

## FP25-03a Executive Summary

<b>General Description</b>	Proposal FP25-03a requests that the Board recognize the customary and traditional use of salmon in the Chitina Subdistrict of the Upper Copper River District by residents of Tolsona. <i>Submitted by: Tolsona Community Corporation</i>
<b>Proposed Regulation</b>	<p style="text-align: center;"><b>Customary and Traditional Use Determination—Salmon</b></p> <p style="text-align: center;"><b>PRINCE WILLIAM SOUND AREA</b></p> <p><i>Chitina Subdistrict of the Upper Copper River District</i>      <i>Residents of Cantwell, Chickaloon, Chisana, Chistochina, Chitina, Copper Center, Dot Lake, Gakona, Gakona Junction, Glennallen, Gulkana, Healy Lake, Kenny Lake, Lower Tonsina, McCarthy, Mentasta Lake, Nabesna, Northway, Paxson-Sourdough, Slana, Tanacross, Tazlina, Tetlin, Tolsona, Tok, Tonsina, and those individuals that live along the Tok Cutoff from Tok to Mentasta Pass, and along the Nabesna Road.</i></p>
<b>OSM Conclusion</b>	<b>Support</b>
<b>Southcentral Alaska Subsistence Regional Advisory Council Recommendation</b>	<b>Oppose</b>
<b>Eastern Interior Alaska Subsistence Regional Advisory Council Recommendation</b>	<b>Oppose</b>
<b>Interagency Staff Committee Comments</b>	The Interagency Staff Committee found the analysis to be a thorough and accurate evaluation of the proposal and that it provides sufficient basis for the Regional Advisory Council recommendation and the Federal Subsistence Board action on this proposal.
<b>ADF&amp;G Comments</b>	<b>Neutral</b>
<b>Written Public Comments</b>	<b>1 Oppose</b>

## STAFF ANALYSIS

### FP25-03a

#### ISSUES

Proposal FP25-03a, submitted by Tolsona Community Corporation, requests that the Federal Subsistence Board (Board) recognize the customary and traditional use of salmon in the Chitina Subdistrict of the Upper Copper River District by residents of Tolsona.

#### DISCUSSION

The proponent of FP25-03a states that residents of Tolsona have customarily and traditionally harvested salmon in the Chitina area. The proponent describes Tolsona as a small community with strong ties between residents who rely upon one another to survive in an environment that lacks economic opportunities. Residents rely upon, and share, a diverse set of resources locally and in the wider region. The proponent states that depending on the year, up to 70% of residents use subsistence resources. Tolsona Community Corporation provided written information submitted with the proposal describing residents' histories of fishing in the O'Brien Creek south of the Chitina-McCarthy Road Bridge. Finally, the proponent states that use of subsistence resources is vital not only to the survival of Tolsona residents but also to their sense of identity and connection to others.

Companion proposal FP25-03b, also submitted by Tolsona Community Corporation, requests that the Federal Subsistence Board (Board) recognize the customary and traditional use of freshwater fish in the Copper River drainage upstream from Haley Creek by residents of Tolsona.

#### Existing Federal Regulation

##### Customary and Traditional Use Determination—Salmon

##### PRINCE WILLIAM SOUND AREA

<i>Chitina Subdistrict of the Upper Copper River District</i>	<i>Residents of Cantwell, Chickaloon, Chisana, Chistochina, Chitina, Copper Center, Dot Lake, Gakona, Gakona Junction, Glennallen, Gulkana, Healy Lake, Kenny Lake, Lower Tonsina, McCarthy, Mentasta Lake, Nabesna, Northway, Paxson-Sourdough, Slana, Tanacross, Tazlina, Tetlin, Tok, Tonsina, and those individuals that live along the Tok Cutoff from Tok to Mentasta Pass, and along the Nabesna Road.</i>
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## Proposed Federal Regulation

### Customary and Traditional Use Determination—Salmon

#### PRINCE WILLIAM SOUND AREA

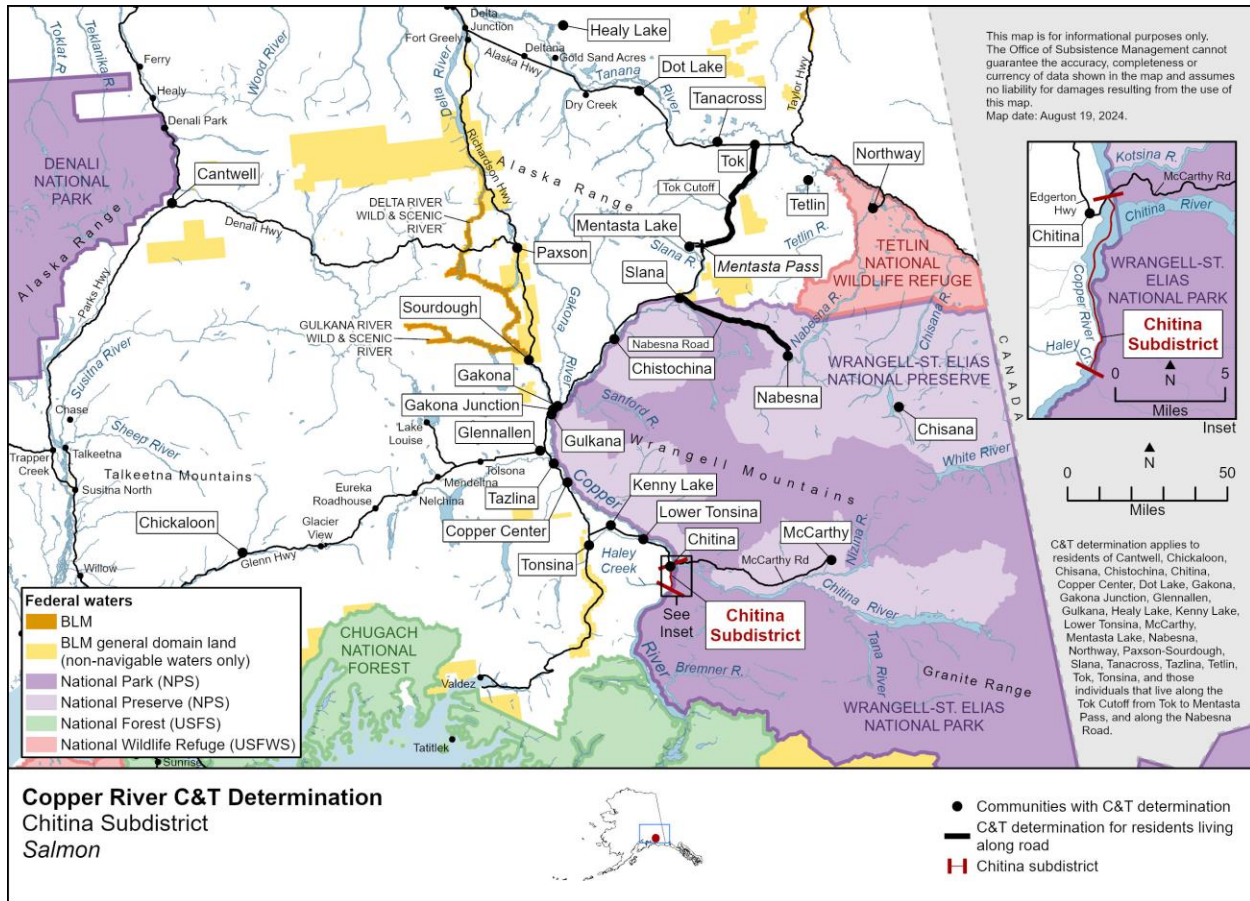
*Chitina Subdistrict of the  
Upper Copper River District*

