



SOUTHEAST ALASKA SUBSISTENCE REGIONAL ADVISORY COUNCIL Meeting Materials

*February 28 - March 2, 2023
Juneau*



What's Inside

Page

1	Agenda
4	Roster
5	Fall 2022 Draft Council Meeting Minutes
16	North American Caribou Workshop and Arctic Ungulate Conference
18	How to Change Federal Subsistence Regulations
21	Annual Report Briefing
23	FY2022 Annual Report
31	Subsistence Regional Advisory Council Correspondence Policy
33	Proposed changes to 2020 Hunting and Trapping regulations on National Preserves in Alaska
41	Fall 2023 Council Meeting Calendar
42	Winter 2024 Council Meeting Calendar
43	Fall 2024 Council Meeting Calendar
44	Region 1 – Southeast Regional Maps
66	Council Charter

The Chilkat Mountains and Eagle Beach on Christmas morning. Eagle Beach State Recreation Area.



USDA Forest Service photo by Rachel Deehan.

This page intentionally left blank

SOUTHEAST SUBSISTENCE REGIONAL ADVISORY COUNCIL

Andrew P. Kashevaroff (APK) Building, 395 Whittier Street.

Juneau, Alaska

February 28 – March 2, 2023

convening at 8:30 a.m. daily

TELECONFERENCE: call the toll free number: **1-866-692-3163**, then when prompted enter the passcode: **48773479**.

PUBLIC COMMENTS: Public comments are welcome for each agenda item and for regional concerns not included on the agenda. The Council appreciates hearing your concerns and knowledge. Please fill out a comment form to be recognized by the Council chair. Time limits may be set to provide opportunity for all to testify and keep the meeting on schedule.

PLEASE NOTE: These are estimated times and the agenda is subject to change. Contact staff for the current schedule. Evening sessions are at the call of the chair.

AGENDA

*Asterisk identifies action item.

- 1. Invocation**
- 2. Call to Order** (*Chair*)
- 3. Roll Call and Establish Quorum** (*Secretary*)..... 4
- 4. Meeting Announcements** (*Council Coordinator*)
- 5. Welcome and Introductions** (*Chair*)
- 6. Review and Adopt Agenda*** (*Chair*)..... 1
- 7. Election of Officers**
 - Chair (*DFO*)
 - Vice-Chair (*New Chair*)
 - Secretary (*New Chair*)
- 8. Review and Approve Previous Meeting Minutes*** (*Chair*)..... 5
- 9. Reports**
 - Council Member Reports
 - Chair’s Report
- 10. Public and Tribal Comment on Non-Agenda Items** (available each morning)

11. Old Business (Chair)

- a. 805(c) Report – summary (*Council Coordinator*)
- b. Alaska Board of Game – Action on SE proposals (*Council Coordinator*)
- c. North American Caribou Workshop and Arctic Ungulate Conference Update (*OSM*) 16
- d. Special Actions (*Rob Cross*)
- e. Tongass Submerged Lands (*Greg Risdahl, Jacob Hofman*)
- f. Unit 2 Wolf Update (*ADF&G, USFWS*)
- g. Alaska Roadless Rule Update (*USFS*)
- h. Southeast Alaska Sustainability Strategy – Forest Management Update (*Frank Sherman*)

12. New Business (Chair)

- a. Southeast Federal Subsistence Wildlife Report (*USFS*)
- b. Deer Research – using LiDAR (*USFS*)
- c. Call for Wildlife Proposals* (*USFS*)
- d. Annual Report Briefing 21
- e. Review and approve FY2022 Annual Report* (*Council Coordinator*) 23
- f. Council Charter Review* (*OSM*)..... 66
- g. Federal Subsistence Board Updated Draft Council Correspondence Policy* (*OSM*)..... 31
- h. Fisheries Resources Monitoring Program Information Update (*OSM, Fisheries Division*)
- i. Partners for Fisheries Monitoring Program Update (*OSM, Fisheries Division*)
- j. Regulatory Cycle Update (*OSM, Fisheries Division*)
- k. NPS seeks input on proposed changes to 2020 Hunting and Trapping regulations on National Preserves in Alaska (*NPS*) 33

13. Agency Reports

(Time limit of 15 minutes unless approved in advance)

Tribal Governments

Native Organizations

- Hoonah Indian Association (Unit 4 Deer Strategy work) (*Ian Johnson*)

National Park Service

U.S. Forest Service

- Tongass Update
- Tribal Relations
- USFS Subsistence Program Report (*Greg Risdahl*)
- Fisheries Harvest Summary
- Law Enforcement

Alaska Department of Fish and Game

- Subsistence Research (*Lauren Sill*)

Office of Subsistence Management (*OSM*)

14. Future Meeting Dates*

Confirm fall 2023 meeting date and location (*Oct. 24-26, 2023, Sitka*) 41
Select winter 2024 meeting date and location 42
Select Fall 2024 meeting date and location 43

