



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

Federal Subsistence Board

1011 East Tudor Road, MS121
Anchorage, Alaska 99503



FOREST SERVICE

MAR 01 2016

FWS/OSM 16008.AH

Mr. Ted Spraker and Mr. Tom Kluberton, Chairmen
Alaska Department of Fish and Game
Boards Support Section
P.O. Box 115526
Juneau, Alaska 99811-5526

Re: Reinitiate efforts to update the Memorandum of Understanding between the Federal Subsistence Board and the Alaska Boards of Fish and Game.

Dear Chairmen Spraker and Kluberton:

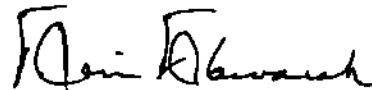
I want to thank Chairman Kluberton for reaching out to the Federal Subsistence Board during the January 2016 Federal and State of Alaska Subsistence Subcommittee meeting to investigate the status and potential for cooperative efforts to review the Memorandum of Understanding (MOU) between the regulatory boards. The previous MOU expired in November 2014.

During its January 12, 2016 work session, the Federal Subsistence Board expressed an interest in reviewing the status of the MOU and reviving this effort with the State of Alaska.

Please keep the Federal Subsistence Board apprised of any future planning for this endeavor via the Office of Subsistence Management. We look forward to reengage with the State of Alaska on this important issue.

Any questions regarding this letter can be addressed directly to Eugene R. Peltola, Jr., Assistant Regional Director, Office of Subsistence Management at (907) 786-3888, gene_peltola@fws.gov.

Sincerely,



Tim Towarak, Chair

cc:

Sam Cotten, ADF&G
Kristi Tibbles, ADF&G Juneau
Lisa Olson, ADF&G, Anchorage
Hazel Nelson, ADF&G, Anchorage
Scott Kelly, ADF&G, Juneau
Tom Brookover, ADF&G, Anchorage
Bruce Dale, ADF&G, Palmer

Glenn Haight, ADF&G, Juneau
Drew Crawford, ADF&G, Anchorage
Jill Klein, ADF&G, Anchorage
Eugene R. Peltola, Jr., OSM, Anchorage
Stewart Cogswell, OSM, Anchorage
Interagency Staff Committee
Administrative Record

MEMORANDUM OF UNDERSTANDING

for

Coordinated Interagency Fish and Wildlife Management for Subsistence Uses on Federal
Public Lands in Alaska

between the

Federal Subsistence Board
(U.S. Fish and Wildlife Service, U.S. Forest Service, National Park Service, Bureau of
Land Management, Bureau of Indian Affairs, and Secretarial appointed Chair)

and

State of Alaska
(Alaska Department of Fish and Game (ADF&G) and Alaska Board of Fisheries and
Alaska Board of Game (State Boards))

I. PREAMBLE

This Memorandum of Understanding (MOU) between the Federal Subsistence Board and the State of Alaska establishes guidelines to coordinate in managing subsistence uses of fish and wildlife resources on Federal public lands in Alaska.

WHEREAS, the State of Alaska, under its laws and regulations, is responsible for the management, protection, maintenance, enhancement, rehabilitation, and extension of the fish and wildlife resources of the State of Alaska on the sustained yield principle, subject to preferences among beneficial uses, such as providing a priority for subsistence harvest and use of fish and wildlife (where such uses are customary and traditional), and implements its program through the State Boards and the ADF&G, providing for public participation through Advisory Committees authorized in the State's laws and regulations (Alaska Statutes Title 16; Alaska Administrative Code Title 5) and through Alaska Administrative Procedure Act;

WHEREAS, the Secretaries of Agriculture and the Interior (Secretaries), by authority of the Alaska National Interest Lands Conservation Act (ANILCA) and other laws of Congress, regulations, and policies, are responsible for ensuring that the taking on Federal public lands of fish and wildlife for nonwasteful subsistence uses, as defined in ANILCA §803, shall be accorded priority over the taking on such lands of fish and wildlife for other purposes as provided for in ANILCA §804; and that the Secretaries are responsible for protecting and providing the opportunity for rural residents of Alaska to engage in a subsistence way of life on Federal public lands in Alaska, consistent with the conservation of healthy populations of fish and wildlife; and these lands are defined in ANILCA §102 and Federal regulation (36 CFR Part 242 and 50 CFR Part 100); and that the Secretaries implement this priority through the Federal Subsistence Board, providing for public participation through Regional Advisory Councils authorized by ANILCA §805 and Federal regulations (above); and,