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

#### Extent of Federal Public Lands/Waters

For purposes of this discussion, the phrase “Federal public waters” is defined as those waters described under 36 CFR 242.3 and 50 CFR 100.3. The area affected by this proposal is the Federal public waters of the Chitina Subdistrict of the Upper Copper River District within and adjacent to the exterior boundaries of Wrangell-St. Elias National Park and Preserve (See [Map 12, Prince William Sound Area](#) in the Federal Subsistence Fish and Shellfish Management Regulations Booklet).

The Upper Copper River District is composed of the Chitina and Glennallen Subdistricts. The Subdistricts are geographically defined in the same way in Federal and State regulation. The Chitina Subdistrict consists of all waters of the mainstem Copper River downstream of the downstream edge of the Chitina-McCarthy Road Bridge to an east-west line crossing the Copper River approximately 200 yards upstream of Haley Creek, as designated by Alaska Department of Fish and Game (ADF&G) regulatory markers, a distance of approximately ten miles (**Figure 1**). The Glennallen Subdistrict consists of all waters of the mainstem Copper River from the mouth of the Slana River downstream to the downstream edge of the Chitina-McCarthy Road Bridge, a distance of approximately 120 miles.



**Figure 1.** Communities and areas with a customary and traditional use determination for salmon in the Chitina Subdistrict of the Upper Copper River District.

## Regulatory History

In 1992, the Federal Subsistence Management Program promulgated regulations governing the harvest of fish for subsistence uses in non-navigable waters within and adjacent to Federal public lands (57 Fed. Reg. 22940 [May 29, 1992]). In 1999, the Board also adopted Federal regulations for fish in navigable waters within and adjacent to Federal public lands where there is a Federal reserved water right (64 Fed. Reg. 1276 [January 8, 1999]).

## Chitina Subdistrict: Salmon

In 1999 the Federal Subsistence Management Program adopted State subsistence fishery regulations, including those for the Copper River. At that time, the State classified the Chitina Subdistrict as a personal use fishery (it continues to be classified this way today), and the new Federal regulations prohibited the take of salmon in the Chitina Subdistrict (64 Fed. Reg. 1309 [January 8, 1999]). The new Federal regulations did not initially include a customary and traditional use determination for salmon specific to the Chitina Subdistrict; however, the Chitina Subdistrict is geographically within what was then called the “Copper River District—remainder” (i.e., the area outside of the Glennallen Subdistrict), for which a customary and traditional use determination was established for residents of

the Prince William Sound Area (64 Fed. Reg. 1300 [January 8, 1999]). The 1999 regulations also established a customary and traditional use determination for the Glennallen Subdistrict for all residents of the Prince William Sound Area. The regulatory history of the Glennallen Subdistrict is not detailed further here.

Over the next six years, the Board authorized a Federal subsistence fishery in the Chitina Subdistrict, created a customary and traditional use determination specific to salmon in the Chitina Subdistrict, and then incrementally added communities. During this time the Board also rejected requests to add two communities to the determination, Delta Junction and Lake Louise. Details of the regulatory history for the customary and traditional use determination for salmon in the Chitina Subdistrict between 2000 and 2006 are given below.

In 2000, the Board adopted Proposal FP01-15, which established a customary and traditional use determination for salmon in the Chitina Subdistrict for residents of Chitina, Cantwell, Chistochina, Copper Center, Gakona, Gulkana, Mentasta, and Tazlina.

In 2001, the Board adopted proposal FP02-16, submitted by the Wrangell-St. Elias National Park Subsistence Resource Commission, to add the remaining communities in the resident zone of the Wrangell-St. Elias National Park (Chisana, Dot Lake, Gakona Junction, Glennallen, Healy Lake, Kenny Lake, Lower Tonsina, McCarthy, Nabesna, Northway, Slana, Tanacross, Tetlin, Tok, Tonsina, and those individuals living along the Tok cutoff from Tok to Mentasta Pass, and along the Nabesna Road) to the customary and traditional use determination for salmon in the Chitina Subdistrict.

In 2002, the Board rejected proposals FP03-11 and FP03-12 to add residents of Delta Junction and Lake Louise, respectively, to the customary and traditional use determinations for salmon in the Chitina Subdistrict. The proposals were rejected through the consent agenda; the stated justification was lack of substantial evidence.

In 2003, the Board adopted proposal FP04-19, submitted by the ADF&G Paxson Fish and Game Advisory Committee, which requested that the residents of the Paxson-Sourdough area be added to the customary and traditional use determination for salmon in the Chitina Subdistrict.

In 2005, the Board adopted FP05-14, submitted by Chickaloon Village Traditional Council, which requested that Chickaloon be added to the Chitina Subdistrict customary and traditional use determination for salmon. No changes have been made to the customary and traditional use determination for salmon in the Chitina Subdistrict since this time.

In 2023, the Board rejected FP23-14, submitted by residents of Serendipity subdivision, requesting addition of residents of the Serendipity subdivision to the customary and traditional use determination for salmon in the Chitina Subdistrict of the Upper Copper River District. The Board rejected FP23-14 in deference to the Southcentral Regional Advisory Council, which felt that the residents of Serendipity did not fully demonstrate the criteria necessary to be recognized for customary and traditional use of salmon in the Chitina Subdistrict, particularly with regard to long-term patterns of use

(development of the Serendipity subdivision began in 2000). The Council wanted to see additional research conducted into the community. They also noted that none of the community members spoke in support of their proposal at the Council meeting, though this is not a requirement.

