsistence in your region. The Board appreciates and values the traditional knowledge, observations, and expertise you share and will direct staff to track this issue in the future. With this information, the Board is better prepared to make informed decisions.

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

Sincerely,

Anthony Christianson
Chair

cc: Southeast Alaska Subsistence Regional Advisory Council
Federal Subsistence Board
Office of Subsistence Management
DeAnna Perry, Council Coordinator, U.S. Forest Service
Interagency Staff Committee
Benjamin Mulligan, Deputy Commissioner, Alaska Department of Fish and Game

Mark Burch, Special Project Coordinator, Alaska Department of Fish and Game
Administrative Record



FISH and WILDLIFE SERVICE
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BUREAU of INDIAN AFFAIRS

Federal Subsistence Board

1011 East Tudor Road, MS 121
Anchorage, Alaska 99503 - 6199



FOREST SERVICE

OSM 23063

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

Dear Chairman Encelewski:

This letter responds to the Southcentral Alaska Subsistence Regional Advisory Council's (Council) fiscal year 2022 Annual Report. The Secretaries of the Interior and Agriculture have delegated to the Federal Subsistence Board (Board) the responsibility to respond to these reports. The Board appreciates your effort in developing the Annual Report. Annual Reports allow the Board to become aware of the issues outside of the regulatory process that affect subsistence users in your region. The Board values this opportunity to review the issues concerning your region.

1. The process of reporting anticipated needs of subsistence as stated in the Council Charter

In Section 4(d)(1) and (2), the Council's charter states, "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." The Council requested clarification on reporting anticipated needs of subsistence and how to conduct an analysis of subsistence use amounts for fish and wildlife in the Southcentral Region. The Council is concerned about increasing competition for resources harvested by Federally qualified subsistence users.

Response

The Board is keenly aware of the heavy demand by many users for the harvest of fish and wildlife in your region. Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) broadly requires the Board to provide a priority for subsistence uses over other consumptive uses of fish and wildlife on Federal public lands. Neither Title VIII nor its

implementing regulations require the Federal program to quantify amounts that are needed for subsistence. Accordingly, there is currently no quantitative formula for identifying or reporting anticipated needs for subsistence uses.

The Board relies on the Regional Advisory Councils to identify the current and anticipated subsistence needs in their respective communities based on members' local and traditional knowledge. This knowledge can be either quantitative or qualitative. No formal analysis is needed. The Board also asks the Council to support your region by making recommendations on regulatory proposals and special actions and by submitting proposals and requests for special actions when necessary. It is not required to meet a threshold before alerting the Board that it must act to support the continuation of subsistence uses. The Board is aware of the conflicts and challenges your region faces over declining harvests and resources. If increasing pressure on important fish and wildlife resources is interfering with the continuation of subsistence uses, you can request the Board close Federal public lands and waters to non-subsistence uses through a special action.

2. Customary and Traditional Use determination process review and competition for the Federally qualified subsistence users for Copper River Salmon

The Council expressed interest in reviewing and updating the process for Customary and Traditional Use (C&T) determinations. The Council is aware of the eight factors for C&T (listed below) and understands that not all factors need to be met to grant C&T to a community. The Council is also aware that in 2010, the Regional Advisory Councils were asked by the Secretary of the Interior to provide input on the process to make it broader and more inclusive. The Council noted that the input provided into the process by the Councils was to be broad and inclusive of resources harvested, not for those requesting C&T use determination. The Council is concerned about competition with other users for subsistence resources available to rural residents, especially for Copper River Salmon. The Council worries about increased competition from an increasing rural resident population and the establishment of new rural communities by non-rural residents who then request C&T. The Council noted requiring communities meet all factors of C&T could alleviate some issues with the C&T request process. Also, the process could be improved by setting some criteria thresholds. For example, the factors that incorporate time (e.g., the phrases "long-term", "many years", "passing knowledge from generation to generation") are not clearly defined.

A community or area's customary and traditional use is generally exemplified through these eight factors: (1) a long-term, consistent pattern of use, excluding interruptions beyond the control of the community or area; (2) a pattern of use recurring in specific seasons for many years; (3) a pattern of use consisting of methods and means of harvest which are characterized by efficiency and economy of effort and cost, conditioned by local characteristics; (4) the consistent harvest and use of fish or wildlife as related to past methods and means of taking: near, or reasonably accessible from the community or area; (5) a means of handling, preparing, preserving, and storing fish or wildlife which has been traditionally used by past generations, including consideration of alteration of past practices due to recent technological advances, where appropriate; (6) a pattern of use which includes the handing down of knowledge of fishing and hunting skills, values, and lore from generation to generation; (7) a pattern of use in which the harvest is shared or distributed within a definable community of persons; and (8) a pattern of

use which relates to reliance upon a wide diversity of fish and wildlife resources of the area and which provides substantial cultural, economic, social, and nutritional elements to the community or area.

Response

The Board appreciates the Council's comments and concerns for the customary and traditional use determination process. It is critical that the Council provide feedback to the Board on the impacts of regulations and processes on subsistence users so that adaptive decisions can be made. As the Council noted, the goal of the customary and traditional use determination analysis process is to recognize customary and traditional uses in the most inclusive manner possible. When considering customary and traditional use determinations, the Board uses the broad threshold criteria and recognizes that they do not account for the regional and cultural differences across the State of Alaska. Instead, the Board relies on Regional Council recommendations and the eight customary and traditional use determination factors as guidelines for recognizing a community's pattern of resource use and its role in their subsistence way of life.

The Federal Subsistence Management Program prioritizes the use of a subsistence resource for federally qualified subsistence users when that resource is limited and there is a conservation concern for it. There are four levels of subsistence prioritization, depending on the severity of the conservation concern.

- Level 1: Limitations and restrictions to all users except federally qualified subsistence users
- Level 2: Closure to all users except federally qualified subsistence users
- Level 3: Prioritization among federally qualified subsistence users
- Level 4: Closure to all users

A regulatory proposal or special action request must be submitted for each level of Federal subsistence prioritization. An ANILCA Section 804 subsistence resource prioritization analysis is only required when there is a proposal for Level 3: Prioritization among Federally qualified users. When this occurs, the Board determines which of the communities with customary and traditional use determinations for that resource have priority based on customary and direct dependence on the resource, proximity to the resource, and availability of alternative subsistence resources.

Recognizing that customary and traditional use determination remains a complicated but essential process of the Federal Subsistence Management Program, OSM is planning to organize a session on this topic at the All-Council meeting in March 2024.

3. Climate change impacts on methods and means of use and the need for flexibility in seasons affected by climate change

The Council expressed concerns about climate change impacting the methods and means of harvest of subsistence resources. For example, high water levels from intense precipitation are impacting the use and efficacy of traditional fishwheels. Sites that are good for fish wheels, which are often not suitable during high water events, and increased precipitation results in

more debris (trees, root wads, etc.) in the river when the water is really high that can impact or break the wheels. This example, among others documented in previous annual reports and Council reports during Council meetings, make it difficult to reliably depend on traditional resources. Another major impact from climate change is a change in species migration timing, which results in a mismatch between regulated season timing and resource availability. Additionally, methods and means of harvest used by generations have become inefficient for harvest of traditional resources. The Council encourages the Board to review harvest seasons and methods of harvest and be ready to adapt to changing situations.

Response

The Board thanks the Council for bringing their concerns regarding climate change impacts on methods and means to its attention. We recognize that the Council is uniquely positioned to offer first alerts on changing conditions and important trends that impact subsistence in your region. The Board values your unique traditional knowledge, understands that there is a need for flexibility in seasons because of climate change, and will ensure the appropriate staff tracks this issue and integrate your knowledge and observations into their analyses. We will use this information for our decision-making.

The Federal Subsistence Management Program can support adaptation to changing climatic and environmental conditions by ensuring a regulatory process that facilitates flexibility. The Special Action process provides an avenue for responding to unexpected issues and changes, and the Board will continue to be responsive to the need for quick action on out of cycle requests. Flexibility can also be built into the subsistence management system by delegating authority to local land managers. Delegation of authority enables managers to respond more quickly to changes in the timing and availability of subsistence resources from season to season.

More persistent changes to the seasonality and availability of resources due to issues like climate change can also be accommodated through the regulatory process. Closures to non-federally qualified subsistence users, or ANILCA Section 804 prioritizations among federally qualified subsistence users may become necessary if shortages of traditional subsistence resources continue to be prevalent. Other species may also become more abundant and important to subsistence economies with shifts in environmental conditions. In this case, the Federal Subsistence Management Program can assist communities in delineating seasons, harvest limits, and methods and means for harvesting these resources.

The Board also notes that the Council can invite representatives from State, Federal, non-governmental, and other research organizations to give presentations on climate change effects and mitigation at its regular meetings. Some organizations to consider include:

- Alaska Center for Climate Assessment and Policy
- Alaska Climate Adaptation Science Center
- Alaska Department of Environmental Conservation: Climate Change in Alaska
- Experts identified through the U.S. Climate Resilience Toolkit
- Scenarios Network for Alaska + Arctic Planning
- The Alaska Native Tribal Health Consortium
- Conservation of Arctic Flora and Fauna (CAFF)

- Exchange for Local Observations and Knowledge in the Arctic (ELOKA)
4. **Climate change impacts on ocean resources, including paralytic shellfish poisoning and ocean acidification impacts on clams, salmon, and ocean food webs**

The Council is interested in continuing to receive information about the impacts of climate change on ocean resources. This has been a topic of interest to the Council for the last few years, and the staff at OSM has invited guest speakers to speak about climate impacts. The Council is particularly interested in how climate change is impacting marine food webs. Subsistence resources such as clams and salmon are critical to the people that call the Southcentral region home and impacts to marine food webs will have profound impacts on species utilized as subsistence resources. Understanding the impacts of climate change on salmon and clams will allow State and Federal subsistence managers to respond more readily to changing population sizes. The Council noted they would be interested in learning more about the causes and impacts of paralytic shellfish poisoning (PSP). The seasonality of PSP has changed, and as a result, clams have not been safe to eat during the winter months.

Response

Thank you for sharing this issue with the Board. As noted in the response to issue number 3 of this annual report, the Council, with the help of OSM staff, can invite subject matter experts to present on the impacts of climate change to marine food webs at the next and future Council meetings.

If the Council is specifically interested in paralytic shellfish poisoning, the State of Alaska Department of Environmental Conservation and Department of Health has useful information on this topic on their websites:

[Food Safety & Sanitation Program Paralytic Shellfish Poisoning](https://dec.alaska.gov/eh/fss/shellfish/paralytic-shellfish-poisoning/)
(<https://dec.alaska.gov/eh/fss/shellfish/paralytic-shellfish-poisoning/>)
[Shellfish Poisoning Resources](https://health.alaska.gov/dph/epi/id/pages/dod/psp/default.aspx)
(<https://health.alaska.gov/dph/epi/id/pages/dod/psp/default.aspx>)

Additionally, the National Oceanic and Atmospheric Administration National Center for Coastal Ocean Science has been identifying [paralytic shellfish toxins in marine food webs in Southcentral Alaska](https://coastalscience.noaa.gov/project/prevalence-of-paralytic-shellfish-toxins-in-marine-food-webs-of-prince-william-sound-and-kachemak-bay-alaska/) (<https://coastalscience.noaa.gov/project/prevalence-of-paralytic-shellfish-toxins-in-marine-food-webs-of-prince-william-sound-and-kachemak-bay-alaska/>) and conducting other research related to ocean acidification impacts on clams, salmon, and ocean food webs, as well.

Another site that has a wealth of information on climate change impacts is the [Alaska Harmful Algal Bloom Network \(AHAB\)](https://ahab.aos.org/) (<https://ahab.aos.org/>). Finally, the Council may propose the development of a working group on issues of concern to the AHAB by contacting Thomas Farrugia at farrugia@aos.org.

5. Ahtna Intertribal Resource Commission Memorandum of Agreement on cooperative management of customary and traditional subsistence uses in the Ahtna region

The Council expressed interest in receiving an update on the Memorandum of Agreement (MOA) between the Department of Interior and Ahtna Intertribal Resource Commission. The purpose of this MOA was to formalize a subsistence wildlife management partnership for the allocation and harvest of moose and caribou by rural residents of the Native villages in the Ahtna region on Federal public lands. The MOA was established in 2017 to create a new Federal advisory committee that covers the Ahtna Traditional Use territory. The Council would like to know the status of the MOA.

Response

In 2017, the Department of the Interior (DOI) and Ahtna Inter-Tribal Resource Commission (AITRC) signed the Memorandum of Agreement to provide AITRC with the authority to cooperatively manage certain aspects of subsistence hunting within Ahtna's traditional territory. Areas for implementation outlined in the MOA include a community harvest system, the formation of a local advisory committee, cooperative efforts to develop policies, programs, and projects for conservation and sustainable subsistence harvest within the Ahtna region, and the funding and support to build capacity within AITRC for the implementation of the MOA.

Beginning in 2021, with assistance from AITRC, the Federal Subsistence Board established a community harvest system for caribou and moose in Ahtna's traditional territory. AITRC distributes the hunt registration and harvest reporting forms to federally qualified subsistence hunters living within the eight Ahtna traditional communities. Hunters report their harvests (or lack thereof) to AITRC, who in turn provides this information to Federal subsistence managers. Federally qualified subsistence hunters that choose not to participate in the community harvest system can get their reporting forms from the BLM Glenallen field office staff.

In July 2022, AITRC asked OSM to initiate steps for establishing the Ahtna Local Advisory Committee to provide input into subsistence hunting management plans and decision-making. Because the MOA is between DOI and AITRC, OSM forwarded the request to DOI to determine next steps. The MOA and draft charter for the Ahtna Local Advisory Committee is currently under review by DOI.

6. Jurisdiction on subsistence shellfish resources in Prince William Sound and concern over the stock size and closure of subsistence shellfish seasons

The Council expressed concerns over subsistence crabbing opportunities within Prince William Sound. The Council acknowledged that the Board does not have jurisdiction here and that the waters of Prince William Sound are State-managed. Subsistence harvesters have been utilizing the intertidal area to collect food for thousands of years, and it is a disservice to Federally qualified subsistence users to not have authority over the resources contained in the intertidal zone. State regulations have been much more stringent than Federal for peoples' ease of getting food. With the recent closure of the commercial Tanner and King Crab fisheries, there is concern that subsistence closures could be on the way.

Response

Thank you for conveying this important information. The Board recognizes the value and importance of marine resources to the federally qualified subsistence users of Prince William Sound. The Board considers this an information sharing item, considering there is no Federal subsistence fisheries jurisdiction in the described waters. The Board encourages communication with local Alaska Department of Fish and Game fishery managers and, if necessary, working through the State's Local Advisory Committee and Alaska Board of Fisheries process during the next Prince William Sound or Statewide shellfish meeting.

For information on [upcoming Board of Fisheries meetings](https://www.adfg.alaska.gov/index.cfm?adfg=fisheriesboard.meetinginfo) visit <https://www.adfg.alaska.gov/index.cfm?adfg=fisheriesboard.meetinginfo>

For information on [Alaska Department of Fish and Game subsistence management](https://www.adfg.alaska.gov/index.cfm?adfg=subsistence.main) visit <https://www.adfg.alaska.gov/index.cfm?adfg=subsistence.main>

7. Support opportunities for youth representative seat on the Regional Advisory Council

The Council advocates for a 'youth representative seat' on the Regional Advisory Councils. It is essential for younger subsistence users to learn about the Federal regulatory process so that this new generation of leaders can understand and participate in the public decision-making process effectively. The Council would like the Board to explore the possibility of applying college credit towards engagement in the Council process. This will enable interested students to participate in the work of their Regional Advisory Council while also earning credits for school.

Response

The Board commends the Council for continuous advocacy for youth engagement with the Federal Subsistence Management Program. The Board understands the importance of educating and training emerging young leaders. Several councils across Alaska put forward requests this fiscal year (FY-2023) to establish a non-voting "youth representative seat" or "a young adult developmental seat" on their Councils and/or to add corresponding language to their charters. The Board is going to review and evaluate Council charter change requests at its August 2023 executive session and will provide recommendations to the Secretaries of the Interior and Agriculture for consideration and a decision.

The Board also appreciates the Council's innovative suggestion of giving college credit for engagement in the Council process and, thus, adding further benefits to interested students. While this is outside of the scope of the Federal Subsistence Management Program and we will not be able to take a lead on this initiative, the Program and the Board would be open to support involvement of any academic program that is interested in engaging their students in our public process.

8. Request a standard four-year review of all Delegation of Authority Letters

The Board can delegate specific regulatory authority to local Federal managers to issue emergency or temporary special actions to ensure conservation of healthy fish or wildlife populations, to continue uses of fish or wildlife, to ensure public safety, or to assure the

continued viability of fish or wildlife populations. Delegation of Authority is established pursuant to 36 CFR 242.10(d)(6) and 50 CFR 110.10(d)(6), which state: “The Board may delegate to agency field officials the authority to set harvest and possession limits, define harvest areas, specify methods or means of harvest, specify permit requirements, and open or close specific fish or wildlife harvest seasons within frameworks established by the Board.” The Council requests the Board implement a four-year review process for Delegation of Authority similar to the periodic review of wildlife and fishery closures. A four-year review process will allow for continual inclusion of local participation and input during in-season management decisions, adjust to Federal staffing changes, and allow for flexibility in the management system.

Response

The issuance of Delegation of Authority Letters (DALs) is an administrative function of the Board and not regulatory in nature. Because of this, the Council may address DALs whenever they want without the restrictions of the normal regulatory cycle or a four-year cycle as with closure reviews. You may request that your Council Coordinator provide you with copies of DALs for your region and you may choose to add a review of DALs on your meeting agendas. Your concerns and recommendations on DALs discussed during a meeting can be forwarded to the Board as a request for action.

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

Sincerely,

Anthony Christianson
Chair

cc: Southcentral Alaska Subsistence Regional Advisory Council
Federal Subsistence Board
Office of Subsistence Management
Interagency Staff Committee
Benjamin Mulligan, Deputy Commissioner, Alaska Department of Fish and Game
Mark Burch, Special Project Coordinator, Alaska Department of Fish and Game
Administrative Record



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

Federal Subsistence Board

1011 East Tudor Road, MS 121
Anchorage, Alaska 99503 - 6199



FOREST SERVICE

OSM 23061

Della Trumble, Chair
Kodiak/Aleutians Subsistence Regional Advisory Council
c/o Office of Subsistence Management
1011 East Tudor Road, MS 121
Anchorage, Alaska 99503-6199

Dear Chairwoman Trumble:

This letter responds to the Kodiak/Aleutians Subsistence Regional Advisory Council's (Council) fiscal year 2022 Annual Report. The Secretaries of the Interior and Agriculture have delegated to the Federal Subsistence Board (Board) the responsibility to respond to these reports. The Board appreciates your effort in developing the Annual Report. Annual Reports allow the Board to become aware of the issues outside of the regulatory process that affect subsistence users in your region. We value this opportunity to review the issues concerning your region.

1. Fisheries Enforcement Concerns

The Council expressed concerns over the lack of enforcement of fishing and hunting regulations across the region. They would like more presence of enforcement officers to monitor both sport and subsistence salmon fishing and enforce violations. The area of greatest concern is in Unalaska. The Council believes there are no Federal Wildlife Protection Officers based in the Aleutian Islands, and the lone Alaska State Wildlife Trooper based in Unalaska gets relocated to monitor the fisheries in Bristol Bay during the summer. The population of Unalaska is over 4,000 people, and there are a few salmon streams that are accessible from the road system and have weak returns. Some of the Council members have received reports from residents in Unalaska of numerous annual fishing violations without any officer to call other than the local police. The Council also expressed similar concerns for lack of enforcement in Kodiak and Cold Bay and is alarmed that these violations, particularly overharvesting, threaten the sustainability of salmon returns to streams utilized for subsistence. Lastly, the Council expressed appreciation for Tyler Lawson, Assistant Area Management Biologist for the Alaska Peninsula and Aleutian Islands, Alaska Department of Fish and Game (ADF&G), and Sergeant Nathan Walsh, Alaska State Troopers, for successfully addressing law enforcement concerns between the Council's fall 2022 and winter 2023 meeting.

Response

The Board brought the Council's concerns to the U.S. Fish and Wildlife Service (USFWS) and received the following reply.

As the Council correctly noted, there is no refuge Law Enforcement Officer (LEO) assigned to the Alaska Maritime National Wildlife Refuge (NWR), which includes the Aleutians and other areas, but there is good service from the officers based out of Kenai NWR. USFWS has officers in Kodiak and King Salmon, and they are in the field as much as possible during hunting seasons. However, as it is well known, they must cover huge areas of almost inaccessible land. Working with the Annual Law Enforcement Management Plan (ALEMP), the USFWS prioritizes patrols and tries its best to get them done but sometimes weather and budget preclude completion of those missions.

Regarding the Unalaska fisheries issues, there are currently no areas open to Federal subsistence fisheries and so there has been no field presence by USFWS LEO.

State officers may be able to better respond to law enforcement issues near Unalaska town since much of that land and associated water is not administered as part of Alaska Maritime NWR and it can be difficult for Federal refuge officers to travel to Unalaska. The USFWS officers carry State commissions with the Alaska State Troopers that gives them the ability to cite for State offenses, but Federal officers try to limit State enforcement to inside refuge boundaries or for extreme public safety. There are also Federal National Oceanic and Atmospheric Administration LEOs who do some salt water commercial fisheries enforcement based out of Unalaska.

Regarding Cold Bay, historically most fishing has taken place in Trout Creek and Russell Creek because these streams are closer to the community and easier to access under sport fishing regulations. Until recently, Trout and Russell creeks were closed to Federal subsistence fisheries; therefore, USFWS had limited input. The Federal in-season manager is actively reviewing the newly rescinded closures to consider next steps in communication with the ADF&G, the Council, local stakeholders, USFWS Refuges and law enforcement.

Izembek NWR does not have a LEO station on-site; however, one officer has been assigned to provide law enforcement support. In addition, the Refuge has also received intermittent assistance from officers stationed in Kodiak NWR.

Izembek NWR maintains an open line of communication with Alaska Wildlife Troopers, as well, and Troopers have provided logistical support when requested.

USFWS officers are happy to meet with the Council, or any other group in the region, regarding concerns.

2. The Proposed King Cove Road

The Council supports the King Cove Road project. The proposed King Cove Road will connect the communities of King Cove and Cold Bay through a portion of Izembek National Wildlife Refuge. This road would provide King Cove residents access to the airport in Cold Bay in the event of medical emergencies when the small airport in King Cove cannot be accessed due to

weather conditions or darkness. The road will also facilitate residents of King Cove access to subsistence hunting, fishing, and gathering areas on the Cold Bay side. This has been a long-standing issue and the Council wants to see the project move forward.

Response

The Board appreciates the Council bringing this to its attention. The Board looks to your Council and others to inform us about what is relevant to the subsistence way of life. The members of this Council help us understand what is relevant to your role on the Council and the issues you would like to learn more about or teach our program about because they are inter-related.

3. Importance of Holding Meetings in Non-Hub Communities

The Council disagrees with the OSM policy that restricts meetings to be held primarily in hub communities. The Council also disagrees with the current list of communities that have been identified as hubs. The Council stressed the importance of occasionally meeting in some of the smaller communities or more remote communities where most residents are subsistence users. This effort would allow residents, including youth, the benefit of being able to attend a meeting and communicate their concerns about their local subsistence resources to the Council. In addition, this effort could lead to improved outreach about the Federal Subsistence Management Program, potentially increase Council membership applications, and result in a more diverse representation across the region.

Response

The Board understands the importance and benefits of holding Council meetings in smaller, non-hub communities to better engage with subsistence users and other stakeholders across the region. This is particularly important when subsistence issues at stake primarily affect the residents of those communities. However, the logistics of organizing a meeting in a smaller, more remote community can be challenging and results in higher costs and longer periods of travel for the Council members and agency staff. In the past, the Federal Subsistence Management Program had to limit its travel due to budgetary restrictions and flat budgets. Going forward, the Board has asked the Assistant Regional Director (ARD) of Office of Subsistence Management (OSM) to review any request from Councils to hold meetings in non-hub communities on a case-by-case basis and permit it if budget allows. If the Council would like to suggest adding new communities to the hub list, please do so in a letter to the ARD of OSM for consideration and decision.

4. Changing Ocean Conditions and Climate Change Are Having a Big Impact on Our Communities and Subsistence Lifestyle

The Council expressed many concerns over the vulnerabilities of communities and marine ecosystems to the impacts of climate change. The Council noted warmer summers and unpredictable weather patterns creating more forceful storms and ocean conditions that have made it increasingly more difficult for residents to safely access the ocean for subsistence, sport, and commercial fishing opportunities. At the same time, climate change affects fishery resources on which the community relies on for both subsistence and economic stability. The Council

recognizes that the Board cannot do anything about climate change but wanted to ensure the Board was aware that the impacts of climate change are making life more challenging for all the communities in the region.

Response

Thank you for bringing this issue to the Board's attention. We recognize that you are uniquely positioned to offer first alerts to changing conditions and important trends that impact subsistence in your region. The Board appreciates your valued and unique traditional knowledge and will ensure the appropriate staff will track this issue in the future and integrate your knowledge and observations into their analyses, which we use for our decision-making process.

The Federal Subsistence Management Program can support adaptation to changing climatic and environmental conditions ensuring a regulatory process that facilitates flexibility. The Special Action process provides an avenue for responding to unexpected issues and changes, and the Board will continue to be responsive to the need for quick action on out-of-cycle requests. Flexibility can also be built into the subsistence management system by delegating authority to local land managers. Delegation of authority enables managers to respond more quickly to changes in the timing and availability of subsistence resources from season to season.

More persistent changes to the seasonality and availability of resources due to issues like climate change can also be accommodated through the regulatory process. Closures to non-federally qualified users, or ANILCA Section 804 prioritizations among federally qualified subsistence users may become necessary if shortages of traditional subsistence resources continue to be prevalent. Other species may also become more abundant and important to subsistence economies with shifts in environmental conditions. In this case, the Federal Subsistence Management Program can assist communities in delineating seasons, harvest limits, and methods and means for harvesting these resources.

The Board also notes that the Council can invite representatives from State, Federal, non-governmental, and other research organizations to give presentations on climate change effects and mitigation at its regular meetings. Some organizations to consider include:

- Alaska Center for Climate Assessment and Policy
- Alaska Climate Adaptation Science Center
- Alaska Department of Environmental Conservation: Climate Change in Alaska
- Experts identified through the U.S. Climate Resilience Toolkit
- Scenarios Network for Alaska + Arctic Planning
- The Alaska Native Tribal Health Consortium
- Conservation of Arctic Flora and Fauna (CAFF)
- Exchange for Local Observations and Knowledge in the Arctic (ELOKA)

5. The Bipartisan Infrastructure Law (BIL) Should Have Funded Weirs

The Council expressed concerns that the BIL does not include funding for fish weirs. Weirs are important infrastructure and should be noted as such. The BIL provides funding to invest in health, equity, and resilience of communities. However, the Council feels the law stopped short

of allowing funding for certain kinds of infrastructure and for agencies or entities with projects that support subsistence activities in rural Alaska, such as fish weirs. Salmon is one of the primary resources utilized for subsistence throughout the region. The Council stresses the importance of fish weirs, which are the most reliable method fishery managers have to estimate escapement of salmon, if they are available. If runs are poor for example, weir counts can provide information to the managers allowing more fine scale management actions to lessen the impacts to access of subsistence resources if closures are necessary. The Council believes there is a strong tie between the need for the infrastructure and the impacts on access to subsistence.

Response

The Board acknowledges and appreciates the importance of information that monitoring projects like fish weirs provide to manage fisheries important to rural Alaskans. The Bipartisan Infrastructure Law (BIL) was signed with specific guidelines regarding how the funds could be spent. The document published by the Whitehouse, “A guidebook to the bipartisan infrastructure law for State, local, tribal, and territorial governments, and other partners,” outlines where these funds were allocated and how these funds can be spent. Most related to pacific salmon management is a BIL allocation to the National Oceanic and Atmospheric Administration’s Pacific Coastal Salmon Recovery Fund (PCSRF), which was established by Congress in 2000 to reverse the declines of Pacific salmon and steelhead with the goal of preventing extinctions. The eligible uses of these funds are, “actions to support the recovery and protection of declining salmon stocks.” The BIL does reference investing in communities and mentions health, equity, and resiliency but only in the context of specific types of infrastructure.

NOAA and PCSRF receive funds for request for proposals (RFPs) with specific priorities, which may include monitoring, and potentially weirs can be considered as they are part of monitoring.

The PCSRF funds in Alaska go through the Alaska Sustainable Salmon Fund administered by the ADF&G (AKSSF) and the Arctic Yukon-Kuskokwim Sustainable Salmon Initiative (AYK SSI) administered by the Arctic Yukon-Kuskokwim Tribal Consortium. Anyone interested in receiving funding through these initiatives would need to check with these organizations. AKSSF does have monitoring and assessment under their 2023 priorities; however, this year’s RFP closed on May 31. The Council could invite these organizations to present or provide materials, so the communities learn about these funding opportunities.

The main funding source allocated by Congress for projects that gather information for Federal subsistence fisheries management is the Fisheries Resource Monitoring Program (FRMP). The FRMP has provided millions of dollars annually to fund projects, including fish weirs, that gather significant information for the management of subsistence fisheries resources. OSM is currently evaluating FRMP proposals submitted for funding beginning in 2024. The final monitoring plan will be published in spring 2024. The Board appreciates that the Council is interested in finding additional sources of funding to implement important fish monitoring projects. The Federal Subsistence Management Program encourages agencies and organizations to pursue funding sources outside of the Fisheries Resource Monitoring Program to fund additional projects that inform the management of fisheries important to rural Alaskans.

[Bipartisan Infrastructure Law Fact Sheet](https://www.whitehouse.gov/briefing-room/statements-releases/2021/11/06/fact-sheet-the-bipartisan-infrastructure-deal) - <https://www.whitehouse.gov/briefing-room/statements-releases/2021/11/06/fact-sheet-the-bipartisan-infrastructure-deal>

[Bipartisan Infrastructure Law Guidebook](https://www.whitehouse.gov/build/guidebook) - <https://www.whitehouse.gov/build/guidebook>

[Fisheries Resource Monitoring Program](https://www.doi.gov/subsistence/frmp) - <https://www.doi.gov/subsistence/frmp>

[Arctic Yukon Kuskokwim Sustainable Salmon Initiative](https://www.aykssi.org/) - <https://www.aykssi.org/>

[Alaska Sustainable Salmon Fund](http://www.akssf.org/) - <http://www.akssf.org/>

6. Increased Access to Federal Subsistence Permits in Kodiak and Tidying up the Permitting Process

The Council expressed that the process of obtaining subsistence fishing and hunting permits is cumbersome and confusing. There are different Federal and State permits required for hunting and fishing and different permits for different fisheries, resources, and locations. The Council would like the process to obtain required permits to be easier for people wishing to subsist. Most of the smaller communities throughout the region do not have a local permit vendor, so a person wishing to hunt, or fish needs to either fly into Kodiak, Cold Bay, or Sand Point to get a permit or contact a Federal agency to obtain Federal permits. Chair Trumble noted that she has worked with the Izembek National Wildlife Refuge to have permit materials mailed to her for King Cove, which can be a good solution.

Response

For the last year, OSM along with the Office of Management and Budget (OMB) and the FWS-Headquarters (HQ) Information Collection Officer have been working to update the Subsistence Permit System by bringing parts of it online for public access.

In June 2022, OSM met with OMB and the FWS-HQ Information Collection Officer to discuss long-term updates and ways we could bring the program more in line with the E-gov Act. Later, in April 2023, OSM met with the FWS Chief Governance, Policy and Standards, and later with the Requirements Management Board to discuss the many issues that need to be addressed to make these changes.

Security and prevention of unauthorized access into our government system were chief among these concerns. In addition, there are many reviews and different offices that need to approve and clear this action. We also must work with FWS-IT, based out of Denver, to have a database management plan and submit documentation on the IT work involved in this process. By the end of this summer, we expect to submit to OMB a new request for collection of information on these proposed actions.

We hope to have parts of the permitting system online for public access by early to mid- 2024. It should be recognized that this is a long-term project with many actions required by agencies outside of FWS and DOI.

Unlike State permits, we cannot use vendors to issue permits. The issuance of Federal permits is an inherently governmental process and must be executed by a Federal employee.

For now, the best option, other than getting a permit at the nearest Federal field office, would be to work with the local managers to develop a plan where a Federal staff member travels to a remote community to issue permits.

The Board and OSM are very aware of the difficulties with rural residents getting permits. We are working toward possible solutions and at the same time we are open to recommendations of possible solutions from the Councils, the public, and Tribes. You may send your recommendations and possible solutions to Theo Matuskowitz, at theo_matuskowitz@fws.gov or by mail using the OSM mailing address.

7. Lake Andrew Outlet on Adak Island Access to Sea is Blocked off for Fish due to Ocean Debris

The Council has concerns that the outlet of Lake Andrew on Adak Island is closed off from access to the sea due to ocean debris such as rocks and gravel. Lake Andrew is one of the island's major spawning areas for Sockeye Salmon and the area most utilized for subsistence by Adak residents. This blockage is directly impacting the Sockeye Salmon returns and subsistence opportunities. The lake is on Federal Lands, and the Navy is in the final stages of cleaning up sites contaminated with ordnance and remediation on the island. However, because of the cleanup efforts and for safety concerns, the Navy is preventing the community access to Lake Andrew to unblock the outlet. The Council is concerned that if fish cannot get up there to spawn, the run will die off, which will greatly impact subsistence. The Council said that help is needed to coordinate efforts to get the lake reopened. The Council acknowledges Jeff Williams, Deputy Refuge Manager for the Alaska Peninsula National Wildlife Refuge, for his progress working on this issue between the Fall 2022 and Winter 2023 Council meetings. The Council wishes to develop a plan for the Lake Andrew outlet blockage, in cooperation with ADF&G, USFWS, Aleut Corporation, City of Adak, and the US Navy.

Response

The Board brought the Council's concerns to the U.S. Fish and Wildlife Service (USFWS) and received the following reply.

Resident Sockeye Salmon (kokanee) have been in Adak Island's Lake Andy for a long time but there has not been a consistent historic run of anadromous Sockeye Salmon, nor any harvest monitoring due to the seawall buildup that blocks salmon passage into the lake. Recent unexploded ordinance cleanup activities by the U.S. Navy (USN) (regularly clearing the spillway for consecutive years) have allowed the reestablishment of a run, and locals wish to use it for harvesting.

The rough North Pacific winter swells naturally create a seawall barrier at Lake Andy for the in and out migration of smolt. Irregularly, the buildup of water behind the seawall bursts through the seawall and allows passage of salmon until winter storms close off access once again. There is no regular or formal monitoring of when the entrance opens. Unless maintained in perpetuity the seawall will close again. The salmon run will not die off if the seawall closes again. A

resident population of kokanee is available to reestablish the run when conditions are favorable (as it has just done recently).

USN will clear the spill way in May 2023 but after that they have no plans to continue the action. Even if cleared, there are currently institutional controls, which are measures to prevent or limit exposure to hazardous substances left at the site and are an important part of the cleanup on Adak Island. The unexploded ordnance in place around the spillway prevents access for public safety and hinders subsistence harvest at the levels desired by residents.

USN plans to relinquish the Lake Andy land withdrawal once cleanup is completed, which would return primary management jurisdiction to the Alaska Maritime National Wildlife Refuge (NWR). A Record of Decision might include land use restrictions by regulators (Alaska Department of Environmental Conservation, Environmental Protection Agency) that could affect future harvests.

The Alaska Maritime NWR has coordinated with the Council and is happy to explore other subsistence enhancement possibilities, but has no interest, funds, nor the expertise to reopen the outlet annually to sustain the lower lake level and artificially connected outlet. The regular use of explosives in perpetuity on a National Wildlife Refuge to maintain an artificial condition is likely not appropriate nor compatible with refuge purposes.

The Alaska Maritime NWR recognizes the importance of this new resource to subsistence users and local residents. Indeed, we have an establishing purpose to maintain subsistence. The refuge is willing to consider new ideas with subsistence users or enter into a land trade (as we did with other portions of Adak) that would remove Federal oversight over this resource and better allow local decisions to be made on private land.