WHEREAS, ANILCA, Title VIII, authorizes the Secretaries to enter into cooperative agreements in order to accomplish the purposes and policies of Title VIII, and the State of Alaska and the Federal Subsistence Board believe it is in the best interests of the fish and wildlife resources and the public to enter into this Memorandum of Understanding;

THEREFORE, the signatories endorse coordination of State and Federal regulatory processes and the collection and exchange of data and information relative to fish and wildlife populations and their use necessary for subsistence management on Federal public lands. This MOU forms the basis for such cooperation and coordination among the parties with regard to subsistence management of fish and wildlife resources on Federal public lands.

II. PURPOSES

The purpose of this MOU is to provide a foundation and direction for coordinated interagency fish and wildlife management for subsistence uses on Federal public lands, consistent with specific State and Federal authorities as stated above, that will protect and promote the sustained health of fish and wildlife populations, ensure conservation and stability in fish and wildlife management, and include meaningful public involvement. The signatories hereby enter this MOU to establish guidelines for subsequent agreements and protocols to implement coordinated management of fish and wildlife resources used for subsistence purposes on Federal public lands in Alaska.

III. GUIDING PRINCIPLES

- 1) Ensure conservation of fish and wildlife resources while providing for continued uses of fish and wildlife, including a priority for subsistence uses, through interagency subsistence management and regulatory programs that promote coordination, cooperation, and exchange of information between State and Federal agencies, regulatory bodies, Regional Advisory Councils and/or State Advisory Committees, state and local organizations, tribes and/or other Alaska Native organizations, and other entities;
- 2) Use the best available scientific and cultural information and local traditional knowledge for decisions regarding fish and wildlife management for subsistence uses on Federal public lands;
- 3) Avoid duplication in research, monitoring, and management;
- 4) Involve subsistence and other users in the fisheries and wildlife management planning processes;
- 5) Promote stability in fish and wildlife management and minimize unnecessary disruption to subsistence and other uses of fish and wildlife resources; and
- 6) Promote clear and enforceable hunting, fishing, and trapping regulations.

**IV. THE FEDERAL SUBSISTENCE BOARD AND STATE OF ALASKA
MUTUALLY AGREE:**

- 1) To cooperate and coordinate their respective research, monitoring, regulatory, and management actions to help ensure the conservation of fish and wildlife populations for subsistence use on federal public lands.
- 2) To recognize that State and Federal historical and current harvest and population data and information and cultural information are important components of successful implementation of Federal responsibilities under ANILCA Title VIII.
- 3) To provide a priority for subsistence uses of fish and wildlife resources and to allow for other uses of fish and wildlife resources when harvestable surpluses are sufficient, consistent with ANILCA and Alaska Statute 16.05.258.
- 4) To recognize that cooperative funding agreements implementing the provisions of this MOU may be negotiated when necessary and as authorized by ANILCA §809 and other appropriate statutory authorities. Federal funding agreements for cooperative research and monitoring studies of subsistence resources with organizations representing local subsistence users and others will be an important component of information gathering and management programs.
- 5) To recognize that State and Federal scientific standards for conservation of fish and wildlife populations are generally compatible. When differences interpreting data are identified, the involved agencies should appoint representatives to seek resolution of the differences.
- 6) To cooperatively pursue the development of information to clarify state and federal regulations for the public.
- 7) To recognize that the signatories may establish protocols or other procedures that address data collection and information management, data analysis and review, in-season fisheries and wildlife management, and other key activities and issues jointly agreed upon that affect subsistence uses on Federal public lands. (See Appendix)
- 8) To provide an opportunity, through interagency Federal-State technical committees, for appropriate scientific staff, along with Regional Advisory Council and/or State Advisory Committee representatives, subsistence users, and other members of the public to discuss and review data analyses associated with proposal analyses and resource and harvest assessment and monitoring.
- 9) To designate liaisons for policy communications and, as appropriate, to identify local agency representatives for efficient day-to-day communication, field operations, and data retrieval between State and Federal programs.
- 10) To provide adequate opportunity for the appropriate Federal and State agencies to review analyses and justifications associated with special actions and emergency orders affecting subsistence uses on Federal public lands, prior to implementing such actions. Where possible and as required, State and Federal agencies will provide advance notice to

Regional Advisory Council and/or State Advisory Committee representatives and other interested members of the public before issuing special actions or emergency orders. Where conservation of the resource or continuation of subsistence uses is of immediate concern, the review shall not delay timely management action.