Also in 2023, the Board rejected FP23-15/16, submitted by the ADF&G Upper Tanana/Fortymile Advisory Committee, which requested that the Board recognize the customary and traditional use of salmon in the Chitina Subdistrict by permanent rural residents who live between the named communities along the Alaska Highway from the U.S./Canada border to Dot Lake. The Board rejected FP23-15/16 in deference to the Southcentral and Eastern Interior Regional Advisory Councils and due to lack of proximity or substantial evidence for a long-term pattern of use and sharing of the resource.

The Board has not previously received or considered a proposal to add Tolsona to the customary and traditional use determination for salmon in the Chitina Subdistrict. **Figure 1** shows the current communities with customary and traditional use determinations for salmon in the Chitina Subdistrict.

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

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

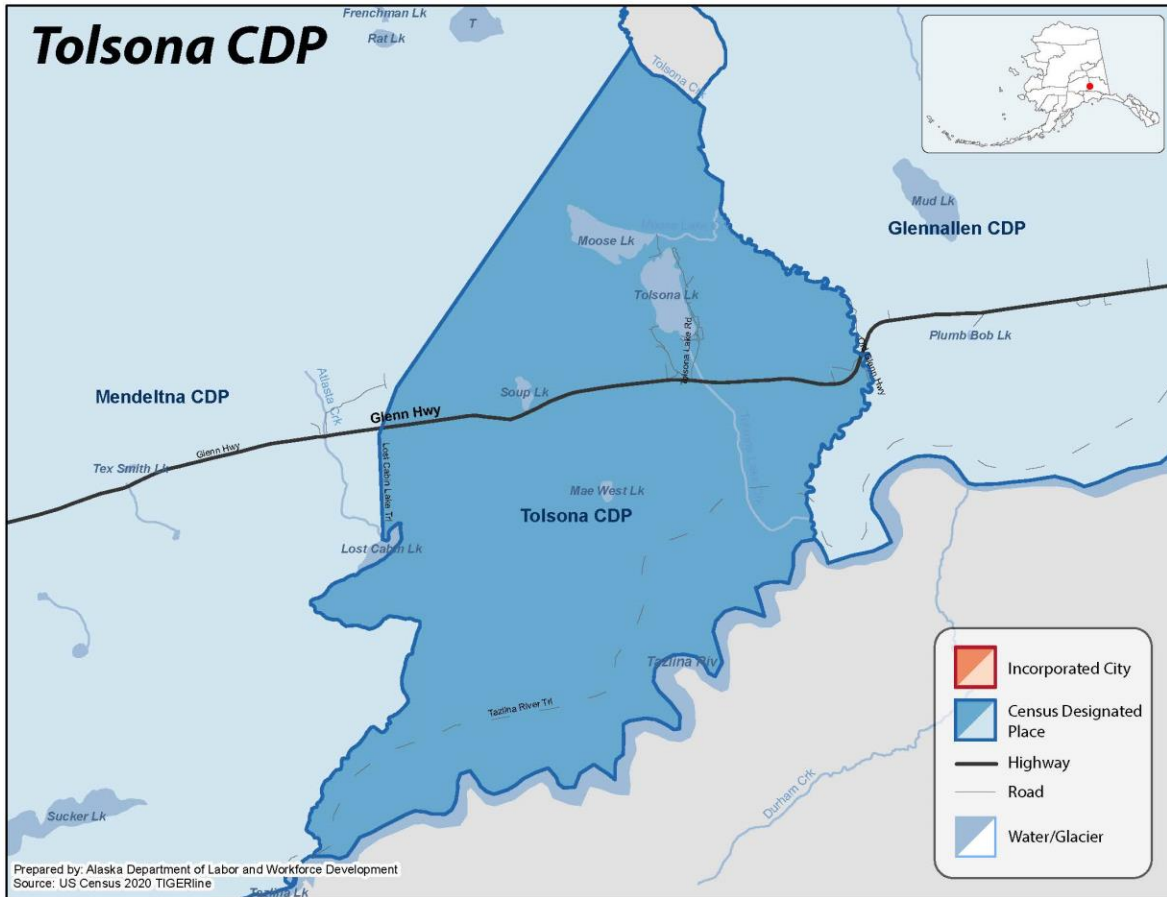
## **Community Characteristics**

The small community of Tolsona is located at the base of Tolsona Mountain, about 14 miles from Glennallen and four hours from Anchorage (Holen et al. 2015). The community is located in traditional Ahtna Territory and in Units 13A and 13D. This analysis follows ADF&G, Division of Subsistence in defining the boundaries of Tolsona according to the 2020 U.S. Census (Holen et al. 2015, **Figure 2**). The Glenn Highway, which connects the Matanuska-Susitna and Copper River Basins, was built beginning in 1941, leading to growth of communities along the road (Holen et al. 2015). There is little information readily available specific to the history of Tolsona as a community. Tolsona is not an Alaska Native community, although the name “Tolsona,” associated with Tolsona River and Tolsona Lake, is Athabascan in origin (Holen et al. 2015). The name Tolsona first appeared in a USGS publication in 1915 (Holen et al. 2015). Present-day Tolsona, Nelchina, and Mendeltna are small Glenn Highway communities that lack distinct population centers and are “interconnected residentially and economically” with one another (Holen et al. 2015).

The Tolsona Census Designated Place (CDP) (**Figure 2**) is relatively new, dating to the 2000 U.S. Census (Holen et al. 2015; U.S. Census Bureau 1990, 2000). An important study of subsistence use by communities in the region dating to the 1980s did not include Tolsona, but did include the adjacent communities of Mendeltna and Glennallen (Reckord 1983). In two early subsistence surveys conducted by ADF&G, the present-day Tolsona area was included as part of an extended East Glenn Highway area, but Tolsona was not specifically named in either (Stratton and Georgette 1984; McMillan and Cuccarese 1988).

In 2023, Tolsona had an estimated population of 11 residents, down from 30 in 2010 (ADLWD 2024a; U.S. Census Bureau 2010). Since the Tolsona CDP was created in 2000, the highest population estimate or count occurred in 2013, when the population was estimated to be 33 (ADLWD 2009, 2015, 2017, 2018, 2019, 2024a). Many Tolsona residences are seasonal (Holen et al. 2015); however, population estimates are based on U.S. Census data, which use the concept of self-reported “usual residence” to determine where people are counted. Therefore, it is unlikely that any seasonal residents are included in the census data on which the Alaska Department of Labor and Workforce Development’s estimates are based (ADLWD 2019). In 2013, ADF&G, Division of Subsistence found that the mean length of residency in Tolsona was 23 years (Holen et al. 2015).

