



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 20111.EP

AUG 12 2020

Alissa Nadine Rogers, Chair
Yukon-Kuskokwim Delta Subsistence Regional Advisory Council
c/o Office of Subsistence Management
1011 E. Tudor Road, M/S 121
Anchorage, Alaska 99503-6199

Dear Chairwoman Rogers,

The Federal Subsistence Board (Board) met on April 20-23 and April 27, 2020 via teleconference to consider proposed changes to Federal subsistence management regulations for the harvest of wildlife on Federal public lands in Alaska. This letter provides a report on the actions taken by the Board on Wildlife Proposals (WP) and Wildlife Closure Reviews (WCR) affecting residents of the Yukon-Kuskokwim Delta Region.

Section 805(c) of the Alaska National Interest Lands Conservation Act (ANILCA) provides that the Board will accept the recommendations of a Subsistence Regional Advisory Council (Council) regarding take unless, (1) the recommendation is not supported by substantial evidence, (2) the recommendation violates recognized principles of fish and wildlife conservation, or (3) adopting the recommendation would be detrimental to the satisfaction of subsistence needs. When a Council's recommendation is not adopted, the Board is required by Secretarial regulations to set forth the factual basis and reasons for the decision.

Out of 54 proposals submitted, one proposal (**WP20-21**) was withdrawn by the proponent. The Board agreed with the recommendations of the Councils, in whole or with modifications, on 48 of 54 proposals. The Board deferred **WP20-26**, which would allow for the use of snowmachines to assist in positioning wolves or wolverines in Units 9B, 9C, 17B, and 17C, until its summer 2020 work session. Furthermore, the Board accepted the recommendations of the Councils on all 17 WCR's, voting to maintain status quo on 13 of them. Details of these actions and the Board deliberations are contained in the meeting transcriptions. Copies of the transcripts may be obtained by calling the toll free number 1-800-478-1456, and are available online at the Federal Subsistence Management Program website, <https://www.doi.gov/subsistence>.

The Board uses a consensus agenda on those proposals where there is agreement among the affected Council(s), a majority of the Interagency Staff Committee, and the Alaska Department of Fish and Game concerning a proposed regulatory action. These proposals were deemed non-controversial and did not require a separate discussion. The consensus agenda contained five proposals affecting the Yukon-Kuskokwim Delta Region, which the Board deferred to the Yukon-Kuskokwim Delta Subsistence Regional Advisory Council (Council) recommendations as follows: the Board *adopted* **WP20-28/29** requesting that the bull moose season be extended by 5 days and an antlerless moose season be established in Unit 17A; **WP20-32/33** requesting that for moose in Unit 18, the closure be rescinded, a season established and the hunt area revised for the Kanektok drainage; and **WP20-34** to extend the trapping season for Unit 18 mink by establishing a may-be announced winter season. The Board *rejected* statewide proposal **WP20-08**, requiring traps or snares to be marked with a name or state identification number and **WP20-35** to establish a may-be-announced winter season for moose in the Kuskokwim hunt portion of Unit 18.

The Board's action on two WCR's for the region was also consistent with the Council's recommendations. The Board *retained status quo* for **WCR20-38**, which closed moose hunting in the Kuskokwim River area of Unit 18 to non-Federally qualified users, and some Federally qualified users. The Board took no action on **WCR20-40** due to the action taken on WP20-32/33, which opens up a moose hunting season and revises the hunt area for the Kanektok drainage. The action taken by the Board on WP20-32/33 satisfies the Council's recommendation for WCR20-40.