8. Resources that Cross Regional Boundaries: Sharing of Information to Alleviate Misunderstandings and Pitting of One Region Against Another

The Council wants to ensure that we have access to good qualitative and quantitative data, especially in times when resources are constrained, or use is restricted. In addition, where resources span across different regions, such as the bird populations within the Arctic-Yukon-Kuskokwim Region or in Izembek National Wildlife Refuge (NWR), there needs to be opportunities for Councils to work together, share information, and acquire a better understanding about the resources. This will help the Councils to resolve issues that cross regional boundaries. The Council is thankful that OSM continues to facilitate the Council working with other agencies, such as USFWS refuges, migratory birds and marine mammal's offices; National Oceanic and Atmospheric Administration Fisheries; and ADF&G, to make decisions on local resources as well as those that cross-over with other regions. However, there is still a need for better communication and understanding between the Regional Advisory Councils.

Response

The Board supports Regional Advisory Councils working together to problem solve and share local knowledge and observations. Further, the Board recognizes many of the resources in the Kodiak/Aleutians Region are shared across regional boundaries and agencies. The upcoming All

Council meeting in 2024 will provide an excellent opportunity to meet with other Councils on issues of shared concern. You may also correspond directly with other Councils and request assistance from OSM staff to support additional opportunities for Councils to coordinate with each other.

9. Proposed move of OSM from the U.S. Fish and Wildlife Service to the Department of the Interior, Assistant Secretary for Indian Affairs

At their winter meeting on March 30, the Council was surprised to learn from the Department of the Interior (DOI), Assistant Secretary of Indian Affairs (AS-IA) that the President's budget includes a proposal to move OSM from the Fish and Wildlife Service to AS-IA. The Council has concerns that no one informed the Council and other user groups of this proposal earlier and that they were not involved with the process before the proposal was put into the President's budget. Likewise, none of the Tribes or communities within the Kodiak/Aleutians Region were notified of the Tribal Consultations from which this proposal apparently evolved. The Council strongly feels that DOI should seek wider public input in addition to just consulting with some of Alaska's Tribes before considering the move. The Council also would like to know what the deficiencies are that the move is seeking to address and what would this move "fix"? The Council also has concerns about the Federal Subsistence Management Program being run from Washington D.C. as well as the background in and knowledge of resource management by the Assistant Secretary for Indian Affairs. The Council believes USFWS is the best agency for subsistence management because of its background with natural resources and land management.

Response

In January 2022, the Department of the Interior (DOI) and the U.S. Department of Agriculture (USDA) held joint consultations with federally recognized tribes of Alaska and various tribal consortia. Later during October – November 2022, joint consultations between DOI leadership and the Department of Commerce, National Oceanic and Atmospheric Administration with various Alaska Tribes were held regarding fisheries.

One of the top priorities of participants during consultation was to move OSM from the USFWS to the direct supervision of the Office of the Secretary of the Interior.

DOI agrees that shifting OSM would better position the organization to address concerns expressed during the consultation sessions and to meet the Department's more effectively. DOI stated that moving the OSM function to the Office of the Assistant Secretary for Indian Affairs (AS-IA) will help ensure the priority needs to implement the Federal Subsistence Management Program are addressed. The AS-IA has a strong policy role within the Department and direct management of the operational functions needed to ensure the priority needs of the program are addressed.

One result of these consultations was the FY-2024 President's Budget Request, which included the following proposals on Alaska subsistence activities:

- Proposes to transfer the functions of OSM from the USFWS to the Office of the Assistant Secretary – Indian Affairs (AS-IA) in the FY 2024 President’s Budget Request. The proposal includes a request to add \$2.5 million to the OSM to increase capacity to implement the mission.
- Provides an additional \$3.8 million to strengthen remaining FWS resource management programs associated with subsistence to make them comparable with other DOI land management bureau programs.

The Assistant Secretary – Indian Affairs has authority and direct responsibility to:

- Strengthen the government-to-government/nation-to-nation relationship with American Indian and Alaska Native tribes,
- Advocate policies that support AI/AN self-determination and tribal sovereignty,
- Protect and preserve AI/AN trust assets held by the Federal Government for their benefit, and
- Administer a wide array of laws, regulations, and functions relating to AI/AN tribes, individual AI/AN trust beneficiaries, tribal members, and Indian Affairs bureaus, offices, and programs that are vested in the Secretary by the President and the Congress of the United States.

Since the President’s budget was released to the public, OSM has been contacted and discussions are taking place regarding various support and administrative needs of the program.

It is important to note that these proposals will not go into effect unless enacted by Congress in the FY 2024 appropriations bill. Congress has the ability to change, add to, or remove any part of the President’s proposed budget. We do not know when or if Congress will address the budget in a vote.

The Board understands and supports the Council’s concern over not being included or informed on this important issue; however, the decision and who was included in the discussion are the prerogative of the Secretary.

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

Sincerely,

Anthony Christianson
Chair

cc: Kodiak Aleutian Subsistence Regional Advisory Council
Federal Subsistence Board
Office of Subsistence Management
Interagency Staff Committee

Benjamin Mulligan, Deputy Commissioner, Alaska Department of Fish and Game
Mark Burch, Special Project Coordinator, Alaska Department of Fish and Game
Administrative Record



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Federal Subsistence Board

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FOREST SERVICE

OSM 23070

Nancy Morris Lyon, Chair
Bristol Bay Subsistence Regional Advisory Council
c/o Office of Subsistence Management
1011 East Tudor Road, MS 121
Anchorage, Alaska 99503-6199

Dear Chairwoman Lyon:

This letter responds to the Bristol Bay Subsistence Regional Advisory Council's (Council) Fiscal Year 2022 Annual Report. The Secretaries of the Interior and Agriculture have delegated to the Federal Subsistence Board (Board) the responsibility to respond to these reports. The Board appreciates your effort in developing the Annual Report. Annual Reports allow the Board to become aware of issues outside of the regulatory process that affect subsistence users in your region. We value this opportunity to review the issues concerning your region.

1. Recommendations that Appointees to the Board Receive Training of ANILCA Mandates

The Council is concerned about Board decisions in situations where agency-specific regulations conflict with ANILCA, Title VIII. For example, ANILCA §811(b) permits the use of snowmobiles for subsistence purposes, which means that multiple existing Federal agency regulations conflict with ANILCA because they prohibit the use of snowmobiles for harvesting of caribou, wolves, and wolverine for subsistence uses. In past years, the Council has requested clarification about how the Board makes decisions on regulatory proposals in these types of situations.

The Council first raised the issue of Board decisions conflicting with ANILCA in its FY-2019 Annual Report. The Board's most recent response to the FY-2021 Annual Report reply stated "Since the FY-2019 Annual Report and Board reply were presented to your Council in 2020, the Federal Subsistence Management Program experienced the turnover of both the Interagency Staff Committee Members and Board members in three of the five Federal agencies: specifically, the BLM, the USFWS, and the NPS. In addition, the Administration has changed. As new staff and Board members continue to become familiar with this issue, we will rely on Title VIII of ANILCA to direct Board authority and action."

The Council recommends that Appointees to the Board and agency staff that are responsible for implementing Title VIII of ANILCA continue to receive training so that decisions made by the Board uphold the subsistence priority on Federal public lands, specifically when there is a conflict between ANILCA and agency specific regulations.

Response

The Board supports your Council's assessment and recommendation. Education is an important and ongoing process. To that end, Chair Christianson directed OSM staff to arrange a Board member training and ANILCA Title VIII refresher to take place just prior to the fisheries regulatory meeting held in February of 2023. All Board members and associated agency support staff were able to attend and found the training session instructive and rewarding. Not only was the session informational, but it also helped to strengthen this Board as a cohesive team for the implementation of Title VIII of ANILCA. Future training sessions are also planned.

2. Bear Predation

The Council continues to draw the Board's awareness to the issue of growing brown bear populations in the Bristol Bay region. The Council reported to the Board in its FY 2021 Annual Report that bears have become an increasing concern for subsistence users. This concern still exists, especially after a record-breaking year of Sockeye Salmon returns that will only fuel the growth of brown bear populations in the area. The State recently expanded the predator control plan in Unit 17 and will potentially be implementing the plan within in the next year. The Council discussed the potential of submitting a regulatory proposal that would address the selling of bear hides harvested under Federal regulations. Currently, Federal regulations only allow the sale of handicrafts made from the skin, hide, pelt, or fur of a brown bear taken in Unit 17. The Council discussed submitting a proposal that would allow the sale of brown bear hides from Unit 17 to encourage the harvest of brown bears.

Response

The Board received Proposal WP24-01 in April 2023 requesting to allow the sale of brown bear hides beginning on July 1, 2024. Each of the ten Regional Advisory Councils will take up the proposal at their fall 2023 meetings, and the Board will act on the proposal at its April 2024 public meeting when it acts on requests to change wildlife hunting regulations. We look forward to hearing your Council's recommendation on Proposal WP24-01. Currently, the sale of brown bear hides is allowed under State regulations in areas having a two brown bear harvest limit, including on Federal public lands in Unit 17 from August 1 to May 31.

3. Need to Fill Vacant Seats on the Council

The Council has ongoing concerns about filling the five vacant seats on the ten-member Council. The Council requests that the Board communicate with the local Subsistence Resource Commissions (SRC) to see if members of the SRCs may be willing to volunteer to serve on the Bristol Bay Council.

Response

For the last few years, the Board has also been concerned with decreasing numbers of Council member applications and the vacant seats on yours and other Councils across Alaska. In the 2023 appointment cycle, four seats will be open on your Council to which the Secretaries of the Interior and Agriculture (Secretaries) may appoint new members or reappoint incumbents. This year Bristol Bay subsistence region received more applications than in previous years, which should allow the Secretaries to fill all the seats on the Council, pending assessment of the applicants' qualifications to serve. The Board will meet in an executive session in August 2023 to make its recommendations to the Secretaries on the appointments. Subsequently, the Secretaries should make their decision and notify applicants by the end of 2023.

4. Chinook and Chum Salmon Abundance and the Need for Data

The Council would like to bring to the Board's attention that the Alaska Board of Fisheries has designated the Nushagak Chinook Salmon as a stock of management concern. This could have widespread implications for the district and the fisheries as a whole. Nushagak Chinook Salmon have failed to achieve the in-river goal of 95,000 Chinook Salmon in five of the last six years, and commercial harvest was the lowest on record since 1955. The Council is concerned about Chinook Salmon abundance across the Bristol Bay region; other tributaries such as the Alagnak, Togiak, Egegik, Ugashik, and Naknek rivers (including Big Creek) have all experienced a decline in Chinook Salmon. The Council is also concerned about Chum Salmon abundance across the region. The Nushagak River has not met the sustainable escapement goal the past three years for Chum Salmon, and commercial harvest in 2021 was the lowest on record for the second year in a row.

The Council is concerned about a lack of enumeration efforts in other tributaries in the region. Currently, only the Nushagak River is being surveyed by sonar and aerial flights. The Council requests that other tributaries be added to enumeration studies and that methods such as aerial surveys and harvest monitoring be employed as well. The Council recognizes that resources are limited and urge State and Federal agencies to combine their efforts and work collaboratively to ensure the fisheries in the Region are being surveyed and that survey data is reaching the affected users.

Response

Due to recent downturns in Nushagak bound Chinook Salmon, the Alaska Board of Fisheries classified this as a Stock of Management Concern during the 2023 winter meeting cycle. The most recent Alaska Department of Fish and Game's (ADF&G) Review of Salmon Escapement Goals in Bristol Bay report¹ was submitted to the Alaska Board of Fisheries during its cyclical escapement goal review. The report notes that escapement goals were reviewed for all salmon species in the Nushagak River and for Sockeye Salmon in the Egegik, Igushik, Kvichak, Naknek, Nushagak, Togiak, Ugashik, and Wood rivers. The review committee did not recommend establishing any new escapement goals in Bristol Bay or changing any current escapement goals

¹ Vega, S. L., J. M. Head, T. Hamazaki, J. W. Erickson, and T. R. McKinley. 2022. Review of salmon escapement goals in Bristol Bay, Alaska, 2021. Alaska Department of Fish and Game, Fishery Manuscript Series No. 22-07, Anchorage.

this cycle. However, the committee suggested that a “newly developed run reconstruction model for [Nushagak Chinook Salmon] be used to develop a spawner–recruit analysis prior to the next Bristol Bay regulatory cycle to generate an escapement goal based on the full Chinook Salmon population and replace the current SEG that is based on an unreliable index of Chinook abundance”.

The Board shares the Council’s concerns regarding the need for additional escapement and monitoring projects in the region. The Board supports and encourages any cooperative efforts between the ADF&G and Federal land managers and in-season fisheries managers to determine which Chinook and Chum salmon stocks in Bristol Bay should be prioritized for monitoring or surveying. Funding mechanisms should also be evaluated to achieve successful population assessments and management of Federal subsistence fisheries.

The Board continues to encourage the Council to create priority information needs for the Fisheries Resource Monitoring Program (FRMP) to directly address fisheries information gaps such as this one. The potential project investigators may consider researching this important topic. The Council may want to identify priority information needs for Chinook and Chum salmon stocks in the Bristol Bay region during the next FRMP funding cycle.

5. Mulchatna Caribou Herd Concerns

The Council is concerned by the non-recovery of the Mulchatna Caribou Herd (MCH). Recent survey data from June 2022 indicates that the MCH is 12,112 caribou, which is slightly lower than the 12,850 estimate from 2021, and well below the population objective of 30,000-80,000 caribou. State and Federal hunting opportunities have been closed since 2019. The MCH is an important subsistence resource, and the declining population is of great concern to the Council.

Response

Thank you for bringing this issue to the Boards attention. We recognize that you are uniquely positioned to offer first alerts to changing conditions and important trends that impact subsistence in your region. The Board appreciates and values the traditional knowledge, observations, and expertise you share and will direct staff to track this issue in the future. With this information, the Board is better prepared to make informed decisions.

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

Sincerely,

Anthony Christianson
Chair

cc: Bristol Bay Subsistence Regional Advisory Council

Federal Subsistence Board
Office of Subsistence Management
Interagency Staff Committee
Benjamin Mulligan, Deputy Commissioner, Alaska Department of Fish and Game
Mark Burch, Special Project Coordinator, Alaska Department of Fish and Game
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FOREST SERVICE

OSM 23064

Raymond Oney, Chair
Yukon-Kuskokwim Delta Subsistence Regional Advisory Council
c/o Office of Subsistence Management
1011 East Tudor Road, MS 121
Anchorage, Alaska 99503-6199

Dear Chairman Oney:

This letter responds to the Yukon-Kuskokwim Delta Subsistence Regional Advisory Council's (Council) fiscal year 2021 Annual Report. The Secretaries of the Interior and Agriculture have delegated to the Federal Subsistence Board (Board) the responsibility to respond to these reports. The Board appreciates your effort in developing the Annual Report. Annual Reports allow the Board to become aware of the issues outside of the regulatory process that affect subsistence users in your region. We value this opportunity to review the issues concerning your region.

1. Kuskokwim River salmon management

The Council is concerned with disagreements between the State of Alaska and the U.S. Fish and Wildlife Service over salmon management in the Kuskokwim Region in recent years. The Council feels strongly that all salmon management parties need to work together and strive for consensus on management decisions, especially in times like the present when there are threats to conservation. However, the Council also feels that the rural subsistence priority in ANILCA must be upheld and that Federally qualified subsistence users should have the priority to harvest salmon for subsistence over other users.

Response

The Board supports the continued desire by the Council for the State of Alaska and the U.S. Fish and Wildlife Service to work together and strive for consensus on management decisions. In response to this request the Board reached out to the U.S. Fish and Wildlife Service to learn more about their efforts to do so and learned the Service also strongly agrees that agencies need to work together to strive for consensus to make informed conservation decisions. The Yukon Delta National Wildlife Refuge routinely communicates with the Alaska Department of Fish and Game and attends the State of Alaska Kuskokwim River Salmon Management Working Group

meetings to learn about in-season biology and to obtain input on management options. Although the U.S. Fish and Wildlife Service may not agree on all management options, largely due to differing Federal and State mandates, it continues to value the State of Alaska biologists' and managers' input and data to help find consensus for the benefit of federally qualified subsistence users throughout the Kuskokwim River.

2. Typhoon Merbok impacts to communities and subsistence

The Council wants to inform the Board of the impacts that Typhoon Merbok had to communities and subsistence in our region. The storm surge generated by Merbok caused severe flooding and erosion damage in our region and resulted in a loss of infrastructure in many of its communities. Damaged infrastructure included many fish camps used for subsistence. The Council is worried that strong storms may become more common as the climate continues to change. There is a need for research projects that monitor the impacts of such storms to subsistence in our region, and we would appreciate being briefed on any such on-going projects at our next Council meeting.

Response

The Board shares your concerns for the communities across the state impacted by Typhoon Merbok. Climate change and increasingly extreme weather patterns are affecting Alaskan communities and their abilities to continue subsistence uses of fish and wildlife that sustain them. The Board understands that the impacts of Typhoon Merbok had been devastating for several subsistence regions in Alaska and the recovery periods will be long.

The Board is aware of a number of research entities that are conducting generalized research on climate change, coastal hazards and resiliency, and changes to the subsistence way of life. Some have now expanded their efforts to monitor and document the impacts of Typhoon Merbok, but all of their work contributes to a better understanding of the impacts severe weather in Alaska.

The Alaska Division of Geological & Geophysical Surveys is [mapping the impacts of Typhoon Merbok and the post-storm data response](https://arcg.is/1umjSH0) through an online mapping tool found on the following website <https://arcg.is/1umjSH0>

The [Arctic Coastal Geoscience Lab](https://acgl.community.uaf.edu/), housed within the University of Alaska Fairbanks, conducts research to advance knowledge regarding coastal processes and hazards and provides data that informs decision-making. More information can be found on their website <https://acgl.community.uaf.edu/>

The [Pursuing Opportunities for Long-Term Arctic Resilience for Infrastructure and Society project](https://arcticpolaris.org/) seeks to understand how communities in Arctic Alaska are affected by environmental hazards and risks, including coastal erosion and flooding, declining seas ice cover, and changes in the availability and access to wild resources. The Pursuing Opportunities for Long-Term Arctic Resilience for Infrastructure and Society team is working in the communities of Dillingham and Wainwright, but their research has Alaska-wide implications. In preceding meetings, several Councils invited a climatologist from the National Oceanic and Atmospheric Administration to assist in generating greater awareness of weather outlooks for the coming year. More information can be found here: <https://arcticpolaris.org/>

The Federal Emergency Management Agency's Interagency Recovery Coordination team is working to support the long-term recovery of communities impacted by Typhoon Merbok. As of May 2023, the Interagency Recovery Coordination team is collecting information on unmet community needs that were not addressed by Alaska State and Federal Emergency Management Agency's Public Assistance and Individual Assistance programs. For example, there may be alternative sources of funding for fish camps or equipment. As part of the Interagency Recovery Coordination team, the Department of the Interior's Natural and Cultural Resources Recovery Support Function Field Coordinator is helping integrate Federal assets and capabilities to help state and tribal governments and communities address long-term environmental and cultural resource recovery needs. You can learn more about the Natural and Cultural Resources Recovery Support Function here: <https://www.doi.gov/recovery/about-recovery/ncr-rsf-overview>. The Interagency Recovery Coordination team conducted an Initial Assessment Draft Report, but it plans to develop a more complete recovery needs assessment later this year. It is also collecting information on programs, projects, and funding opportunities that can support or assist the unmet needs. The next step will be developing strategies to address the needs. The Board passed your Council's fiscal year 2022 annual report to the Interagency Recovery Coordination team for its information.

The Council can work with your coordinator to invite any or all of these entities to present their findings and updates on their efforts during an upcoming meeting.

Your Council is a public forum for information gathering and exchange on issues that impact your subsistence way of life. The Board supports your Council expanding the meeting agenda to include presentations on climate change and research that may provide recommendations for resiliency and preparedness. The Council can work with your coordinator to invite any of the entities mentioned above to present their findings and updates on their efforts during an upcoming meeting.

3. Interception and bycatch of AYK Salmon in the Alaska Peninsula Region (Area M) and Bering Sea commercial fisheries

The Council continues to be extremely concerned about the interception of Yukon and Kuskokwim River salmon in other fisheries. We have experienced low returns of Chinook and Chum salmon at unprecedented levels in recent years. It is appalling that other fisheries have been allowed to harvest Arctic-Yukon-Kuskokwim (AYK) salmon stocks while subsistence fisheries have been closed.

We are particularly concerned about the interception of salmon in the Area M commercial fishery, especially Chum Salmon. Previous studies have shown that in this mixed stock fishery a large proportion of Chum Salmon harvested during the month of June is of AYK origin. The Council supported an Alaska Board of Fisheries proposal seeking to limit commercial harvest time in this region in an effort to reduce interception. We are anxious to hear if that proposal passed. We also support on-going genetic monitoring of the commercial salmon harvest in the Alaska Peninsula region and request that results of such research efforts be presented to the Council as they become available.

The Council also continues to be concerned about bycatch of salmon in the Bering Sea trawl fisheries. Although we understand that bycatch may not be the primary driver of declining salmon in our rivers, we feel that more strict bycatch caps are warranted during times of conservation. The burden of conservation has primarily fallen to subsistence users: we have had heavy restrictions and closures to salmon fishing in our rivers while salmon bycatch continues in the high seas.

The Council feels that salmon management must take place on an ecosystem scale and that cross-region management planning efforts between the State of Alaska, Departments of the Interior and Agriculture, and the Department of Commerce need to be implemented immediately to save our salmon. The Council requests to be briefed on any such efforts. We also request to be briefed on whether the Secretaries of the Interior or Agriculture liaised with the Secretary of Commerce about salmon bycatch and management following the joint letter from the four Councils within the Yukon drainage sent to the Board last year that was then forwarded by the Board to the Secretaries.

Response

The Board shares your concern with the interception of Yukon and Kuskokwim rivers salmon stocks in other fisheries and commends the Council for submitting two proposals during the 2022–2023 Alaska Board of Fisheries regulatory cycle. The Alaska Board of Fisheries took up Proposals 148 and 149 on February 26, 2023, during the Alaska Peninsula/Aleutian Island/Chignik Finfish meeting. Links to audio recordings of the Alaska Board of Fisheries’ actions on Proposal 148² and Proposal 149³ are provided below. Proposal 148 failed with a vote of 1-6. Proposal 149 failed with a vote of 0-7. A number of other entities also submitted proposals seeking to amend the South Alaska Peninsula Salmon Management Plan by reducing commercial fishing time for Chum Salmon. Your Council provided a written comment and oral testimony in support of Proposal 140. At the Alaska Board of Fisheries meeting, there was a record amount of testimony regarding this proposal. Proposal 140 failed with a vote of 3-4 after lengthy deliberation. Ultimately, the Alaska Board of Fisheries passed Proposal 136 with amendments found in Record Copy 190 (see Topic 3 enclosures 1 and 2). This action provided some reduction in commercial fishing time and established Chum Salmon harvest triggers for the purse seine fishery during June in the South Unimak and Shumagin Islands June Salmon Management Plan. When the harvest of Chum Salmon reaches the trigger point, then fishing will be shut down.

The Alaska Department of Fish and Game is conducting a four-year study (2022–2026) to estimate stock, age, and length compositions, and stock-specific harvests in South Alaska Peninsula fisheries. Results from year one of the study are in press and included in our response below. Based on the reported results of stock-specific Chum Salmon harvest in the South Alaska Peninsula, the Asia group was the largest contributor (345,896; 42.5%) to the total South Alaska

² [Proposal 148 meeting audio](https://www.adfg.alaska.gov/static/regulations/regprocess/fisheriesboard/swf/2022-2023/peninsula/index.html?mediaBasePath=/Meeting%2002-26-23%20%28Feb-26-23%206-16-48%20PM%29#) for the introduction and roll call vote on Proposal 148 occurs at 11:28:21 AM, and 11:30:37 AM, respectively <https://www.adfg.alaska.gov/static/regulations/regprocess/fisheriesboard/swf/2022-2023/peninsula/index.html?mediaBasePath=/Meeting%2002-26-23%20%28Feb-26-23%206-16-48%20PM%29#>.

³ [Proposal 149 meeting audio](https://www.adfg.alaska.gov/static/regulations/regprocess/fisheriesboard/swf/2022-2023/peninsula/index.html?mediaBasePath=/Meeting%2002-24-23%20%28Feb-24-23%205-32-11%20PM%29#) for the introduction and roll call vote on Proposal 149 occurs at 11:31:04 AM, and 11:33:54 AM, respectively <https://www.adfg.alaska.gov/static/regulations/regprocess/fisheriesboard/swf/2022-2023/peninsula/index.html?mediaBasePath=/Meeting%2002-24-23%20%28Feb-24-23%205-32-11%20PM%29#>.

Peninsula commercial Chum Salmon fishery, followed by East of Kodiak (137,503; 16.9%), South Peninsula (107,559; 13.2%); however, Coastal Western Alaska (103,798; 12.8%), and Chignik/Kodiak (72,050; 8.9%) were still substantial contributors to the overall harvest (see <https://www.adfg.alaska.gov/FedAidPDFs/SP23-07.pdf>)⁴. The results of the Western Alaska Salmon Stock Identification Program research from 2007 to 2009 are included as Table 2 in the Dann et al. 2003 report for comparison with the current data. The Council may request their Council Coordinator to reach out to the Alaska Department of Fish and Game genetics lab and request a representative attend the next Council meeting to present on preliminary findings of the study.

The Board recognizes the Council's concern about the need for a multi-agency management planning effort for Pacific Salmon. The Board remains committed to providing Regional Advisory Councils with recent developments for inter-agency, multi-regional management planning efforts. However, the Board is not aware of any efforts at this time to do so. The Board invited the North Pacific Fishery Management Council to their January 2023 meeting to present on the Bering Sea fishery and ongoing efforts to decrease salmon bycatch. The Board also forwarded both letters from the four Councils to the Secretaries of Interior and Agriculture and asked them to liaise with the Secretary of Commerce (see enclosure 4 to Topic 3). The Board will keep the Council informed as new information becomes available.

4. Declines in Tom Cod and halibut, especially near Hooper Bay

The Council is concerned about a decline in the number of Tom Cod in the coastal areas of our region, especially near Hooper Bay and Chevak. Tom Cod are an important subsistence fish and user observations indicate that populations levels are in decline. We request any information about Tom Cod monitoring efforts in Coastal Western Alaska. If there is no on-going monitoring, we request that agencies represented on the Board make it a priority.

In addition to Tom Cod, the Council is also concerned about the declining number and size of Halibut in Western Alaska. Halibut are an important subsistence resource, even more so in times of salmon decline. Commercial Halibut fishing has also provided a source of income for coastal residents in our region in the past. The Council requests to be briefed about trends in Halibut population and size in Western Alaska and encourages on-going monitoring of Halibut.

Response

The Board is concerned to hear about the low harvest of Tomcod (Saffron Cod) in the Hooper Bay and Chevak area. The Alaska Department of Fish and Game has management authority of groundfish species within three miles of the coastline. This includes coastal waters in the Yukon-Kuskokwim region. To the Board's knowledge there is no targeted monitoring of Tomcod by the Alaska Department of Fish and Game at present.

The National Marine Fisheries Service conducts annual surveys to monitor the marine ecosystems of the eastern and northern Bering Sea, produce fishery independent biomass and

⁴ Dann, T.H., H.A. Hoyt, E.M. Lee, E.K.C. Fox, and M.B. Foster. 2023. Genetic stock composition of Chum Salmon harvested in commercial salmon fisheries of the South Alaska Peninsula, 2022. Alaska Department of Fish and Game, Special Publication No. 23-07, Anchorage.

abundance estimates for commercially important fish, and collect other biological and environmental data for use in ecosystem-based fishery management. Annual trawl surveys monitor Pacific Halibut and other groundfish. The National Marine Fisheries Service publishes a summary of these trawl surveys, which are then made available for download on their website⁵. As neither National Marine Fisheries Service nor the Alaska Department of Fish and Game hold a seat on the Federal Subsistence Board, the Council may request their Council Coordinator to reach out to both agencies and request a representative attend a Council meeting to present on species population trends and findings. This would also provide Council members with an opportunity to open a dialog with the management agencies to relate these concerns.

5. Competition between hatchery and wild salmon in the Bering Sea

The Council is concerned about competition between hatchery salmon released by other countries and wild AYK salmon in the Bering Sea. We would like to be briefed on any research and monitoring efforts regarding the competition between wild and hatchery salmon in the Bering Sea, including the numbers of hatchery salmon released by Russia and other Asian countries. The Council would also like to be presented information about any treaties or collaborative management agreements among the U.S., Russia, and other Asian countries regarding salmon in the Bering Sea.

Response

The Board is unaware of any current research or monitoring efforts directly investigating competition between wild- and hatchery-origin salmon in the Bering Sea. There are relatively few investigations of at-sea competition interactions between hatchery released salmon and wild salmon stocks (Peterman 1991)⁶. Some studies have documented the effects of hatchery on wild-origin salmon growth, age, and survival (Hilborn and Eggers 2001; Kaeriyama et al. 2012; Amoroso et al. 2017)⁷, while other studies have investigated at-sea interactions including the influence of mostly hatchery origin Asian Chum Salmon on Norton Sound Chum Salmon (Ruggerone et al. 2012)⁸. Similar studies have investigated the effects of Russian Pink Salmon on Bristol Bay Sockeye Salmon (Ruggerone et al. 2003; Ruggerone and Connors 2015)⁹.

⁵ <https://www.fisheries.noaa.gov/alaska/science-data/groundfish-assessment-program-bottom-trawl-surveys>

⁶ Peterman, R. M. 1991. Density-dependent marine processes in North Pacific salmonids: lessons for experimental design of large-scale manipulations of fish stocks. ICES Marine Science Symposia 192:69–77.

⁷ Hilborn, R., and D. Eggers. 2001. A review of the hatchery programs for Pink Salmon in Prince William Sound and Kodiak Island, Alaska: response to comment. Transactions of the American Fisheries Society 130:720–724. Kaeriyama, M., H. Seo, H. Kudo, and M. Nagata. 2012. Perspectives on wild and hatchery salmon interactions at sea, potential climate effects on Japanese Chum Salmon, and the need for sustainable salmon fishery management reform in Japan. Environmental Biology of Fishes 94:165–177. Amoroso R.O, M.D. Tillotson, and R. Hilborn. 2017. Measuring the net biological impacts of fisheries enhancement: Pink Salmon hatcheries can increase yield, but with apparent cost to wild populations. Canadian Journal of Fisheries and Aquatic Sciences 74:1233–1242.

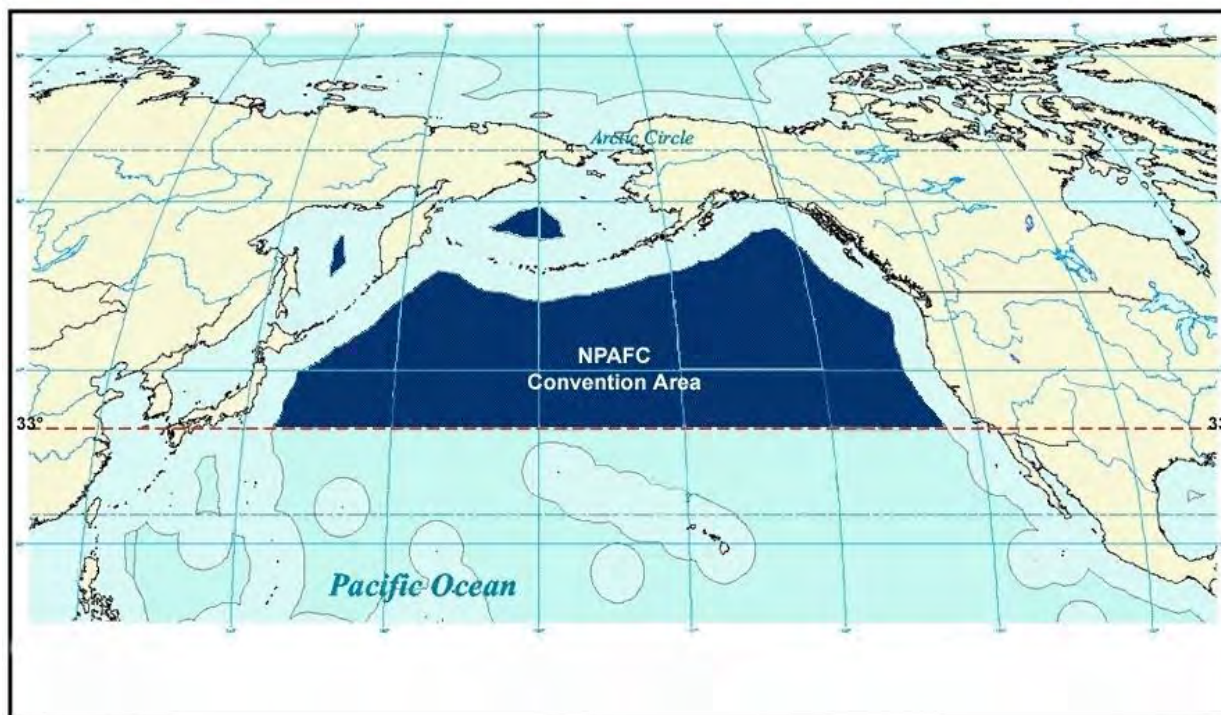
⁸ Ruggerone, G.T., B.A. Agler, and J. L. Nielsen. 2012. Evidence for competition at sea between Norton Sound Chum Salmon and Asian hatchery Chum Salmon. Environmental Biology of Fishes 94:149–163.

⁹ Ruggerone, G.T., M. Zimmermann, K.W. Myers, J.L. Nielsen, and D.E. Rogers. 2003.

Competition between Asian Pink Salmon (*Oncorhynchus gorbuscha*) and Alaskan Sockeye Salmon (*O. nerka*) in the North Pacific Ocean. Fisheries Oceanography 12:209–219. Ruggerone, G.T., and B.M. Connors. 2015. Productivity and life history of Sockeye Salmon in relation to competition with Pink and Sockeye salmon in the North Pacific Ocean. Canadian Journal of Fisheries and Aquatic Sciences 72:818–833.

Ruggerone and Irvine (2018)¹⁰ present the most recent compilation of abundance and biomass values for hatchery- and natural-origin Pink, Chum, and Sockeye salmon in the North Pacific Ocean. The Board has provided this publication to the Council as supplemental literature (see Topic 5 enclosure).

Figure 1: The Convention Area as identified in the Convention for the Conservation of Anadromous Stocks in the North Pacific (source <https://npafc.org/convention/>)



Regarding the Council’s request for information on treaties or collaborative management in the Bering Sea. The North Pacific Anadromous Fish Commission is an inter-governmental organization established by the Convention for the Conservation of Anadromous Stocks in the North Pacific Ocean. Member countries involved in the North Pacific Anadromous Fish Commission include Canada, Japan, the Republic of Korea, the Russian Federation, and the United States of America. The Convention for the Conservation of Anadromous Stocks in the North Pacific Ocean pertains to the area of the North Pacific Ocean and its adjacent seas, including parts of the Bering Sea, north of 33 degrees North Latitude in international waters beyond the 200 nautical mile zones of the coastal states (Figure 1). The North Pacific Anadromous Fish Commission Convention Area includes waters outside of the Exclusive Economic Zone established by the Magnuson-Stevens Fishery Conservation and Management Act.

The Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. §§ 1801 et seq) is the primary law that governs marine fisheries management in U.S. Federal waters. The

¹⁰ Ruggerone G.T., and J.R. Irvine. 2018. [Numbers and biomass of natural- and hatchery-origin Pink Salmon, Chum Salmon, and Sockeye Salmon in the North Pacific Ocean](https://afspubs.onlinelibrary.wiley.com/doi/10.1002/mcf2.10023), 1925–2015. <https://afspubs.onlinelibrary.wiley.com/doi/10.1002/mcf2.10023>

Magnuson Stevens Act established the U.S. Exclusive Economic Zone, an area that extends no more than 200 nautical miles from the territorial sea baseline and is adjacent to the 12 nautical mile territorial sea of the United States of America. The North Pacific Fishery Management Council is one of eight regional councils established by the Magnuson-Stevens Fishery Conservation and Management Act to manage fisheries in the 200-mile Exclusive Economic Zone, three miles off the coast of Alaska.