In comparison to Tolsona’s estimated population of 11 in 2023, Mendeltna, the closest community to the west, had an estimated population of 47, while Glennallen, the closest community to the east and the hub for the region, had an estimated population of 424 (ADLWD 2024a). Of note, Glennallen has a customary and traditional use determinations for both salmon in the Chitina Subdistrict and freshwater fish in the Copper River drainage upstream from Haley Creek, but Mendeltna and Nelchina do not have a determination for either.



**Figure 2.** Map of Tolsona CDP from the 2020 U.S. Census (ADLWD 2024b).

When the most recent subsistence survey was conducted in 2013, Tolsona CDP boundaries were found to be out of alignment with respondents’ self-reported community of residence along the East Glenn Highway: “several households self-identify with the community of Tolsona but lie outside of the CDP boundaries, falling within either the Mendeltna CDP or the Glennallen CDP” (Holen et al. 2015: 537). Therefore, some people who consider themselves residents of Tolsona but live within the Glennallen CDP already have a customary and traditional use determination for salmon and freshwater fish in the areas considered in this analysis.

As outlined in the Regulatory History section, the Board has never received a proposal to add the East Glenn Highway area collectively, or Tolsona specifically, to the customary and traditional use determinations for salmon in the Chitina Subdistrict or for freshwater fish in the Copper River drainage upstream from Haley Creek. However, as part of the Prince William Sound Area, Tolsona residents are already federally qualified to harvest salmon in the Glennallen Subdistrict of the Upper Copper River District. As residents of the Prince William Sound Area, residents of Tolsona are also federally



qualified to take salmon in the “remainder of the Prince William Sound Area”<sup>1</sup>, which includes areas further from Tolsona than the Chitina or Glennallen Subdistricts.

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

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

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

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

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<sup>1</sup> The “remainder of the Prince William Sound Area” includes that portion not included in the following areas: Southwestern District and Green Island, the area North of a line from Porcupine Point to Granite Point, and south of a line from Point Low to Tongue Point, the Chitina Subdistrict, the Glennallen Subdistrict, or waters of the Copper River between National Park Service regulatory markers located near the mouth of Tanada Creek, and in Tanada Creek between National Park Service regulatory markers identifying the open waters of the creek.

The subsistence practices of the communities that currently possess a customary and traditional use determination for salmon in the Chitina Subdistrict reflect the traditions of the Ahtna, Upper Tanana, and Tanacross, as well as those of Euro-American settlers and homesteaders. These communities possess numerous interpersonal connections and have a history of sharing subsistence resources, practices, and knowledge. These customary and traditional practices have been well-documented in previous proposal analyses for the Chitina Subdistrict (OSM 2000, OSM 2001).

Comprehensive subsistence surveys conducted by ADF&G, Division of Subsistence provide important information on communities' patterns of subsistence use. Although Tolsona has been surveyed several times, the most useful data for this analysis are those from the 2013 survey year, for reasons that will be explained subsequently. The Tolsona area was first included in a comprehensive subsistence survey conducted by ADF&G for the 1982 to 1983 survey year (Stratton and Georgette 1984) and by a separate entity in partnership with ADF&G for the 1987 study year (McMillan and Cuccarese 1988). Tolsona was most recently surveyed by ADF&G in 2013 (Holen et al. 2015).

In the first two survey years, 1982 and 1987, ADF&G documented subsistence use by residents of a single East Glenn Highway settlement area, which consisted of households "residing in a dispersed pattern along this 43-mile stretch of the Glenn Highway" (Stratton and Georgette 1984: 70)<sup>2</sup>. This area includes the present-day settlements of Tolsona, Mendeltna, and Nelchina. The 2013 study year is the only one in which subsistence survey data specific to Tolsona are available. However, data on search and use areas were still presented for the three East Glenn Highway communities combined for the 2013 study year. Therefore, it is impossible to separate mapped information about Tolsona's fishing areas from that for Mendeltna and Nelchina, even for the 2013 study year.

Division of Subsistence interviewed eight out of 14 households in Tolsona about their use of wild resources in 2013. This encompassed 16 out of 24 individuals estimated to be living in the community<sup>3</sup>. Based on the findings of this survey, residents of Tolsona exhibit reliance upon a wide diversity of fish and wildlife resources in the area. Division of Subsistence estimated that 23 out of 24 Tolsona residents harvested wild resources in 2013, and 18 individuals fished (Holen et al. 2015). Residents harvested an estimated 311 pounds of wild foods per person and on average surveyed households harvested 9 different resources and used 14 different resources (Holen et al. 2015; ADF&G 2024). Six out of eight surveyed households shared wild resources with others (Holen et al. 2015).

The importance of a particular resource for a community can be assessed in many ways. Quantitatively, importance can be measured in terms of edible weight harvested and in the percentage of households using a resource. Salmon were important by both definitions, making up an estimated 41% of the total harvest (contributing 128 pounds of food per person) and being used by 88% of surveyed Tolsona

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<sup>2</sup> Of note, "between 1990 and 2000 the westernmost CDP boundary for Glennallen shifted west from Glenn Highway mile 180 to Glenn Highway mile 173" (Holen et al. 2015:379). This caused households that were considered part of the East Glenn Highway complex in the two earlier subsistence surveys to be considered Glennallen households in 2013.

<sup>3</sup> That year, Alaska Department of Labor and Workforce Development estimated the population of Tolsona to be 33, higher than ADF&G's estimate of 24 individuals (ADLWD 2015).

