

# Western Interior Alaska Subsistence Regional Advisory Council

c/o Office of Subsistence Management  
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**MAY 06 2020**

Anthony Christianson, Chair  
Federal Subsistence Board  
c/o Office of Subsistence Management  
1011 East Tudor Road, MS 121  
Anchorage, Alaska 99503-6199

Dear Chairman Christianson:

The Western Interior Alaska Subsistence Regional Advisory Council submits this FY2019 annual report to the Federal Subsistence Board (Board) under the provisions of Section 805 (a)(3)(D) of the Alaska National Interest Lands Conservation Act (ANILCA). At its public meeting in McGrath, Alaska, on October 8-9, 2019, the Council identified concerns and recommendations for this report. It approved this report at its winter 2020 meeting held February 11-12, 2020 in Fairbanks. The Council wishes to share information and raise a number of concerns aligned with the implementation of Title VIII of ANILCA and the continuation of subsistence uses in the Western Interior Region.

## **1. Mean High Water Mark Definition**

At its March 26-27, 2019 meeting held in Fairbanks, the Council submitted a Federal subsistence wildlife proposal to the Board requesting a definition for the mean high water mark. The Council discussed incidents where hunters were confused about how the high water mark was determined. One Council member cited an instance where law enforcement confiscated a moose during the subsistence winter hunt due to a misinterpreted boundary. The Council's proposal was rejected because "the Board does not have regulatory authority to define mean high water mark." The Board further explained that Federal land managers were responsible for area descriptors of public lands.

At its meeting held October 8-9, 2019, the Council was informed of Federal regulation at 33 CFR 328, which reads, "*The term ordinary high water mark means that line on the shore established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider*

*the characteristics of the surrounding area.”* The Council believes that this definition is ambiguous and cumbersome and that several of these characteristics would be difficult for subsistence users to identify. This is particularly true during the winter months when hunting areas along the rivers can have several feet of snow.

*Recommendation:*

The Council is requesting that Federal managers develop a definition of the mean or ordinary high water mark that reduces confusion and provides a physical attribute, such as willows, for easier identification. Simplifying the definition would also reduce conflicts with law enforcement officials and minimize the confiscation of important subsistence resources for local hunters because of interpretation errors.

## **2. Mulchatna Caribou Herd Harvest Management**

The Togiak National Wildlife Refuge and Yukon Delta National Wildlife Refuge (NWR) recently submitted Temporary Wildlife Special Action WSA19-07, requesting that the Board reduce the harvest limit from two caribou by State registration permit to one caribou by State registration permit throughout the range of the Mulchatna Caribou Herd.

The Council discussed the Mulchatna Caribou Herd on the record during its fall 2019 public meeting held October 8-9 in McGrath. At this meeting, Federal and State managers shared increasing biological concerns about the Mulchatna Caribou Herd, which dropped from historic highs of 200,000 animals to an estimated 13,500 caribou in 2019, a decrease of 50% since 2016. The Council was alarmed to hear the discrepancies between the Federal and State harvest records for this critically imperiled herd. The State's records were vastly lower than Federal harvest numbers and appear to only capture sport hunting harvest. Federal managers from the Yukon Kuskokwim Delta NWR reported higher harvest numbers, particularly by hunters from the Bethel area. It was evident during the discussion that there is a lack of reliable harvest information available and that harvest could be grossly underreported, negatively affecting the adult cohort of this herd. Overall, the biological information for the Mulchatna Caribou Herd presented to the Council was incomplete.

*Recommendation:*

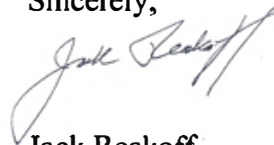
The Council has been sharing concerns about the Mulchatna Caribou Herd's declining population for many years and believes that management is going in the wrong direction. Any harvestable surplus now and in the future needs to include a component for under or non-reported harvest mortality, particularly given the level of hunting competition for caribou in this region. Incidental harvest mortalities are generally high in aggregate ungulate species like caribou, and this needs to be captured in a comprehensive hunting mortality report. The Council requests that Federal and State managers implement measures immediately that will accurately quantify the harvest of caribou from the Mulchatna Caribou Herd.

### 3. Maximum Sustained Yield Fisheries Management

The Council wishes to alert the Board that member Timothy Gervais will be sending a letter to the National Oceanic and Atmospheric Administration (NOAA) to share his concerns with the current management of Federal fisheries in marine waters. The Council concurs with Mr. Gervais' concerns and strongly believes that operating Federal fisheries at "maximum sustained yield" with changing ocean conditions is detrimental to fish stocks in Alaska marine environments and negatively impacts coastal and interior Alaska rural communities that rely on migrating fish for subsistence. The Council will implore NOAA and others to institute more conservative harvest strategies in response to the rapidly changing marine environment conditions, including warming waters and depleted fish and shellfish stocks.

Thank you for the opportunity for this Council to assist the Federal Subsistence Management Program in meeting its charge of protecting subsistence resources and uses of these resources on Federal public lands and waters. We look forward to continuing discussions about the issues and concerns of subsistence users of the Western Interior Region. If you have questions about this report, please contact me via Karen Deatherage, Subsistence Council Coordinator, Office of Subsistence Management, at karen\_deatherage@fws.gov, or 1-800-478-1456 or 907-474-2270.

Sincerely,



Jack Reakoff  
Chair

cc Federal Subsistence Board

Sue Detwiler, Assistant Regional Director, Office of Subsistence Management

Thomas Doolittle, Deputy Assistant Regional Director, Office of Subsistence Management

Suzanne Worker, Acting Subsistence Policy Coordinator,  
Office of Subsistence Management

Greg Risdahl, Fisheries Division Supervisor, Office of Subsistence Management

Chris McKee, Wildlife Division Supervisor, Office of Subsistence Management

Tom Kron, Acting Supervisory Program Analyst, Office of Subsistence Management

Karen Deatherage, Subsistence Council Coordinator, Office of Subsistence Management

Benjamin Mulligan, Deputy Commissioner, Alaska Department of Fish and Game

Mark Burch, Special Projects Coordinator, Alaska Department of Fish and Game

Western Interior Alaska Subsistence Regional Advisory Council

Interagency Staff Committee

Administrative Record