Another international treaty on salmon management not directly related to the Bering Sea is the Pacific Salmon Treaty, a mutual international agreement and cooperative fishery management process formed between the governments of the United States and Canada. The Treaty regulates the fisheries that occur in the ocean and inland waters of Oregon, Washington, British Columbia, the Yukon, and southeast Alaska and all rivers that flow into these waters. The Pacific Salmon Commission is the international organization, governed by the Pacific Salmon Treaty, and the decision-making body for cooperative management of Pacific Salmon between the United States and Canada.

The North Pacific Anadromous Fish Commission provides hard-copy and on-line versions of [statistical information on salmonid catch and hatchery release](https://npafc.org/statistics/) available at their website: <https://npafc.org/statistics/>.¹¹ For the Council's convenience we have included summary figures of hatchery releases including annual hatchery release of salmon and Steelhead Trout by country (Figure 2) and by species (Figure 3).

¹¹ North Pacific Anadromous Fish Commission. [NPAFC] 2022. NPAFC statistics: description of Pacific salmonid catch and hatchery release data files (updated 15 July 2022). North Pacific Anadromous Fish Commission, Vancouver. Accessed April 1, 2023. Available: <https://npafc.org>.
Peterman, R. M. 1991. Density-dependent marine processes in North Pacific salmonids: lessons for experimental design of large-scale manipulations of fish stocks. ICES Marine Science Symposia 192:69-77.

Figure 2: Annual hatchery release of salmon and Steelhead Trout by country in millions of fish (source: NPAFC 2022)

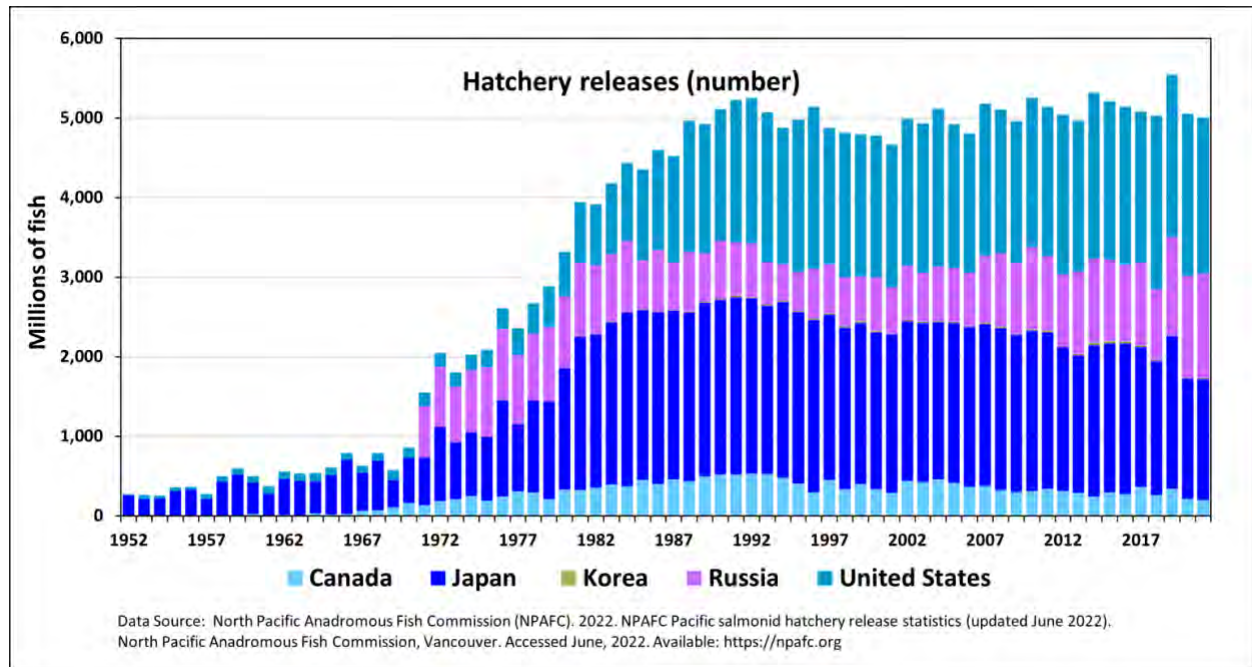
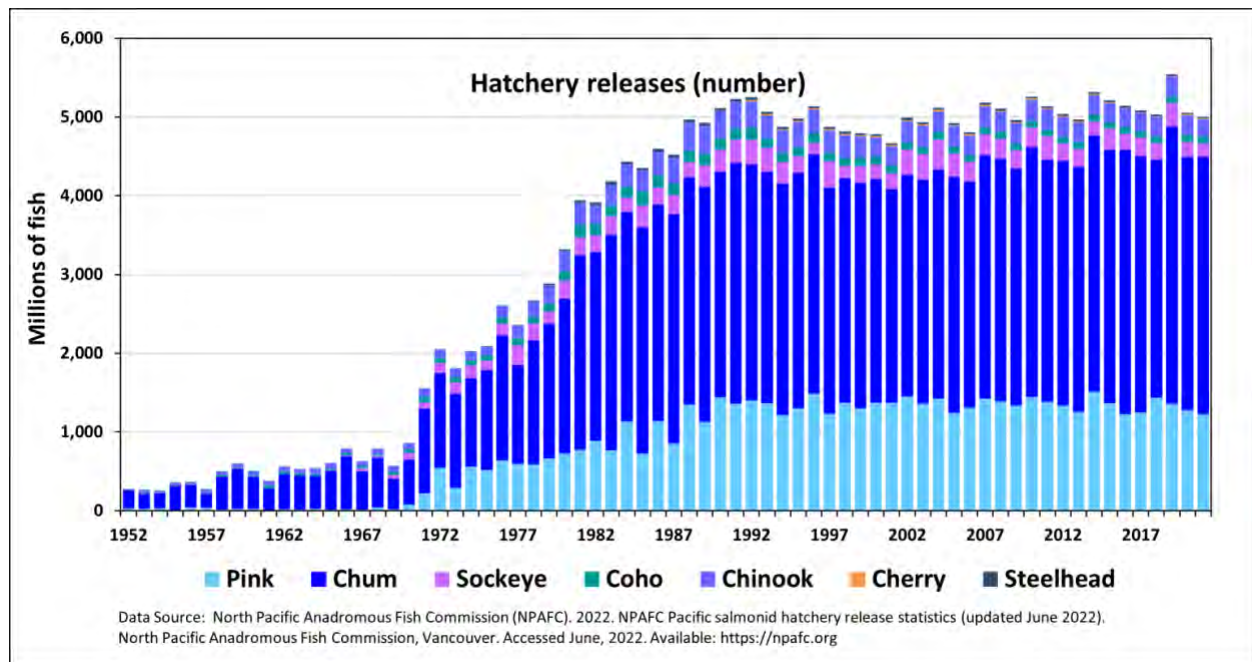


Figure 3: Annual hatchery release of salmon and Steelhead Trout by species in millions of fish (source: NPAFC 2022)



6. Fukushima radiation effects on salmon and other marine life

The Council is continually concerned about the lingering effects of the Fukushima nuclear disaster. We would like to have on-going updates about radiation monitoring and testing of marine animals and fish included in the fisheries updates provided to us at every Council

meeting. We ask the Board to direct the appropriate agency staff to include this information in their reports moving forward.

Response

The Board appreciates the Council's concern about food safety. Extensive testing occurred in the years following the 2011 event and radionuclide testing of Alaska seafood is ongoing. No harmful levels of radiation have been detected in any of the samples. Extensive outreach efforts would be made by the public health agencies if results ever indicate that the food supply has been compromised.

For [information on Alaska seafood testing](https://dec.alaska.gov/eh/vet/fish-monitoring-program/radioisotopes-in-fish-caught-in-alaskan-waters) visit: <https://dec.alaska.gov/eh/vet/fish-monitoring-program/radioisotopes-in-fish-caught-in-alaskan-waters>

For [information on Fukushima radiation monitoring](https://www.epa.gov/radiation/where-can-i-find-most-current-information-about-fukushima-and-radiation-levels) visit: <https://www.epa.gov/radiation/where-can-i-find-most-current-information-about-fukushima-and-radiation-levels>

7. Arctic Lamprey declines and needed monitoring on the Yukon River

Residents of the lower Yukon River have observed declines in the number of Arctic Lamprey, locally referred to as eels, returning over the past few years. Eels are an important subsistence resource in the region. The Council is concerned that commercial harvest of eels has been allowed without adequate population assessments or understanding of the impacts of commercial harvest on the resource. We request to be briefed on any Arctic Lamprey monitoring efforts completed or underway and encourage the agencies represented on the Board to fund on-going monitoring and research of this species.

Response

Thank you for sharing your knowledge of and concern for Yukon River eels. The Board understands eels are an important subsistence resource in the Yukon Region, especially when salmon populations are depressed, and harvest opportunities for fish are restricted. It is critical to understand eels to avoid overharvest and prevent conservation concerns. The Fisheries Research Monitoring Program is the primary tool that can be used by the Federal Subsistence Management Program to collect the information needed to effectively manage eel populations.

The mission of the Fisheries Research Monitoring Program is to identify and provide the information needed to sustain subsistence fisheries on Federal public lands. The Councils play an instrumental role in the Fisheries Research Monitoring Program by developing priority information needs, which determine the types of projects submitted for funding. While baseline information about lamprey populations, migration patterns, and harvest quantities were identified in 2020 as a Yukon River PIN, they were not in 2022. The Council will identify and approve priority information needs for the 2026 Fisheries Research Monitoring Program cycle during the fall 2024 meeting. This is the opportune time for your Council to highlight research gaps related to Yukon River eel populations. If the Council would like to add Yukon River eel/Arctic lamprey to the PINs, you can do that at you fall 2024 meeting.

Fisheries Research Monitoring Program project 20-202, entitled “Evaluating dart and telemetry tags in an effort to track run timing and migration patterns of Yukon River Arctic lamprey,” examined the effects of tagging on the physiology and survival of eels. Study results indicated t-bar anchor tags and internal radio transmitters can be used to monitor spawner abundance and migratory patterns in the Yukon River. Office of Subsistence Management will provide the Council with a copy of the final report.

The Board encourages the Council to work with your Council Coordinator to invite managers and researchers to present about eels at upcoming Council meetings. This will provide the Council an opportunity to share your knowledge, concerns, and research ideas with the presenters. The resulting informational exchange will benefit all involved parties and ultimately Yukon River eel populations.

8. Salmon fishing should be allowed in non-spawning streams of Yukon Region like it is in the Kuskokwim Region

The Council is concerned about a discrepancy in subsistence fishing regulations between the Kuskokwim River and the Yukon River. In the Kuskokwim River region, salmon fishing is allowed in non-spawning tributaries when subsistence salmon fishing is otherwise closed. Fishing in non-spawning tributaries provides a limited subsistence harvest opportunity that has become increasingly important in recent years of continued low returns and restricted fishing. The Council asks that the Board request USFWS to identify non-spawning streams in the coastal and lower Yukon River region and to evaluate opportunities for subsistence harvest in those systems. USFWS should utilize the expertise of Council members and other area residents to identify these streams. The Council would like to be briefed on this topic at an upcoming Council meeting.

Response

The Board thanks you for raising this topic, and we recognize the incredible value of traditional knowledge and the importance of targeting nonsalmon species during salmon closures. The Board reached out to the U.S. Fish and Wildlife Service delegated Federal Fisheries Manager Holly Carroll to ask her to reply to this issue and she shared the following points for your consideration.

In the Yukon River drainage, particularly in the coastal area but throughout the lower river, as well, there are streams that have never been surveyed for the presence of salmon and therefore, have no data listed in the Anadromous Waters Catalog, or there only some salmon species have been documented. There is a huge lack of data, and the U.S. Fish and Wildlife Service and the Alaska Department of Fish and Game (Division of Subsistence) are seeking funding and setting aside funds to prioritize research in certain streams.

Alaska Department of Fish and Game Subsistence and Anadromous Waters Catalog team have requested Fisheries Resource Monitoring Program funding (which would begin 2024) to assess the Kun and Kashunuk rivers on the coast. This will draw on traditional knowledge as well as surveys. A similar project has already been funded through the Fisheries Research Monitoring

Program, which seeks to catalog salmon in the Pastolik and Pastoliak coastal rivers near Kotlik. These projects seek to help fill data gaps.

Federal and State fisheries managers receive multiple requests to increase large mesh access in many streams. Residents often inform the team which species they typically harvest in the streams and if salmon are present there. In some of the streams where these requests occur, spawning may not be documented by biologists, but local knowledge of salmon presence exists. Sometimes salmon are present in these streams because they enter and exit them with the changing tides. Runs have been critically low on the Yukon River and there hasn't been a harvestable surplus for Chinook, summer Chum, and fall Chum salmon. Therefore, no salmon can be harvested, even those that are pooling into streams and heading back out to the Yukon River. Once there is a harvestable surplus available for these species, these restrictions may no longer be necessary.

While traditional knowledge may show that one stream in an area does not typically have salmon, if the next one over does, managers do not have a fair way to apply blanket restrictions or fishing regulations throughout the drainage that will not inadvertently allow harvest of salmon in areas where they are spawning or congregating but are not well understood.

Federal and State managers are trying to strike a balance between being able to allow the four-inch gear liberally throughout the drainage, knowing that, while it may not be ideal for the largest Broad Whitefish or Sheefish, it should be effective at harvesting most non-salmon but not harvesting salmon at the same time.

While the gillnet restrictions to four-inch are in place during the salmon fishing season, in the coast and lower river, these gillnet restrictions are not in place after the fall Chum Salmon run passes through in October, so fishing with large mesh is still possible in fall and under the ice. It is also still possible to catch many of these species with hook and line, and other non-salmon gear.

9. Increase in bears raiding fish camps in the Kuskokwim Region

The Council wants to inform the Board of the recent increase in the number of problem bears in the Kuskokwim region. An increased number of bears have been raiding fish camps and cabins and causing destruction to personal property and subsistence infrastructure. Residents speculate the cause for the increase in problem bears may be two-fold. First, there are less bear hunters than there were in the past. Second, declines in salmon have led to less available food for the bears in the headwaters, causing them to move around more and seek food elsewhere.

Response

Thank you for bringing this issue to the Board's attention. We recognize that you are uniquely positioned to offer first alerts to changing conditions and important trends that impact subsistence in your region. The Board appreciates and values the traditional knowledge, observations, and expertise you share and will direct staff to track this issue. With this information, the Board is better prepared to make informed decisions.

As a reminder, bear hunting opportunities are available in Unit 18 and the hunts are administered by the Alaska Department of Fish and Game. Current regulations allow for up to three Black Bear annually with no closed season and one Brown/Grizzly Bear between September 1-June 30. Bears may also be taken in defense of life and property, but these [kills require filing a written report](#) (see https://www.adfg.alaska.gov/static/license/otherlicense/pdfs/defense_life_property_game_animal_kill_report.pdf) and salvage of the skull and hide with the claws still attached, which are turned into the Alaska Department of Fish and Game.

10. Increased harvest pressure on whitefish during times of salmon conservation and concerns about four-inch mesh size impacts

The Council is concerned about the increased harvest pressure on whitefish and other non-salmon species during salmon fishing restrictions and closures. Subsistence users are seeing lower numbers of many non-salmon fish. Additionally, we are concerned about the impacts that 4-inch mesh gillnets are having on whitefish and Sheefish. The Council does not want the populations of these other species to decline like salmon populations and requests the Board to urge USFWS to develop on-going assessment projects for non-salmon populations like they have for salmon.

Response

The Board appreciates the Council raising the issue of harvest pressure on Whitefish and other non-salmon species during salmon fishing restrictions and closures. The local and traditional knowledge that the subsistence users bring to the Board through their annual reports helps to document long-term subsistence resource trends in the Yukon Delta Region. The Board encourages the Council to continue to share this local knowledge with the resource managers and others working in the region. The Fisheries Resources Monitoring Program funds assessment projects for non-salmon populations. One of these projects in the Kuskokwim River is described below and in an enclosure to this reply (see Topic 10 enclosure). In the annual review of the priority information needs, the Board recommends the Council utilize the issues raised in the annual reports, such as this one, to continue to refine their priorities in the effort to interest researchers to submit proposals.

The U.S. Fish and Wildlife Service is currently in year two of a four-year Fisheries Resources Monitoring Program project titled Kuskokwim River Broad Whitefish Subsistence Harvest and Spawning Abundance (Project Number 22-301). The project is a partnership between the U.S. Fish and Wildlife Service, Kenai Fish and Wildlife Conservation Office, Yukon Delta National Wildlife Refuge, Native Village of Napaimute, and Orutsararmiut Native Council. Occurring out of McGrath, the project tags whitefish to understand distribution and would greatly appreciate the Council members report marked Broad Whitefish as part of that project. Fish have Floy tags, and recapture is based on fishermen reporting the tagged fish they harvest. Results will provide insight into the questions the Council is asking.

Any additional assessment projects, such as the Whitefish Lake weir that operated 20 years ago, should undergo further discussion to determine value and overall need. The U.S. Fish and

Wildlife Service is open to discussions with the Council and other entities in the region about monitoring other species of whitefish, in addition to Broad Whitefish.

11. Increasing Northern Pike and declining trout near Quinhagak

The Council wants to inform the Board of increasing numbers of Northern Pike near Quinhagak in lakes and in the Kanektok River. These predatory fish are decimating the local trout population. The Council would like to receive information on what is being done to control Pike in other areas of the State where this is also an issue and learn more about what actions might be taken in our region to control Pike numbers.

Response

Thank you for sharing your concerns regarding increasing numbers of Northern Pike occurring near Quinhagak in lakes and in the Kanektok River. Northern Pike (*Esox lucius*) is native in all areas of Alaska north and west of the Alaska Range and there is one isolated genetically remnant population near Yakutat, Alaska (Morrow 1980, Mecklenburg et al. 2002, Jalbert 2018)¹². Within this broad geographic native range there are no control measures in place for limiting or reducing Northern Pike populations other than by Federal subsistence, State subsistence, and State sport fishing harvest activities. No targeted eradication effort exists for reducing Northern Pike within their natural range in Alaska, which includes the waters near Quinhagak. In areas outside of their natural range in Alaska, Northern Pike are considered an invasive species and the target of management strategies that include prevention, early detection, rapid response, eradication, containment, population suppression, and population monitoring and research efforts (Dunker et al 2022)¹³.

The Board supports harvest of Northern Pike through Federal subsistence, State subsistence, and State sport fisheries to control local populations of Northern Pike. There is no annual harvest limit or closed season for Northern Pike in Federal public waters of Alaska, including waters within or adjacent to the Togiak and Yukon Delta National Wildlife Refuges in the Kuskokwim Area. Additionally, the Alaska Department of Fish and Game sport fish regulations for the Kuskokwim-Goodnews Area permit the harvest of up to 10 Northern Pike per day, per person, with 10 in possession and no size limits.

12. Regional Advisory Council member compensation

The Council requests the compensation policy for Subsistence Regional Advisory Council members be reviewed and revised. Currently, Council members receive no compensation for the time they spend attending Council meetings or the expertise they provide to the Federal

¹² Morrow, J., E. 1980. The Freshwater Fishes of Alaska. Northwest Publishing Company, Anchorage, AK, USA. Mecklenburg, C. W., T. A. Mecklenburg, and L. K. Thorsteinson. 2002. Fishes of Alaska. American Fisheries Society, Bethesda, MD, USA. Jalbert, C. 2018. Impacts of a top predator (*Esox lucius*) on salmonids in Southcentral Alaska: genetics, connectivity, and vulnerability. University of Alaska Fairbanks, Fairbanks, AK, USA.

¹³ Dunker, K. J., P. Bradley, C. Brandt, T. Cabbage, T. Davis, J. Erickson, J. Jablonski, C. Jacobson, D. Kornblut, A. Martin, M. Massengill, T. McKinley, S. Oslund, O. Russ, D. Rutz, A. Sepulveda, N. Swenson, P. Westley, B. Wishnek, A. Wizik, M. Wooller. 2022. Technical Guidance and Management Plan for Invasive Northern Pike in Southcentral Alaska: 2022-2030. Alaska Invasive Species Partnership, Anchorage, AK, USA. 233p

Subsistence Management Program. The Federal Advisory Committee Act (FACA) states that agency heads may establish rates of compensation for council members and that pay may be on an hourly or daily rate basis (see Enclosed). The Council is writing a separate letter to the Board on this issue asking the Board to forward this request to the Secretary of the Interior.

The local and indigenous knowledge provided by Council members is fundamental to the Program. The Federal Subsistence Board relies on this knowledge to make informed decisions about resource management issues across Alaska. Federal staff are paid for attending Council meetings, but Council members are not compensated in the same manner despite their unique qualifications.

Council members must sacrifice time away from their families and jobs to participate in meetings, whether in-person or virtually. This often results in loss of income. Many Subsistence Regional Advisory Councils are struggling to recruit applicants to serve on Councils. This is not because rural Alaskans do not care about subsistence issues or lack the desire to share their expertise; it is because many rural Alaskans cannot afford to take a loss by donating their time to attend meetings.

Compensation of local and indigenous knowledge holders through stipends or honoraria is a common best practice carried out in academic, non-governmental, and Tribal organization arenas. The Council respectfully asks that the Federal Government similarly value the expertise provided by Council members to the Federal Subsistence Management Program by paying a fair, daily rate of compensation to Council members when attending Council meetings or other meetings as Council representatives.

Response

The Service as well as the Board recognize and value the dedication and expertise of the Regional Advisory Council members throughout the State of Alaska and have made requests to the Secretary of the Interior to compensate Council members. In the past, the Secretary's response to this request has consistently referred to the Department of the Interior's long-standing policy on compensation of its committee members, which is that members of the Department's more than 100 advisory committees nationwide are volunteers, not Federal employees, and therefore do not receive any compensation for their service. The Board has received the letter from the Council and per your request will forward it to the to the current Secretary of the Interior.

13. Unit 18 Mainland Muskoxen

The Council wants to make the Board aware that muskoxen have migrated from the Nelson Island and Nunivak Island herds to various parts of the Unit 18 mainland over the past twenty years. Local residents have observed muskoxen in various parts of the region and report that they are increasing in numbers and expanding their range. The Council has submitted two Federal wildlife proposals seeking to recognize the customary and traditional use of Unit 18 mainland muskox and to open a Federal subsistence hunt for muskox in the mainland portion of the Unit. Muskox were re-introduced to Alaska with the intention that one day the population would grow enough that they could be hunted and provide food for subsistence. Residents of

Unit 18 desire the opportunity to harvest muskox for subsistence whenever a harvestable surplus is identified and believe the additional opportunity could help alleviate food security concerns. The Council requests that the Board encourage the U.S. Fish and Wildlife Service to work with the Alaska Department of Fish and Game to determine the harvestable surplus of muskoxen for the various mainland herds in Unit 18.

Response

The Board acknowledges the migration of muskoxen from Nelson Island and Nunivak Island to the Unit 18 mainland. Two proposals are currently going through the analysis process regarding these muskoxen. The U.S. Fish and Wildlife Service and the Alaska Department of Fish and Game reviewed the analyses and provided comments. The Office of Subsistence Management has contacted both agencies to determine if there is harvestable surplus of muskox in Unit 18 as part of the analysis process. The Council will consider these proposals at their fall 2023 meeting, and the Board will make a final decision at its regulatory meeting in April 2024. We understand the importance of additional subsistence opportunities for federally qualified subsistence users and food security concerns.

In closing, I want to thank you and your Council for your continued involvement and diligence in matters regarding the Federal Subsistence Management Program. I speak for the entire Board in expressing our appreciation for your efforts and am confident that federally qualified subsistence users of the Yukon-Kuskokwim Delta Region are well represented through your work.

Sincerely,

Anthony Christianson
Chair

cc: Yukon-Kuskokwim Delta Subsistence Regional Advisory Council
Federal Subsistence Board
Office of Subsistence Management
Interagency Staff Committee
Benjamin Mulligan, Deputy Commissioner, Alaska Department of Fish and Game
Mark Burch, Special Project Coordinator, Alaska Department of Fish and Game
Administrative Record

PROPOSAL 136

5 AAC 09.365. South Unimak and Shumagin Islands June Salmon Management Plan.

Amend the *South Unimak and Shumagin Islands June Salmon Management Plan* to implement a chum salmon harvest cap to reduce commercial fishing time, as follows:

ONC proposes that the Board of Fisheries amend the South Unimak and Shumagin Islands June Salmon Management Plan, 5 AAC 09.365, to incorporate a harvest cap during the June fisheries using all gear types. More specifically, set a cap of 280,000 chum salmon and close the commercial fishery for the remainder of June once that cap is met. This request is consistent with historical records, where concerns over large commercial harvests of chum together with weak Yukon River fall chum runs, resulted in a cap limit that, if met, closed the fishery for the remainder of June.

Alaska Peninsula is one of six Fisheries on the migratory path of Coastal Western Alaska (CWA) chum salmon - Alaska Peninsula, Bristol Bay, AK Peninsula, Bristol Bay, Kuskokwim, Yukon, Norton Sound and Arctic. Therefore, based on preliminary estimates for CWA chum from 2021, the South Unimak and Shumagin Islands June should account for approximately one 6th of the chum salmon for the season. Currently, the management plan does not identify any harvest limits for chum salmon. Establishing a cap would ensure that migrating chum reach their spawning grounds to the Arctic-Yukon-Kuskokwim region, as well as Bristol Bay, Alaska Peninsula, Southcentral Alaska, Japan, and Russia. ONC understands that while the request may present difficulties to commercial fishermen in the South Alaska Peninsula Management Area, we all, across user groups and Management Regions, have the shared interest and responsibility to protect the CWA chum salmon stock. When chum salmon are abundant, we all thrive; in times of hardships, we all must work together and share the burden of conservation to ensure abundant populations in the future.

ONC suggests incorporating the chum salmon harvest cap into a new section between (d) and (e). The South Unimak and Shumagin Islands commercial fisheries are limited to harvesting 280,000 chum salmon during the month of June using all gear types. If reached, it would result in a closure of the fishery for the remainder of June.

Regulation of 5 AAC 09.365 South Unimak and Shumagin Islands June Salmon Management Plan:

“(a) The South Unimak and Shumagin Islands June fisheries harvest both sockeye salmon and chum salmon in a mixed stock fishery during the month of June. The sockeye salmon are predominantly Bristol Bay and Alaska Peninsula origin. The chum salmon are bound for a number of areas, including Japan, Russia, the Arctic-Yukon-Kuskokwim, Bristol Bay, the Alaska Peninsula, and southcentral Alaska. These salmon stocks have historically been harvested along the south Alaska Peninsula during the month of June. This management plan is intended to be consistent with the Policy for the Management of Sustainable Salmon Fisheries (5 AAC 39.222) and the Policy for the Management of Mixed Stock Salmon Fisheries (5 AAC 39.220).

(b) The South Unimak fishery takes place in the Unimak District, the Southwestern District, the East Pavlof Bay and the West Pavlof Bay Sections of the South Central District,

and the Bechevin Bay Section of the Northwestern District.

(c) The Shumagin Islands fishery takes place in the Shumagin Islands Section.

(d) In the South Unimak and Shumagin Islands fisheries, the commissioner may establish, by emergency order, commercial fishing periods as follows:

(1) for set gillnet gear,

(A) beginning June 6, commercial fishing periods will begin at 6:00 a.m.

and run 64 hours until 10:00 p.m. two days later; beginning June 10, commercial fishing periods will begin at 6:00 a.m. and run 88 hours until 10:00 p.m. three days later; commercial fishing will then close for 32 hours and reopen at 6:00 a.m. two days later;

(B) notwithstanding (A) of this paragraph, the final commercial fishing

period will end at 10:00 p.m. on June 28;

(2) for seine and drift gillnet gear,

(A) beginning June 10, commercial fishing periods will begin at 6:00

a.m. and run 88 hours until 10:00 p.m. three days later; commercial fishing will then close for 32 hours and reopen at 6:00 a.m. two days later;

(B) notwithstanding (A) of this paragraph, the final commercial fishing period will end at 10:00 p.m. on June 28.

(e) Commercial harvest of chum salmon will not exceed 280,000 fish to ensure that migrating chum reach their spawning grounds to the Arctic-Yukon-Kuskokwim region, as well as Bristol Bay, Alaska Peninsula, Southcentral Alaska, Japan, and Russia. Therefore, the fishing periods, as specified in (b) of this section, may not be fulfilled once this limit is met.

(f) [(e)] All salmon caught by a CFEC permit holder must be retained, and each CFEC permit holder must report the number of salmon caught, including those taken but not sold, on an ADF&G fish ticket. For the purposes of this subsection, "caught" means brought on board the vessel.

(g) [(f)] Notwithstanding (d) of this section, commercial salmon fishing will close in the waters of the Volcano Bay Section of the Southwestern District south and east of a line from Arch Point Light at 55_ 12.30' N. lat., 161_ 54.30' W. long. to a point on Belkofski Peninsula at 55_ 09.50' N. lat., 161_ 57.80' W. long. and in the portion of the West Pavlof Bay Section south of Black Point (55_ 24.48' N. lat.), if the harvest of sockeye salmon from the South Central District, the Volcano Bay Section of the Southwestern District, and the Belkofski Bay Section, excluding those waters inside of a line between Vodapoini Point and Bold Cape, reaches 191,000 sockeye salmon based on fish ticket information.

(h) [(g)] Notwithstanding (d) of this section, commercial salmon fishing is closed to purse seine gear in the waters of the Volcano Bay Section of the Southwestern District, the Belkofski Bay Section of the Southwestern District, excluding those waters inside of a line between Vodapoini Point at 55_ 01.88' N. lat., 162_ 24.80' W. long., and Bold Cape at 55_ 01.24' N. lat., 162_ 16.40' W. long., and the South Central District."

What is the issue you would like the board to address and why? The Orutsararmiut Native Council (ONC) is the federally recognized Tribe for the Native Village of Bethel, Alaska. Bethel is located along the delta of the Kuskokwim River, approximately 90 miles inland from the Bering Sea and approximately 398 miles northwest of Anchorage. ONC serves approximately 4,500 Alaska Native residents from all villages throughout Yukon-Kuskokwim (YK) Delta, over 3,800 of which are enrolled as Tribal members.

ONC would like to address the South Unimak and Shumagin Islands June Salmon Management Plan, 5 AAC 09.365. More specifically, we would like to establish a chum salmon (*Oncorhynchus keta*) commercial harvest cap of 280,000 for all gear types during the South Unimak and Shumagin Islands June fisheries.

The Alaska Peninsula consists of a mixed stock fishery during the month of June, where chum salmon populations are bound for a number of areas, including the Arctic-Yukon-Kuskokwim (AYK) region. ONC, and many subsistence users across the YK Delta, have concerns on the extreme disparity in harvest between the Alaska Peninsula commercial and Kuskokwim and Yukon River subsistence fisheries. This commercial fishery harvested approximately 1,168,601 chum in 2021¹, while subsistence users on the Kuskokwim and Yukon Rivers harvested approximately 9,621² and 1,253³ chum salmon, respectively. Tribes along the YK Delta are experiencing food security hardships and loss of culture when not allowed to fish, while the South Unimak and Shumagin Islands are harvesting an abundant amount of chum salmon for commercial uses. The stark contrast between the chum salmon commercial harvests on the South Unimak and Shumagin Islands June Salmon Commercial Fishery and subsistence harvests on the Kuskokwim is a direct result of the lack of harvest limits for chum salmon.

References:

- ¹Regional Report No. 4K22-01 - 2021 South Peninsula Salmon Annual Management Report and 2020 Subsistence Fisheries in the Alaska Peninsula, Aleutian Islands, and Atka-Amlia Islands Management Areas
- ²Alaska Department of Fish & Game (ADF&G) Draft Preliminary Kuskokwim River Salmon Harvest Estimates 2021 Postseason Surveys
- ³Yukon River Salmon 2021 Season Summary and 2022 Season Outlook, Regional Information Report 3A22-01 ADF&G

PROPOSED BY: Orutsararmiut Traditional Native Council (HQ-F22-018)

Submitted by Board Member Jensen, prepared by the Alaska Department of Fish and Game¹.

February 26, 2023

Substitute language for proposal 136.

Explanation:

- 1) For purse seine gear only, establishes a 76-hour closure between the first and second fishing periods in June, reduces duration of the first fishing period in June from 88 hours to 68 hours, and duration of the second fishing period in June from 88 hours to 66 hours. The third and fourth fishing periods in June will be 88 hours in duration.
- 2) Fishing periods and closures for set and drift gillnet gear are unchanged from the current management plan.
- 3) Chum salmon harvest triggers are established for purse seine gear in June. Harvest from purse seine, set gillnet, and drift gillnet gear accrues against the triggers.
- 4) Closes Sanak Island Section of the South Unimak District, during June for all gear types.

5 AAC 09.365. South Unimak and Shumagin Islands June Salmon Management Plan is amended to read:

...

(2) for seine and DRIFT GILLNET] gear,

[(A)] beginning June 10, **the first** commercial fishing period[S] will begin at 6:00 a.m. and run **68** [88] hours, **closing at 2:00 a.m.** [UNTIL 10:00 P.M. THREE DAYS LATER]; **the second** commercial fishing **period** will **begin 76 hours later at 6:00 a.m. and close after 66 hours at 11:59 p.m.; the third commercial fishing period will begin 32 hours later at 8:00 a.m. and close after 88 hours at 11:59 p.m.; the final commercial fishing period in June will begin 32 hours later at 8:00 a.m. and close after 88 hours at 11:59 p.m.**; THEN CLOSE FOR 32 HOURS AND REOPEN AT 6:00 A.M. TWO DAYS LATER;

(B) NOTWITHSTANDING (A) OF THIS PARAGRAPH, THE FINAL COMMERCIAL FISHING PERIOD WILL END AT 10:00 P.M. ON JUNE 28]

...

(h) If chum salmon harvest equals or exceeds 300,000 fish by June 18, based on fish ticket information, the commissioner shall reduce commercial fishing time in the South Unimak and Shumagin Islands by 44 hours during each of the remaining fishing periods in June for purse seine gear.

If chum salmon harvest equals or exceeds 450,000 fish by June 23, based on fish ticket information, the commissioner shall close the South Unimak and Shumagin Islands June commercial salmon fishery for the remainder of June for purse seine gear.

5 AAC 09.330. Gear

(c) In the Unimak District, salmon may be taken with drift gillnets, set gillnets, purse seines, and hand purse seines, **except the Sanak Island Section of the Unimak District will remain closed to commercial salmon fishing for all gear types from June 1 through June 30.** Salmon may be taken by gillnet gear during periods when the seine fishery is closed by emergency order due to the presence of immature salmon.

ⁱ Preparation of draft substitute language at the request of a Board member does not imply ADF&G support. The Department will state its position on the language during deliberation.

Submitted at the Request of Board Member Jensen by the Alaska Department of Fish and Game

February 26, 2023

June All Gear Types Schedule						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1	2	3	4
Proposed fishing times in RC 1xx for seine gear (42 hr reduction from 352 to 310 hrs)						
Set and drift gillnet gear fishing periods						
5	6	7	8	9	10	11
	6 a.m.	Open 64 hours (Set Gillnet Gear Only)		10 p.m.	6 a.m.	Open 68 hours
					6 a.m.	Open 88 hours
12	13	14	15	16	17	18
	2 a.m.	76 hr closure		6 a.m.	Open 66 hours	
			6 a.m.	Open 88 hours		11:59 p.m.
19	20	21	22	23	24	25
32 hr closure 300,000 chum trigger evaluation point	8 a.m.	Open 88 hours			11:59 p.m.	32 hr closure
	6 a.m.	Open 88 hours			10 p.m.	450,000 chum trigger evaluation point
26	27	28	29	30		
Open 88 hours						
Open 88 hours						



Federal Subsistence Board

1011 East Tudor Road, MS 121
Anchorage, Alaska 99503 - 6199



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

FOREST SERVICE

SEPT 30 2022

In Reply Refer To
OSM 22110.RL

Honorable Thomas J. Vilsack
Secretary of Agriculture
U.S. Department of Agriculture
Office of the Secretary
1400 Independence Avenue, Southwest
Washington, DC 20250

Honorable Debra Haaland
Secretary of the Interior
U.S. Department of the Interior
Office of the Secretary
1849 C Street, Northwest
Washington, DC 20240

Dear Secretaries Vilsack and Haaland:

The Federal Subsistence Board (Board) is writing to inform you of concerns about the well-being of the residents of a large number of rural communities in western Alaska. These concerns have been raised by four of the ten Federal Subsistence Regional Advisory Councils (Councils). They are the Eastern Interior, Western Interior, Yukon-Kuskokwim Delta, and the Seward Peninsula Subsistence Regional Advisory Councils, and combined they represent an area slightly larger than Texas.