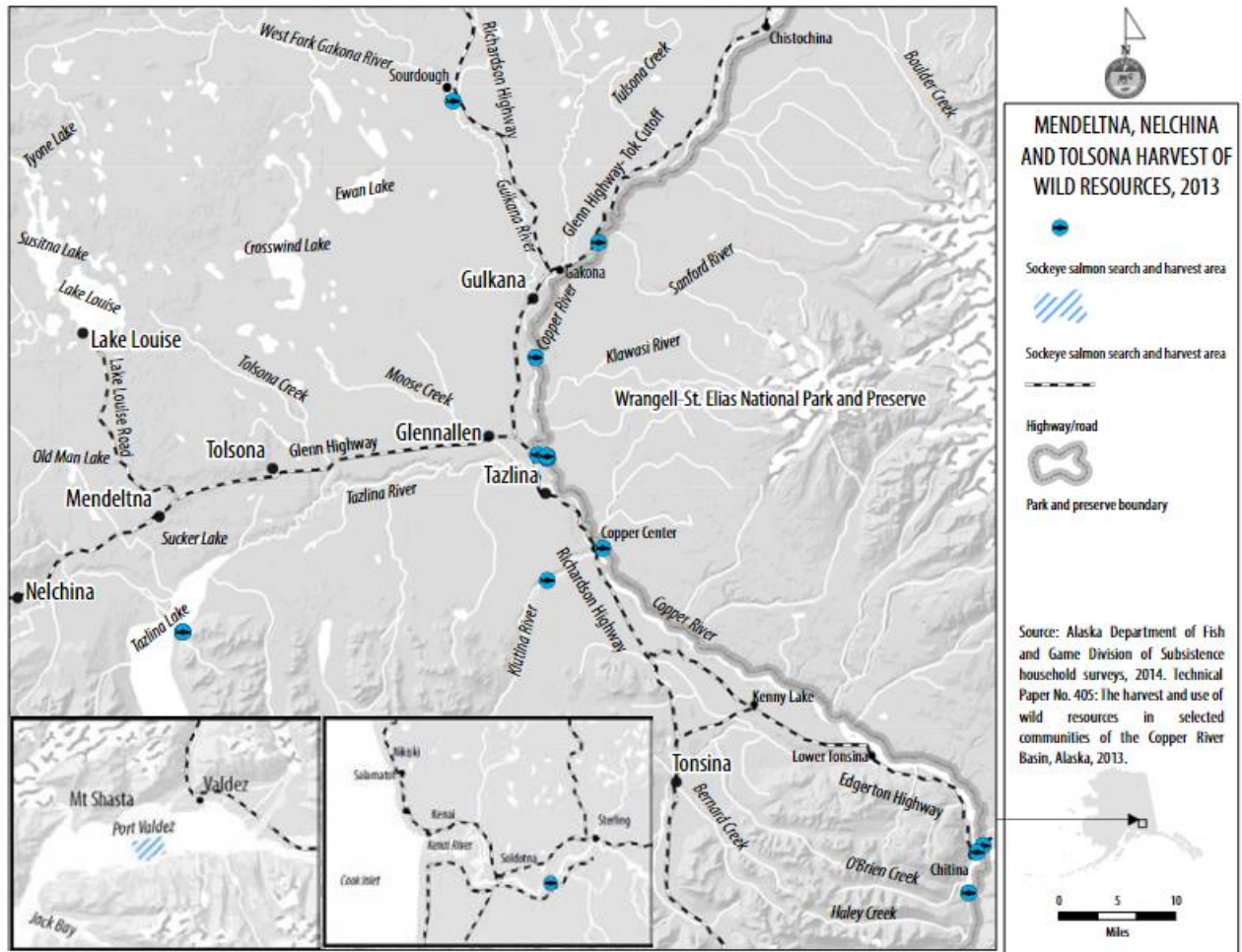
households (Holen et al. 2015; ADF&G 2024). Sockeye Salmon was the top resource used by the community in terms of edible weight and tied with moose as the top resource in terms of the percentage of surveyed households using Sockeye Salmon (Holen et al. 2015; ADF&G 2024). The 2013 study year may underrepresent Tolsona residents' typical harvest and use of salmon; of all categories of wild food harvested in 2013, salmon and nonsalmon fish were "reported by the greatest percentage of households as being used less in 2013 than in recent years" (Holen et al. 2015: 214). Wide sharing of a resource also indicates its importance to a community. For the 2013 study year, 50% of surveyed Tolsona households gave away salmon, and 80% received salmon (Holen et al. 2015; ADF&G 2024).

The majority of the Sockeye Salmon harvest was obtained through fish wheels, which are more common in the Glennallen Subdistrict than in the Chitina Subdistrict, with much smaller amounts harvested by rod and reel and dip net (Holen et al. 2015). Chinook salmon were also harvested, making up 4% of the total salmon harvest, with most being harvested with fish wheel, but 33% being harvested by rod and reel (Holen et al. 2015). Coho Salmon were received through sharing and used but not harvested (ADF&G 2024).

Information on handling, preparing, preserving, and storing of salmon by residents of Tolsona is not readily available. Similarly, no information is available regarding handing down of knowledge and values related to salmon fishing. However, written testimony provided by the proponent includes information about families fishing together (**Appendix 1**).

As described previously, salmon harvest locations are only available in combination for the three East Glenn Highway communities of Nelchina, Mendeltna, and Tolsona (Stratton and Georgette 1984; McMillan and Cuccarese 1988; Holen et al. 2015). Information about Tolsona residents' geographical patterns of salmon use is not available separately from that of residents of Nelchina and Mendeltna for any survey year. This limitation constrains findings about the customary and traditional use of salmon in the areas considered in this analysis. However, findings for the East Glenn Highway communities combined are presented here as the best information available.

During the 2013 study year East Glenn Highway residents harvested salmon in many locations, primarily within, but also outside the region. "The Copper River near Chitina" was one of the areas residents of the East Glenn Highway communities fished for Sockeye, Chinook, and Coho salmon within the Copper River Basin (Holen et al. 2015: 528). **Figure 3** shows that for Sockeye Salmon this area included the Chitina Subdistrict. Harvest location maps for other salmon species are not available. While this data shows that residents of the East Glenn Highway area fished for salmon in the Chitina Subdistrict of the Upper Copper River District, it does not show whether these fishers included residents of Tolsona specifically.



**Figure 3.** Map showing East Glenn Highway residents' search and harvest areas for Sockeye Salmon in 2013 (Holen et al. 2015).

There is limited information available on the time-depth of salmon use by residents of Tolsona. The primary source of information comes directly from the proponent. As part of their proposal, Tolsona Community Corporation included written testimony about individuals with a history of residency in Tolsona going back to at least 1946. However, it is unknown how many of these individuals are still living in the area, or whether there is continuity between the individuals listed and present-day residents. This information is included in **Appendix 1**. Those who provided information referenced personal histories of fishing in O'Brien Creek south of Chitina Bridge over periods of many years, sometimes together with other families, including youth, or both, as well as harvesting and using other subsistence resources in the area. One resident remembered that between 1954 and 1970 there was only one small grocery store in Glennallen, and large Tolsona families "relied on these Copper River salmon as a primary food source."