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

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

Sincerely,



Anthony Christianson
Chair

Enclosure

cc: Federal Subsistence Board
Yukon-Kuskokwim Delta Subsistence Regional Advisory Council members
Susan Detwiler, Assistant Regional Director, Office of Subsistence Management
Thomas Doolittle, Deputy Assistant Regional Director, Office of Subsistence Management
Lisa Maas, Acting Policy Coordinator, Office of Subsistence Management
Tom Kron, Acting Council Coordination Division Supervisor,
Office of Subsistence Management
Eva Patton, Subsistence Council Coordinator, Office of Subsistence Management
Interagency Staff Committee
Administrative Record

FEDERAL SUBSISTENCE BOARD 805(c) REPORT

April 20-24 and April 27, 2020
via teleconference, Alaska

Section 805(c) of the Alaska National Interest Lands Conservation Act provides that the “Secretary ... shall consider the report and recommendations of the regional advisory councils concerning the taking of fish and wildlife on the public lands within their respective regions for subsistence uses.” The Secretary has delegated authority to issue regulations for the take of fish and wildlife to the Federal Subsistence Board (Board). Pursuant to this language in Section 805(c), the Board defers to the Subsistence Regional Advisory Council’s (Council) recommendations. However, Section 805(c) also provides that the Board “may choose not to follow any recommendations which [it] determines is not supported by substantial evidence, violates recognized principles of fish and wildlife conservation, or would be detrimental to the satisfaction of subsistence needs.” The purpose of this report is to detail how the Board’s action differed from the Council’s recommendations based on these criteria.

YUKON-KUSKOKWIM DELTA REGION CROSSOVER WILDLIFE PROPOSALS (WP)

WP20-26

DESCRIPTION: WP20-26 requests that Federally qualified subsistence users be allowed to use a snowmachine to position wolves and wolverines for harvest on Bureau of Land Management (BLM) lands in Units 9B, 9C, 17B, and 17C, provided the animals are not shot from a moving snowmachine. Submitted by: Bristol Bay Subsistence Regional Advisory Council.

COUNCIL RECOMMENDATIONS:

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

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

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

BOARD ACTION: **Defer until the August 2020 Board meeting.**

JUSTIFICATION: The Board discussed the challenges of implementing this regulation only on Bureau of Land Management lands in the region, which would create a disconnect in Federal regulations on adjoining National Park Service and U.S. Fish and Wildlife Service lands. To avoid confusion and regulatory complexity, the Board suggested the Bristol Bay Subsistence Regional Advisory Council resume their working group discussions with their public and Tribal partners and work with the Office of Subsistence Management and Interagency Staff Committee to develop clear regulatory language that may be acceptable across all Federal lands in the region. The Board will defer taking action on this proposal until the August 2020 Board meeting at which time they will discuss further details on this issue provided by the Bristol Bay Subsistence Regional Advisory Council working group.

WP20-27

DESCRIPTION: WP20-27 requests a unit-specific regulation for Unit 17 allowing use of a snowmachine to assist in the taking of a caribou and allowing caribou to be shot from a stationary snowmachine, using the regulatory language adopted by the Alaska Board of Game in February 2018. Submitted by: Bristol Bay Subsistence Regional Advisory Council.

COUNCIL RECOMMENDATIONS:

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

Yukon-Kuskokwim Delta Subsistence Regional Advisory Council – **Oppose**

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

BOARD ACTION: **Adopt**

JUSTIFICATION: The Board supports this proposal as recommended by the Bristol Bay and Western Interior Alaska Subsistence Regional Advisory Councils. The Board acknowledges the long history of public testimony, Council and Board meeting discussions that document the use of snowmachines as a traditional subsistence practice throughout the State. This proposal supports the Bristol Bay Subsistence Regional Advisory Council's effort to develop clear regulatory language for use of snowmachines to harvest caribou. The Board commends the Bristol Bay Subsistence Regional Advisory Council for their efforts to develop a solution that involves input from a diverse group of people and agencies through the working group. The regulatory language provided in this proposal is enforceable and clearly articulates how hunters may use snowmachines to assist in the taking of caribou while remaining in compliance with existing regulations. In addition, the regulation also aligns with the State regulation, which will reduce regulatory confusion that may have existed. Adopting this proposal would reduce the uncertainty for hunters regarding the legal use of snowmachines.

To address the Yukon-Kuskokwim Delta Subsistence Regional Advisory Council concerns about the recent declines in the Mulchatna Caribou Herd, the Board highlighted that this is a methods and means proposal and does not pose a conservation concern because caribou harvest will still be managed through seasons and harvest limits.