During their winter 2022 meetings, these four Councils elected to write a joint letter to the North Pacific Fishery Management Council (NPFMC) to request significant reductions in Chinook and chum salmon bycatch in the Bering Sea Aleutian Islands (BSAI) commercial fishery and to request subsistence or Tribal representation on the NPFMC. The Councils contacted this Board requesting these issues be elevated to the Secretaries. In addition, they are asking for the National Marine Fisheries Service (NMFS) to use emergency rule authority to reduce or set hard caps on salmon bycatch in the BSAI offshore pollock pelagic trawl fishery. A copy of the Councils' letter to the Board is enclosed for your reference.

The ability to act on this issue is beyond the scope and authority granted to the Board. Our role is one of reporting and facilitating communications, in this case, informing you of the concerns and issues raised by our Councils. The Board has previously addressed the issue of by-catch and the need for subsistence users to have representation on the NPFMC with the Departments.

In summary, the Councils' issues and requested actions to the NPFMC and the Board are:

- Immediately reduce the BSAI Chinook salmon bycatch to no more than 16,000 fish and further reduce to a maximum of 10,000 fish within one year

Enclosure 3: FSB Letter to Secretaries Vilsack and Haaland

- Immediately implement a chum salmon bycatch hard cap of 250,000 fish and further reduce to 150,000 fish within one year
- Require 24/7 video monitoring coverage on all trawl fishing vessels
- Add two subsistence or tribal representative seats to the NPFMC. Require that these representatives have no direct economic ties to Alaskan Commercial Development Quota fisheries

The Councils requested the Board to address the following:

- Elevate the concerns expressed in the joint Councils letter to the NPFMC to the Secretaries of the Departments of Agriculture, Interior, and Commerce
- Petition NMFS to use emergency rule authority to reduce or set hard caps on salmon bycatch in the BSAI fisheries

Pursuant to Title VIII of the Alaska National Interest Land Conservation Act, the Board is mandated to accord a priority for rural Alaskans engaging in subsistence uses on public lands. Due to record-low salmon returns and the need to protect the continued viability of wild salmon populations on the Yukon and Kuskokwim rivers, the subsistence harvest of salmon has been severely curtailed over the last several years. This has caused severe hardship on rural subsistence users who have a customary and direct dependence upon the salmon populations as the mainstay of their livelihood. Many Alaskans, including the Councils, have opined that it is inequitable for commercial fishers in marine waters to harvest salmon bound for Arctic Yukon Kuskokwim drainages when subsistence fishing in those river systems by those who need it most is completely or severely restricted. Accordingly, the Board respectfully requests for you to liaise with the Department of Commerce to explore engagement and relationship building between our agencies with the goal of addressing salmon migratory life cycles and bycatch holistically. In addition, the Board plans to invite NPFMC members and staff to its next meeting in January 2023 to discuss this issue.

We thank you for your consideration of this important issue and look forward to hearing from you. This is a matter of utmost importance to the many Alaskans who depend on Chinook and chum salmon for their health, well-being, and cultural existence.

Sincerely,



Anthony Christianson
Chair

Enclosure

Sue Detwiler, Assistant Regional Director, Office of Subsistence Management
Jack Reakoff, Chair, Western Interior Alaska Subsistence Regional Advisory Council
Ray Oney, Chair, Yukon Kuskokwim Delta Subsistence Regional Advisory Council
Sue Entsminger, Chair, Eastern Interior Alaska Subsistence Regional
Louis Green, Chair, Seward Peninsula Subsistence Regional Advisory Council
Interagency Staff Committee
Administrative Record



REWARD FOR WHITEFISH TAGS

Kuskokwim River and Tributaries



To address the concerns of subsistence fishers catching fewer Broad Whitefish, and collect baseline information on the species, the Orutsararmiut Native Council, Native Village of Napaimute, and U. S. Fish and Wildlife Service are starting a four-year mark/recapture project to estimate the population of Broad Whitefish spawning in the Kuskokwim River near McGrath, Alaska. Additionally, we are asking for your help. If you catch a whitefish with a tag, we would be grateful if you could let us know the tag number. Each reported tag will be entered into a monthly drawing for a for gas card and be eligible for an annual Grand Prize.

To report tag number please call USFWS at 1-800-822-6550

Or ONC at (907)543-0522

If possible, please return tags to; FWS, ONC, NVN



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

Federal Subsistence Board

1011 East Tudor Road, MS 121
Anchorage, Alaska 99503 - 6199



FOREST SERVICE

OSM 23068

Jack Reakoff, Chair
Western Interior Alaska Subsistence Regional Advisory Council
c/o Office of Subsistence Management
1011 East Tudor Road, MS 121
Anchorage, Alaska 99503-6199

Dear Chairman Reakoff:

This letter responds to the Western Interior Alaska Subsistence Regional Advisory Council's (Council) fiscal year 2022 Annual Report. The Secretaries of the Interior and Agriculture have delegated to the Federal Subsistence Board (Board) the responsibility to respond to these reports. The Board appreciates your effort in developing the Annual Report. Annual Reports allow the Board to become aware of the issues outside of the regulatory process that affect subsistence users in your region. We value this opportunity to review the issues concerning your region.

1. Sheep Management Plan for Units 24A and 26B

The Council has concerns over the reopening Federal public lands in Unit 24A and a portion of Unit 26B to sheep hunting. With the approval of Wildlife Special Action WSA22-02, the Board temporarily closed these Federal lands to all users through the wildlife regulatory year 2023-2024. This closure was enacted due to conservation concerns over the sheep population in these units, and the original special action request was submitted by this Council. There currently is not a set framework in place in for when the lands reopen to sheep hunting.

Recommendation

The Council has developed a draft sheep management plan for Units 24A and 26B, west of the Sagavanirktok River, to achieve Dall sheep population recovery to carrying capacity. The plan will give direction to management of non-federally qualified use, and to assure Federal users priority allocation. The Council is currently in the process of seeking feedback from affected State and Federal agencies. Those comments will be considered when the Councils reviews the draft plan at our Fall 2023 meeting, and the finalized draft plan will be forwarded to the Board for consideration and approval.

Response

The Board shares the Council's concerns over Dall sheep in the Central Brooks Range and is aware of Proposal WP24-26 to continue the closure initiated by WSA22-02 for two additional years. The Board also recognizes that proper species management is necessary to ensure healthy populations of sheep. The Board appreciates the proactive initiative by this Council on drafting a Dall sheep management plan and seeking input from the State and others. We look forward to reviewing the final draft plan.

2. Failing Sheep Population in Unit 19C

The Unit 19C has sheep population has declined as a result of winter weather events. Sheep hunting guides that have operated in Unit 19C have already begun to relocate to other units due to low population levels, including low numbers of legal rams, and the State Board of Game has eliminated non-resident and youth hunting seasons in the unit. The Council hoped that the State would have closed the sheep hunting season in this unit or would have begun the process to modify the legal definition of a full curl ram.

Recommendation

None at this time, the Council would like the Board to be aware of these concerns.

Response

Thank you for bringing this issue to the Boards attention. We recognize that you are uniquely positioned to offer first alerts to changing conditions and important trends that impact subsistence in your region. The Board appreciates and values the traditional knowledge, observations, and expertise you share and will direct staff to track this issue in the future. With this information, the Board is better prepared to make informed decisions.

3. Continued Decline of Mulchatna Caribou Herd

The Council would like to make the Board aware of the difficulty stabilizing the Mulchatna Caribou Herd population despite ongoing efforts by Federal and State managers. The Mulchatna Caribou Herd is an important subsistence resource for residents of the Kuskokwim River drainage, who are already facing food insecurities due to multiple years of severe subsistence salmon fishing restrictions or closures.

Recommendation

None at this time, the Council would like the Board to be aware of these concerns.

Response

Thank you for bringing this issue to the Board's attention. We recognize that you are uniquely positioned to offer first alerts to changing conditions and important trends that impact subsistence in your region. The Board appreciates and values the traditional knowledge,

observations, and expertise you share and will direct staff to track this issue in the future. With this information, the Board is better prepared to make informed decisions.

4. Concern how Pittman-Robertson Wildlife Restoration Act funds are allocated

The allocation formula for Pittman-Robertson Wildlife Restoration Act (P-R Act) funds relies on hunting tags and license sales. This can result in states prioritizing the sale of resident and non-resident hunting licenses and tags over species conservation. The cost of non-resident tags and licenses cost significantly more than the equivalent resident Alaska prices, these tags and licenses bring the most P-R Act revenue and are therefore more desirable to the State than resident license and tag sales.

As this formula for the P-R Act is nationwide, this is a nationwide concern, and not unique to Alaska. This Council believes that states would be more conservation minded if they were not trying to maximize non-resident participation to receive as much Federal match funds as possible through the current allocation formula.

Recommendation

The allocation formula should be restructured. The match portion tied to license sales should be eliminated, and the states should receive a set allocation. States would receive the full benefit of the excise taxes without having to rely on hunter participation. This would allow states to put conservation of species back in the forefront of sustainable management. Competing for funding with inordinate license and tag sales, to still not receive full allocation is counter to the purpose of the P-R Act and wise conservation. Full allocation released to the states will allow them to know in advance the available funding amounts to plan accordingly.

The Council wishes this concern be elevated to the Secretaries of the Interior and Agriculture.

Response

The allocation formula for the Pittman-Robertson Wildlife Restoration Act (PR) is found in the Act itself at 16 USC 669c and is summarized as: one-half in the ratio, which the area of each State bears to the total area of all the States, and one-half in the ratio, which the number of paid hunting-license holders of each State ... to the total number of paid hunting-license holders of all the States. No State shall receive less than one-half of 1 per centum nor more than 5 per centum of the total amount apportioned.

Each hunting license, resident or non-resident is equivalent in the license holder certification process. Alaska, due to the area of the state, is what is considered a “maximum state” and receives 5% of the allocable funds yearly. While the number of license holders must be certified and is important to the State, the sale of licenses and tags is an income producing activity and is ineligible for the use of PR funds. It would take a dramatic decrease in the number of license holders for Alaska’s share of PR funds to be reduced.

PR funding is required to be matched with non-federal dollars in a 75:25 ratio. Many states, including Alaska, use their license and tag revenue to meet some or all of this match requirement, though it is not required to be used for match.

For a state or territory to be eligible for PR funding, they must have assent legislation in place preventing the revenue from the sales of hunting licenses from being used for any purpose other than the administration of the fish and wildlife agency. Alaska's assent legislation can be found at: AS 16.05.140.

Please see enclosed Wildlife Restoration Quick Reference Guide and the Wildlife Restoration Funding Flow Chart for more information (Topic 4 - Enclosures 1 and 2).

This topic of Council's concern may be best addressed by the State of Alaska.

5. Commercial Interception of Kuskokwim and Yukon River Bound Salmon

In 2022, returns of Chinook and Chum salmon in the Kuskokwim and Yukon Rivers and Coho Salmon in the Kuskokwim River were catastrophically low. This resulted in no salmon harvest opportunities on the Yukon River and early-season restrictions and a late summer subsistence fishing closure in the Kuskokwim River. Commercial salmon fishing continues to occur in the marine environment both in the State managed South Alaska Peninsula salmon fishery, or Area M, where salmon bound for Yukon and Kuskokwim rivers are intercepted and sold for profit. Salmon from these rivers are also caught in the Federally managed Bering Sea Aleutian Islands Trawl Fleet pollock fishery, where they are discarded in the high seas as bycatch at a 100% mortality rate. The recent regulatory changes enacted by the Board of Fisheries and the North Pacific Fisheries Management Council will not do enough in either of these fisheries to curtail the interception of Kuskokwim and Yukon bound salmon stocks, while escapement goals for both rivers continue to be unmet and subsistence opportunities are severely restricted or nonexistent.

Recommendation

None at this time, the Council would like the Board to be aware of these concerns.

Response

Thank you for bringing this issue to the Boards attention. We recognize that you are uniquely positioned to offer first alerts to changing conditions and important trends that impact subsistence in your region. The Board appreciates and values the traditional knowledge, observations, and expertise you share and will direct staff to track this issue in the future. With this information, the Board is better prepared to make informed decisions.

The Board is aware that this issue is of great concern to several Councils and subsistence users along the Kuskokwim and Yukon rivers. As a result of the discussion by the Board during the summer 2022 work session, the Board sent a letter to the Secretaries of the Interior and Agriculture on September 30, 2022, elevating these concerns (see Topic 5 – Enclosure – FSB Letter to Secretaries re Bycatch 2022).

6. Severe Subsistence Restrictions for the Kuskokwim River During the 2023 Coho Salmon Run

All subsistence fishing was effectively closed in the Kuskokwim River from mid-August to mid-September 2022 to protect the remainder of the Coho Salmon run, which returned in much lower

numbers than Federal and State managers expected. While the closure did allow for minimal gear to be used in in slack water areas and far off the mainstem, these opportunities did not provide adequate subsistence opportunities for subsistence users to harvest nonsalmon species, namely whitefish. This closure was in addition to earlier subsistence salmon fishing restrictions due to Chinook and Chum salmon conservation and increased the food insecurity of subsistence users on the Kuskokwim River.

Recommendation

None at this time, the Council would like the Board to be aware of these concerns.

Response

Thank you for bringing this issue to the Board's attention. We recognize that you are uniquely positioned to offer first alerts to changing conditions and important trends that impact subsistence in your region. The Board appreciates and values the traditional knowledge, observations, and expertise you share and will direct staff to track this issue in the future. With this information, the Board is better prepared to make informed decisions.

7. Highlighting the Success and Requesting Expansion of Tribal Consultation

The salmon co-management on the Kuskokwim River between the U.S. Fish and Wildlife Service (USFWS) and the Kuskokwim Inter-Tribal Fish Commission continues to be a success despite continued poor salmon runs into this system. The Council hopes that the Tribes on the Yukon River can establish similar successful programs among themselves and the USFWS.

Recommendation

The Council would like to see Tribal consultation and co-management be expanded to include species that are of conservation concern, as well as for those that are of cultural and subsistence importance to local Tribes. This could be accomplished by the Board encouraging the Federal landowners to do so. The Council would also like to see Tribal consultation and co-management occur with other branches of the Federal Government outside the DOI, specifically the Department of Commerce as this department oversees the National Oceans and Atmospheric Administration (NOAA). The NOAA Alaska Regional Office works with the North Pacific Fishery Management Council to manage Federal marine commercial fishing in Alaskan waters, including the Bering Sea and Aleutian Island Pollock trawl fishery. This fishery currently incidentally catches Yukon and Kuskokwim drainage bound salmon and discards them as bycatch. This practice is exacerbating the significant population decline of pacific salmon in these drainages. The Council is currently unsure of what steps could be taken by the Board to facilitate this.

Response

The Board agrees with your Council that Tribal consultation and co-stewardship are of tremendous benefit to the informed management of fish and wildlife in Alaska. All Federal agencies represented on the Board are directed by Joint Secretarial Order 3404 to manage

Federal lands and waters in a manner that seeks to protect the treaty, religious, subsistence, and cultural interests of federally recognized Indian Tribes.

In January of 2022, the Secretaries of the Interior and Agriculture and National Oceanic and Atmospheric Administration (NOAA) from the Department of Commerce held a joint virtual listening session and government-to-government consultations on Federal subsistence management and policy that better meets Alaska Native subsistence needs. More recently, on October 2022, the Department of the Interior and NOAA held [Tribal consultations on fisheries protection and restoration](#) in Bethel, just a few weeks before your fall meeting was held October 27-28, 2022. Transcripts from these events can be found at <https://www.bia.gov/service/tribal-consultations/alaska-fisheries-consultation>.

Following the 2022 summer work session, the Board, in response to letters from the four Yukon River Federal Subsistence Regional Advisory Councils—Yukon-Kuskokwim Delta, Eastern Interior, Seward Peninsula, and your Council—forwarded a letter to the Secretaries asking them to liaise with their counterparts at the Department of Commerce regarding the issue of salmon bycatch in the Bering Sea/Aleutian Islands pollock fishery; however, we have not received a response. The Board will keep the Council informed as any new information becomes available. Additionally, the Board invited the North Pacific Fishery Management Council to their January 2023 meeting to present on the Bering Sea fishery and ongoing efforts to decrease salmon bycatch.

The Board appreciates the Council raising this issue and values the information we receive through Tribal consultations to aid in our decision-making.

8. Continued Reliance on Nonsalmon Species for Subsistence Needs

Due to the continued poor run strength of multiple species of salmon into the Yukon and Kuskokwim rivers, subsistence users are relying heavily on nonsalmon species such as whitefish, Northern Pike, and Long Nosed Suckers to feed themselves and the remaining traditional dog teams. Little is known of the population or harvest thresholds for these fish in either system. It is concerning to the Council that the people of the Yukon and Kuskokwim could unintentionally overharvest these species, while waiting for salmon runs to improve, especially considering the length of time that some of these salmon runs have been depressed.

Recommendation

None at this time, the Council would like the Board to be aware of these concerns. The Council will continue to utilize the priority information needs through the Fisheries Resource Monitoring Program for the Yukon and Kuskokwim to emphasize these concerns.

Response

Thank you for bringing this issue to the Board's attention and the Board shares your concerns. We recognize that you are uniquely positioned to offer first alerts to changing conditions and important trends that impact subsistence in your region. The Board appreciates and values the traditional knowledge, observations, and expertise you share and will direct staff to track this

issue in the future. With this information, the Board is better prepared to make informed decisions.

9. Continue to Encourage Federal Agencies to Assist in Salmon Recovery

The Council would like the Board to continue to encourage Federal agencies to do everything necessary to develop a comprehensive understanding of the driving forces behind the continued multi-species salmon population crash in the Yukon and Kuskokwim River drainages to better facilitate stock recovery.

Recommendation

The Council recommends the Federal Subsistence Management Program adequately fund and staff Federal agency projects and fill staff positions that are involved in the Kuskokwim and Yukon drainages.

Response

The Board agrees it is necessary to develop a comprehensive understanding of the factors driving the current salmon declines in the Yukon and Kuskokwim river drainages to facilitate stock recovery. The Board will continue to do everything within its authority to support associated research projects.

The Board acknowledges research projects require adequate funding and staffing levels to be successful. However, the Board does not have direct influence over funding or staffing decisions. Federal agency funds are appropriated by Congress annually. When budgets decrease, agencies make strategic decisions based on priorities. While the Board cannot determine agency priorities, upcoming research programs such as the Gravel-to-Gravel Keystone Initiative (see Topic 9 enclosure for more information), indicate the research recommended by the Council is a priority for the Department of the Interior agencies.

The Board encourages the Council to prioritize its recommended research through the Fisheries Resource Monitoring Program. The best way for the Council to direct research is through priority information need development. Priority information needs are an important component of the Fisheries Resource Monitoring Program as they determine the type of projects submitted for funding and provide a framework for evaluating and selecting project proposals. The Council will identify and approve priority information needs for the 2026 Monitoring Program cycle during the fall 2024 meeting. This is the opportune time for your Council to highlight research gaps related to Yukon and Kuskokwim rivers salmon stocks.

10. Development of the Ambler Road Project

Despite substantial negative impacts on Arctic ecosystems and subsistence users in the Northwest Arctic, North Slope and Western Interior regions, the Alaska Industrial Development Authority continues to push for the development of the Ambler Road Project.

Recommendation

None at this time, the Council would like the Board to be aware of these concerns.

Response

Thank you for bringing this issue to the Board's attention. We recognize that you are uniquely positioned to offer first alerts to changing conditions and important trends that impact subsistence in your region. The Board appreciates and values the traditional knowledge, observations, and expertise you share and will direct staff to track this issue in the future. With this information, the Board is better prepared to make informed decisions.

11. Representation on the Council

The vast Western Interior Region stretches all the way from the mid Kuskokwim River to the Arctic Circle, but not all parts of the region currently have representation on the Council. Therefore, the Council could be making recommendations to the Board on areas of their region that are not represented, and Council members may be needed to participate in working groups and planning teams in arenas that may be outside of their individual expertise. For example, there is currently no representation on the Council from the Grayling, Anvik, Shageluk, and Holy Cross (GASH) subregion, and, as a result, the Council's current representative member on the Alaska Wood Bison Management Planning Team is not from the GASH subregion, where the wood bison were released. Currently, the Council only has one member who resides on the Kuskokwim River, while this drainage covers a large percentage of the Western Interior Region.

Recommendation

The Council would like effort to be made to increase the outreach and solicitation of applications from these unrepresented areas and communities.

Response

The Board agrees with the Council that it would be the most beneficial to have members from all areas of the vast Western Interior Region. When discussing appointments for all subsistence regions, the Board always considers geographical distribution of the Council members; however, the Board is limited to recommending appointees from the existing pool of applicants. The average number of applications received during and after the pandemic years has been much less (~50 applications annually) compared to the previous ten-year average of 70 applications across all regions. The Federal Subsistence Management Program is aware of this and plans on stepping up outreach efforts by doing more targeted outreach and working with the Board's agencies' Native Liaisons. The Board also encourages Council members to reach out to community contacts in underrepresented areas of your region and urge them to apply to serve on the Council.

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

Sincerely,

Anthony Christianson
Chair

Enclosure

cc: Western Interior Alaska Subsistence Regional Advisory Council
Federal Subsistence Board
Office of Subsistence Management
Interagency Staff Committee
Benjamin Mulligan, Deputy Commissioner, Alaska Department of Fish and Game
Mark Burch, Special Project Coordinator, Alaska Department of Fish and Game
Administrative Record

Wildlife Restoration Act

**Tax on Firearms & Ammunition
(11%)**

**Tax on Pistols, Revolvers, & Handguns
(10%)**

Tax on Bows*, Quivers, Broadheads, Arrows,
and Points (11%)
(*\$0.55 per arrow shaft*)**

Revenue transferred or deposited to the Trust Fund



**North American Wetlands
Conservation Fund**

Interest earned
on Trust Fund
[16 U.S.C. 669b(b)]



Wildlife Restoration Trust Fund

* Tax applies to bows having a peak draw weight of 30lbs or more (IRS No. 44). Tax also applies on the sale of any part or accessory suitable for inclusion in or attached to a taxable bow and any quiver, broadhead, or point suitable for use with arrows.

** Tax applies to arrows measuring 18" or more in overall length; or arrows less than 18" in overall length but is suitable for use with a taxable bow (IRS No. 106).

Initial Deductions from the Trust Fund



WSFR Administrative Funds
*Taken from total taxes
[16 U.S.C. 669c(a)]*



**Traditional Multistate
Conservation Grant Program**
(\$3 million)
*Taken from total taxes
[16 U.S.C. 669h-2(a)(1)(A)]*



**R3 Multistate Conservation
Grant Program**
(\$5 million)
*Taken from taxes on bows, quivers,
broadheads, arrows, & points
[16 U.S.C. 669h-2(a)(1)(B)]*



**Enhanced Hunter Education
and Safety Program**
(\$8 million)
*Taken from total taxes
[16 U.S.C. 669h-1(a)]*



**Basic Hunter Education and
Safety Subprogram**
*½ of taxes collected on pistols, revolvers,
handguns, bows, quivers, broadheads,
arrows, & points
[16 U.S.C. 669c(c)]*

Distribution of Remaining Trust Fund after Initial Deductions



Traditional Wildlife Restoration Program
*Remaining funds from taxes on firearms, ammunition, pistols, revolvers,
handguns, bows, quivers, broadheads, arrows, & points.
[16 U.S.C. 669c(b)]*

Apportionment of Funds under the Wildlife Restoration Programs/Subprograms



Basic Hunter Education and Safety Subprogram (BHE)

½ of taxes collected on pistols, revolvers, handguns, bows, quivers, broadheads, arrows, & points
[16 U.S.C. 669c(c)]



Enhanced Hunter Education and Safety Program (EHE)

(\$8 million)
Taken from total taxes
[16 U.S.C. 669h-1(a)]



Traditional Wildlife Restoration Program

Taken from taxes on firearms, ammunition, pistols, revolvers, handguns, bows, quivers, broadheads, arrows, and points.
[16 U.S.C. 669c(b)]

Funds distributed as separate BHE and EHE apportionments, using the same formula for each. Formula based on population compared to the total U.S. population using last census figures.
[16 U.S.C. 669c(c)(1-3)] [16 U.S.C. 669h-1(a)(1)]

* No state shall receive more than 3% or less than 1% of the total available funds.

* Puerto Rico, Guam, Virgin Islands, American Samoa, & Northern Mariana Islands receive 1/6 of 1%.

Funds distributed using a two-part formula:

(a) 50 % area of each State bears to the total area of all the States; and

(b) 50% number of paid, certified hunting license holders in each State bears to the total number of paid, certified hunting licenses of all the States.
[16 U.S.C. 669c(c)(b)]

* No state shall receive more than 5% or less than ½ of 1% of the total available funds.

* Guam, Virgin Islands, American Samoa, & Northern Mariana Islands receive 1/6 of 1%. Puerto Rico receives ½ of 1%.



States/Insular areas annual apportionment for Basic Hunter Education and Safety Subprogram



States/Insular areas annual apportionment for Enhanced Hunter Education and Safety Program



States/Insular areas annual apportionment for Traditional Wildlife Restoration Program

Wildlife Restoration Program, Subprogram, Subaccount Information



5231: Enhanced Hunter Education & Safety Program^A

- 1-year funds.
- 75% Federal / 25% non-Federal
- Reverted funds are reapportioned (as WR funds) the following year.

States may choose to allocate all or part of their **5231** apportionment to the new Public Target Range – EHE Subaccount (**5241**) for acquiring land for, expanding, or constructing public target ranges.



5240: Public Target Range – EHE Safety Margin Rollup

5241: Public Target Range – EHE Subaccount^B

- 5-year funds.
- 90% Federal / 10% non-Federal
- Reverted funds are reapportioned (as WR funds) the following year.



States may choose to allocate their **5221** on WR eligible activities. (50 CFR 80.60)

5220: Wildlife Restoration Program Safety Margin Rollup

5222: Traditional Wildlife Restoration Program

- 2-year funds.
- 75% Federal / 25% non-Federal
- Reverted funds are returned to the USFWS to carry out the Migratory Bird Conservation Act.

States may choose to allocate not more than 10% of their **current year** WR apportionment (**5222**) to the new Public Target Range – WR Subaccount (**5252**) to be combined with **5241** funds. [16 U.S.C. 669h-1(a)(3)]



5250: Public Target Range – WR/BHE Safety Margin Rollup

5252: Public Target Range – WR Subaccount^{BC}

- 5-year funds.
- 90% Federal / 10% non-Federal
- Reverted funds are returned to the USFWS to carry out the Migratory Bird Conservation Act.



5221: Basic Hunter Education & Safety Subprogram

- 2-year funds.
- 75% Federal / 25% non-Federal
- Reverted funds are returned to the USFWS to carry out the Migratory Bird Conservation Act.

States may choose to allocate all or part of their **current year 5221** apportionment to the new Public Target Range – BHE Subaccount (**5251**) for acquiring land for, expanding, or constructing public target ranges.



5251: Public Target Range – BHE Subaccount^B

- 5-year funds.
- 90% Federal / 10% non-Federal
- Reverted funds are returned to the USFWS to carry out the Migratory Bird Conservation Act.

^A If the current year's apportionment of Basic Hunter Education funding (**5221** and **5251**) is fully obligated for activities listed at 16 U.S.C. 669g(b), then the State may use their current year's apportionment of Enhanced Hunter Education funds (**5231**) for eligible activities related to Wildlife Restoration, Basic Hunter Education, or Enhanced Hunter Education.

^B Eligible activities for funding include acquiring land for, expanding, or construction public target ranges.

^C Grants with Federal funds obligated from **5252** MUST ALSO include some amount of Federal funds obligated from **5241** per the TARMARK Act [16 U.S.C. 669h-1(a)(3)].

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WILDLIFE RESTORATION PROGRAM



Fish and Wildlife Service, Wildlife and Sport Fish Restoration Program

DISTRIBUTION METHOD

Apportioned formula based on: 50% paid hunting license holders + 50% land/water area

Governing Guidance

- Wildlife Restoration Act, also known as Pittman-Robertson Act of 1937 (Enabling Legislation)
- 2 CFR 200
- 50 CFR 80

ELIGIBLE GRANTEES: ALL STATE/TERRITORY FISH AND WILDLIFE AGENCIES WITH ASSENT LEGISLATION

Purpose: To provide funding to aid the states in wildlife-restoration projects.

ELIGIBLE PROJECTS: * Restoration, conservation, and management of wildlife for the benefit of the public.

- * Conduct research on the problems of managing wildlife and its habitat.
- * Provide public access for hunting or other wildlife-oriented recreation.
- * Construct and maintain facilities necessary to carry out activities authorized under the Act.

SOURCE OF FUNDS

Wildlife Restoration Trust Fund

Includes Revenues from:

- **Excise taxes on sporting arms and ammunition (firearms, ammunition, pistols, handguns, revolvers, bows, archery, arrow components)**

MATCHING REQUIREMENTS AND LIMITATIONS ON AVAILABILITY OF FUNDS

- States may be paid up to 75% federal funding; requires 25% non-federal cost-sharing match.
- 100% federal funding for Puerto Rico, Virgin Islands, Guam, American Samoa, and Northern Mariana Islands.
- Annual apportionment available for two years to obligate to a grant award.
- Reverted funds are returned to the USFWS to carry out the Migratory Bird Conservation Act.
- States may choose to allocate not more than 10% of their current apportionment to be combined with other funds for acquiring land for, expanding, or constructing public target ranges.

SPECIAL CONDITIONS OR REQUIREMENTS

- * States must pass and maintain assent legislation.
- * State fish and wildlife agencies must submit an annual license certification.
- * Ineligible projects include law enforcement, activities conducted for the primary purpose of producing income, and activities that promote or encourage the opposition to the regulated taking of hunting or trapping wildlife.
- * Wildlife includes indigenous or naturalized species of birds or mammals that are either wildlife or free-ranging; held in a captive breeding program for reintroduction of depleted species; or under the jurisdiction of State fish and wildlife agency.



Federal Subsistence Board

1011 East Tudor Road, MS 121
Anchorage, Alaska 99503 - 6199



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

FOREST SERVICE

SEPT 30 2022

In Reply Refer To
OSM 22110.RL

Honorable Thomas J. Vilsack
Secretary of Agriculture
U.S. Department of Agriculture
Office of the Secretary
1400 Independence Avenue, Southwest
Washington, DC 20250

Honorable Debra Haaland
Secretary of the Interior
U.S. Department of the Interior
Office of the Secretary
1849 C Street, Northwest
Washington, DC 20240

Dear Secretaries Vilsack and Haaland:

The Federal Subsistence Board (Board) is writing to inform you of concerns about the well-being of the residents of a large number of rural communities in western Alaska. These concerns have been raised by four of the ten Federal Subsistence Regional Advisory Councils (Councils). They are the Eastern Interior, Western Interior, Yukon-Kuskokwim Delta, and the Seward Peninsula Subsistence Regional Advisory Councils, and combined they represent an area slightly larger than Texas.

During their winter 2022 meetings, these four Councils elected to write a joint letter to the North Pacific Fishery Management Council (NPFMC) to request significant reductions in Chinook and chum salmon bycatch in the Bering Sea Aleutian Islands (BSAI) commercial fishery and to request subsistence or Tribal representation on the NPFMC. The Councils contacted this Board requesting these issues be elevated to the Secretaries. In addition, they are asking for the National Marine Fisheries Service (NMFS) to use emergency rule authority to reduce or set hard caps on salmon bycatch in the BSAI offshore pollock pelagic trawl fishery. A copy of the Councils' letter to the Board is enclosed for your reference.

The ability to act on this issue is beyond the scope and authority granted to the Board. Our role is one of reporting and facilitating communications, in this case, informing you of the concerns and issues raised by our Councils. The Board has previously addressed the issue of by-catch and the need for subsistence users to have representation on the NPFMC with the Departments.

In summary, the Councils' issues and requested actions to the NPFMC and the Board are:

- Immediately reduce the BSAI Chinook salmon bycatch to no more than 16,000 fish and further reduce to a maximum of 10,000 fish within one year

Enclosure 3: FSB Letter to Secretaries Vilsack and Haaland

- Immediately implement a chum salmon bycatch hard cap of 250,000 fish and further reduce to 150,000 fish within one year
- Require 24/7 video monitoring coverage on all trawl fishing vessels
- Add two subsistence or tribal representative seats to the NPFMC. Require that these representatives have no direct economic ties to Alaskan Commercial Development Quota fisheries

The Councils requested the Board to address the following:

- Elevate the concerns expressed in the joint Councils letter to the NPFMC to the Secretaries of the Departments of Agriculture, Interior, and Commerce
- Petition NMFS to use emergency rule authority to reduce or set hard caps on salmon bycatch in the BSAI fisheries

Pursuant to Title VIII of the Alaska National Interest Land Conservation Act, the Board is mandated to accord a priority for rural Alaskans engaging in subsistence uses on public lands. Due to record-low salmon returns and the need to protect the continued viability of wild salmon populations on the Yukon and Kuskokwim rivers, the subsistence harvest of salmon has been severely curtailed over the last several years. This has caused severe hardship on rural subsistence users who have a customary and direct dependence upon the salmon populations as the mainstay of their livelihood. Many Alaskans, including the Councils, have opined that it is inequitable for commercial fishers in marine waters to harvest salmon bound for Arctic Yukon Kuskokwim drainages when subsistence fishing in those river systems by those who need it most is completely or severely restricted. Accordingly, the Board respectfully requests for you to liaise with the Department of Commerce to explore engagement and relationship building between our agencies with the goal of addressing salmon migratory life cycles and bycatch holistically. In addition, the Board plans to invite NPFMC members and staff to its next meeting in January 2023 to discuss this issue.

We thank you for your consideration of this important issue and look forward to hearing from you. This is a matter of utmost importance to the many Alaskans who depend on Chinook and chum salmon for their health, well-being, and cultural existence.

Sincerely,



Anthony Christianson
Chair

Enclosure

Sue Detwiler, Assistant Regional Director, Office of Subsistence Management
Jack Reakoff, Chair, Western Interior Alaska Subsistence Regional Advisory Council
Ray Oney, Chair, Yukon Kuskokwim Delta Subsistence Regional Advisory Council
Sue Entsminger, Chair, Eastern Interior Alaska Subsistence Regional
Louis Green, Chair, Seward Peninsula Subsistence Regional Advisory Council
Interagency Staff Committee
Administrative Record



GRAVEL TO GRAVEL KEYSTONE INITIATIVE

FOR PEOPLE, SALMON, AND THE LAND

Since time immemorial, the Yukon, Kuskokwim, and Norton Sound region has sustained people, fish, birds, and other wildlife, supporting strong and resilient communities and ways of life. Traditional foods – including salmon, caribou, moose, and migratory birds – have been vital to food security and Indigenous cultures for the more than 100 Tribes who have stewarded the region’s lands and set up fish camp in its watersheds for thousands of years.

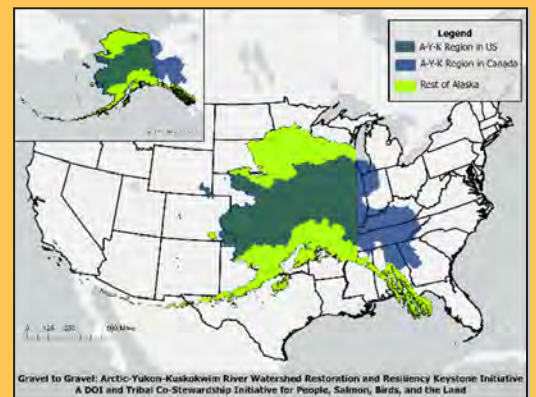
In recent years, these communities and the ecosystems they depend upon have suffered as climate change is impacting the Arctic four times faster than other parts of North America. One stark example of these impacts is the decline of Pacific salmon populations, leading to subsistence salmon fishing closures and empty smokehouses for people who have relied on salmon for more than 10,000 years. In recent consultations, congressional field hearings, and other forums, Department of the Interior leaders heard directly from Alaska Native Tribes and subsistence users about these ecosystem changes, their impacts on communities and cultures, and the need for immediate and lasting “gravel to gravel” action by the federal government.