Fishing under Current Opportunities open to Tolsona Residents

The distance between Tolsona and the Chitina-McCarthy Road Bridge is approximately 85 miles. Currently, residents of Tolsona can fish for salmon in the Chitina Subdistrict under (1) sport fishing regulations or (2) by participating in the State Chitina personal use dip net fishery. See **Table 1** for a comparison of the season length, gear types, and harvest limits for the Federal subsistence and State personal use fisheries in the Chitina Subdistrict. Salmon sport fishing bag and possession limits are in addition to those allowed under personal use fishing regulations. Sport fishing data specific to residents of Tolsona are not available, but information about Tolsona’s fishing in both the State Chitina Subdistrict personal use fishery and the State Glennallen Subdistrict subsistence fishery are included in **Table 2**.

The permit data show that no permits were issued to residents of Tolsona for the State Chitina Subdistrict dip net fishery between 2002 and 2023. However, as shown later in this section, Tolsona residents have instead fished in the Federal subsistence Chitina Subdistrict fishery under permits issued in error to people who were not federally qualified subsistence users for the area<sup>4</sup>.

For the State Glennallen Subdistrict subsistence fishery, an average of 2.6 permits were issued to residents of Tolsona per year between 2002 and 2023. For context, the estimated population of Tolsona is 11 residents (ADLWDa 2024). Some years of data for the Glennallen Subdistrict are not available because the limited number of permits resulted in ADF&G classifying this information as confidential. For those years in which data are available, residents of Tolsona who fished in the Glennallen Subdistrict under State subsistence regulations harvested an average of 163.3 Sockeye Salmon and 2.8 Chinook Salmon per year (**Table 2**; ADF&G 2024).

**Table 1.** Comparison of State and Federal regulations pertaining to the Chitina Subdistrict.

	<b>Federal Subsistence Regulations Upper Copper River District</b>	<b>State Chitina Personal Use Dip Net Regulations</b>
<b>Season</b>	May 15-Sept. 30	June 7 through September 30 during periods established by Emergency Order
<b>Gear</b>	Fish wheels, dip nets, rod and reel	Dip net

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<sup>4</sup> Wrangell-St. Elias National Park and Preserve staff make a concerted effort to screen for permit eligibility, however, Chitina Subdistrict permits have occasionally been issued in error to Tolsona residents. When errors are identified, the permittees are notified that the permits had been issued in error (Cellarius 2024, pers. comm.).

	<b>Federal Subsistence Regulations Upper Copper River District</b>	<b>State Chitina Personal Use Dip Net Regulations</b>
<b>Harvest Limit</b>	<p>One person household: 30 salmon (including no more than 5 Chinook by dip net and 5 Chinook by rod and reel). Upon request, permits will be issued for up to 200 salmon total (Chinook limit does not change)</p> <p>Household of two or more persons: 60 salmon (including no more than 5 Chinook by dip net and 5 Chinook by rod and reel), plus 10 salmon for each additional person in a household over 2 persons, except that the household's limit for Chinook Salmon taken by dip net or rod and reel does not increase. Upon request, permits will be issued for up to 500 salmon total (Chinook limit does not change)</p>	<p>Each household may be issued one permit per year, with an annual limit of 25 salmon for the head of the household and ten salmon for each dependent of the permit holder, per permit, per year, except that only one king salmon is allowed per permit, per year, as part of the annual household limit</p>
<b>Permits</b>	<p>Required; only one permit per subdistrict will be issued to each household per year</p>	<p>Required; only one Chitina Subdistrict personal use salmon permit will be issued to a household per year. A household may not be issued both a Glennallen Subdistrict subsistence permit and a Chitina Subdistrict personal use permit during the same year.</p>

**Table 2.** Permits issued and fish harvested from the State Chitina Subdistrict personal use salmon dip net and Glennallen Subdistrict subsistence salmon fisheries by residents of Tolsona 2002-2023 (Mulligan, pers. comm. 2024). Residency was determined by permittee's self-identified community of principle residence or mailing address.

Year	Chitina Subdistrict personal use fishery			Glennallen Subdistrict subsistence fishery		
	Permits	Sockeye salmon	Chinook salmon	Permits	Sockeye salmon	Chinook salmon
<b>2002</b>	0	N/A	N/A	2	confidential	confidential
<b>2003</b>	0	N/A	N/A	2	confidential	confidential

Year	Chitina Subdistrict personal use fishery				Glennallen Subdistrict subsistence fishery		
	Permits	Sockeye salmon	Chinook salmon		Permits	Sockeye salmon	Chinook salmon
2004	0	N/A	N/A		4	103	3
2005	0	N/A	N/A		3	70	0
2006	0	N/A	N/A		5	180	3
2007	0	N/A	N/A		3	104	1
2008	0	N/A	N/A		2	confidential	confidential
2009	0	N/A	N/A		3	172	5
2010	0	N/A	N/A		2	confidential	confidential
2011	0	N/A	N/A		4	193	7
2012	0	N/A	N/A		5	290	5
2013	0	N/A	N/A		4	258	0
2014	0	N/A	N/A		4	225	1
2015	0	N/A	N/A		2	confidential	confidential
2016	0	N/A	N/A		3	69	2
2017	0	N/A	N/A		3	132	4
2018	0	N/A	N/A		0	N/A	N/A
2019	0	N/A	N/A		0	N/A	N/A
2020	0	N/A	N/A		1	confidential	confidential
2021	0	N/A	N/A		1	confidential	confidential
2022	0	N/A	N/A		2	confidential	confidential
2023	0	N/A	N/A		2	confidential	confidential

Although they do not have a customary and traditional use determination, residents of Tolsona have already participated in the Federal Chitina Subdistrict fishery (Permit FFPW02). Between 2014 and 2023, a total of thirteen Federal subsistence permits were issued in error to residents of Tolsona in the Chitina Subdistrict. For those permits fished, the average harvest was 29 salmon (OSM 2024).

These residents all possessed mailing addresses in Glennallen, which is included in the current customary and traditional use determination for the Chitina Subdistrict; Tolsona does not have a post office. The reason why residents of Tolsona were issued permits is unknown. One possibility is that confusion over community boundaries and regulations contributed to participation in a fishery for which residents of Tolsona do not have a customary and traditional use determination.