11) To cooperatively review existing and proposed State fish and wildlife management plans and Federal subsistence management plans that affect subsistence uses on Federal public lands, providing an opportunity for Regional Advisory Council and/or State Advisory Committee representatives and other public to participate. Consider State fish and wildlife management plans as the initial basis for any management actions so long as they provide for subsistence priorities under State and Federal law. Procedures for management plan reviews and revisions will be developed by the respective Federal and State Boards in a protocol.

12) To use the State's harvest reporting and assessment systems supplemented by information from other sources to monitor subsistence uses of fish and wildlife resources on Federal public lands. In some cases, Federal subsistence seasons, harvest limits, or data needs may necessitate separate Federal subsistence permits and harvest reports.

13) To ensure that local residents and other users will have meaningful involvement in subsistence wildlife and fisheries regulatory processes that affect subsistence uses on Federal public lands.

V. GENERAL PROVISIONS

1) No member of, or Delegate to, Congress shall be admitted to any share or part of this document, or to any benefit that may arise therefrom.

2) This MOU is complementary to and is not intended to replace, except as specifically regards Federal responsibility for subsistence uses of fish and wildlife on Federal public lands, the Master Memoranda of Understanding between the individual Federal agencies and ADF&G. Supplemental protocols to this document may be developed to promote further interaction and coordination among the parties.

3) Nothing herein is intended to conflict with Federal, State, or local laws or regulations.

4) Policy and position statements relating specifically to this MOU may be made only by mutual consent of the parties.

5) Nothing in this MOU is intended to enlarge or diminish each party's existing responsibilities and authorities, if any, for management of fish and wildlife.

6) Upon signing, the parties shall each designate an individual and an alternate to serve as the principal contact or liaison for implementation of this MOU.

7) This MOU becomes effective upon signing by all signatories and will remain in force until such time as the Secretary of the Interior determines that the State of Alaska has implemented a subsistence management program in compliance with Title VIII of

ANILCA, or, signatories terminate their participation in this MOU by providing 60 days written notice. Termination of participation by one signatory has no impact on this MOU's effectiveness between the remaining signatories.

8) The signatories will meet annually, or more frequently if necessary, to review coordinated programs established under this MOU and to consider modifications to this MOU that would further improve interagency working relationships. Documentation of the review and consideration of any modifications within the scope of this understanding shall be made by mutual consent of the signatories, in writing, signed and dated by all parties. If no review is conducted, this MOU will expire 5 years after the most recent review was conducted.

9) Nothing in this document shall be construed as obligating the signatories to expend funds or involving the United States or the State of Alaska in any contract or other obligations for the future payment of money, except as may be negotiated in future cooperative funding agreements.

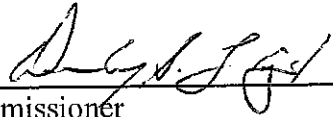
10) This MOU establishes guidelines and mutual management goals by which the signatories shall coordinate, but does not create legally enforceable obligations or rights.

11) This MOU is neither a fiscal nor a funds obligation document. Any endeavor involving reimbursement, contribution of funds, or transfer of anything of value between the parties to this MOU will be handled in accordance with applicable laws, regulations, and procedures.

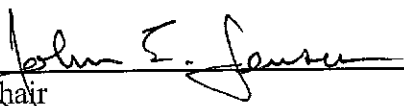
12) This MOU does not restrict the signatories from participating in similar agreements with other public or private agencies, organizations, and individuals.

SIGNATORIES

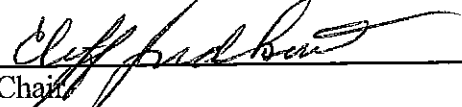
In WITNESS WHEREOF, the parties hereto have executed this MOU as of the last date written below.