To answer these calls the Department—coordinated through the U.S. Fish and Wildlife Service and Bureau of Land Management – is partnering with Tribes, Indigenous leaders, other agencies, and community partners to launch Gravel to Gravel, designed to enhance the resilience of the region’s ecosystems and communities through transformational federal, philanthropic, and other investments. Through Gravel to Gravel, federal agencies, Tribe, and others will work together to build a strong foundation for co-stewardship, where both Indigenous Knowledge and western science are brought to the table to inform plans for collective action to support resilient ecosystems and communities in the region. Gravel to Gravel will make immediate investments in the foundational science and projects needed to respond to the salmon crisis and invests in projects to heal the broader ecosystem.



The gravel is home, where life begins and ends.

Set in motion at birth, the fate of Pacific salmon is like clockwork: each year a new generation returns from sea to spawn where their ancestors’ lives began. Females grind their tails into the gravel, hoping their nests, and the eggs within, will withstand the scour of ice and spring floods. The gravel is home, where life begins and ends. It moves toward sea like the baby salmon do, but the river’s constant movement across the floodplain over the ages will bring more gravel, and the salmon return.



The Yukon, Kuskokwim, Norton Sound (sometimes referred to as the Arctic-Yukon-Kuskokwim) region is a large geographic area covering 419,274 square miles.

The Yukon River, the longest river in Alaska and the third longest in the United States, flows through this region for 1,980 miles. The Kuskokwim River flows for 702 miles. Alaska Native peoples living in this region include Iñupiat, Yupik, and Athabascan (Dine’).

GRAVEL TO GRAVEL INVESTS IN



Projects to Help Pacific Salmon

Gravel to Gravel will make immediate investments in projects that will enhance resiliency of wild Pacific salmon and their habitats in the Yukon, Kuskokwim, and Norton Sound region. Project investments with Tribal, local governments, and others will help to better understand salmon populations, habitats, threats in the region, and conserve and restore salmon habitat.



Co-stewardship

Gravel to Gravel brings Tribes and federal agencies together in a new co-stewardship project, building the relationships, trust, and transparency that are essential to the success and durability of this effort. Through co-stewardship, we will share knowledge, set priorities, and invest in projects that conserve and restore cultural heritage and ecosystems.



Responses to Ecosystem Threats to Food Security

Gravel to Gravel invests in partnerships and strategies to address threats to traditional foods, including the migratory birds that breed within these watersheds. These include investments in collaborative forums for habitat restoration and resiliency, tools to share knowledge, and co-developed monitoring and assessment plans.



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Federal Subsistence Board

1011 East Tudor Road, MS 121
Anchorage, Alaska 99503 - 6199



FOREST SERVICE

OSM 23062

Louis Green, Chair
Seward Peninsula Subsistence Regional Advisory Council
c/o Office of Subsistence Management
1011 East Tudor Road, MS 121
Anchorage, Alaska 99503-6199

Dear Chairman Green:

This letter responds to the Seward Peninsula Subsistence Regional Advisory Council's (Council) fiscal year 2022 Annual Report. The Secretaries of the Interior and Agriculture have delegated to the Federal Subsistence Board (Board) the responsibility to respond to these reports. The Board appreciates your effort in developing the Annual Report. Annual Reports allow the Board to become aware of the issues outside of the regulatory process that affect subsistence users in your region. We value this opportunity to review the issues concerning your region.

1. Resident Caribou Herd in the Northern Seward Peninsula

The Council discussed the presence of a resident caribou or reindeer population in the northern Seward Peninsula. This topic was previously brought up on the FY-2021 Annual Report to the Board. During its Fall 2021 meeting, the Council heard from the Alaska Department of Fish and Game (ADF&G) on the estimated population and movement of this resident herd. At that time, the ADF&G stated that no genetic research had been done on this herd to determine if it is comprised of rogue reindeer, members from the Western Arctic Caribou Herd (WACH), or a mix of both. Furthermore, no work has been done to determine if this resident population affects the migration of the WACH.

Recommendation

In the FY 2021 Annual Report Reply (Report Reply), the Board acknowledged this request for additional information. It stated that the Bering Land Bridge National Preserve (BELA) recognized the presence of year-round caribou or reindeer on the northern Seward Peninsula, but noted its population status and extent of its range was unknown. The Report Reply specified that BELA staff would initiate Tribal consultations, conduct a literature review, and engage with staff from the University of Alaska, Fairbanks Reindeer Research Program to learn what*

genetic work has been accomplished with reindeer on the northern Seward Peninsula. The Council requests that this work be started as the Report Reply further stated that these efforts are attainable within the near future and that information will be brought forward to the Council. Additionally, the Council requests that all entities involved in the management of these animals do so cooperatively to address the Council's request.

**At the time of this annual report becoming finalized, the Fairbanks Reindeer Research Program no longer exists.*

Response

Thank you for bringing your concerns regarding the resident caribou herd in the northern Seward Peninsula to the Board's attention. The Board reached out to the Bering Land Bridge National Preserve (BELA) for a reply and received the following answer.

At their winter 2023 meeting, the Council discussed the year-round presence of caribou or caribou-reindeer hybrid animals on the Seward Peninsula. A similar topic was previously brought up in the FY-2021 Annual Report to the Board based on conversation between agency staff and Council members at the Fall 2021 Council meeting. From the Fall 2021 transcript:

“MR SEETOT: Tom Gray mentioned something about a caribou/reindeer on the northern Seward Peninsula towards Serpentine hot springs. What is the status, are they growing or are they just not letting the caribou migrate up north for their wintering grounds or stuff like that, is there something with the caribou on the northern Seward Peninsula that prevents the other caribou from migrating up north or down south. That was kind of my question on that.

MR. HANSON: Yeah, that's certainly an interesting topic on the northern Seward Peninsula. There are consistently caribou, you know, probably several thousand caribou on the Seward Peninsula year-round and caribou, reindeer, reindifur (ph), I guess we might call them, and so it's unknown, you know, what that status is. We haven't really done any work to understand that, you know, fully. And so I guess I would say that sometimes we would see in the past when the caribou were coming down on the Northern Seward Peninsula, that occasionally collared individuals would stay there for the summer and then return back with the main body of the herd. So it's not uncommon, I would say to find caribou within, you know, basically any part of the range and any time of the year however, you know, the greatest portion of the herd would be, you know, where the bulk of the collars are at that time. So I guess I wouldn't say that there's any reason to believe that those caribou or reindifur on the northern Seward Peninsula prevent or inhibit caribou from coming down or from leaving, it just happens to be, you know, maybe those individuals are comfortable there and they decide not to migrate or move. We don't understand exactly what's going on per se there.”

In response to the Council's recommendations, BELA staff have conducted consultation on this topic with tribes in the vicinity of the Preserve; however, publicly sharing the details of that consultation would be the purview of the tribes themselves. BELA staff also followed up on the University of Alaska Fairbanks Reindeer Research Program, but as noted in the Council's Annual Report that program no longer exists, and park staff were unable to locate any reports associated with it. Park staff did a literature review and found a 2013 journal article pertinent to the

Council's request titled High Genetic Connectivity and Introgression from Domestic Reindeer Characterize Northern Alaska Caribou Herd by K. Mager, et al. This document will be made available to the Council in the fall 2023 meeting packet.

Currently focus is on monitoring the Western Arctic caribou core population and migration patterns to better understand recent declines in the herd. There is not currently a plan by either State or Federal agencies to collar caribou on the Seward Peninsula. As highlighted by the Council this work would need to be multi-organizational and include not only the Park Service but also the Bureau of Land Management and Alaska Department of Fish and Game.

The Board appreciates learning about this issue and suggests that moving forward there needs to be a specific discussion on this topic between the Board agencies and possible collaboration with the Alaska Department of Fish and Game.

2. Impact to Marine Mammals in the Bering Sea and Aleutian Islands Trawl Fleet Fishery

The Council has recently become aware that many traditionally important marine mammal species are caught and discarded as bycatch in the Bering Sea and Aleutian Islands Trawl Fleet Fishery (BSAI). The National Oceanic Atmospheric Administration (NOAA) fisheries website states that in 2022, NOAA observers recorded harbor seals, humpback whales, ribbon seals, ringed seals, and Stellar sea lions killed or injured as the BSAI fishery was conducted. This is of grave concern to the Council as marine mammals are heavily relied upon as subsistence foods by subsistence users and are of vital importance to this region and its culture. Marine mammals are federally protected animals under the Marine Mammal Protection Act of 1972, and many culturally important marine mammal species are already in a population decline.

Recommendation

The Council requests that the Board be made aware of this bycatch harvest and asks the Board to direct Federal agencies to review whether the current practice violates the Marine Mammal Protection Act and other protections in place for marine mammals that prohibit the take of these animals other than by Alaska Natives. The Council also requests that these agencies review any current bycatch numbers and caps on marine mammals in the BSAI fishery and report back to the Council with information on this topic.

Response

The Board thanks the Council for this recommendation and acknowledges the vital roles marine mammals play in providing for Alaska Native economic, dietary, and cultural needs. Congress passed the Marine Mammal Protection Act (MMPA) in 1972 and made substantial amendments in 1994. The MMPA prohibits killing or injuring marine mammals except under certain circumstances and has special provisions that recognize marine mammals may be incidentally taken by activities such as commercial fishing. NOAA Fisheries, also known as National Marine Fisheries Service (NMFS), is one of three Federal entities that shares the responsibility for implementing the MMPA and is responsible for the protection of whales, dolphins, porpoises, seals, and sea lions.

NOAA Fisheries authorizes the incidental take of marine mammals during commercial fishing activities under the Marine Mammal Authorization Program by U.S. citizens and U.S.-based entities if NOAA Fisheries finds that the take would be of small numbers, have no more than a “negligible impact” on those marine mammal species or stocks, and not have an “unmitigable adverse impact” on the availability of the species or stock for subsistence uses. The Marine Mammal Authorization Program provides this exemption annually for accidentally killing or injuring marine mammals – referred to as incidental take – during commercial fishing operations.

Section 118 of the MMPA directs the Secretary of Commerce to work to minimize any take of marine mammals from commercial fisheries to insignificant levels approaching a zero mortality and serious injury. NOAA Fisheries/NMFS is responsible for ensuring that the incidental take of marine mammals by Federally regulated fisheries meets this goal. More information on Section 118 is available via their website on [managing incidental marine mammal interactions with commercial fisheries through authorization and reporting](https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-authorization-program) (<https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-authorization-program>). The [program creates plans to reduce marine mammal take](https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-take-reduction-plans-and-teams) and can be viewed online (<https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-take-reduction-plans-and-teams>).

Additionally, each year, the NMFS publishes a [Federal Register notice that provides information on the number of marine mammals taken by commercial fishing](https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-protection-act-list-fisheries). You may find information on these annual notices at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-protection-act-list-fisheries>.

The MMPA requires NOAA Fisheries to publish an [annual list of commercial fisheries](https://www.fisheries.noaa.gov/national/marine-mammal-protection/list-fisheries-summary-tables) and classify each fishery based on whether it has frequent (Category I), occasional (Category II), or remote likelihood (Category III) of incidental mortality and serious injury of marine mammals. The annual list can be found at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/list-fisheries-summary-tables>.

The Board recommends that the Office of Subsistence Management coordinate with NOAA Fisheries so that a lead subject matter expert can be identified and deliver an overview of the Marine Mammal Authorization Program and an update of the totals by species at an upcoming Council meeting.

3. Impact to Norton Sound Bound Salmon in the Bering Sea and Aleutian Islands Trawl Fleet Fishery and other commercial intercept fisheries

The Council continues to be concerned about the bycatch of salmon during commercial fisheries, such as the Bering Sea and Aleutian Islands trawl fleet fishery and other commercial intercept fisheries in Area M, and the associated impacts it has on subsistence resources in the Seward Peninsula. Multiple salmon stocks in Norton Sound have been depressed for years, yet little seems to be done to alleviate the burden of these shortages on subsistence users. Additionally, populations of several species of salmon in the Yukon and Kuskokwim have collapsed. It should be a priority for both the State and Federal government to manage commercial fisheries so that subsistence user needs for salmon can be met on the west coast of Alaska.

Recommendation

The State and Federal agencies need to manage commercial fishing so that subsistence needs for salmon are a priority and escapement in all drainages can be met. The Council understands that the management of these fisheries is outside the scope of the Federal Subsistence Board, but requests that these concerns be forwarded to the appropriate authority.

Response

The Board acknowledges the importance of State and Federal agencies coordinating their efforts to ensure commercial fisheries management allows for in-river escapement goals to be achieved and provides enough fish for subsistence. Local abundance estimates are often derived after commercial fisheries harvest salmon in distant locations, as is the case with Area M. A state funded research project from 2006 to 2009 assessed the genetic makeup of the Area M fishery and found that around 60% of the Chum Salmon harvested in June were bound for coastal Western Alaska rivers during those years, while less than 5% of the harvest was destined for that location in July. The Alaska Department of Fish and Game is coordinating a new study from 2022 to 2026 to assess the genetic proportions of salmon caught at Area M to enhance contemporary knowledge of this fishery.

Bycatch in the Bering Sea and Aleutian Islands trawl fleet typically catch sub-adult salmon, which has implications for future run strengths in rivers throughout Alaska. The North Pacific Fishery Management Council (NPFMC) determines a cap of allowable bycatch of salmon for each commercial fishing season based on the 3-river index forecast of the Unalakleet, Yukon, and Kuskokwim rivers. The NPFMC is considering a Chum Salmon bycatch cap and adopted a purpose and need statement and alternatives for an analysis that would minimize bycatch of Western Alaska origin Chum Salmon in the Eastern Bering Sea pollock fishery during their April 2023 meetings as a response to the subsistence concern. However, they opted to keep the industry led incentive plan agreements for Chum Salmon avoidance in place and stated that, “consistent, annual genetics stock composition information indicates that the majority of non-Chinook bycatch in the pollock fishery is of Russian/Asian hatchery origin ... alternatives should structure non-Chinook bycatch management measures around improving performance in avoiding Western Alaska Chum Salmon specifically.” The NPFMC also created a Salmon Bycatch Committee in the Fall of 2022 made up of State and rural subsistence users and the commercial fishing industry to assess additional ways to reduce bycatch.

As you know, your Council and three other Councils, the Yukon-Kuskokwim Delta, Western Interior Alaska, and Eastern Interior Alaska Subsistence Regional Advisory Councils (Councils), asked the Board to elevate their concern of bycatch to the Secretaries of the Departments of the Interior and Agriculture. On September 30, 2022, the Board fulfilled the Councils request and sent a letter to the Secretaries expressing the Councils’ concerns for the need for significant reductions in Chinook and Chum salmon bycatch in the Bering Sea and Aleutian Islands (BSAI) commercial fishery and their interest in subsistence or Tribal representation on the NPFMC. A new Tribal seat was added to the Advisory Panel in 2023, and Shawaan Jackson-Gamble, from the Native Village of Kake, was selected to fill the seat. The Board respectfully asked the Secretaries to liaise with the Department of Commerce to explore engagement and relationship building between the agencies with the goal of addressing salmon migratory life cycles and

bycatch holistically. In 2023, a new Tribal seat was added to the Advisory Panel to NPFMC, and Shawaan Jackson-Gamble, from the Native Village of Kake, was selected to fill the seat. The Board applauds the Council's attention and efforts related to this subject.

4. Update to the Alaska Beluga Management Plan

The Council would like to inform the Board that the Alaska Beluga Whale Committee (ABWC) is currently updating the Alaska Beluga Whale Management Plan (ABWMP). The ABWC is a co-management committee made up of representatives from approximately 30 communities that harvest beluga whales, as well as Federal and State managers and scientists. The intent of the ABWC is to manage beluga whales for sustainability, and the updated plan will assist with this intent. The updated ABWMP will have harvest number targets, as well as list areas of biological importance to the species, such as calving and molting areas. The ABWMP is currently out for review in the communities that harvest beluga whales.

Recommendation

None at this time, the Council would just like the Board to be aware of these ongoing efforts.

Response

Thank you for letting the Board know about the on-going efforts to update the Alaska Beluga Whale Management Plan (ABWMP). We recognize that you are uniquely positioned to offer first alerts to changing conditions and important trends that impact subsistence in your region as well as bring to the Board's attention information about the ongoing management and conservation efforts. With this information, the Board is better prepared to make informed decisions.

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

Sincerely,

Anthony Christianson
Chair

Enclosure

cc: Seward Peninsula Subsistence Regional Advisory Council
Federal Subsistence Board
Office of Subsistence Management
Interagency Staff Committee
Benjamin Mulligan, Deputy Commissioner, Alaska Department of Fish and Game
Mark Burch, Special Project Coordinator, Alaska Department of Fish and Game
Administrative Record



Enclosure: FSB Letter to Secretaries Vilsack and Haaland

Federal Subsistence Board

1011 East Tudor Road, MS 121
Anchorage, Alaska 99503 - 6199



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

FOREST SERVICE

SEPT 30 2022

In Reply Refer To
OSM 22110.RL

Honorable Thomas J. Vilsack
Secretary of Agriculture
U.S. Department of Agriculture
Office of the Secretary
1400 Independence Avenue, Southwest
Washington, DC 20250

Honorable Debra Haaland
Secretary of the Interior
U.S. Department of the Interior
Office of the Secretary
1849 C Street, Northwest
Washington, DC 20240

Dear Secretaries Vilsack and Haaland:

The Federal Subsistence Board (Board) is writing to inform you of concerns about the well-being of the residents of a large number of rural communities in western Alaska. These concerns have been raised by four of the ten Federal Subsistence Regional Advisory Councils (Councils). They are the Eastern Interior, Western Interior, Yukon-Kuskokwim Delta, and the Seward Peninsula Subsistence Regional Advisory Councils, and combined they represent an area slightly larger than Texas.

During their winter 2022 meetings, these four Councils elected to write a joint letter to the North Pacific Fishery Management Council (NPFMC) to request significant reductions in Chinook and chum salmon bycatch in the Bering Sea Aleutian Islands (BSAI) commercial fishery and to request subsistence or Tribal representation on the NPFMC. The Councils contacted this Board requesting these issues be elevated to the Secretaries. In addition, they are asking for the National Marine Fisheries Service (NMFS) to use emergency rule authority to reduce or set hard caps on salmon bycatch in the BSAI offshore pollock pelagic trawl fishery. A copy of the Councils' letter to the Board is enclosed for your reference.

The ability to act on this issue is beyond the scope and authority granted to the Board. Our role is one of reporting and facilitating communications, in this case, informing you of the concerns and issues raised by our Councils. The Board has previously addressed the issue of by-catch and the need for subsistence users to have representation on the NPFMC with the Departments.

In summary, the Councils' issues and requested actions to the NPFMC and the Board are:

- Immediately reduce the BSAI Chinook salmon bycatch to no more than 16,000 fish and further reduce to a maximum of 10,000 fish within one year

- Immediately implement a chum salmon bycatch hard cap of 250,000 fish and further reduce to 150,000 fish within one year
- Require 24/7 video monitoring coverage on all trawl fishing vessels
- Add two subsistence or tribal representative seats to the NPFMC. Require that these representatives have no direct economic ties to Alaskan Commercial Development Quota fisheries

The Councils requested the Board to address the following:

- Elevate the concerns expressed in the joint Councils letter to the NPFMC to the Secretaries of the Departments of Agriculture, Interior, and Commerce
- Petition NMFS to use emergency rule authority to reduce or set hard caps on salmon bycatch in the BSAI fisheries

Pursuant to Title VIII of the Alaska National Interest Land Conservation Act, the Board is mandated to accord a priority for rural Alaskans engaging in subsistence uses on public lands. Due to record-low salmon returns and the need to protect the continued viability of wild salmon populations on the Yukon and Kuskokwim rivers, the subsistence harvest of salmon has been severely curtailed over the last several years. This has caused severe hardship on rural subsistence users who have a customary and direct dependence upon the salmon populations as the mainstay of their livelihood. Many Alaskans, including the Councils, have opined that it is inequitable for commercial fishers in marine waters to harvest salmon bound for Arctic Yukon Kuskokwim drainages when subsistence fishing in those river systems by those who need it most is completely or severely restricted. Accordingly, the Board respectfully requests for you to liaise with the Department of Commerce to explore engagement and relationship building between our agencies with the goal of addressing salmon migratory life cycles and bycatch holistically. In addition, the Board plans to invite NPFMC members and staff to its next meeting in January 2023 to discuss this issue.

We thank you for your consideration of this important issue and look forward to hearing from you. This is a matter of utmost importance to the many Alaskans who depend on Chinook and chum salmon for their health, well-being, and cultural existence.

Sincerely,



Anthony Christianson
Chair

Enclosure

Sue Detwiler, Assistant Regional Director, Office of Subsistence Management
Jack Reakoff, Chair, Western Interior Alaska Subsistence Regional Advisory Council
Ray Oney, Chair, Yukon Kuskokwim Delta Subsistence Regional Advisory Council
Sue Entsminger, Chair, Eastern Interior Alaska Subsistence Regional
Louis Green, Chair, Seward Peninsula Subsistence Regional Advisory Council
Interagency Staff Committee
Administrative Record



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Federal Subsistence Board

1011 East Tudor Road, MS 121
Anchorage, Alaska 99503 - 6199



FOREST SERVICE

OSM 23067

Thomas Baker, Chair
Northwest Arctic Subsistence Regional Advisory Council
c/o Office of Subsistence Management
1011 East Tudor Road, MS 121
Anchorage, Alaska 99503-6199

Dear Chairman Green:

This letter responds to the Northwest Arctic Subsistence Regional Advisory Council's (Council) Fiscal Year 2022 Annual Report. The Secretaries of the Interior and Agriculture have delegated to the Federal Subsistence Board (Board) the responsibility to respond to these reports. The Board appreciates your effort in developing the Annual Report. Annual Reports allow the Board to become aware of the issues outside of the regulatory process that affect subsistence users in your region. We value this opportunity to review the issues concerning your region.

1. Understandable information reaching to and from the village level

The Council expressed concerns that information that Federal agencies provide to communities in their region, and which is posted on the Federal Subsistence Management Program website, is often not expressed verbally, or written in ways that are understandable to community members, particularly to elders, bilingual, and Iñupiaq speakers. In addition, the Council expressed the need for resource managers and other relevant agency staff to visit the communities, hold meetings there, and gather information from and listen to village level concerns.

Response

This is a valid concern. Your same sentiments have recently been expressed at public hearings and Tribal consultations. The Federal Subsistence Management Program relies on the participation of rural Alaskan residents. The Board understands that for our Program to succeed we must present information in a way that is meaningful to participants. In 2010, Congress passed the Plain Language Act, requiring government documents be written in a way that the public can understand and use. Based on this Act, your guidance, and a need for our program to be more inclusive, the Board will direct staff to brainstorm ways to clarify and make more understandable program outreach materials, documents, and presentations. Additionally, we

agree that in person communications are more understandable and meaningful than written communications. The Board encourages your Council and the communities in your region to reach out to local field staff or the Office of Subsistence Management to request visits to specific communities.

Further, the Board recognizes how much is missed when Indigenous speakers cannot share knowledge in their own language. The Board is aware that the Yukon-Kuskokwim Delta Subsistence Regional Advisory Council arranges for translators and the use of translation devices during their regular Council meetings for that very purpose. Such an option is tremendously rewarding for Council members and public participants who can share traditional knowledge and observations in their own language. It is even more rewarding to staff who benefit from the expertise they would miss without the translation option. Your Council may submit a request to the Office of Subsistence Management to have English-Iñupiaq translation services provided during your meetings if you feel it would be a benefit to Council members and other participants.

2. Federal, State, and cross regional coordination of caribou Management that engages Tribes and communities

The Council acknowledges that scientific and Traditional Ecological Knowledge research continues to be conducted on the Western Arctic Caribou Herd (WACH) and recognizes the importance of the WACH Working Group, for which the Council now has representation. In addition, many of the communities and local subsistence hunters are volunteering to take fewer animals than they need in an effort to help reduce the decline of the herd. However, the Council expressed the need for cross regional coordination of caribou management between the Federal and State agencies that better engages the local Tribes, regional Native organizations, and communities.

Response

The Board supports the Council's desire for more cross regional coordination of caribou management. As mentioned, the Western Arctic Caribou Herd (WACH) working group is an important avenue for coordination amongst user groups across the range of the WACH, although Tribes and Native organizations are not directly involved. The North American Caribou Workshop and Arctic Ungulate Conference held in May 2023 in Anchorage brought together agency staff, academic researchers, and traditional knowledge holders from across the Arctic to share information on caribou herds and their management. OSM sponsored a member from each Council to attend the conference.

Council meetings are another great way to coordinate between entities. The Board encourages the Council to work with their Council Coordinator to invite representatives from Federal and State agencies, Tribes, Native corporations, and local communities to their meetings to discuss caribou management. The All-Council meeting scheduled for March 2024 will also be a wonderful opportunity for coordination on caribou management amongst affected Councils. Tribes and ANCSA corporations may also request government-to-government consultation with the Board at any time.

3. Concern for the declining caribou herds, diseases of caribou, and other causes of mortality

The Council appreciates that the Board recognizes residents of most communities in their region have been unable to harvest caribou during the traditional harvest period due to changes in migration patterns and other stressors on the caribou population. The Council would like to see continuing research and findings communicated to them on causes of caribou mortality, including diseases, starvation, predation, calf survival, hunting pressures, and effects of climate change. The Council received a report from the Alaska Department of Fish and Game at their fall 2022 meeting that the Western Arctic Caribou Herd was estimated at 164,000 caribou in July 2022, a decline of 24,000 from the 2021 population count. The Council members are extremely concerned regarding this report's findings and want additional research conducted on the causes of this decline. With caribou being a primary resource utilized by all the communities in the region, and with the herd size now below sustainable management goals, the Council is concerned that this will decrease food security and increase health problems in their communities as well as lessen their ability to use and teach traditional practices for obtaining, processing, preserving, sharing, and consuming this vital resource.

Response

The Board shares the Council's concerns about the decline in the Western Arctic Caribou Herd (WACH). Federal and State biologists and other researchers are working together on multiple research topics pertaining to the WACH and other Alaskan and international caribou herds. During the May 2023 North American Caribou Workshop and Arctic Ungulate Conference, your Council's representative attended symposiums and presentations on ongoing caribou research projects and recent findings on causes of caribou mortality, including diseases, starvation, predation, calf survival, hunting pressures, and effects of climate change. Research is expected to continue to help further understand the root causes of caribou declines.

The continuation of the subsistence way of life and the health of wild resources necessary to meet these needs are of the highest priority. The Board recommends that the Council continues to work with your Council Coordinator to invite local Federal and State agency staff to your meetings to present their latest research and discuss priority research needs. The Board also requests that the Council continue providing traditional and local knowledge, as well as harvest data to help researchers refine and improve study methods and, ultimately, a better understanding of fish and wildlife ecology and management.

The Board encourages the Council members to communicate with the subsistence hunters in their region the importance of providing timely and accurate harvest reports, which in turn would allow for the more effective management of the WACH.

4. Climate change effects on local resources and access for subsistence

The Council continues to have many concerns over climate change causing anxiety about food security and food sovereignty in the region's communities. The Council is very concerned over the notable effects of climate change over the last few years to the environment, especially on the local fish, wildlife, and plant resources utilized for subsistence. The Council also noted that the

weather has become unpredictable with less freezing of sea and river ice, warmer temperatures year around, increases in severe storms causing erosion to beaches and coastal communities, and thawing of the permafrost. They've also noticed colored mineral seepage into local streams and are worried that it may be harmful for fish populations. Changes to the environment and unpredictable weather make it more difficult and dangerous for subsistence users to access traditional hunting, fishing, and gathering areas. The Council has also noticed the damage climate change is having on caribou and local take of caribou. For example, freezing rain has become more common, and when it freezes on top of the tundra, it is difficult for caribou to feed, leading to starvation or out-migration.

Response

The Board shares your concern regarding the effects of climate change on the environment, including its effects on resources used for subsistence, and its resulting impact to food security and food sovereignty. The Federal Subsistence Management Program supports adaptation to changing climatic and environmental conditions by ensuring a regulatory process that facilitates flexibility. A responsive regulatory process can also ensure that people continue to access healthy local and traditional foods during times of unexpected shortage. The Special Action process provides an avenue for responding to unexpected issues and changes, and the Board will continue to be responsive to the need for quick action on out of cycle requests. Flexibility can also be built into the subsistence management system by delegating authority to local land managers. Delegation of authority enables managers to respond more quickly to changes in the timing and availability of subsistence resources.

More persistent changes to the seasonality and availability of resources due to issues like climate change can also be accommodated through the regulatory process. Closures to non-federally qualified users or ANILCA Section 804 prioritizations among federally qualified subsistence users may become necessary if shortages of traditional subsistence resources continue to be prevalent. Other species may also become more abundant and important to subsistence economies with shifts in environmental conditions. In this case, the Federal Subsistence Management Program can assist communities in determining seasons, harvest limits, and methods and means for harvesting these resources.

The Board also notes that the Council can invite representatives from State, Federal, non-governmental, and other research organizations to give presentations on climate change effects and mitigation at its regular meetings. Some organizations to consider include:

- Alaska Center for Climate Assessment and Policy
- Alaska Climate Adaptation Science Center
- Alaska Department of Environmental Conservation: Climate Change in Alaska
- Experts identified through the U.S. Climate Resilience Toolkit
- Scenarios Network for Alaska + Arctic Planning
- The Alaska Native Tribal Health Consortium
- Conservation of Arctic Flora and Fauna (CAFF)
- Exchange for Local Observations and Knowledge in the Arctic (ELOKA)

5. Full Council membership including alternates and better geographic distribution

The Council continues to be concerned about vacancies on the Council and is hopeful that it will have full membership in 2023. While the Council appreciates all members, they expressed concern over the lack of representation from many of the communities within the region. The Council would like to see additional outreach conducted in unrepresented communities, particularly personal visits, to provide information on the Federal Subsistence Management Program and the Council. The Council also would like to have alternate Council members that could serve at the meetings in the event a Council member could not attend or resigned before their term ended.

Response

For the last few years, the Board has also been concerned with decreasing numbers of Council member applications and the vacant seats on the Northwest Arctic and other Councils across Alaska. In the 2023 Council appointment cycle, three seats will be open on your Council for the Secretaries of the Interior and Agriculture (Secretaries) appointment of new members or reappointment of incumbents. This year your subsistence region received more applications than in recent years, which should allow the Secretaries to fill all the seats. The Board will meet for an executive session in August 2023 to make recommendations to the Secretaries on appointments; subsequently, the Secretaries will make their decision on appointments, likely by the end of 2023.

The Board will request that OSM conduct additional outreach during the 2024 Council appointment cycle to unrepresented communities in the Northwest Arctic Region to solicit applications. The Board would also like to encourage the members of the Council to reach out to their contacts across the region and request community representatives apply or nominate them. Council members can nominate potential candidates themselves.

Currently, your Council charter only allows alternate members to be appointed when a Council member vacates a seat by resigning, retiring, moving out of the region, or passing away prior to the end of their term. If the Council would like to suggest a change to their charter to allow an alternate member to be able to attend meetings when a primary seated Council member cannot attend, the Council could ask for this change during their winter 2025 charter review.

6. Predator concerns, interfering with subsistence activities and safety of communities

The Council has concerns about a notable increase in bear and wolf populations in the area, and their impact on the declining caribou population. In addition, communities are reporting more and more encounters with bears in their communities, which is a safety concern, particularly for their children. The Council would like to see more research conducted on predators and their effects on subsistence resources, increased predator management, and more bear hunting opportunities. The Council would like to see more research on best management practices.

Response

Outreach in villages about bear and wolf safety is important, especially for the security of children. Reasons other than higher population levels may account for increased sightings of

wolves and bears within and surrounding villages. For instance, when prey populations are lower, predators travel further for food, and take more risks. Therefore, while predator populations may not be increasing, their densities in certain areas could be increasing. These areas could overlap with villages and places where humans and predators share the same resources, increasing human-predator encounters even though region-wide predator populations have not increased (Fronstin 2023, pers. comm.; July 2023, pers. comm.)¹⁴. The Board encourages the Council to coordinate with local Federal and State agency staff to develop predator safety outreach programs and discuss best management practices.

Multiple studies have been published on brown bears that focused on the southern slopes of the Brooks Range from 2014-2017. During these studies researchers observed these bears are relatively small, do not produce a lot of young, live at relatively low densities, and mature at older ages than coastal populations (July 2023, pers. comm.). Surveys conducted in 2021 suggest that the Seward Peninsula population is stable. A Lower Noatak bear survey is currently scheduled to begin in the summer of 2024 (Fronstin 2023, pers. comm.).

The National Park Service (NPS) planned to conduct wolf den surveys in April/May and den visits in June/July of this year¹⁵. Additionally, a pilot study began in 2020 using genetic and observational methods to gain more information on wolf demographics and behavior. Aerial wolf surveys in Noatak National Preserve have consistently found four to five active groups every year since 2020 (Fronstin 2023, pers. comm.). The Council can invite NPS staff to present on this research findings at future meetings. You may also consider inviting the Alaska Department of Fish and Game to present on the topic of predator management.

The Council can submit proposals to the Board and the Alaska Board of Game to change bear and wolf harvest regulations under Federal and State regulations, respectively. Predator management is not part of the Federal Subsistence Management Program but could be addressed through the State regulatory process.

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

Sincerely,

Anthony Christianson
Chair

cc: Northwest Arctic Subsistence Regional Advisory Council
Federal Subsistence Board

¹⁴ Fronstin, R. 2023. Wildlife Biologist, Western Arctic National Parklands. Personal communication: e-mail NPS. Kotzebue, AK. Joly, K. 2023. Wildlife Biologist, Gates of the Arctic National Park and Preserve. Personal communication: e-mail NPS. Fairbanks, AK.

¹⁵ Den surveys are observations via trail cameras, drones, remote sensing, or by staff using binoculars, den visits are physical visits by biologist to the den to do a count or inspection and/or installation of collars or tracking tags.

Office of Subsistence Management
Interagency Staff Committee
Benjamin Mulligan, Deputy Commissioner, Alaska Department of Fish and Game
Mark Burch, Special Project Coordinator, Alaska Department of Fish and Game
Administrative Record



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Federal Subsistence Board

1011 East Tudor Road, MS 121
Anchorage, Alaska 99503 - 6199



FOREST SERVICE

OSM 23069

Sue Entsminger, Chair
Eastern Alaska Subsistence Regional Advisory Council
c/o Office of Subsistence Management
1011 East Tudor Road, MS 121
Anchorage, Alaska 99503-6199

Dear Chairwoman Entsminger:

This letter responds to the Eastern Interior Alaska Subsistence Regional Advisory Council's (Council) fiscal year 2022 Annual Report. The Secretaries of the Interior and Agriculture have delegated to the Federal Subsistence Board (Board) the responsibility to respond to these reports. The Board appreciates your effort in developing the Annual Report. Annual Reports allow the Board to become aware of the issues outside of the regulatory process that affect subsistence users in your region. We value this opportunity to review the issues concerning your region.

1. Sheep population declines and need for coordinated survey effort

The Council would like to make the Board aware of observed sheep population declines throughout the Eastern Interior Region. The Council is particularly concerned with the low counts of sheep in the Glacier Mountain Controlled Use Area, where numbers have reportedly dropped to only 12 sheep. The Council feels that there needs to be more collaboration between State and Federal partners and more funding available for sheep surveys not only in our region but throughout the State. We request that the Board ask the Federal agencies comprising the Board to make coordinated sheep surveys a priority for 2023.

Response

The Board acknowledges that low sheep numbers are a concern across all of Alaska. This is a hardship Federally qualified subsistence users are facing in many areas on both Federal and State lands. The Board also recognizes that proper species management and population evaluation is necessary to ensure healthy populations of sheep. Many Federal agencies currently cooperate with each other and the Alaska Department of Fish and Game (ADF&G) to conduct aerial sheep surveys across the state. The Office of Subsistence Management (OSM) staff is in the process of reaching out to Federal agency field staff inquiring about sheep survey efforts and will

communicate the information received to the Council at the fall 2023 meeting. The Board appreciates the concern of the Council.

Dall sheep populations are also a concern of other Councils. The Western Interior Council has submitted draft Dall Sheep Management Guidelines to the Board and ADF&G for review. Your Council may wish to discuss and comment on the guidelines they developed.