### Effects of the Proposal

If this proposal is adopted, residents of Tolsona will be added to the customary and traditional use determination for salmon in the Chitina Subdistrict of the Upper Copper River District. They would become federally qualified to harvest salmon in the Chitina Subdistrict under Federal subsistence

regulations, which are more liberal than the State personal use regulations for Chitina Subdistrict. If the proposal is rejected, residents of Tolsona could continue to harvest salmon in the State personal use dip net fishery or under sport fishing regulations in the Chitina Subdistrict as well as in the Glennallen Subdistrict under both State and Federal subsistence regulations.

## **OSM CONCLUSION**

**Support** FP25-03a.

### **Justification**

Tolsona residents' patterns of fishing exhibit the characteristics of customary and traditional uses of salmon in the Chitina Subdistrict of the Upper Copper River District. Sockeye Salmon is one of the top two most important resources for Tolsona residents in terms of edible weight harvested, as documented in a comprehensive subsistence survey, and is also widely shared. Comprehensive subsistence surveys have not differentiated between salmon search areas used by residents of Tolsona versus residents of the wider East Glenn Highway area, including Mendeltna and Nelchina. While residents of the East Glenn Highway have had the Chitina subdistrict documented as a search area, it is unknown whether this search area was specifically used by residents of Tolsona. However, use of salmon by Tolsona residents within the Chitina Subdistrict has been documented through reported harvest (under Federal permits that were issued in error) and written public testimony from residents of Tolsona.

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## **SUBSISTENCE REGIONAL ADVISORY COUNCIL RECOMMENDATIONS**

### **Southcentral Alaska Subsistence Regional Advisory Council**

**Oppose** FP25-03a. There does not appear to be a long-term history of passing on traditions. It is unclear if the proponent has a history in the area, and the Council had questions about the individuals named as having histories of use in the proposal area; discussion indicated that many of these individuals had not lived in the area for a long time or are deceased. It is unknown if there is support for this proposal from the community, and more information is needed. The Council encourages proponents to attend their meetings in the future. Written and tribal testimony in opposition to the proposal was also compelling, and the Eastern Interior Council also opposed the proposal. Additionally, there is a conservation concern for the resource.

### **Eastern Interior Alaska Subsistence Regional Advisory Council**

**Oppose** FP25-03a. The Council opposed the proposal because they did not feel that enough of the eight factors for determining customary and traditional use were met. The Council noted there was not enough evidence of intergenerational transmission of knowledge and practices or historical use of the resource. Additionally, there are conservation concerns and the amounts necessary for subsistence have not been met recently for salmon in the upper bounds of the Copper River.

## **INTERAGENCY STAFF COMMITTEE COMMENTS**

The Interagency Staff Committee found the staff analysis to be a thorough and accurate evaluation of the proposal and that it provides sufficient basis for the Regional Advisory Council recommendation and Federal Subsistence Board action on the proposal.

## **ALASKA DEPARTMENT OF FISH AND GAME COMMENTS**

### **Fisheries Proposal FP25-03a**

This proposal would modify the customary and traditional (c&t) use determination for salmon in the Chitina Subdistrict of the Upper Copper River District to include residents living in the community of Tolsona.

### **Position**

The Alaska Department of Fish & Game (ADF&G) is **NETURAL** on eligibility requirements for participation in the subsistence program provided under the Alaska National Interest Lands Conservation Act (ANILCA). ADF&G recommends the Federal Subsistence Board (FSB) thoroughly and carefully reviews the data relevant to the 8 criteria for those communities that lack a customary and traditional use finding.

### **Background**

The Chitina Subdistrict of the Upper Copper River District is described in state regulation as all waters of the Upper Copper River District downstream of the downstream edge of the Chitina-McCarthy Road Bridge (5 AAC 01.605(a)(1)). Under state regulation, many salmon in the subdistrict are harvested under a state resident-only personal use dipnet fishery. A household permit and an Alaska state resident sport fishing license are required for participation in the personal use fishery. Households may not possess both the Chitina state personal use permit and a Glennallen Subdistrict state subsistence permit in the same year. Under state subsistence regulations, dip nets are the only legal gear in the Chitina Subdistrict. Annual limits in this fishery are based on household size: 25 salmon for the head of household (permit holder) and 10 additional salmon per dependent of the permit holder. Only one Chinook salmon may be harvested annually.

Tolsona is located near mile 170 of the Glenn Highway, approximately 14 miles west of Glennallen. The community is in Game Management Unit 13D, outside of the Anchorage-MatSu-Kenai Nonsubsistence Area. The most recent Subsistence Section comprehensive household harvest survey was conducted in Tolsona for the 2013 study year. At this time, there were an estimated 12 households and 24 residents in the community (Holen et al. 2015). Sockeye salmon was tied with moose, blueberry, and raspberry for the number one ranked resource used by the most households (88%) during the study year. In pounds usable weight, sockeye salmon composed the greatest proportion of the total harvest at 39% (3,061 lb.), or 122 lb. per capita. Most sockeye salmon (92%, 594 salmon) were harvested by fishwheel; 2% (14 salmon) were harvested with a dipnet, and 6% (42 salmon) were harvested with rod and reel. Tolsona residents also harvested 124 lb. (5 lb. per capita) of Chinook salmon. No other salmon species were harvested during the study year. Published spatial harvest data for the 2013 study year were combined for the three communities of the East Glenn Highway (Tolsona, Nelchina, and Mendeltna) to protect the confidentiality of respondents. However, internal records indicate that residents of Tolsona fished for sockeye salmon in the Glennallen subdistrict during the 2013 study year, but not the Chitina subdistrict.

### **Impact on Subsistence Users**

If adopted, this proposal would increase the pool of federally qualified users (FQU) eligible to participate in salmon harvesting opportunities provided under ANILCA. Specifically, residents of Tolsona would be able to harvest salmon in the Chitina Subdistrict under more liberal regulations than the state personal use fishery. Adoption of the proposal could increase competition among federally qualified users by increasing the number of people fishing under federal regulations. If this proposal is rejected, residents living in the community of Tolsona will still be able to fish for salmon under state personal use regulations in the Chitina Subdistrict, or under state or federal subsistence regulations in the adjacent Glennallen Subdistrict.

### **Impact on Other Users**

If adopted, impact on other users would depend on future actions taken by the FSB.

### **Opportunity Provided by State**

**State customary and traditional use findings:** The Alaska Board of Fisheries (BOF) has made a negative customary and traditional use (C&T) finding for salmon in the Chitina Subdistrict. Alaska residents can harvest salmon in the Chitina Subdistrict in the Chitina Subdistrict personal use fishery, which is managed under the Copper River Personal Use Dip Net Salmon Fishery Management Plan (5AAC 77.591).