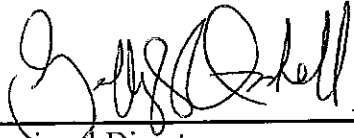
Commissioner
Alaska Department of Fish and Game
Date: 3 Nov. 08




Chair
Alaska Board of Fisheries
Date: Nov. 3, 2008




Chair
Alaska Board of Game
Date: 11/03/08



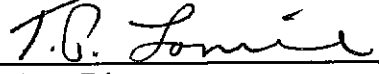
Regional Director
U.S. Fish and Wildlife Service
Date:



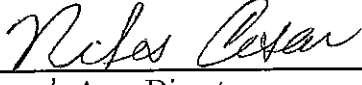
Regional Forester
U.S. Forest Service
Date: 12/17/08



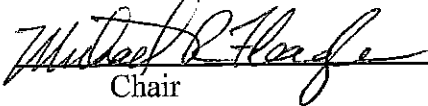
Regional Director
National Park Service
Date: 12.12.08



State Director
Bureau of Land Management
Date: 12-18-08



Regional Area Director
Bureau of Indian Affairs
Date: 12/15/08



Chair
Federal Subsistence Board
Date: 12/5/08

APPENDIX

SCOPE FOR PROTOCOLS AND/OR PROCEDURES

- 1) Joint technical committees or workgroups may be appointed to develop protocols and/or procedures.
- 2) Individual protocols and/or procedures should:
 - a. Be developed by an interagency committee. The committee shall involve, as appropriate, Regional Advisory Council and/or State Advisory Committee representatives and other State/Federal regional or technical experts.
 - b. Identify the subject or topic of the protocol and provide justification.
 - c. Identify the parties to the protocol.
 - d. Identify the process to be used for implementing the protocol.
 - e. Provide for appropriate involvement of Regional Advisory Council and/or State Advisory Committees, tribes and/or other Alaska Native organizations, governmental organizations, and other affected members of the public when implementing protocols.
 - f. Specify technical committee or workgroup memberships.
 - g. Develop a timeline to complete tasks.
 - h. Identify funding obligations of the parties.
 - i. Define the mechanism to be used for review and evaluation.
- 3) Protocols or procedures require concurrence by the signatories of this MOU prior to implementation.

11

Memorandum of Understanding between the state and federal agencies on the coordinated management of subsistence uses of fish and wildlife resources on Federal public lands

Update

Alaska Board of Game March 17, 2016

- The subsistence committee of the Alaska Board of Fisheries met in December 2015 and learned about the current status of the expired Memorandum of Understanding (MOU) between the state and federal agencies on the coordinated management of subsistence uses of fish and wildlife resources of federal public lands. The committee members expressed interest in investigating the status and potential for cooperative efforts to review the Memorandum of Understanding. The previous MOU expired in November 2014.
- Following this, the Federal Subsistence Board held a work session where they also discussed the expired MOU and expressed their interest in reviewing the status of the MOU and reviving this effort with the state of Alaska.
- Subsequently, the Alaska Boards of Fish and Game received a letter from the Federal Subsistence Board in early March 2016 to this effect and asking the department and boards to please keep the Federal Subsistence Board apprised of any future planning for this endeavor.

Next Steps:

- Now that the Alaska Boards have received this letter, they can take action to work on this. The BOF will work through their subsistence committee and the Board of Game can join into this process.
- The department will select staff to work on this through its federal liaison team.
- The conduit of information will be through this State Federal liaison program (Jill Klein and / or Drew Crawford).
- The team will invite the federal staff to participate in the initial planning process for this effort.
- A draft timeline proposed might look like this:
 - first meeting in late April 2016,
 - bring before RAC's and AC's at their fall 2016 meetings,
 - second meeting fall 2016,
 - third meeting winter 2017,
 - bring before RAC's and AC's at their spring 2017 meetings, and
 - if document is ready, final approval at last meeting of the 2016/2017 BOF and BOG cycles (if not ready, continue another year).

Goals and outcomes:

- A clear understanding of the purpose for this MOU
- A review of why the previous MOU expired
- An understanding of why the previous revision process to renew the MOU did not succeed
- A renewed MOU between the state and federal agencies.