2. Management of Fortymile Caribou Herd

Recent Fortymile Caribou Herd management actions implemented by the Alaska Department of Fish and Game (ADF&G) utilized liberalized bag limits to drastically reduce the herd due to concerns about nutritional stress. The Council is concerned about this action and feels that politics have too much influence on the management of this herd. Major management decisions such as this should come before the international Fortymile Caribou Herd Harvest Management Coalition to discuss and agree on. Additionally, the Council feels that managers need to take observations and recommendations from rural residents in the herd's range more seriously.

Lastly, the Council would like to see a greater presence of law enforcement, agency officials, and local community hunter liaisons in road-accessible zones of the Fortymile Caribou Herd during hunting season. The Council continues to have major concerns about safety, hunter ethics, and meat care, especially along the Steese and Taylor highways. We ask the Board to collaborate with the State to take meaningful action to address these issues.

Response

The Board recognizes your concern regarding the management of the Fortymile Caribou Herd. OSM has invested in the Fortymile Caribou Herd Harvest Management Coalition through assigning staff to participate in the process. The Board forwarded your FY22 annual report, which included your concerns regarding ADF&G management actions to the ADF&G leadership for their awareness.

Additionally, the Board reached out with your concerns to the Bureau of Land Management (BLM) and received the following response.

1. The BLM Eastern Interior Field Office (EIFO) Manager has been delegated to set seasons and harvest limits for the Fortymile Caribou Herd and does so after consulting with Yukon Charley National Preserve, local ADF&G managers, Tetlin National Wildlife Refuge (NWR), and your Council. ADF&G determines the annual harvest quota and BLM works closely with ADF&G to manage a Federal portion of that harvest in a way that is supportive of federally qualified subsistence use. BLM EIFO has passed the Council's FY22 Annual Report along to the local ADF&G office for their consideration.
2. BLM EIFO and the Board share the concerns raised about safety, law enforcement, hunter ethics, and meat care. The Council may not be fully aware of the many agency efforts to manage the Fortymile Caribou Herd hunt and minimize such concerns during it. The EIFO, ADF&G, State Wildlife Troopers, and other Federal agencies have cooperated to address many of these types of concerns, which are especially problematic with such high-

volume, roadside hunts. In addition, Yukon Flats NWR and Yukon Charley National Preserve have sponsored a hunter liaison position at Circle in recent years.

For each of the last several years, numerous state and Federal law enforcement personnel were in the field during the opening periods of fall and winter seasons. Generally, five to six State Wildlife Troopers, including a helicopter, have been based at the BLM Central Field Station for the fall opening of the season. BLM Law Enforcement Rangers, with assistance from other BLM field offices and U.S. Fish and Wildlife Service (USFWS) law enforcement rangers have also been out patrolling during season openings.

The one law enforcement agent on the EIFO staff typically patrolled FMCH Zones 1-4 at least two days per week from August 1 through March 30. Patrols concentrated on heavily hunted Steese/Taylor Highway Corridors. In 2022/23, the EIFO Ranger applied for and received a grant from BLM's Office of Law Enforcement and Security that funded USFWS law enforcement officers to supplement FMCH field enforcement efforts in Zones 1, 3, and 4 for both RC860 and RC867. Joint enforcement efforts targeted busy holiday weekends, North Star Borough spring break, and final weeks of both seasons. This grant is expiring and the support of the Council and OSM may be helpful for renewing and expanding upon this initiative for 2023-24.

Biologists from ADF&G and BLM EIFO are also typically in the field collecting biological samples from hunter-harvested caribou along the Steese Highway during the first few days of the season. This typically involves from three to five ADF&G biologists and from one to two BLM biologists traveling the roads and trails and contacting hunters. The biological sample collection did not occur during the 2022 fall hunt due to low expected harvest.

In addition, BLM's Recreation and Visitor Services Program has a large field presence during the Fortymile Caribou season. While these staff do not have law enforcement authority, they can provide education, assist with emergency communications, and observe and report violations that may be occurring. Recreation staff place OHV limitation signage at the primary access points along the Steese Highway. Staff are present each day for the youth and Federal subsistence hunts and interact with hunters along the road system. Approximately two to three days prior to the State hunt opening, recreation staff are actively engaging hunters at the waysides and along the primary access corridors. They share maps, answer questions, and continually clean the waysides. They also ride ATVs in the heavily traveled areas to interact with hunters and OHV users in those areas.

Along the Taylor Highway, volunteer campground hosts are always available and interacting with the public and are equipped with satellite communication devices. EIFO recreation staff are in the field at any time throughout the hunting season. They are based in Chicken and travel between the waysides to interact with the public and clean and maintain the facilities.

3. On-going salmon fishing closures and record low returns of Yukon River Chinook Salmon

For the third year in a row, there were dismal returns of all Yukon River salmon species. Summer 2022 had the lowest returns on record of Chinook Salmon. Subsistence salmon fishing was closed. Local fishers went without much needed salmon for their families and communities. Even with in-river fishing closed, escapement goals were once again not met. The Council is

fearful for the future of our Yukon River salmon resources. We are outraged that Yukon River salmon continue to be bycaught in the Bering Sea and intercepted in the Alaska Peninsula commercial fisheries, while our people along the river are going without. The subsistence priority is not being upheld. People are literally crying for salmon.

The Council believes it is imperative that all State and Federal agencies work together across jurisdictional boundaries to conserve Yukon River salmon stocks using an ecosystem-based management approach. We are asking the Board to take action on this, and if needed, to seek guidance from the Secretaries of the Interior and Agriculture on how to do so.

Response

The Board supports improving coordination and communication across regional, jurisdictional, and ecological boundaries. Strong coordination and regular communication among management agencies and stakeholders is essential to ensure the conservation of Yukon River salmon. The Secretaries adheres to the ANILCA Title VIII requirement that the Board work closely with other Federal agencies and our state colleagues within the bounds of Board's authority. The Federal Subsistence Management Program continues to rely on the knowledge and expertise of our rural Alaska residents and Tribal representatives to help inform important management actions and strategies.

Following the 2022 summer work session, the Board, in response to the letters from the four Yukon River Subsistence Regional Advisory Councils (Yukon-Kuskokwim Delta, Seward Peninsula, Western Interior, and your Council), forwarded a letter to the Secretaries of the Interior and Agriculture to ask them to liaise with their counterparts at the Department of Commerce regarding the issues of salmon bycatch in the Bering Sea Aleutian Islands pollock fishery.

While the 2023 Yukon River salmon outlook is projected to be similar to 2022, the Federal manager through delegated authority by the Board coordinates closely with the State of Alaska to achieve the common objective of meeting escapement goals and providing subsistence fishing opportunities if salmon numbers are high enough.

The Board appreciates your Council raising this issue and values your continued dedication to addressing salmon along their entire migratory lifecycle.

4. Need for updated moose counts along Yukon River corridor

The Council has requested population estimates from the State of Alaska for moose in Unit 20F for the past two years but has not yet received a report concerning this topic. Residents of Rampart and Tanana have been unable to harvest sufficient moose to meet subsistence needs in recent years. Coupled with salmon fishing closures, the lack of available moose is compounding food security issues in the region. The Council strongly feels that moose surveys need to be completed in this area, and that these data should be used to inform hunt management instead of relying on harvest reports to estimate population. We ask that the Board pass these concerns on to the ADF&G and request information on population and harvest trends for moose in Unit 20F.

Response

The Board recognizes the Council's concerns about the moose population along the Yukon River corridor and further understands that requests, specifically for data for the Unit 20F moose population, have not sufficiently been answered. Federally managed lands only comprise 22% of Unit 20F and thus, Federal agencies do not conduct moose surveys in this subunit. The Board recommends the Council work with their Council Coordinator to write a letter to ADF&G requesting population data and an explanation of the limitations that are restricting the State from conducting needed surveys, as well as invite ADF&G staff to discuss the population status of moose in Unit 20F with the Council at a future meeting.

5. Food insecurity

Residents of the Yukon River drainage are experiencing unprecedented food insecurity. This is primarily due to three straight years of subsistence salmon fishing restrictions and closures. Salmon closures put more pressure on hunters to harvest moose and caribou, but there are also concerns about low moose and caribou populations in our region, as stated above. These resources are not abundant enough to serve as a replacement to the missing salmon.

In response to the low salmon runs, there have been efforts to distribute salmon from other parts of the State to Yukon River communities. While these goodwill efforts are appreciated, it is not a long-term solution to the food insecurity problems we face. Additionally, receiving salmon "handouts" does not fulfill our cultural needs. One of the most important aspects of subsistence is the harvesting, processing, and sharing of resources with family and friends, as well as passing cultural traditions and ways to our younger generation. If this trend continues, then much of our cultural heritage and subsistence skills will be irrevocably lost.

Response

Thank you for bringing this issue to the Board's attention. We recognize that you are uniquely positioned to offer first alerts to changing conditions and important trends that impact subsistence in your region. The Board appreciates and values the traditional knowledge, observations, and expertise you share and will direct staff to track this issue in the future. With this information, the Board is better prepared to make informed decisions.

Under the Federal Subsistence Management Program's Cultural and Educational Program subsistence harvest permits are an important tool available to support sharing of knowledge and harvest practices with younger generations. These permits can be requested from OSM. Upon Board approval, these permits are issued to Federally qualified subsistence users leading culture and educational camps or school programs. An [informational flyer on requesting Cultural and Educational Program subsistence harvest permits](https://www.doi.gov/sites/doi.gov/files/uploads/cultural_ed_permit_info_flyer_0.pdf) is enclosed (see Topic 9 enclosure or follow the link: https://www.doi.gov/sites/doi.gov/files/uploads/cultural_ed_permit_info_flyer_0.pdf). This is an option that communities may consider to continue passing cultural traditions and ways to younger generations.

6. Need for hunter ethics education

The Council asks for the Board's support to resume the pilot projects associated with the Hunter Ethics Education and Outreach initiative our Council spearheaded prior to the Covid-19 pandemic. As subsistence resources become scarcer, the danger of escalation of the user group conflicts is coming more to the forefront all across the state. It is especially true for the road accessible regions. We strongly believe that our Council's initiative can help foster understanding between user groups and reduce conflicts, as well as promote more respect of the resource in the field among all user groups. Eventually, we hope that pilot projects in our region can be expanded to other regions as well because our experience shows that there is an elevated interest to this topic among many regions and all user groups.

Additionally, we ask that the Federal Subsistence Management Program collaborate with the State of Alaska to explore ways to incorporate more robust hunter ethics training into all hunter education courses. Although we feel hunter ethics training should be required for all hunters, we recognize that this may not be possible. Something we do feel is achievable is the creation of easily accessible outreach materials regarding hunter ethics and meat care, as well as a comprehensive list of where excess or unwanted meat can be donated by sport hunters.

Response

The Board appreciates that the Council continues being proactive in its efforts to mitigate and/or prevent conflict, promote hunter education, and build cultural understanding among different user groups. During the January 31 - February 3, 2023, fisheries regulatory meeting, the Board received a comprehensive update from OSM on the Hunter Ethics Education and Outreach Initiative achievements over the last several years.

The Board applauds the Council for persevering on this initiative; although, its progress was slowed down during the Covid pandemic. The Board also recognizes the effectiveness of a local hunter liaison pilot project that was jointly funded by the USFWS and NPS through an annual funding agreement with the Council of Athabaskan Tribal Governments. Board members, several Council members, and some members of the public noted that it was very beneficial to involve multiple user groups in this initiative from the beginning, bringing a variety of perspectives to help find solutions to issues.

Although the Board cannot direct Federal agencies to fund and staff pilot projects, we enthusiastically and wholeheartedly support resuming the pilot projects associated with the Hunter Ethics Education and Outreach Initiative and voted to prepare a letter of support for the initiative. The letter will highlight the history and successes of the initiative, outline the need for additional funding, anticipated outcomes, and encourage all stakeholders and partners, including the Federal agencies, to consider joining in support of this work. The State has been one of the most important partners to this initiative from the very beginning, and the Board encourages the Federal Subsistence Management Program to continue involving them in collaborative way.

7. **Incorporating local and traditional knowledge into management and need for co-management**

The Council would like to see local and traditional knowledge incorporated into fish and wildlife management in more meaningful ways. While we feel there has been a slight increase in efforts to do so in the recent past, we feel that more efforts are needed. Additionally, we encourage the Federal Subsistence Management Program to explore opportunities for co-management agreements with federally recognized Tribes in our region. There are successful examples from other places that can be used as models.

Response

The Board acknowledges the Council's frustration regarding full incorporation of Traditional Ecological Knowledge (TEK) or Indigenous Knowledge (IK) into fish and wildlife management and strives to continue improving in this area. The Board obtains TEK from a variety of sources to inform management decisions. Although OSM Staff do not conduct primary research or collect data, OSM Anthropologists review transcripts from Regional Advisory Council meetings, Board meetings, public hearings, written public comments, Tribal consultations, and published literature in order to incorporate TEK into analyses. The Board relies on TEK included in analyses and public testimony to help make informed decisions. The Board also appreciates and relies on the TEK provided by Council members and encourages the Council to promote research that incorporates TEK in the region. Developing a list of priority information needs for the Fisheries Resource Monitoring Program is one way that the Council can specify what TEK research would benefit subsistence users in the region most.

In November 2022, the White House Office of Science and Technology Policy issued [guidance to all Federal agencies to assist agencies in 1\) understanding IK, 2\) growing and maintaining the mutually beneficial relationships with Tribal Nations and Indigenous Peoples](#) needed to appropriately include IK, and 3) considering, including, and applying IK in Federal research, policies, and decision making. The full guidance can be found online at the White House website: <https://www.whitehouse.gov/wp-content/uploads/2022/12/OSTP-CEQ-IK-Guidance.pdf>. The agencies represented on the Board are utilizing this guidance to better incorporate TEK and IK into their work.

The Board also appreciates your request to explore opportunities for increased community participation in Federal subsistence management. There are several ongoing efforts to increase co-stewardship and co-management on Federal public lands in Alaska. Co-stewardship is terminology that encourages Federal land management bureaus to recognize and honor the rich traditions and history of Indigenous peoples living with and from the land. In September 2022, Director's Order 227 was enacted by the Director of the U.S. Fish and Wildlife Service Martha Williams. One of the goals of this order is to work with affected Tribes, Alaska Native Corporations, and Alaska Native Organizations to address the co-stewardship of fish and wildlife species and their habitats on Federal lands. [Director's Order 227](#) can be found at: <https://www.fws.gov/sites/default/files/documents/076566-USFWS-DO.pdf>. The National Park Service and Bureau of Land Management also have similar new directives for carrying out co-stewardship. The Council may also be pleased to know that USFWS has recently hired two

Indigenous Knowledge Liaisons and a Directorate Fellow who will be helping the USFWS Alaska region to advance IK and science integration in programs across the state.

For the Federal Subsistence Management Program, the Fisheries Resource Monitoring Program and the Partners for Fisheries Monitoring Program increase opportunities for local participation in scientific and TEK research used to inform Federal subsistence management. More specifically, the Fisheries Resource Monitoring Program supports meaningful involvement in fisheries management by Alaska Native and rural organizations and promotes collaboration among Federal, State, Alaska Native, and local organizations. The Partners for Fisheries Monitoring Program funds salaries for biologist/social scientist/educator positions in Alaska Native and rural nonprofit organizations, with the intent of increasing the ability of these organizations to participate in Federal subsistence management.

Additionally, the Department of Interior has been recently hosting Co-Stewardship Talking Circles across the state to learn from Indigenous leaders and help shape the future of co-stewardship. There will also be a Co-Stewardship Symposium held in Anchorage August 14-18, 2023, to further build this goal. Through these existing tools, such as Fisheries Resource Monitoring Program and Partners for Fisheries Monitoring Program, as well as new directives like DO 227, the Federal bureaus are striving to learn new and thoughtful ways to collaborate with Tribes, Alaska Native Corporations, and Alaska Native organizations in the stewardship of public lands, waters, and wildlife.

8. Climate change impacts, especially to timing of fall moose rut

The Council would like the Board to be aware that residents of the Eastern Interior Alaska Region continue to see impacts of climate change to the landscapes and weather patterns in our region. One impact of note is that fall weather has tended to be warmer later into the season and has resulted in delayed timing of the fall moose rut. This change in moose behavior negatively impacts subsistence hunter success rates. The Board may need to consider shifting or extending fall moose hunts in the near future to address this issue.

The Council also encourages all the agencies represented by the Board to rigorously monitor impacts of climate change in our region and across the state, and to be certain to include local resident observations and knowledge into research and monitoring.

Response

Thank you for bringing this issue to the Board's attention. Other Councils have raised the issue of delayed timing of the fall moose rut.

The Federal Subsistence Management Program can support adaptation to changing climatic and environmental conditions by ensuring a regulatory process that facilitates flexibility. A responsive regulatory process can also ensure that people continue to access healthy local and traditional foods during times of unexpected shortage. The Special Action process provides an avenue for responding to unexpected issues and changes, and the Board will continue to be responsive to the need for quick action on out of cycle requests. Flexibility can also be built into the subsistence management system by delegating authority to local land managers. Delegation of authority enables managers to respond more quickly to changes in the timing and availability

of subsistence resources from season to season, such as determining season opening and closing dates.

More persistent changes to the seasonality and availability of resources due to issues like climate change can also be accommodated through the regulatory process. Closures to non-federally qualified users, or ANILCA Section 804 prioritizations among federally qualified subsistence users may become necessary if shortages of traditional subsistence resources continue to be prevalent. Other species may also become more abundant and important to subsistence economies with shifts in environmental conditions. In this case, the Federal Subsistence Management Program can assist communities in delineating seasons, harvest limits, and methods and means for harvesting these resources.

The Board also notes that the Council can invite representatives from State, Federal, non-governmental, and other research organizations to give presentations on climate change effects and mitigation at its regular meetings. Some organizations to consider include:

- Alaska Center for Climate Assessment and Policy
- Alaska Climate Adaptation Science Center
- Alaska Department of Environmental Conservation: Climate Change in Alaska
- Experts identified through the U.S. Climate Resilience Toolkit
- Scenarios Network for Alaska + Arctic Planning
- The Alaska Native Tribal Health Consortium
- Conservation of Arctic Flora and Fauna (CAFF)
- Exchange for Local Observations and Knowledge in the Arctic (ELOKA)

9. Support needed for subsistence education and culture camps for children and youth

The Council feels that the Federal Subsistence Management Program and ADF&G should start supporting more subsistence education and culture camps in communities and especially along the Yukon River. Without subsistence salmon fishing opportunities, people are no longer going to fish camp and passing down knowledge and skills to younger generations like was the norm in the past. We feel that more organized educational opportunities are needed to help fill this void. We suggest that the Federal Subsistence Management Program partner with school districts to develop curricula that will teach traditional skills, educate youth about the state of wild resources and climate change impacts, and also about resource management regimes. This will take extra funding and coordination, but if action is not taken there will be gaps in knowledge of how to live off the land. The Council would like to see funding opportunities made available for educational programs and cultural camps that are not necessarily tied to research dollars.

Response

The Board shares the Council's concern regarding transmission of generational knowledge during times of restricted subsistence harvest and supports community efforts to host youth science and culture camps. Federal land managers are well-positioned to partner with Tribes and communities on youth science and culture camps. Educational programs and culture camps can be funded by the Fisheries Resource and Monitoring Program so long as such initiatives are not the primary or only objective of a project.

The following information has also been included in the response to topic 5 “Food Insecurity” of this annual report reply. Under the Federal Subsistence Management Program’s Cultural and Educational Program subsistence harvest permits are an important tool available to support sharing of knowledge and harvest practices with younger generations. These permits can be requested from OSM. Upon Board approval, these permits are issued to Federally qualified subsistence users leading culture and educational camps or school programs. An [informational flyer on requesting Cultural and Educational Program subsistence harvest permits](#) is enclosed (see Topic 9 enclosure or follow the link: https://www.doi.gov/sites/doi.gov/files/uploads/cultural_ed_permit_info_flyer_0.pdf). This is an option that communities may consider to continue passing cultural traditions and ways to younger generations.

10. Cost to use Bureau of Land Management (BLM) public use cabins for subsistence activities

The Council is concerned about the fees required to use BLM cabins for subsistence activities such as trapping. Most rural residents and subsistence users have limited income, and the application fees to utilize BLM cabins are cost prohibitive. There are very few people still living out on the land and fewer trying to teach their children traditional skills. Subsistence trappers use cabins as occasional shelter when traveling out on the land or as needed for emergency shelter. Subsistence users help maintain the cabins, which is a great benefit to BLM.

The Council strongly feels that there should be a distinction made between the permits and fees required for subsistence users versus for commercial users. Rural residents residing in the region should have no application fee or a very low application fee to use BLM cabins. They should also not be burdened with providing documentation of their income. Subsistence users should be encouraged, not discouraged, to use public use cabins. The Council asks the Board to urge the BLM to change their policies for public use cabin permits for subsistence users to make it easier for rural residents to continue their traditional practices out on the land.

Response

The Board reached out with your concerns to the Bureau of Land Management (BLM) and received the following response:

First, it is necessary to clarify terminology. Bureau of Land Management (BLM) does not have cabins available to use for subsistence activities. BLM’s Public Use Cabins are facilities available for short term reservation by the public. If a subsistence user wishes to reserve a public use cabin, the fee would be no different than the fee for any user. That said, we believe the Council’s concerns relate to fees required to obtain authorization to construct cabins on BLM-managed land or, in some cases, rehabilitate existing cabins to a usable state for use in subsistence activities. Fees for obtaining such authorization are constrained by regulatory requirements.

Section 1316 of ANILCA allows, subject to reasonable regulation, temporary campsites, tent platforms, shelters or facilities directly and necessarily related to the taking of fish and wildlife. The only procedures BLM has to implement this are found in regulations at 43 CFR 2920, which

allow BLM to grant land use permits (<3 years) or leases (>3 years) for structures on BLM-managed lands. These are generally referred to as “2920 permits.” Structures that do not fit the temporary provisions in ANILCA can also be authorized under 2920 permits, generally in support of commercial activities. All such authorizations require an application to be filed and documentation prepared to comply with the National Environmental Policy Act (NEPA).

Per 43 CFR 2804.14, applicants must pay a fee to the BLM for the reasonable costs of processing their application. Reasonable costs are those costs defined in Section 304(b) of the Federal Land Policy and Management Act. Fees are assigned to a category based on an estimate of the amount of time needed to process the application and issue a decision granting or denying the application. Fees for each category are based on an [annually updated fee schedule](#). For 2023, fees range from \$146 for category 1 applications to \$1,393 for category 4 applications (https://www.blm.gov/sites/default/files/docs/2023-01/IM2023-023_att1.pdf). After an initial application review, BLM is required to notify the applicant of the processing category into which their application fits and to collect payment before processing the application.

Temporary structures as outlined under ANILCA Section 1316 can often be considered under a categorical exclusion if the authorization is for 3 years or less and none of the Exceptional Circumstances in Department Manual 516 DM2 Appendix 2 apply. Permanent structures and authorizations longer than 3 years generally require an environmental analysis (EA). Processing time may vary based on details of the proposal, but an authorization that requires a categorical exclusion generally falls in a less costly category than one that requires an EA.

If an authorization is granted, regulations also require that the BLM charge rental based on fair market value of the authorization. This is also determined based on a periodically updated schedule (see Topic 10 Enclosures 1 and 2). The Authorized Officer may also require a Performance and Reclamation bond or other security to insure fulfillment of the terms and conditions of the authorization and protect taxpayers from incurring liability for site reclamation (43 CFR 2820.7(g)).

The BLM State Director may reduce or waive some fees under some circumstances. These include if payment of actual costs would result in undue financial hardship and the applicant would receive little monetary value from the permit relative to the processing and monitoring fees, or if the processing and monitoring fees grossly exceed the costs of constructing the project. It is incumbent on the applicant to demonstrate such hardship based on the applicant’s specific financial status, not simply membership in a category (such as being a rural Alaska resident).

In summary, the fees for an authorization to construct shelters, temporary or permanent, on BLM-managed land are governed by regulation. Fees can be waived or reduced under limited circumstances. It is the responsibility of the applicant to demonstrate that their specific circumstances meet the criteria for waiver or reduction.

11. OSM’s inaccurate characterization of the impacts of Alaska Board of Fisheries proposals to subsistence

The Council is extremely disappointed with the comment letter submitted by OSM to the Alaska Board of Fisheries (BOF) regarding fisheries proposals for the 2023 Alaska Peninsula/Aleutian

Islands/Chignik Finfish meeting. In their comment letter OSM stated, “[OSM] has reviewed the proposals and believes that adoption of any of these proposals will not have significant impacts on Federal subsistence users or fisheries” (see Enclosure 1).

The statement made by OSM is utterly false. Commercial fisheries in the Area M region are mixed-stock fisheries and of the stocks harvested, Arctic-Yukon-Kuskokwim (AYK) salmon compose a significant proportion of the harvest during the month of June. In recent years, AYK subsistence salmon fisheries have been closed or heavily restricted while Area M commercial fisheries continued to operate. As stated above in Topic 3, this is in blatant violation of the subsistence priority spelled out in State and Federal laws. The Area M fisheries indeed have significant impacts to Federal subsistence users and fisheries because the salmon harvested in Area M could instead be fish that return to AYK rivers to spawn or contribute to subsistence needs.

OSM’s statement completely disregarded the concerns that this and other Councils have been raising for over a decade about interception of AYK salmon, not to mention our Council comments submitted about Proposal 140 that were reviewed by OSM this year. There were record numbers of testifiers at the BOF Meeting because of regionwide coordination efforts of subsistence users to advocate for our subsistence salmon. OSM’s statement undermined the significant efforts of the four AYK Subsistence Regional Advisory Councils and subsistence users to address the Area M intercept fisheries that harvest salmon bound for AYK drainages. Instead of backing us up, OSM opposed us.

After a member of our Council voiced concerns to OSM, OSM withdrew their comment letter and submitted a new comment to clarify the intent of their original statement at the BOF meeting in February (Enclosure 2). However, the new statement still did not address the significant impacts to AYK subsistence fisheries due to salmon intercepted in Area M. OSM explained at our Winter 2023 Council meeting that their policy for a number of years has been to not comment on any proposals outside of Federal Subsistence Management jurisdiction. Our Council requests that the Board direct OSM to revisit this policy because what happens in fisheries outside of Federal jurisdiction can and does have a significant impact on fisheries within Federal subsistence jurisdiction.

In the future, we request OSM to reach out to Councils to discuss comments and recommendations they make that affect subsistence users before they are submitted. Additionally, OSM should review Council comments and correspondence to ensure that OSM’s positions align with the Councils’ positions. If they do not, OSM should be required to provide meaningful justification for the reasons. This process will provide for better collaboration and ensure that letters that go to the Alaska BOF and Board of Game will have unified stances on important issues that affect Federal subsistence users. Our Council requests that OSM present at our Fall 2023 meeting on an updated policy for commenting on proposals outside of Federal jurisdiction that impact subsistence within Federal jurisdiction and on how OSM will better collaborate with Councils when submitting comments.

Response

The Board understands the Council's concern about the comments contained in the cover letter submitted by OSM for the Alaska Board of Fisheries (BOF) 2023 Alaska Peninsula/Aleutian Islands/Chignik Finfish meeting. The Board also thanks the Council for bringing their concerns to OSM so they could clarify their comments on the record and revisit their BOF comment process.

OSM's current practice for BOF comments is to review all Alaska Board of Fisheries proposals and provide input on proposals that may affect federally qualified subsistence users or associated fisheries. However, OSM only comments on proposals falling under the jurisdiction of the Federal Subsistence Management Program. As such, OSM does not comment on proposals affecting fisheries occurring outside of Federal public waters, such as the Area M commercial fishery. The Board acknowledges that this and other Councils have expressed grave concern about the interception of AYK salmon.

OSM will work with the Interagency Staff Committee and the Board to reevaluate OSM's current BOF and Alaska Board of Game comment practices. Once this review is complete, OSM will update your Council and other Councils to seek their input on a revised process.

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

Sincerely,

Anthony Christianson
Chair

Enclosure

cc: Eastern Interior Alaska Subsistence Regional Advisory Council
Federal Subsistence Board
Office of Subsistence Management
Interagency Staff Committee
Benjamin Mulligan, Deputy Commissioner, Alaska Department of Fish and Game
Mark Burch, Special Project Coordinator, Alaska Department of Fish and Game
Administrative Record



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

Federal Subsistence Board Informational Flyer



Forest Service

Contact: Anthropology Division Chief
(907) 786-3888 or (800) 478-1456
subsistence@fws.gov

How to Request a Cultural and Educational Harvest Permit

Cultural and Educational Harvest Permits allow the harvest of fish and wildlife on behalf of a qualifying program. Most requests received are from culture camps, substance abuse rehabilitation programs and schools. The permits are typically requested both to teach cultural and educational activities associated with harvest and to provide food for participants in the cultural and educational program. Once the Federal Subsistence Board (Board) has approved the program for a permit, follow-up requests may be made to the local Federal land or in-season manager.

A qualifying program must have:

- Instructors – please list the name(s)
- Enrolled students – youth/student population
- Minimum attendance requirements – describe your plans to meet minimum attendance requirements
- Set of standards for successful completion of the course – list the curriculum requirements to complete the course

Applications must be submitted to the Board through the Office of Subsistence Management (OSM) and should be submitted 60 days prior to the earliest desired date of harvest. Individuals conducting the actual harvest of fish or wildlife must be Federally qualified subsistence users. The request must include the species, number, date and the area the harvest will occur. The in-season manager has approval authority and may make adjustments based on conservation concerns. Harvest must be reported and any fish or wildlife harvested will count against any established Federal harvest quota for the area in which it is harvested. An application consists of any written request. These guidelines and requirements are found in [36 CFR 242.25](#) and [50 CFR 100.25](#).

How a Cultural and Education Permit request is processed:

1. Once a request for a Cultural and Educational Permit is received, OSM, on behalf of the Board, assigns an analyst and notifies the appropriate Regional Advisory Council (Council) and ADF&G.
2. The completed analysis is presented to the affected Councils and ADF&G for comment, and then is presented to the Interagency Staff Committee (ISC) and the Board.
3. The ISC reviews the analysis and makes its recommendation to the Board.

1011 East Tudor Road MS-121 • Anchorage, Alaska 99503-6199 • subsistence@fws.gov • (800) 478-1456 / (907) 786-3888
This document has been cleared for public release #0405122015

Enclosure 1: FSB Informational Flyer

4. Once the Board approves the request, a Cultural and Educational permit is created for the requesting program.
5. The analyst prepares a letter to the proponent, which is signed by the Chair of the Federal Subsistence Board, to express the decision. The final analysis and permit are enclosed with the letter. Copies of the letter are distributed to the Board, ISC, ADF&G, and the relevant Council chairs.
6. The analyst prepares a Letter of Delegation for the Federal land/in-season manager associated with the permitted activity and distributes accordingly.

Submit your request by:

Mail:

Office of Subsistence Management
Attn: Subsistence Policy Coordinator
1011 East Tudor Road, Mail Stop 121
Anchorage, Alaska 99503-6199

Fax: (907) 786-3898

E-mail: subsistence@fws.gov

Missing out on the latest Federal subsistence issues? If you'd like to receive emails and notifications on the Federal Subsistence Management Program you may subscribe for regular updates by emailing fws-fsb-subsistence-request@lists.fws.gov. Additional information on the Federal Subsistence Management Program may be found on the web at www.doi.gov/subsistence/index.cfm or by visiting www.facebook.com/subsistencealaska.

**FINAL
MINIMUM RENT ANALYSIS & SCHEDULE**

ALASKA DISTRICTS

**BLM Land Use Authorizations
Tracts of BLM Land to 25 Acres**

SUBMITTED TO

Bureau of Land Management
Janet Eubanks, Realty Specialist
2800 Cottage Way
Sacramento, CA 95825

IVIS CASE NUMBER

00036811

IVIS PROJECT NUMBER

L13049

DATE OF REPORT

April 1, 2015

SUBMITTED BY

Anne Renaud-Wilkinson, MAI
Department of the Interior
Office of Valuation Services
1220 SW 3rd Ave., Suite 1010
Portland, Oregon 97204



**UNITED STATES DEPARTMENT OF THE INTERIOR
OFFICE OF VALUATION SERVICES
1220 SW 3RD AVENUE, SUITE 1010
PORTLAND, OREGON 97204-2825**

April 1, 2015

Bureau of Land Management
Janet Eubanks, Realty Specialist
2800 Cottage Way
Sacramento, CA 95825

Re: Fee Schedule of Minimal Rents on BLM small tracts up to 25 acres - ALASKA

Dear Ms. Eubanks:

Per the request of the Bureau of Land Management (BLM) via the Office of Valuation Services, I have conducted a study of comparable commercial practices and other valuation methodologies that are useful in establishing a reasonable rent schedule for Land Use Authorization grants for small uses up to 25 acres. This study was conducted for the purposes of establishing or updating current BLM minimal rent schedule fees for non-linear rights-of-way. A streamlined and uniform approach to establishing small tract rental fees is consistent with provisions of 43CFR§2806. Within the context of this study the terms rent and fee are interchangeable.

Past experience has demonstrated that appraising individual Land Use Authorizations (LUAs) request is not economically beneficial to the U.S. Government as the time and cost associated with an appraisal was substantially higher than the rent achieved. For this reason, development of a rent schedule is warranted. Hence, I have conducted a study and this report provides my findings of comparable commercial practices, as well as establishing a fee schedule for small non-linear tracts of BLM land.

It is important for the realty specialist along with any user of this study to read the study in its entirety in order to understand the analysis prior to using any information or data contained herein.

Please note, as this study is a compilation of a wide variety of information including BLM memorandums, regulations, along with other private and public sources, some of the comments, discussions and explanations may not have been specifically cited.

This fee schedule is not intended to replace existing schedules for mineral, hydroelectric, geothermal, telecommunication, linear right-of-way uses, or any other use fee established by specific authorization. Further, this fee schedule is based on the premise that requested permits are in remote areas with limited access with no public utility systems and with no apparent competition. Appraisals may be necessary for commercial, industrial or long term rent situations on sites that may appeal to multiple users.

The following pages contain the fee schedule for small minimal rents on BLM lands in Alaska. The schedules are specific to the identified BLM Districts, as well as individual bureaus within Alaska. The schedule is not inconsistent with the current minimum rent schedule that charges \$400 to \$900 for remote possessory leases and \$200 to \$250 for remote non-possessory leases. This new schedule refines that fee with geographic specificity and with an extension of the acreage up to 25 acres. Following the schedule charts is the explanation of how the values were derived.