**Amounts Reasonably Necessary for Subsistence:** Alaska state law requires the Board of Fisheries to determine the amount of the harvestable portion of a fish population that is reasonably necessary for customary and traditional uses. This is an ANS. The BOF does this by reviewing extensive harvest data from all Alaskans, collected either by ADF&G or from other sources. Because there is a negative C&T determination for the Chitina Subdistrict, there is no ANS.

### **Conservation Issues**

There would only be conservation concerns if the FSB and federal in-season managers allowed these additional FQUs to overharvest fish populations.

### **Enforcement Issues**

There is no known enforcement issues directly related to this proposal.

## WRITTEN PUBLIC COMMENT

**Subject: Proposal**

Federal Subsistence Management Program/Federal Subsistence Board

Re: Proposal FP25-03 Tolsona C&T Freshwater Fish and Salmon in  
Copper River

To Whom It May Concern:

This letter is in reference to the Tolsona Community's proposal to acquire subsistence rights in the Wrangell St. Elias National Park.

My name is Kirk Wilson. I have been living in the Tolsona community for 43 years. I live on Tolsona Lake right next to the lodge. I have talked with my neighbors and they have not heard anything about this proposal either. The proposer does not represent me in this matter. The Tolsona Community recognizes a land or business owner as a full time resident in order to serve on the local board or directors. This is in direct conflict with the State of Alaska and the United States Federal Government's qualifications as a resident for subsistence rights.

The federal government doesn't recognize a person that is not a permanent resident for use of federal land. I would recommend that you require individuals of Tolsona community to provide proof of their customary and traditional use patterns of the federal land in question. With caribou and moose populations in decline, this is not the time to be adding new user groups. The true subsistence hunter that uses these Federal lands are going through a hard enough time harvesting as it is now.

The people and their families that are listed in the proposal that claim they have historically used federal lands have not lived in the Tolsona community for more than 20 years. Many others have very short lived or questionable residency in the Tolsona community. In addition to residency questionability, the testimony refers to many historical users fishing in O'Brien Creek. This area can be fished by state subsistence permit and would seem to give this group ample opportunity without being federally qualified. It looks as if this group would like to be federally qualified more for hunting than fishing. I do not believe there is 1 person in this group of Ahtna decent.

It would be a shame for the Wrangell St. Elias National Park to approve a proposal where the lion's share of the community have never used these

federal lands for subsistence purposes.

Respectfully,

Kirk Wilson

## APPENDIX 1: WRITTEN TESTIMONY ACCOMPANYING PROPOSAL

- John W and Marcy W were friends with O. A. Nelson who owned the Chitina Hotel and local store to serve the Kennecott mine area. They hunted and fished jointly along the railroad tracks leading from Chitina toward McCarthy.
  - o Fished in the O'brien Creek (south of the Chitina Bridge) area in the years 1948 - 1969
  - o Hunted in the McCarthy Road park and preserve areas for moose, black bear, brown bear, sheep, and goat in the years 1946 - 1969
  - o Reported by Clare J, daughter of John and Marcy W, who recalls filling large galvanized wash tubs full of salmon on many fishing trips.
- Willard B often joined John and Marcy W, Clare J (as a child) and other family and friends to jointly dip net salmon from the Copper River.
  - o Fished in the O'brien Creek (south of the Chitina Bridge) area in the years 1954 - 1970. There was only one small grocery store in Glennallen and these large families relied on these Copper River salmon as a primary food source.
  - o Reported by Clare J, granddaughter of Willard B.
- Wilfred B
  - o Fished in the O'brien Creek (south of the Chitina Bridge) area in the years 1954 - 1965.
  - o Hunted in the O'brien Creek area for moose, black bear
  - o Reported by Clare J, niece of Wilfred B.
- Clare J, born and raised at Atlasta House, Tolsona, Alaska, participated in annual family fishing and hunting trips as a child and continued the family subsistence traditions to this day
  - o Fished in the O'brien Creek (south of the Chitina Bridge) area in the years 1960 – 1982
  - o Hunted in the McCarthy Road park and preserve areas for moose, black bear in the years 1971 - 1980.
  - o This testimony was collected directly from Clare J.
- Gene W
  - o Fished in the O'brien Creek (south of the Chitina Bridge) area in the years 1970-1982
  - o Hunted in the McCarthy Road park and preserve areas for moose, black bear, brown bear, sheep, and goat in the years 1976 - 1982
  - o Gene worked as a registered assistant guide for Frank Pease in the years 1977 - 1980 assisting numerous moose and sheep hunters including Mr. Fonk for moose; Mr. Hotter, Mr. Wenger with sheep; Mr. Thomas with sheep and numerous other clients.
  - o Hunted in the Nabesna Road park and preserve areas for moose, black bear, sheep in the years 1976 - 1982
  - o This testimony was collected directly from Clare J, the sister of Gene W.
- Ken and Evelyn B
  - o Ken and Evelyn operated a guide service within the now park area.
  - o They hunted for nutritional use in the national park and preserve areas in the years 1966 through 1991 for both themselves and their daughters Holly and Bebe
  - o Hunted multiple species to include sheep, moose, and brown bear
  - o Fished in the area south of the Chitina bridge in the same years
  - o This testimony was collected by Matt W from Evelyn B during a phone call

- Don W
  - o Fished in the Obrien Creek (south of the Chitina Bridge) area in the years 1976-1978
  - o Hunted in the McCarthy Road park and preserve areas for moose, black bear, brown bear, sheep, and goat in the years 1998-2003
  - o Hunted in the Nabesna Road park and preserve areas for moose, black bear, and brown bear in the years 2008-2010
  - o This testimony was collected by Matt W from Don W during a phone call
- Matt W
  - o Dip netted (federal) in the Obrien Creek (south of the Chitina Bridge) area in the years 2020-2023
  - o Hunted in the McCarthy Road park area for moose in the years 2021 and 2022 and in the preserve area in the year 2023.
  - o This testimony was provided directly from Matt W
- Jason S
  - o Hunted in the park area for moose in the years 2021 and 2022
  - o Dip netted (federal) in the Obrien Creek (south of the Chitina Bridge) area in the years 2021-2023
  - o This testimony was collected directly from Jason S
- Steve W
  - o Dip netted (federal) in the Obrien Creek (south of the Chitina Bridge) area in 2021
  - o This testimony was collected directly from Steve W
- Additional testimony is available from the TCC