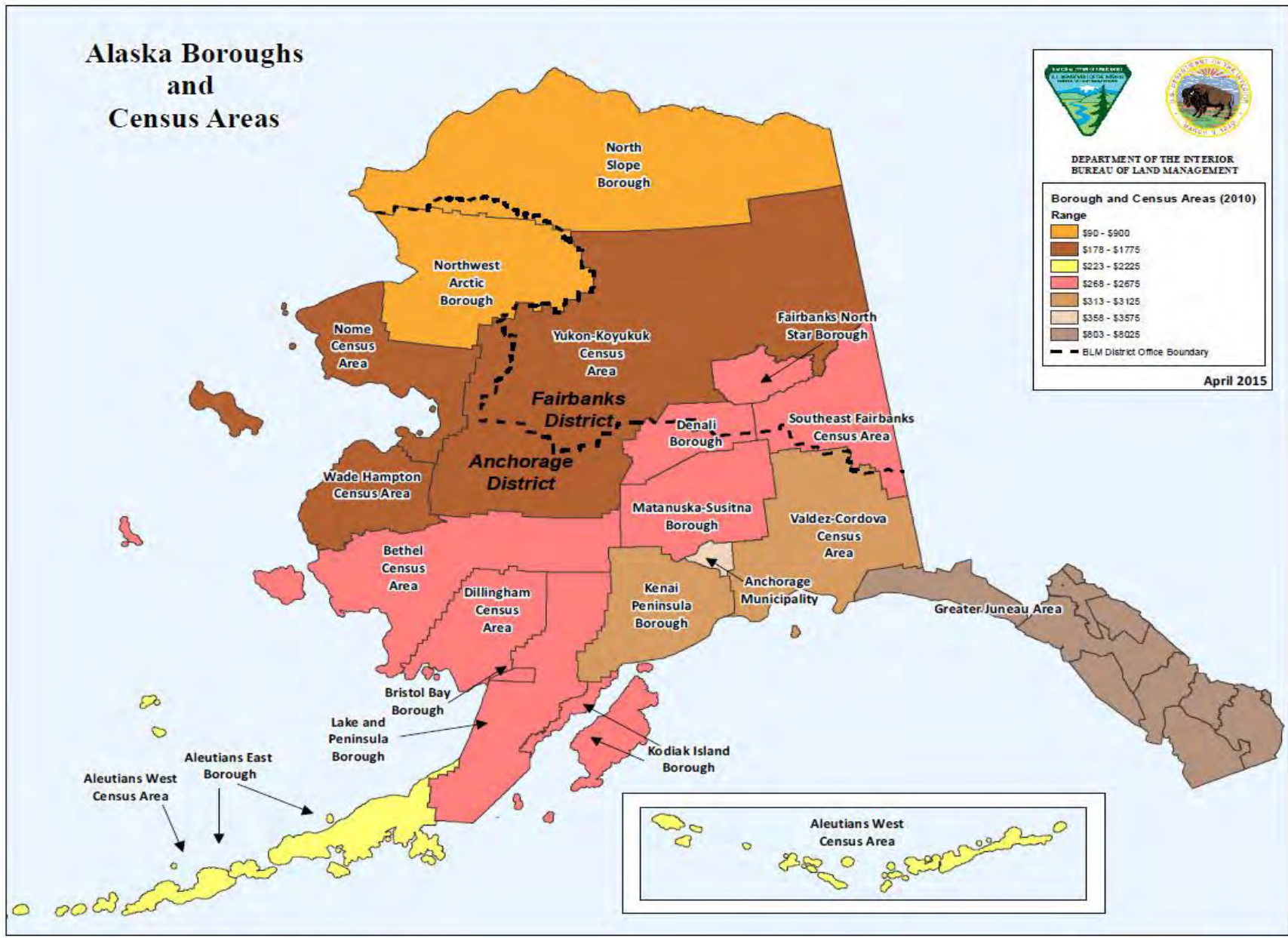
Respectfully submitted,



Anne Renaud-Wilkinson, MAI
Department of the Interior
Office of Valuation Services
1220 SW 3rd Ave., Suite 1010
Portland, Oregon 97204

Enclosure 2: Final Minimum Rent Analysis & Schedule

ANNUAL FEE												
ANCHORAGE DISTRICT OFFICE												
Boroughs/ Census Areas Impact >	0.1 – 5 ACRES			5.1 – 10 ACRES			10.1 – 15 ACRES			15.1 – 25 ACRES		
	Minimal	Moderate	High	Minimal	Moderate	High	Minimal	Moderate	High	Minimal	Moderate	High
Anchorage (143)	\$358	\$536	\$715	\$715	\$1073	\$1430	\$1072	\$1609	\$2145	\$1788	\$2681	\$3575
Denali, Matanuska- Susitna (107)	\$268	\$401	\$535	\$535	\$803	\$1070	\$803	\$1204	\$1605	\$1338	\$2006	\$2675
Kenai (125)	\$313	\$469	\$625	\$625	\$938	\$1250	\$938	\$1406	\$1875	\$1563	\$2344	\$3125
Kodiak, Lake & Peninsula, Dillingham, Bethel, Bristol Bay (107)	\$268	\$401	\$535	\$535	\$803	\$1070	\$803	\$1204	\$1605	\$1338	\$2006	\$2675
Aleutians, East & West (89)	\$223	\$334	\$445	\$445	\$668	\$890	\$668	\$1001	\$1335	\$1113	\$1669	\$2225
Greater Juneau Area (321)	\$803	\$1204	\$1605	\$1605	\$2408	\$3210	\$2407	\$3611	\$4815	\$4013	\$6019	\$8025
Valdez, Cordova, (125)	\$313	\$469	\$625	\$625	\$938	\$1250	\$938	\$1406	\$1875	\$1563	\$2344	\$3125
Nome, Wade Hampton Yukon-Koyukuk (71)	\$178	\$266	\$355	\$355	\$533	\$710	\$533	\$799	\$1065	\$888	\$1331	\$1775
Northwest Arctic (36)	\$90	\$135	\$180	\$180	\$270	\$360	\$270	\$405	\$540	\$450	\$675	\$900



Enclosure 2: Final Minimum Rent Analysis & Schedule

ANNUAL FEE												
FAIRBANKS DISTRICT OFFICE												
Boroughs/ Census Areas Impact >	0.1 – 5 ACRES			5.1 – 10 ACRES			10.1 – 15 ACRES			15.1 – 25 ACRES		
	Minimal	Moderate	High	Minimal	Moderate	High	Minimal	Moderate	High	Minimal	Moderate	High
Fairbanks North, S'east Fairbanks, Denali (107)	\$268	\$401	\$535	\$535	\$803	\$1070	\$803	\$1204	\$1605	\$1338	\$2006	\$2675
North Slope (36)	\$90	\$135	\$180	\$180	\$270	\$360	\$270	\$405	\$540	\$450	\$675	\$900
Yukon-Koyukuk (71)	\$178	\$266	\$355	\$355	\$533	\$710	\$533	\$799	\$1065	\$888	\$1331	\$1775

CONCEPTUAL OVERVIEW

The Office of Valuation Services has been tasked with the mission of updating and standardizing a state-by-state process of charging fees for individual, sometimes incidental, non-linear uses of small tracts of BLM land. Historically, these fees were established based on linear rights-of-way formulas, comparable fees established by other federal agencies, or appraisals, as dictated by 43 CFR§2806.50:

When neither the linear nor the communication use rent schedule is appropriate, BLM determines your rent through a process based on comparable commercial practices, appraisals, competitive bid, or other reasonable methods.

Setting rents is difficult as there are no generally acceptable standards or methods in setting rents to cover a broad range of uses over a wide geographic area.

In the past, these types of rents were based on surveys of other federal agencies; set arbitrarily and adjusted based on demand, or established by individual appraisals. However, individual real estate appraisals are not economically feasible as the time and cost associated with an appraisal is often substantially higher than the economic benefit to the government with regards to the compensation achieved. Furthermore, appraisal methodologies such as market rent surveys do not translate well for establishing such rent schedules. This is because when considering market rent, the term “market” implies the presence of potentially competing renters for a specific property type along with competitive property owners interested in attracting at least one of those renters. In short, market rent requires that a competitive market exist. Given that small land use authorizations (including linear right-of- ways) are site specific and generally non-competitive, they are not market orientated uses. That is, there are **not** multiple users competing for use of a property where there are multiple substitute properties.

Given the nature of this assignment--- to assist BLM in their development of a statewide fee schedule for sites under 25 acres applicable to users of government land--- it was necessary to consider alternative methods that are more attune to economic reasoning than traditional valuation methodology. Nonetheless, these methods find there basis in those used by other federal agencies.

Intended BLM users of this fee schedule should exercise reasonable judgment in assessing the impact to the proposed rental sites. While the preceding charts provide exact values within the acreage ranges, there is great leeway for the intended users (BLM staff) to interpret the category of use and degree of impact. For instance, a take-off and landing area may only be used intermittently so a fee in the minimal range may be appropriate. And yet, some surface disturbance may be required to clear a rudimentary runway, resulting in a level of exclusivity for the permit holder, and resulting in a moderate to high impact rating. The BLM staff user will have to use some judgment as to the level of impact, depending on the terms of the permit.

Time constraints may also require interpretation with regard to the degree of impact. Use of BLM land as a staging area for a day use may be interpreted as minimal, even though use is exclusive and intense.

SCOPE OF THIS ASSIGNMENT

When determining an appropriate alternative methodology, I relied on the following scope of work:

- I determined if Alaska was operating under an existing minimum rent schedule, or if a schedule needed to be established. I located a survey from March of 2011 that indicated that the Alaska BLM had developed a fee schedule similar to the ROW schedule. Minimum annual rental of \$400 to \$900 was charged for remote possessory leases and \$200 to \$250 was charged for remote non-possessory leases. The schedule did not appear to be borough specific, nor minimum site size specific. (This rent analysis and new rent schedule appears to be reasonable consistent with the existing schedule, although the extension of the rates onto >15 acre tracts creates rental fees that are ostensibly greater.)
- I surveyed other federal agencies, state agencies and private parties for information that might provide data within the context of comparable commercial practices. The State of Alaska, through the Department of Natural Resources, has a fee schedule generally based on a rate of 5% of the underlying land value. Likewise, the Alaska Railroad Corporation has a long term rental policy based on a fee of 8% of land value, although the ARC considers rentals to be based on commercial land values.
- I referenced the Code of Federal Regulations, specifically 43 CFR, Public Lands: Interior, for guidance as to how fees had been established for similar land use. The only applicable codes referenced Linear right-of-ways, Mineral, hydrologic, geothermal and telecommunication uses, with formula-based fee schedules. There was little specific guidance for determining non-linear right of way rental fee schedules. Again, reference 43 CFR§2806.50 is invoked here to rationalize the methodology herein:

When neither the linear nor the communication use rent schedule is appropriate, BLM determines your rent through a process based on comparable commercial practices, appraisals, competitive bid, or other reasonable methods.

METHODOLOGY

After careful consideration, I determined the Rate of Return to Land would provide a reasonable basis for opening rent for use of government lands. This method is similar to that used for the linear ROW schedule used by BLM under 43 CFR 2800, 2880, and 2920.

Derivation of the per Alaska Borough rental rate employed a five step process¹:

1. Determine the LAND VALUE ESTIMATE per area. (State of Alaska, Department of Natural Resources data base was researched.)
2. Derive a RATE OF RETURN. (See following derivation)
3. Determine an ENCUMBRANCE FACTOR. (See following discussion)
4. Apply the RATE OF RETURN to the LAND VALUE ESTIMATE, then multiply the per acre value times the largest acreage size in each of the size brackets (0.1-5 acres, 5.1-10 acres, 10.1-15 acres, 15.1-25 acres). This is the 100% encumbrance rental rate for that size bracket.
5. Apply 50% and 75% to the 100% value from #4 to arrive at a minimal and moderate rate based pm the interpreted level of impact.

LAND VALUE ESTIMATE

Estimating land value over a large geographical area is difficult to say the least. However, given the predominately rural nature of BLM land, using remote land values as the basis for this type of analysis is reasonable. Support for using the USDA/NASS published reports on land value is provided by Congress, which specifically endorsed the use of this data for rental determination purposes when it passed the “National Forest Organizational Camp Fee Improvement Act of 2003” (Pub. L. 108–7) (16 U.S.C. 6231). This law established a formula for determining rent for organizational camps located on NFS lands by applying a 5 percent rate of return to the average per acre land and building value, by state and county, as reported in the most recent NASS Census. The law also provided for a process to update the per acre land values annually based on the change in per acre land value, by county, from one census period to another.

Alaska, however, has relatively little agricultural land, and while the Department of Agriculture does publish statistical data for agricultural land, it has proven to be too limiting for the variety of areas involved. I was able, however, to access the State of Alaska’s Rural Residential land sales via the Department of Natural Resources website. <http://dnr.alaska.gov/mlw/appraise/sold>. I believe this data is a suitable proxy for the NASS data. Within the extensive data base I captured just under 1,000 rural residential land sales that ranged from 1 to 25 acres, between 2010 and 2014. I filtered the sales data based on the following parameters:

¹ This method is recognized in other agencies as being a reasonable and well received method of rent determination. Indeed, under the authority of 16 U.S.C. 792-828c; and 42U.S.C. 7101-7352, the Federal Energy Regulatory Commission established an annual per-acre rental fee based on an adjusted per-acre value multiplied by an encumbrance factor multiplied by the rate of return multiplied by the annual adjustment factor. This formula was established after a lengthy legal challenge and public comment period.

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1. Sales were categorized in data sets for location in Southcentral, Southeast, Northern and Statewide Alaska.
2. I recognized that sales were both by auction and over-the-counter, however, this difference was not significant in very rural land sales. Remote tracts with difficult access could be isolated within the data sets and regardless of terms of sale, (over-the-counter and auction) prices were relatively consistent for specific areas.
3. I omitted “outlier” sales data. Sales that were wildly out of line with other sales were omitted from consideration. These outliers were more prevalent within very small acreages; generally sales of 1 to 2 acres had a significant number of outliers and suggested a minimum threshold value recognized by the market, or the presence of improvements. Neither of these conditions were considered appropriate for the market rent determination.
4. I selected random sales within each of the data sets (Southcentral, Southeast, Northern and Statewide Alaska) for verification of locational value attributes. That is, I checked actual locations of the random sales to verify their location within a specific district and then compared the implied per acre values against sales in other districts to see if trends were consistent. This corroborated the relationship between land values and location, i.e. sales in the Kenai Borough were relatively consistent with sales in the Valdez and Cordova Boroughs. Surprisingly, sales in the Greater Juneau Area were far greater than any other Borough and attributable to the small amount of actual private land available in that area. Southcentral data (greater Anchorage area) proved to be the largest data set by far and value estimates in the Anchorage Borough have the highest degree of confidence. As a benchmark of land value, it was then reasonable to find land values falling within ranges relative to Anchorage, i.e., Valdez, Cordova, Mat-Su, and Kenai slightly less and Aleutians and Yukon-Koyukuk far less. Again, the Greater Juneau Area proved to be an anomaly, however, the lack of available private land and relative demand appears to be influencing land values.
5. With very few sales occurring in the North Slope and Arctic area, I researched recent sales from the U.S. Fish and Wildlife Services’ recent acquisitions in northern Alaska. I then applied a discount to the State’s Department of Resources Northern data set to account for the extremely rural and inaccessible condition of much of the North Slope of the Fairbanks District and the Northwest Arctic Borough in the Anchorage District.
6. I relied on the Bureau of Land Management’s Alaska Boroughs and Census Areas map to identify District Offices and corresponding boroughs and census area.
7. I assigned a representative small tract per acre land value to the nine Anchorage District Boroughs and the three Fairbanks District Boroughs. The per acre values were consistent with the limited NASS data agricultural land values, with respect to location. That is, the Greater Juneau Area values were the highest, followed by Anchorage Area, the Kenai Peninsula values, the Fairbanks values, followed by the Aleutian Island values. (This was the extent of the NASS data coverage.)
8. I applied the representative land values to the Rate of Return as derived herein, to determine the Base Land Values.

BASE LAND VALUES

(Numbers in parenthesis in the previous tables)

Anchorage District			Fairbanks District		
Borough (Area)	Representative Land Value \$/acre	Base Land Value (Adj. Land Value times the Rate of Return 3.57%)	Borough (Area)	Adj.Land Value \$/ acre	Base Land Value (Adj. Land Value times the Rate of Return 3.72%)
Gr. Juneau	\$9,000	\$321	Fairbanks North, Southeast Fairbanks, Denali North Slope Yukon-Koyukuk	\$3,000	\$107
Anchorage	\$4,000	\$143			
Valdez, Cordova	\$3,500	\$125			
Kenai	\$3,500	\$125			
Denali,Matanuska Susitna	\$3,000	\$107			
Kodiak, Lake & Peninsula, Bristol Bay, Dillingham, Bethel	\$3,000	\$107			
Aleutians, East & West	\$2,500	\$89			
Nome,Wade Hampton, Yukon Koyukuk	\$2,000	\$71			
Northwest Arctic	\$1,000	\$36			

RATE OF RETURN

A rate of return is an income rate that expresses the relationship between rent (income) and the corresponding land value (capital). It is similar to a capitalization (cap) rate that an investor uses to convert income into an indication of value (direct capitalization) when analyzing income producing properties--- **net income divided by cap rate is an indication of value**. Cap rate, the ratio of income to the property value, is among the most widely used variables to quantify property values and plays an important role in real estate investment decisions. In reverse, a rate of return can be used to indicate rent--- **land value multiplied by a rate of return is an indication of rent (income)**.

Cap rates are typically extracted from sales of income producing properties. However, given the uniqueness of government property an alternative method is required to opine a reasonable rate of return. In theory, a cap rate, or in this case, a rate of return, is the sum of four components: Expected Inflation, Real Return, Risk Premium, & Recapture Premium.

Expected Inflation

By definition, an investment is the commitment of capital in exchange of a monetary benefit, or a return (income). Investors require a **return of capital invested** as a prerequisite for committing capital to a given venture or property. This required return should first provide for the preservation of the purchasing power of invested capital through time. Hence, the first component of required return is expected inflation, so that the purchasing power of invested capital will not decline through time. Ideally, this component is estimated based on inflation rate forecasts, however, many analysts use an average inflation rate over the past five or ten years.

The Consumer Price Index (CPI) averaged over the past five years as published by Bureau of Labor Statistics (<http://www.bls.gov/home.htm>) was used to project expected inflation.

Year	CPI
2010	1.60%
2011	3.20%
2012	2.10%
2013	2.10%
2014	1.60%
Average	2.12% Expected Inflation

Real Return

The second component of required return is the real return, which is the true monetary benefit that the investor will gain from committing his/her capital--- *return on capital*. This is typically estimated as the difference between the rate on government securities and the inflation rate reflecting a risk free rate or safe rate.

Using the average 30-year Treasury bond rate over the past six years is reasonable for estimating a real return on real estate. This is in tune with ground lease rates and is what the government is paying as a fair return to those who invest in the U.S. Government (<http://www.treasury.gov>).

Year	Rate
2010	4.25%
2011	3.91%
2012	2.92%
2013	3.45%
2014	3.32%
Average	3.57%

Deducting the five year average rate of expected inflation from the 30 year Treasury bond rate results in the real return as illustrated in the following chart.

Real Return Calculation	
Year Average 30-Year Bond Rate	3.57%
5 Year Average Expected Inflation	<u>2.12%</u>
Real Return	1.45%

Risk Premium

A property investment is actually an investment in the property's future income earning capacity. However, there is a lot of uncertainty with this future income earning capacity. This risk is the uncertainty associated with the future income stream and the value of the property. Within this context, real estate investors require a risk premium on top of inflation and real return. The risk premium for a given property depends on the quality of the tenants occupying the property, the length of existing contracts, the property's occupancy rate, the strength of the property's location and expectations regarding the prospects of the economy and the local real estate market.

Since government owned land is not an investment per se, no risk is associated with leasing unimproved government owned vacant land and for this type of analysis, a risk premium is not warranted.

Recapture Premium

Finally, investors require a recapture premium in the case of improved property investments, since improvements depreciate or lose value through time. Since the value of the property represents the owner's invested capital, it follows that by the end of the physical life of improvements, when its value becomes theoretically zero, the investor loses its capital. The purpose of the recapture premium is to replace this capital loss through time. Thus, if the physical life of an improvement is 50 years the recapture premium should be 2% on an annual basis. If we assume though, that the capital that is recaptured every year is reinvested (sinking fund approach) then a less than 2% recapture rate will be required. Since my analysis involves unimproved government owned land, no recapture premium is warranted.

Rate of Return Conclusion

The Rate of Return is estimated as the sum of the four components as discussed above and illustrated in the following:

Expected Inflation	2.12%
Real Return	1.45%
Risk Premium	---
<u>Recapture Premium</u>	<u>---</u>
Rate of Return	3.57%

As an added test of reasonableness for the rate of return analysis above, I considered sales and offerings of properties encumbered with an absolute net lease (also known as a bond lease and reflective of ground leases) as these types of encumbrances are most similar to the characteristics associated with government Land Use Authorizations (LUAs). That is, bond lease tenants are similar to an LUA user in that they would perform all obligations related to the premises including the construction and maintenance of improvements and are fully

responsible--- in essence the only responsibility of the property owner is to cash the rent checks. In the private sector, these types of leases are known as “hell-or-high-water leases” meaning that regardless of what occurs on or off the property, the tenant is obligated to pay rent. Therefore, the credit worthiness of the tenant is similar to a company’s bond rating--- hence, the term bond lease. That is, a strong credit tenant is generally referred to as an investment grade tenant and considered economically similar to an investment grade bond secured by real property. The advantage in leasing to a credit tenant is strong and stable income steam that is risk averse, even when there are negative changes to market conditions.

The following chart illustrates median asking cap rates for properties offered for sale based on the companies that occupy the real estate.

Median Asking Cap Rates by Company Occupied Real Estate

Company	Cap rate	S & P Rating	Risk
McDonald's	4.05%	A	0.33%
Chase	4.60%	A+	0.88%
Wells Fargo	4.70%	AA	0.98%
Bank of America	4.75%	A	1.03%
7-Eleven	5.50%	AA-	1.78%
CVS	5.50%	BBB+	1.78%
Walgreens	5.58%	A	1.86%
AutoZone	5.69%	BBB	1.97%
Advance Auto Parts	6.40%	BBB	-2.68%
Dollar General	6.50%	BB	2.78%
FedEx	6.50%	BBB	2.78%

As shown, there is a relationship between a company’s Standard & Poor’s bond credit rating and real estate cap rate (or rate of return). Extracting the risk premium from the cap rate, further illustrates the association between risk, bond rating, and cap rates.

These added tests of reasonableness support a rate of return conclusion of **3.57%**.

THE ENCUMBRANCE FACTOR

The Encumbrance Factor (EF) reflects the intensity of the proposed use and corresponding impact on the land. An encumbrance factor is mostly considered in easement valuations, i.e., the impact an easement has on market value. Easement valuations are reflected in differences in market value before & after the imposition of an easement. That is, a property is first valued without an easement and then valued with an easement; the difference in value being the easement’s impact on value. Studies regarding the impact on value that a specific easement (or use) will have when it partially encumbers a property is time intensive and costly to perform. Hence, the enactment of the law regarding the BLM Linear Right-of-Way schedule and the development of a non-linear right-of-way schedule. Because of the time and cost, published

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studies are typically utilized and referenced when categorizing uses in determining an Encumbrance Factor.

One such study was conducted and published by Donald Sherwood, MAI, SRWA in the May/June 2006 edition of the Right Of Way magazine, a portion of which is represented as follows:

Easement Valuation Matrix

Percentage of Fee	Comments	Potential Types of Easements
90% - 100%	Severe impact on surface use. Conveyance of future uses.	Overhead electric Flowage easements Railroad ROW Irrigation canals Access roads
75% - 89%	Major impact on surface use. Conveyance of future uses.	Pipelines Drainage easements Flowage easements
51% - 74%	Some impact on surface use. Conveyance of ingress/egress rights	Pipelines Scenic Easements
50%	Balanced use by both owner and easement holder	Water line Sewer line Cable line Telecommunication lines

High Impact (100%)

Characteristics of significant impact of non-linear right-of-way grants or permits warranting a higher rent include: a relatively on going occupation, an exclusivity of use (no other uses would be possible), an industrial type uses, large fenced areas, significant surface disturbance and/or ongoing disruption, high visual impacts, and little or no flexibility as to location. For high impact uses, I have concluded an Encumbrance Factor of **100%** to be applied to land value.

High impact uses might include:

- Electric transformer stations
- Pump and compressor stations
- Equipment storage sites
- Boat dock or warf site
- Fish hatchery site
- Maricultural sites (farming marine products with upland facilities)
- Portal or tunnel sites
- Sewage lagoons
- Water treatment sites
- Large, fenced and gated staging areas for recreation or sport events
- Parking areas with intense use
- Take off and landing sites

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- Shooting ranges, guide camps, dog sled touring sites
- Log storage sites

Moderate Impact (75%)

Characteristics of moderate impact non-linear right-of-way grants or permits include small sites where the uses and impacts are minimal because the area and/or uses are short term, intermittent, and/or may be quasi-commercial in nature.

For moderate impact uses, I have concluded an Encumbrance Factor of **75%** to be applied to land value. Moderate impact uses might include:

- Small permanent sign sites
- Gates
- Culverts
- Water pipeline and tank sites
- Historic or commemorative monuments
- Small temporary staging areas for sporting events
- Seasonal work camp or outfitter sites
- Cultural arts or educational events
- Sample collecting
- Research site Conex sites
- Passive reflector sites
- Farm equipment and machinery storage yard
- Large intermittent storage areas
- Highway signs
- Seasonal recreation uses such as camping areas or staging areas for races

Minimal Impact (50%)

Characteristics of minimal impact non-linear right-of-way grants or permits include small sites that are both temporary and long term or permanent, seldom visited, can be easily relocated if necessary, include smaller disturbed or enclosed areas, have little or no ongoing surface disturbance. Typically, these sites can accommodate multiple uses. For instance, a minor water or air quality site would accommodate public access.

For minimal impact uses, I have concluded an Encumbrance Factor of **50%** to be applied to land value. Minimal impact uses might include:

- Mail box sites
- Water and air quality monitoring sites
- Minor water control berms and earthwork
- Seasonal pivot crossings
- Temporary agricultural product storage site

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The degree of impact requires a significant level of interpretation on the part of BLM staff that will implement this schedule. Along with the small size and often unique aspect of these land use authorizations comes an implied level of temporariness, adding another layer of interpretation to the authorization. In its most rudimentary interpretation, this rent schedule represents the minimum amount that should be applied to a land use authorization.

End.



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
Alaska State Office
222 West Seventh Avenue, #13
Anchorage, Alaska 99513-7504
<http://www.blm.gov>

In Reply Refer To:
2800, 2900 (940) P

AUG -7 2015

Instruction Memorandum No. 2015-
Expires: September 30, 2016

To: District and Field Managers

From: State Director

Subject: Rent for Remote Non-linear Rights-of-Way, Permits and Leases

Program Area: Lands and Realty

Purpose: This Instruction Memorandum (IM) contains the guidance to inform managers and realty staff that they may elect to apply the attached minimum rental schedule for remote parcels of land to establish the fair market value rather than requesting individual appraisals.

Policy/Action: The Division of Lands, Minerals and Cadastral Survey, Washington Office (WO-350), requested that the Office of Valuation Services (OVS) prepare a nationwide rental fee schedule to reduce the need and expense of requesting individual appraisals to determine rent for the various types of land use authorizations provided under Section 302, and when applicable, under Section 504 of the Federal Land Policy and Management Act of 1976, as amended.

Regulation at 43 CFR § 2920.8 directs the Bureau of Land Management (BLM) to collect rent based either upon the fair market value of the rights authorized in a land use authorization or as determined by competitive bidding. Regulation at 43 CFR § 2806.50 directs the BLM to establish fair market rent for right-of-way grants that are not appropriate under the linear or communication site schedules. In no case shall the rental be less than fair market value.

In accordance with the above regulations, the OVS completed the attached April 2015 *Minimum Rent Analysis & Schedule-Alaska Districts* (schedule) that provides a rental fee for land use authorizations/non-linear rights-of-ways for each of Alaska's district and field offices to maintain a consistent approach to determining fees for annual rentals for minimum land use authorizations on federal lands throughout the state for areas of 25 acres or less. The nationwide template schedule utilizes the National Agricultural Statistical Service' (NASS) that reports agricultural land values by state and county and is published every 5 years. The

OVS used the latest report and adjusted the values to appropriately reflect public land rent values. For a more detailed explanation of how the values were derived, see the attached rent study report. Before using the schedule, it is important that the realty specialist read the report and OVS' memo in their entirety.

The OVS organized the schedule by district office and boroughs or census areas under that district office's jurisdiction. Each borough or census area has a per acre rent value which is adjusted depending on the intensity of the use by 50 percent for minimum impact, 75 percent for moderate impact, and 100 percent for high impact. The realty specialist will select the appropriate borough or census area, identify the range of acreage the use falls within and select the severity of the impact to arrive at the estimated annual rental for the proposed use. The Greater Juneau Area (Southeast Alaska) land value per acre is considerably higher than in other Alaska boroughs or census areas. This area is large and diverse so the value may be more applicable in some areas than others. Exercise caution and reasonable judgment in assessing the location and impact to proposed rental sites in this area.

The examples provided under the minimum, moderate or high impact uses are not inclusive. The realty specialist may use the schedule for any use that is determined appropriate, for example to resolve certain trespass issues or apiary sites. In general, uses which involve any improvements left on the land year around such as cabin sites should be considered as having the highest impact. Again, the realty specialist must exercise discretion in assessing the impact to the proposed rental sites. While the schedule provides exact values within the acreage ranges, there is great leeway to interpret the category of use and degree of impact. If the values are low or high compared to previous annual rents, the realty specialist may consult with the OVS or request a formal appraisal through the Interior Valuation Information System (IVIS).

This schedule is not intended for filming, linear right-of-ways, communication site leases/rights-of-way, special recreation use permits, mineral, hydroelectric, geothermal, oil and gas or related uses that may require a higher annual rent or have established schedules

The BLM realty staff will use the schedule to administratively establish the rental rates to charge for non-linear rights-of-way, permit or lease authorizations located in rural and/or low intensity land use areas where individual appraisal are not economically warranted. By using the schedule, the BLM will provide consistent and fair values to the public for the use of federal lands and the BLM and the OVS will save time and a substantial amount of appraisal costs.

The BLM Alaska shall continue to utilize the schedule developed by the Chugach National Forest for commercial film permits for the calculation of rental. These fees may be applied to each staging or location area authorized.

Commercial Still Photography

Persons on Site	2015 Minimum Fee Per Day
1-10	\$142.56
11-30	\$208.35
>30	\$339.94

Motion Picture & TV Location

Persons on Site	2015 Minimum Fee Per Day
1-10	\$208.35
11-30	\$274.15
31-60	\$690.85
>60	\$756.66

This schedule is adjusted annually and may be accessed at:

<http://www.fs.usda.gov/detail/chugach/passess-permits/event-commercial>

Timeframe: Immediately through September 30, 2016.

Budget Impact. It is anticipated that the adoption of this minimum rental schedule will improve the efficiency of BLM Alaska realty program and result in significant savings to both the public and the Department of Interior. There will be a decrease in workload associated with the appraisal for these types of lands actions.

Background: BLM Alaska faces a significant, continuing budget reduction associated with its Lands and Realty activities (LI4400000). Many of the applications submitted to the Bureau by the State of Alaska or rural communities are exempt from cost recovery. The reduction in the cost and time involved in appraising these types of facilities authorized by grant or permit, lease or easement will help to offset the program's reduction in budget and in doing so, serve to expedite the application processing.

Manual/Handbook Sections Affected: The policy transmitted by this IM supplements the guidance found in BLM Manuals 2800 and 2920.

Coordination: This message has been developed by the Alaska State Office Division of Lands and Cadastral and communicated throughout its development with the district and field offices.

Contact: For information please contact David Mushovic, Acting Branch Chief, Lands and Realty at 907-271-4682.

Attachment: April 2015 *Minimum Rent Analysis & Schedule-Alaska Districts*



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

Federal Subsistence Board

1011 East Tudor Road, MS 121
Anchorage, Alaska 99503 - 6199



FOREST SERVICE

OSM 23069

Steve Oomittuk, Chair
North Slope Subsistence Regional Advisory Council
c/o Office of Subsistence Management
1011 East Tudor Road, MS 121
Anchorage, Alaska 99503-6199

Dear Chairman Oomittuk:

This letter responds to the North Slope Subsistence Regional Advisory Council's (Council) fiscal year 2022 Annual Report. The Secretaries of the Interior and Agriculture have delegated to the Federal Subsistence Board (Board) the responsibility to respond to these reports. The Board appreciates your effort in developing the Annual Report. Annual Reports allow the Board to become aware of the issues outside of the regulatory process that affect subsistence users in your region. We value this opportunity to review the issues concerning your region.

1. **Food security and preservation methods, particularly the freezing and thawing of ice throughout the season**

The Council has expressed concerns about losing the ability to use traditional practices for preserving food due to changing weather conditions. Harvested fish are traditionally preserved through natural freezing immediately after harvest, and whale meat is stored in underground cellars dug into the permafrost, which keeps the meat frozen. However, warmer conditions preclude freezing fish naturally, and the permafrost has been thawing, spoiling whale meat in cellars. Council members voiced concerns about not being able to harvest large quantities of fish for fear of the catch spoiling before getting eaten. Because of this, there is less food available to community members for sharing and consumption, contributing to higher levels of food insecurity. Council members also voiced concerns about thawed whale meat creating food poisoning issues. The Alaska Department of Fish and Game has been funding projects to buffer traditional ice cellars from thawing and the Council expressed interest in receiving updates about this research.

Response

Thank you for bringing this issue to the Board's attention. We recognize that you are uniquely positioned to offer first alerts to changing conditions and important trends that impact subsistence in your region. The Board appreciates and values the traditional knowledge, observations, and expertise you share and will direct staff to track this issue in the future. With this information, the Board is better prepared to make informed decisions. Your Council Coordinator will extend an invitation to the Alaska Department of Fish and Game to present their research to the Council at your future meeting.

2. Request to improve management and research of sport hunting and effects on caribou migration near Anaktuvuk Pass

The Council expressed concern about sport hunting for caribou near Anaktuvuk Pass. The Council strongly supports research on caribou migration patterns. The Council suggested comparing radio collar data from Alaska Department of Fish and Game and the North Slope Borough's Wildlife Division and dates and locations of hunters with migration patterns to see if there is deflection of traditional migration routes. The Dalton Highway is flooded with caribou sport hunters in August and September as well as fly-in hunters, but the areas where they are hunting have minimal enforcement. The Council inquired about implementing time and area closures during the caribou harvest, as is done for bowhead whales. Industrial activities can cause localized resource depletions by deflection. The Council suggested closures on the lands and waters immediately outside village boundaries that fall under federal jurisdiction during peak subsistence activities. The Council expressed interest in learning more about requesting rezoning around villages to reclassify an area into subsistence activity areas, similar to reclassifying zones for oil and gas development.

Response

The Board acknowledges the Council's concerns regarding sport hunting for caribou near Anaktuvuk Pass. Anaktuvuk Pass is surrounded by State-managed lands over which the Board has no authority and by National Park lands where sport hunting is prohibited. The Council can submit proposals to the Board requesting temporary spatial and temporal closures to caribou hunting on Federal public lands. The Council can also submit proposals to the Alaska Board of Game, proposing similar closures on State-managed lands.

The Federal Subsistence Management Program does not conduct research, but the Council can invite the Alaska Department of Fish and Game and North Slope Borough researchers to present at Council meetings and discuss the potential to investigate deflection of caribou during migration. Similarly, rezoning land is outside the purview of the Board but could be addressed during a Council meeting by working with your Council Coordinator to invite someone to present on the issue.

3. Effects of contaminants on fish health and food safety in Anaktuvuk Pass

The Council was concerned with the quality of fish and the ability to safely harvest them in Anaktuvuk Pass. Council members noted that biologists are rarely in the Anaktuvuk Pass region to investigate issues of fish contamination. The Council noted an instance where a fish was

harvested, but the stomach was the consistency of milk. The Council voiced concerns about the pipeline and buried corroded equipment leaching iron into the soil and surrounding sloughs and contaminating fish stocks. The Council is also concerned about population structure, abundance, and health of Lake Trout and Arctic Grayling in the area. This concern is reflected in the Priority Information Needs for the Fisheries Resource Monitoring Program.

Response

The Board's mechanism for funding fisheries research is the Fisheries Resource Monitoring Program (FRMP). The FRMP focuses on gathering information to manage and conserve subsistence fishery resources. The FRMP funds are not eligible for certain kinds of projects including: (1) habitat protection, mitigation, restoration, and enhancement; (2) hatchery propagation, restoration, enhancement, and supplementation; and (3) contaminant assessment, evaluation, and monitoring. With limited funding and continued Federal fisheries management issues, the Board chose this approach to ensure that existing responsibilities and effort by government agencies were not duplicated under the FRMP. The Board continues to encourage investigators interested in fish populations and contaminants within the scope of Federal fisheries management to explore multiple funding sources and to build collaborations with researchers in relevant fields, such as toxicology and community and environmental health.

A two-year study of the Lake Trout populations in Chandler and Little lakes was funded through the FRMP in 2016. The investigators estimated the abundance of Lake Trout and the yield potential for the population. The results of this study were presented to the Council during their winter 2019 meeting. The Board recognized Lake Trout are one of many important subsistence resources used by the community of Anaktuvuk Pass. The Board encourages the Council to continue to include Anaktuvuk Pass' research concerns in the priority information needs for the FRMP.

4. Update on Ahtna Intertribal Resource Commission cooperative management agreement with U.S. Department of the Interior

The Council requests a presentation on the cooperative management agreement between Ahtna Intertribal Resource Commission and the U.S. Department of the Interior. The Council wants to know the Ahtna people successfully managed their own quotas for moose and other resources and wants to learn from Ahtna Intertribal Resource Commission's experiences.

During the discussion, the Council asked that the Board elevate the concerns noted in the FY2022 Annual Report if the Board cannot directly address them.

Response

In 2017, the Department of the Interior (DOI) and Ahtna Inter-Tribal Resource Commission (AITRC) signed the Memorandum of Agreement (MOA) to provide AITRC with the authority to cooperatively manage certain aspects of subsistence hunting within Ahtna's traditional territory. Areas for implementation outlined in the MOA include a community harvest system, the formation of a local advisory committee, cooperative efforts to develop policies, programs, and projects for conservation and sustainable subsistence harvest within the Ahtna region, and the funding and support to build capacity within AITRC for the implementation of the MOA.

Beginning in 2021, with assistance from AITRC, the Federal Subsistence Board established a community harvest system for caribou and moose in Ahtna's traditional territory. AITRC distributes the hunt registration and harvest reporting forms to Federally qualified subsistence hunters living within the eight Ahtna traditional communities. The hunters report their harvests (or lack thereof) to AITRC, who in turn provides this information to federal subsistence managers. The Board encourages the Council to reach out to AITRC and invite them to provide a report on the successes and challenges of their community harvest system, as well as the array of other programs and research in their region.

In July 2022, AITRC asked OSM to initiate steps for establishing the Ahtna Local Advisory Committee to provide input into subsistence hunting management plans and decision-making. Because the MOA is between DOI and AITRC, OSM forwarded the request to DOI to determine next steps. The MOA and draft charter for the Ahtna Local Advisory Committee is currently under review by DOI.

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

Sincerely,

Anthony Christianson
Chair

cc: North Slope Subsistence Regional Advisory Council
Federal Subsistence Board
Office of Subsistence Management
Interagency Staff Committee
Benjamin Mulligan, Deputy Commissioner, Alaska Department of Fish and Game
Mark Burch, Special Project Coordinator, Alaska Department of Fish and Game
Administrative Record

Subsistence Regional Advisory Council Correspondence Policy

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

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

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

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

Policy

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

Current Subsistence Regional Advisory Council Correspondence Policy

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

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

Subsistence Regional Advisory Council Correspondence Policy

The intent of the Subsistence Regional Advisory Council (Council) correspondence policy is to ensure that Councils can correspond appropriately with the Federal Subsistence Board (Board) and other entities. In addition, the correspondence policy will assist Councils in directing their concerns in an effective manner.

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

The Secretaries of the Interior and Agriculture created the Board and delegated responsibility for implementing the Title VIII rural subsistence priority regarding fish and wildlife resources on Federal public lands and waters. The Board was also given the duty of establishing rules and procedures for the operation of the Councils in accordance with the requirements of the Federal Advisory Committee Act. The Office of Subsistence Management (OSM) was established to facilitate the work of the Federal Subsistence Management Program.

Policy

1. **Council correspondence shall be limited to subsistence-related matters, including matters related to the operation of the Federal Subsistence Management Program, and issues relevant to the subsistence way of life.**
2. Councils may and are encouraged to correspond directly with the Board. The Councils are **advisory bodies** to the Board.
3. Councils are urged to make use of the annual report process to bring matters to the Board's attention.
4. Types of communication encompassed by this policy include but are not limited to the following: letters of support, resolutions, letters offering comment or recommendations, **ANILCA §810 comments (subsistence and land use decisions)**, and any other correspondence to any government agency or any tribal or private organization or individual.
5. The correspondence process is as follows:
 - **Councils shall discuss and agree upon the contents of proposed correspondence during a public meeting.**
 - Council Coordinators draft the correspondence in accordance with the Council's position.
 - Council Coordinators will transmit all draft correspondence to the Assistant Regional

- Director (ARD) of OSM for review prior to mailing, except as noted in items 6, 7, and 8 of this policy.
- Recognizing that such correspondence is the result of an official Council action and may be urgent, the ARD will complete this review in a timely manner.
 - Modifications identified as necessary by the ARD will be discussed with the Council Chair. **Council Chairs have the final authority to approve letters.**
6. Councils may submit notification of appointment directly to Subsistence Resource Commissions under §808 without review by the ARD of OSM.
 7. **Councils may submit comments regarding proposed regulatory changes affecting subsistence uses within their regions to the Alaska Board of Fisheries and the Alaska Board of Game without review by the ARD of OSM. The comments will be channeled through the appropriate OSM division(s) supervisors for review. A copy of comments or proposals will be forwarded to the ARD when the original is submitted.**
 8. Administrative correspondence such as letters of appreciation, requests for agency reports at Council meetings, and cover letters for meeting agendas will be channeled through the Council Coordinator to the appropriate OSM division(s) supervisor for review.
 9. **Due to Hatch Act restrictions, Councils may not communicate with elected officials political appointees in other Federal agencies. Councils further may not write Secretaries of Federal agencies or their offices, and instead may write to the Board to request that the Board relay correspondence on relevant subject matters of interest to the Secretaries of the Interior or Agriculture or to other Federal agencies at the Secretarial level.** This does not prohibit Council members from acting in their capacity as private citizens or through other organizations with which they are affiliated.
 10. Councils will submit copies of all correspondence generated and received by them to OSM to be filed in the administrative record system.

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

Revised by the Federal Subsistence Board on XXXXXXXX.



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

**Don Hernandez, Chairman
1011 E. Tudor Road, MS121
Anchorage, Alaska 99503-6199**

**In Reply Refer To:
RAC.SE.DP.23001**

MAY 12 2023

Anthony Christianson, Chair
Federal Subsistence Board
c/o Office of Subsistence Management
1011 East Tudor Road, Mail Stop 121
Anchorage, Alaska 99503

Dear Chairman Christianson:

I am writing to you on behalf of the Southeast Alaska Subsistence Regional Advisory Council (Council), to express our continuing concerns for the protection of subsistence fishery resources in international Transboundary River watersheds of the Taku, Stikine, and Unuk Rivers that originate in British Columbia and flow into Southeast Alaska. In a previous letter, dated January 24, 2017, the Council informed the Federal Subsistence Board (Board) that it was encouraged by reports that there had been communications between former Lt. Governor Byron Mallott and Canadian officials regarding interest in and cooperation towards protecting transboundary river watersheds. The Council asked the Board to forward a letter to Lt. Governor Mallott, sharing the Council's concerns about transboundary mining issues, with a request that the Lt. Governor's office send a letter to the Department of State, expressing his desire to work in conjunction with the Alaska Congressional Delegation to advance this issue at the federal and international levels. The Board forwarded the Council's letter of concern and request to the Lt. Governor in 2017, however we did not receive a response. Since that time there has been a change in administration to Governor Dunleavy and Lt. Governor Dahlstrom.

In its FY2021 Annual Report Reply, the Board requested that the Council resubmit their transboundary mining concerns in the form of a new letter to the Board and committed to elevate Council concerns to Lt. Governor Dahlstrom. The Council wishes to start with State support in its endeavor to protect watersheds and fishery resources that are vital to southeast Alaskans. The Council hopes that the Lt. Governor entertains the request for her to engage with the Department of State and Alaska's current Congressional Delegation to seek preemptive solutions.

Therefore, the Council specifically requests that the Board:

- 1) Write a letter to the Lt. Governor regarding large scale mining development in British Columbia, Canada, requesting support from the State to advocate for the protection of the international watersheds and fishery resources for subsistence uses.
- 2) In this letter, include a request for the Lt. Governor to engage with the Department of State and our Congressional Delegation to effectively address this issue.

The Council hopes that, as a result of engagements at these levels of government, the Department of State will take the lead in collaborating with Canada to openly address the transboundary mining issue and proactively resolve the concerns of subsistence users that depend on the health of transboundary rivers.

For your convenience, the Council has prepared and attached a draft letter from the Board to the Lt. Governor. We have also included two resolutions from the Alaska Congressional Delegation to the Secretary of State that enumerate detailed concerns from constituents and their governmental representatives. Please consider including these documents as enclosures to the letter if the Board deems it appropriate.

The Council continues to receive new information on the impacts that mining is having on resources utilized by subsistence users through testimony (also, see attached resolutions: Sitka Resolution 21-21 and Craig Resolution 21-18), and the Council members believe it is important to again alert those who can take action to protect the rivers that Southeast coastal communities rely on for sustainable resources and subsistence uses.

Thank you for supporting the Council's concern for an issue of vital importance to the subsistence needs of Southeast Alaska.

If you have any questions regarding this letter, they can be addressed through our Council Coordinator DeAnna Perry at 907-209-7817 or deanna.perry@usda.gov.

Sincerely,



Donald Hernandez,
Chair

Enclosures

cc: Federal Subsistence Board
Southeast Alaska Subsistence Regional Advisory Council Members
Office of Subsistence Management
Interagency Staff Committee
Benjamin Mulligan, Deputy Commissioner, Alaska Department of Fish and Game
Mark Burch, Special Projects Coordinator, Alaska Department of Fish and Game
Administrative Record

CITY AND BOROUGH OF SITKA

RESOLUTION NO. 2021-21

A RESOLUTION OF THE CITY AND BOROUGH OF SITKA URGING THE UNITED STATES GOVERNMENT TO ADVOCATE FOR A PERMANENT BAN ON TAILINGS DAMS AND FOR A TEMPORARY HALT TO THE PERMITTING, EXPLORATION, DEVELOPMENT, AND EXPANSION OF CANADIAN MINES ALONG ALASKA-BRITISH COLUMBIA TRANSBOUNDARY SALMON RIVERS UNTIL THE UNITED STATES-CANADA BOUNDARY WATERS TREATY OF 1909 AND THE UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES ARE UPHELD AND AN INTERNATIONAL AGREEMENT ON WATERSHED PROTECTIONS IS IMPLEMENTED

WHEREAS, the Boundary Waters Treaty of 1909 was signed to prevent and resolve disputes over the use of shared waters between the United States (U.S.) and Canada, declaring in Article IV that, "it is further agreed that the waters herein defined as boundary waters and waters flowing across the boundary shall not be polluted on either side to the injury of health or property on the other;" and

WHEREAS, the Alaska-British Columbia (B.C.) Memorandum of Understanding and associated Statement of Cooperation on Protection of Transboundary Waters signed by the State of Alaska and the Province of B.C. in 2015 are important, but cannot provide binding, enforceable protections for the residents, rivers, and watersheds of the Alaska-B.C. transboundary region; and

WHEREAS, inadequately regulated Canadian hard rock mines in Northwest B.C., most of which are large-scale and open-pit, are occurring in known acid-generating ore bodies near the transboundary Taku, Stikine, and Unuk Rivers shared with Southeast Alaska, producing massive tailings dams that have to store toxic waste forever, expansive waste rock storage facilities, the need for perpetual water treatment, roads, and other infrastructure, as well as threatening (both in the short term and on geological timescales) the productivity and ecological health of these watersheds through cumulative impacts, contamination, habitat destruction, and/or possible catastrophic failures; and

WHEREAS, the Taku, Stikine, and Unuk Rivers are of tremendous and unique cultural, ecological, subsistence, economic, and recreational value as Indigenous people from several Nations have stewarded the Alaska-B.C. transboundary region since time immemorial and this region is now home to nearly 80,000 people in dozens of communities; and

WHEREAS, the Southeast Alaska Indigenous Transboundary Commission - a consortium of fifteen federally recognized Tribes in Southeast Alaska - in 2018 submitted a petition to the Inter- American Commission on Human Rights, asserting that Canada has violated their human rights by failing to prevent foreseeable harms from hard rock mines in B.C., and on March 31, 2021 sent a request to B.C. Premier Horgan for a pause in the permitting of B.C. mining projects in Alaska- B.C. transboundary watersheds until an agreement is made regarding Alaska Tribal participation in ongoing permit decisions pursuant to the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP); and

WHEREAS, the clean water and intact habitat of Alaska-B.C. transboundary watersheds are historically some of the most productive wild salmon rivers on the entire west coast of North America, with the Taku, Stikine, and Unuk Rivers alone contributing nearly \$50 million in economic activity, \$34 million in direct spending, over 400 jobs and almost \$20 million in labor income towards Southeast Alaska's annual multi-billion dollar fishing and visitor industries; and

WHEREAS, the leaching of heavy metals to groundwater and sediment from mining can contaminate freshwater systems for decades, preventing recovery of fish populations many years after the cessation of mining activity and posing a risk to human health, and B.C.'s Tulsequah Chief mine in the Taku River watershed has been abandoned and leaching acid mine drainage since 1957; and

WHEREAS, B.C.'s environmental assessment process does not set legal requirements or standards for assessing cumulative effects of existing and proposed development, and B.C.'s open-pit Red Chris mine has been operating at the headwaters of the Stikine River since 2015, the entire riparian corridor of the Iskut River, the largest tributary of the Stikine River, is staked with B.C. mineral claims, B.C.'s Kerr-Sulphurets-Mitchell project (KSM), if built as proposed in the Unuk-Nass River watersheds, would be the largest open-pit mine in Canada and one of the largest in the world, and more than half of the B.C. portion of the Unuk watershed is staked with mineral claims; and

WHEREAS, the Taku, Stikine, and Unuk Rivers are experiencing a decline in wild salmon populations, resulting in the Alaska Department of Fish and Game listing Chinook salmon in the Unuk River as a Stock of Concern in 2017 and will soon list Chinook salmon in the Taku and Stikine Rivers as Stocks of Concern; and

WHEREAS, on June 30, 2021, Canada's Department of Fisheries and Oceans eliminated 60% of its commercial salmon fleet in B.C. due to poor returns and declining populations - some near 90% declines - resulting in the largest set of commercial salmon fishery closures in B.C. history, while simultaneously B.C. continues to permit industrialization of the headwaters (spawning and rearing grounds) of some of its largest salmon producing systems; and

WHEREAS, the risk of natural forces such as extreme precipitation events and landslides, which are becoming more common due to climate change, add further instability to the mining infrastructure and could trigger catastrophic failure of the tailings waste dams and thereby release contaminants into the Taku, Stikine, and Unuk waterbodies and are inadequately addressed in B.C. mine operations designs; and

WHEREAS, following B.C.'s Mount Polley mine disaster in 2014 an expert panel appointed by the B.C. government found that if mining companies continue their business-as-usual operations the province could face an average of two dam failures every ten years and the same expert panel reported there are 123 active tailings dams in B.C.; and

WHEREAS, the Auditor General of B.C., in her report issued on May 3, 2016, found that the B.C. Ministry of Energy and Mines and Ministry of the Environment's "compliance and enforcement activities of the mining sector are inadequate to protect the province from significant environmental risks", and according to a 2017 report by the United Nations Environment Programme, Canada has the world's second-worst record for mine tailings spills after China, with seven incidents reported in the previous decade; and

WHEREAS, the June 2021 Audit of Code Requirements for Tailings Storage Facilities by B.C.'s Mine Audits and Effectiveness Unit, has found provincial mining code changes developed after the Mount Polley disaster lack the definition needed to ensure compliance, verification and enforcement--which means communities and the environment across the province lack full protection against the potentially catastrophic consequences of tailings dam failures that B.C.'s new mining code was meant to provide; and

WHEREAS, B.C. touts itself to U.S. officials and potential investors as a world-class marketplace for responsibly-sourced metals and a mining jurisdiction with highly positive ESG (Environment, Social, Governance) outcomes and yet, B.C. is supporting widespread exploration and the permitting of open pits and tailings dams at mine sites across B.C. just upriver from four U.S. border states (AK, WA, ID,

MT) and at the headwaters of some of North America's last remaining productive wild salmon rivers, without the consultation and consent of local Tribes and communities downstream; and

WHEREAS, Native Tribes in Alaska, First Nations in B.C., commercial fishermen, local communities, conservation groups, thousands of concerned citizens, and local, state, provincial, and federal lawmakers (including all eight Senators from the four border states) on both sides of the U.S.- Canada border have raised concerns since 1998 about B.C. mining development potentially causing significant harm to water quality, fish and wildlife, cultural practices, and local economies in Alaska-B.C. transboundary watersheds and still do not have a meaningful say in the shared management of our shared rivers; and

WHEREAS, Commercial fishermen, subsistence and recreational users, local communities, elected leaders, and Tribes and First Nations on both sides of the Canadian/U.S. border have raised concerns about the pace and scope of the proposed industrial development in British Columbia and the potential for harm to water quality, fish and wildlife, and local economies; and

WHEREAS, A major part of Sitka's economic base is commercial and sport charter ocean fishing, in 2019 398 Sitka resident permit holders harvested 27.8 million pounds of fish with a total ex-vessel value of \$41.3 million; and

WHEREAS, Maintaining and protecting healthy wild salmon populations throughout these river systems must be a priority. The concerns of local communities, individuals, and user groups downstream from these projects must be integral to any transboundary watershed development and decision making; and

WHEREAS, the City and Borough of Sitka seeks all opportunities for collaboration to address these issues, promote methods to protect these vital rivers from harm, to facilitate and promote meaningful dialogue and engagement at the local, state, federal, provincial, and Tribal levels to assure protection of resources on both sides of the border; and

WHEREAS, the community of Sitka and the Assembly of the City and Borough of Sitka, seek a thriving Salmon Coast (AK-B.C. transboundary region) fed by intact ecosystems, healthy salmon populations and landscapes, robust traditional lifestyles, and sustainable economies.

NOW, THEREFORE, BE IT RESOLVED that the Assembly of the City and Borough of Sitka calls upon President Joe Biden and the United States government and Prime Minister Justin Trudeau and the Canadian government to immediately:

1. Utilize their authority under the United States-Canada Boundary Waters Treaty of 1909 to prevent and resolve disputes over the use of shared waters; and
2. Support an immediate temporary halt to permitting, exploration, development, and expansion of Canadian mines along shared Alaska-B.C. salmon rivers until a binding international agreement on watershed protections, developed by all jurisdictions in these shared transboundary watersheds and consistent with the Boundary Waters Treaty of 1909 and the United Nations Declaration on the Rights of Indigenous Peoples, is implemented; and
3. Convene with local communities, stakeholders, and Indigenous leaders of the Taku, Stikine, and Unuk watersheds to develop the aforementioned binding international agreement on watershed protections. This agreement will identify and honor no-go zones and decisions by local residents and Indigenous people on both sides of the international border, ensure mining companies and shareholders are liable for cleaning up their waste and compensating impacted communities for all damages, and enforce requirements for mining best practices, including a permanent ban on the perpetual storage of contaminated water and wet tailings behind earthen dams along these irreplaceable Alaska-B.C. transboundary salmon rivers.

Enclosure 1: City and Borough of Sitka Resolution 2021-21

PASSED, APPROVED, AND ADOPTED by the Assembly of the City and Borough of Sitka, Alaska on this 14th day of September 2021.



Steven Eisenbeisz, Mayor

ATTEST:



Sara Peterson, MMC
Municipal Clerk

1st and final reading 9/16/2021

Sponsors: Knox / Himschoot

**CITY OF CRAIG
RESOLUTION 21-18**

A RESOLUTION OF SUPPORT FOR A PERMANENT BAN ON TAILINGS DAMS AND FOR A TEMPORARY HALT TO THE PERMITTING, EXPLORATION, DEVELOPMENT, AND EXPANSION OF CANADIAN MINES ALONG ALASKA-BRITISH COLUMBIA TRANSBOUNDARY SALMON RIVERS UNTIL AN INTERNATIONAL AGREEMENT ON WATERSHED PROTECTIONS IS IMPLEMENTED

WHEREAS, the Taku, Stikine, and Unuk Rivers are of tremendous and unique cultural, ecological, subsistence, economic, and recreational value; and,

WHEREAS this transboundary rivers region is home to more than 80,000 people in dozens of communities; and

WHEREAS, the Alaska-British Columbia (B.C.) Memorandum of Understanding and associated Statement of Cooperation on Protection of Transboundary Waters signed by the State of Alaska and the Province of B.C. in 2015 are an important starting point, but cannot provide binding, enforceable regulations for the residents, rivers, and watersheds of the Alaska-B.C. transboundary region; and

WHEREAS, inadequately regulated Canadian hard rock mines in Northwest B.C., most of which are large-scale and open-pit, occur in known acid-generating ore bodies near the transboundary Taku, Stikine, and Unuk Rivers shared with Southeast Alaska, producing massive tailings dams that have to store toxic waste permanently; and,

WHEREAS, tailing dams cannot be expected to last permanently and as a result will eventually fail decades later; and,

WHEREAS, expansive waste rock storage facilities, the need for perpetual water treatment, roads, and other infrastructure, threaten the productivity and ecological health of these watersheds through cumulative impacts, contamination, habitat destruction, and/or possible catastrophic failures; and

WHEREAS, the clean water and intact habitat of Alaska-B.C. transboundary watersheds are some of the most productive wild salmon rivers on the entire west coast of North America, with the Taku, Stikine, and Unuk Rivers contributing millions of dollars in economic activity, direct spending, hundreds of jobs and labor income towards Southeast Alaska's fishing and visitor industries; and

WHEREAS, the leaching of heavy metals to groundwater and sediment from mining can contaminate freshwater systems for decades, preventing recovery of fish populations many years after the cessation of mining activity and posing a risk to human health, an example being B.C.'s Tulsequah Chief mine in the Taku River watershed which is abandoned and leaching acid mine drainage since 1957; and

WHEREAS, B.C.'s environmental assessment process does not set legal requirements or standards for assessing cumulative effects of existing and proposed development, and B.C.'s open-pit Red Chris mine has been operating at the headwaters of the Stikine River since 2015, the entire riparian corridor of the Iskut River, the largest tributary of the Stikine River, is staked with B.C. mineral claims, B.C.'s Kerr-Sulphurets-Mitchell project (KSM), if built as proposed in the Unuk-Nass River watersheds, would be the largest open-pit mine in Canada and one of the largest in the world, and more than half of the B.C. portion of the Unuk watershed is staked with mineral claims; and

WHEREAS, the Taku, Stikine, and Unuk Rivers are experiencing a decline in wild salmon populations, resulting in the Alaska Department of Fish and Game listing Chinook salmon in the Unuk River as a Stock of Concern in 2017 and will soon list Chinook salmon in the Taku and Stikine Rivers as Stocks of Concern; and

WHEREAS, on June 30, 2021, Canada's Department of Fisheries and Oceans eliminated 60% of its commercial salmon fleet in B.C. due to poor returns and declining populations - some near 90% declines - resulting in the largest set of commercial salmon fishery closures in B.C.

history, while simultaneously B.C. continues to permit industrialization of the headwaters (spawning and rearing grounds) of some of its largest salmon producing systems; and

WHEREAS, the risk of natural forces such as extreme precipitation events and landslides add further instability to the mining infrastructure and could trigger catastrophic failure of the tailings waste dams and thereby release contaminants into the Taku, Stikine, and Unuk waterbodies and are inadequately addressed in B.C. mine operations designs; and

WHEREAS, following B.C.'s Mount Polley mine disaster in 2014 an expert panel appointed by the B.C. government found that if mining companies continue their business-as-usual operations the province could face an average of two dam failures every ten years, and the same expert panel reported there are 123 active tailings dams in B.C.; and

WHEREAS, the Auditor General of B.C., in her report issued on May 3, 2016, found that the B.C. Ministry of Energy and Mines and Ministry of the Environment's "compliance and enforcement activities of the mining sector are inadequate to protect the province from significant environmental risks", and according to a 2017 report by the United Nations Environment Programme, Canada has the world's second-worst record for mine tailings spills after China, with seven incidents reported in the previous decade; and

WHEREAS, the June 2021 *Audit of Code Requirements for Tailings Storage Facilities* by B.C.'s Mine Audits and Effectiveness Unit, has found provincial mining code changes developed after the Mount Polley disaster lack the definition needed to ensure compliance, verification and enforcement--which means communities and the environment across the province lack full protection against the potentially catastrophic consequences of tailings dam failures that B.C.'s new mining code was meant to provide; and

WHEREAS, B.C. touts itself to U.S. officials and potential investors as a world-class marketplace for responsibly-sourced metals and a mining jurisdiction with highly positive ESG (Environment, Social, Governance) outcomes and yet, B.C. is supporting widespread exploration

permitting of open pits and tailings dams at mine sites across B.C. just upriver from four U.S. border states (AK, WA, ID, MT) and at the headwaters of some of North America's last remaining productive wild salmon rivers; and

WHEREAS, Native Tribes in Alaska, First Nations in B.C., commercial fishermen, local communities, conservation groups, thousands of concerned citizens, and local, state, provincial, and federal lawmakers (including all eight Senators from the four border states) on both sides of the U.S.-Canada border have raised concerns since 1998 about B.C. mining development potentially causing significant harm to water quality, fish and wildlife, cultural practices, and local economies in Alaska-B.C. transboundary watersheds and still do not have a meaningful say in the shared management of our shared rivers; and

WHEREAS, the City of Craig, Alaska encourages parties within the transboundary areas to share information and seek all opportunities for collaboration to address these issues, promote methods to protect these vital rivers from harm, and seek to facilitate and promote meaningful dialogue and engagement at the local, state, federal, provincial, and Tribal levels to assure protection of resources on both sides of the border.

NOW, THEREFORE, BE IT RESOLVED that the City of Craig seeks a thriving salmon coast (AK-B.C. transboundary region) fed by intact ecosystems, healthy salmon populations and landscapes, robust traditional lifestyles, and sustainable economies, including a mining industry.

BE IT FURTHER RESOLVED that we call upon **President Joe Biden and the United States government and Prime Minister Justin Trudeau and the Canadian government to immediately:**

1. **Utilize** their authority under the United States-Canada Boundaries Water Treaty of 1909 to prevent and resolve disputes over the use of shared waters; and
2. **Support** an immediate temporary halt to permitting, exploration, development, and expansion of Canadian mines along shared Alaska-B.C. salmon rivers until a binding international agreement on watershed protections, developed by *all* jurisdictions in these

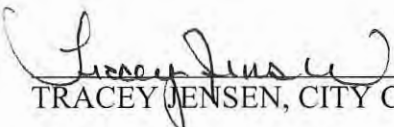
Enclosure 2: City of Craig Resolution 21-18

shared transboundary watersheds and consistent with the Boundary Waters Treaty of 1909 and the rights of indigenous peoples, is in place; and,

3. **Convene** with local communities, stakeholders, and Indigenous leaders of the Taku, Stikine, and Unuk watersheds to develop the aforementioned binding international agreement on watershed protections. This agreement will identify and honor no-go zones and decisions by local residents and indigenous people on both sides of the international border, ensure mining companies and shareholders are liable for cleaning up their waste and compensating impacted communities for all damages, and enforce requirements for mining best practices, including a permanent ban on the perpetual storage of contaminated water and wet tailings behind earthen dams along these irreplaceable Alaska-B.C. transboundary salmon rivers.

Approved this 11th day of October, 2021.


MAYOR TIM O'CONNOR


TRACEY JENSEN, CITY CLERK



Congress of the United States
Washington, DC 20515

September 8, 2016

The Honorable John Kerry
Secretary
U.S. Department of State
2201 C Street NW
Washington, DC 20520

Dear Secretary Kerry:

Thank you for your staff's June 14th response regarding the development of several hardrock mines in British Columbia and their potential effects on water quality in the transboundary rivers that flow from Canada into Southeast Alaska. We are pleased to hear that you continue to discuss potential impacts of mining in British Columbia. It would be helpful if you could convey the results of these discussions, as well as address what actions have been taken on the specific items raised in our letter addressed to you this May.

For quite some time, we have urged you and your Department to work with us to focus appropriately on the risks that mining in British Columbia poses to Alaska and Alaskans. When you visited Alaska last year, we were encouraged by your comment that "downstream impacts should not be taken lightly by any country, anywhere." But we remain troubled that nearly a year later, we have seen little action from State on such an important issue to so many.

Treating transboundary mining issues with urgency and focus today would prevent discord and disaster tomorrow. We need the federal government to partner with Alaska to press Canada on policy answers.

Alaska is a resource state and we believe, as Canadians do, in smart, thoughtful extraction of energy and minerals. Mining is central to our economy, provides well-paying jobs, helps generate revenues for our treasuries, and serves as the foundation of our manufacturing sector. But we are very concerned about the absence of leadership at the Department of State to constructively and candidly address the transboundary issue and work collaboratively with Canada to find the best mechanism to proactively resolve concerns.

The stakes for Alaska are enormous. Alaska's salmon rivers provide for commercial and recreation fishing and tourism which are vital to the economy of southeast Alaska. The continued health of these rivers also sustains the regions unique way of life. This region of Canada is now one of the world's largest mining districts, and many Canadian mineral projects are located in transboundary watersheds of key salmon rivers—the Taku, Stikine and Unuk—that originate in British Columbia and flow into Southeast Alaska. These mines pose huge economic risk to Alaska in the form of acid mine drainage and toxic heavy metals that threaten Alaska Native communities and traditional and customary lifestyles as well as the regional \$2 billion-dollar-a-year fishing and tourism industries. As

we all remember, almost two years ago, the Mount Polley mine in central British Columbia dumped just over six billion gallons of contaminated tailings into waters leading to the salmon-rich Fraser River.

To this point, we believe there has been a failure by your Department to support potential solutions embraced by Alaskans. Alaska has been left alone to pursue steps including a Statement of Cooperation with British Columbia, even though we know that by definition that is only one step in a process which must include federal leadership. We are continuing our fight to elevate this issue and to find funding for baseline water quality monitoring. We ask that you please reconsider our requests from our May letter:

- 1) Encourage British Columbia officials to consider the cumulative impacts of mining and their potential impacts on transboundary waters during the review and approval process for mines.
- 2) Determine whether an International Joint Commission reference is a suitable venue to determine whether Canadian mines are following “best practices” in treatment of wastewaters and acid-producing mine tailings – especially in light of the scientific reviews of the causes of the Mt. Polley tailing disposal dam failure.
- 3) Establish a more formal consultation process with American state agencies, other federal agencies, tribes, and Alaska Native Claims Settlement Act corporations during Canadian mine permit reviews, similar to the American process of having participating entities during Environmental Impact Statement preparations.
- 4) Support Environment Canada’s water quality study effort relating to the impacts of mining on transboundary waters.
- 5) Support and work towards robust funding for water quality testing on the American side of the border to establish baseline water quality data, so that the U.S. can file for damages in the event of mining-related damage from Canadian mines.

Alaska is at a point now where we urge you to consider appointing a Special Representative for U.S.-Canada Transboundary Issues, creating an Interagency Working Group to address these issues, and work with us to form U.S.-Canada exchanges of legislators and parliamentarians to discuss these issues on both sides of the border. Most importantly, we ask that you will respond to these specific proposals on the merits – and propose some answers of your own.

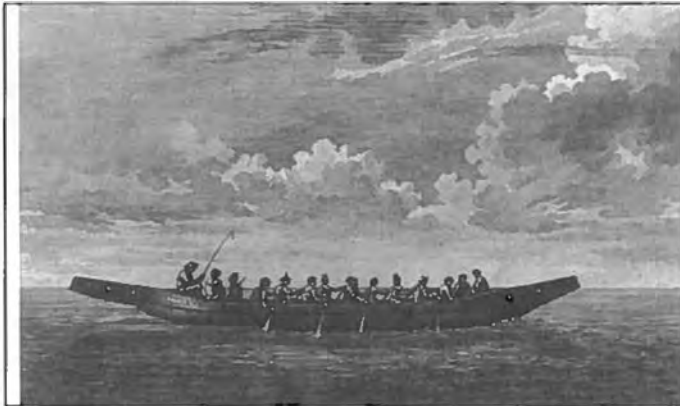
We formally request a meeting with you as soon as possible to discuss these issues. Thank you for your consideration of our requests. Please contact our offices if you need additional information.

Sincerely,


Lisa Murkowski
United States Senator


Dan Sullivan
United States Senator


Don Young
Congressman for All Alaska



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

**Michael Bangs, Chairman
P.O. Box 1733
Petersburg, Alaska 99833**

RAC SE17001.DP

JAN 24 2017

Mr. Anthony Christianson, Chair
Federal Subsistence Board
c/o Office of Subsistence Management
1011 East Tudor Road, MS 121
Anchorage, AK 99503

Re: Transboundary River Watersheds

Dear Chairman Christianson:

The Southeast Alaska Subsistence Regional Advisory Council would like to express its concern for the health and protection of Transboundary River watersheds. The Council would like to request the Federal Subsistence Board write a letter to Lt. Governor Byron Mallott in an effort to relay this concern.

The Council is pleased by the recent communications between the Lt. Governor and our neighbors in British Columbia related to the large scale mining development underway and proposed mining in the British Columbia portions of the Transboundary River watersheds. It is the Council's understanding that the Lt. Governor is disappointed with the U.S. Department of State's lack of engagement on this issue. The Council would like to encourage the Lt. Governor to maintain momentum in protecting these international watersheds and fishery resources for subsistence use by writing a letter to the U.S. Department of State, expressing his desire to work in conjunction with our Congressional Delegation to advance this issue at the federal and international levels.

Chairman Christianson

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For your convenience, the Council has prepared a draft letter for submission from the Board to the Lt. Governor (enclosed). The Council hopes that the Board will forward this letter on an issue that is of vital importance to the subsistence needs of the people of Southeast Alaska. Thank you for consideration of our request. Any questions regarding this letter can be addressed directly to me or through our Subsistence Council Coordinator, DeAnna Perry, at 907-586-7918, dlperry@fs.fed.us.

Sincerely,

A handwritten signature in black ink that reads "Mike Bangs". The signature is written in a cursive, slightly slanted style.

Mike Bangs
Chair

Enclosures

cc: **Federal Subsistence Board**
Eugene R. Peltola, Jr., Assistant Regional Director, Office of Subsistence Management
Stewart Cogswell, Acting Deputy Assistant Regional Director
Office of Subsistence Management
Jennifer Hardin, Acting Fisheries Division Chief, Office of Subsistence Management
Carl Johnson, Council Coordination Division Chief, Office of Subsistence Management
Tom Whitford, Regional Subsistence Program Leader, U.S. Forest Service
Jill Klein, Special Assistant to the Commissioner, Alaska Department of Fish and Game
Interagency Staff Committee
Administrative Record



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

Federal Subsistence Board

1011 East Tudor Road, MS 121
Anchorage, Alaska 99503



FOREST SERVICE

JAN 24 2017

The Honorable Lieutenant Governor Byron Mallott
P.O. Box 110001
Juneau, Alaska 99811

Dear Lt. Governor Mallott:

The Federal Subsistence Board (Board) has received a letter from the Southeast Alaska Subsistence Regional Advisory Council (Council), expressing concerns regarding the Transboundary River watersheds. With this letter, I am forwarding those concerns to you.

The Council is encouraged by your continuing commitment and dedication to improving communication and cooperation with our neighbors in British Columbia. These communications will help to ensure that the waters and fisheries of the transboundary rivers and all of southeast Alaska remain healthy and are protected from contamination and other adverse impacts related to the large scale mining development underway and proposed in the British Columbia portions of the Transboundary River watersheds.

The Council is also encouraged by your publicly stated acknowledgement that Federal government engagement in the Transboundary River mining issue is necessary to ensure protection of these international watersheds that are of vital importance to the subsistence needs of the people of Southeast Alaska. The Council understands that you are disappointed with the U.S. Department of State's lack of engagement in this issue and that you will be working in conjunction with our Congressional Delegation in an attempt to advance this issue at the federal and international levels. In this regard, the Council respectfully requests that your administration send a letter to the U.S. Secretary of State explicitly requesting federal engagement in this issue, including, but not limited to, an International Joint Commission referral. A letter from your office, in conjunction with the September 8, 2016 letter sent by the Alaska Congressional Delegation requesting federal engagement (enclosed), would be a powerful statement on the importance of maintaining the high water quality vital to producing healthy fisheries resources.

There are several large scale mining operations that exist or are planned for the Transboundary River watershed. The potential negative effects on water quality and fishery production in the waters of Southeast Alaska are of deep concern to residents of the Southeast Region.

The Honorable Lieutenant Governor Byron Mallott

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We thank you for your consideration of the Council's request on this issue and look forward to hearing from you.

Sincerely,

A handwritten signature in black ink, appearing to read "Anthony Christianson". The signature is fluid and cursive, with the first name "Anthony" being larger and more prominent than the last name "Christianson".

Anthony Christianson
Chair

Enclosures

cc: Federal Subsistence Board
Southeast Alaska Subsistence Regional Advisory Council
Eugene R. Peltola, Jr., Assistant Regional Director, Office of Subsistence Management
DeAnna Perry, Subsistence Council Coordinator, U.S. Forest Service
Tom Whitford, Regional Subsistence Program Leader, U.S. Forest Service
Jill Klein, Special Assistant to the Commissioner, Alaska Department of Fish and Game
Interagency Staff Committee
Administrative Record

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