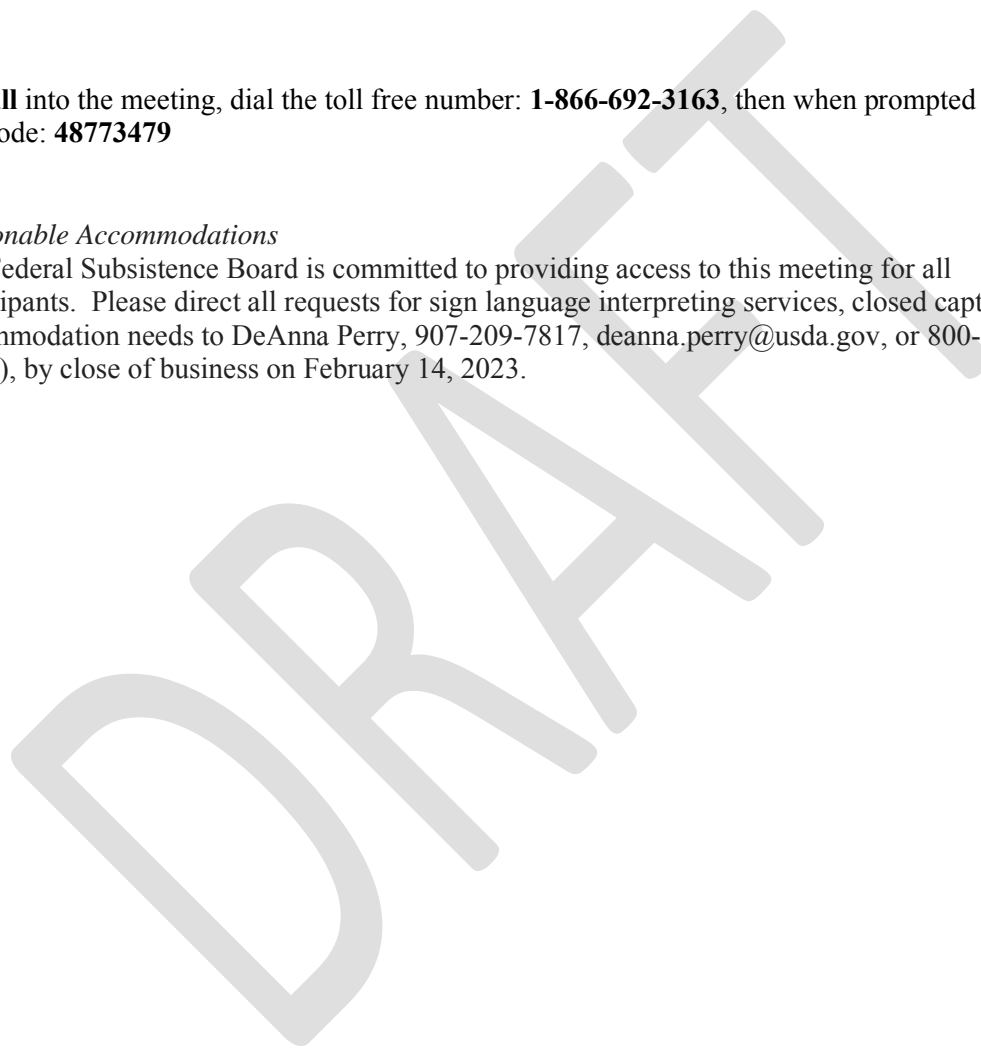
15. Closing Comments

16. Adjourn (*Chair*)

To call into the meeting, dial the toll free number: **1-866-692-3163**, then when prompted enter the passcode: **48773479**

Reasonable Accommodations

The Federal Subsistence Board is committed to providing access to this meeting for all participants. Please direct all requests for sign language interpreting services, closed captioning, or other accommodation needs to DeAnna Perry, 907-209-7817, deanna.perry@usda.gov, or 800-877-8339 (TTY), by close of business on February 14, 2023.



REGION 1
Southeast Alaska Subsistence Regional Advisory Council

Seat	Year Appointed <i>Term Expires</i>	Member Name and Community
1	2022 2025	Larry R. Bemis <i>Yakutat</i>
2	2004 2025	Frank G. Wright Jr. <i>Hoonah</i> Secretary
3	2021 2025	Calvin H. Casipit <i>Gustavus</i>
4	2000 2025	Michael A. Douville <i>Craig</i>
5	2021 2025	James C. Slater <i>Pelican</i>
6	2021 2023	Robert F. Schroeder <i>Juneau</i>
7	2021 2023	Albert H. Howard <i>Angeon</i>
8	2021 2023	Donald C. Hernandez <i>Point Baker</i> Chair
9	2022 2024	Patricia A. Phillips <i>Pelican</i>
10	2022 2024	Louie A. Wagner, Jr. <i>Metlakatla</i>
11	2021 2023	Harvey Kitka <i>Sitka</i>
12	2022 2024	John Smith, III <i>Juneau</i>
13	2009 2024	Cathy A. Needham <i>Juneau</i> Vice-Chair

SOUTHEAST ALASKA SUBSISTENCE REGIONAL ADVISORY COUNCIL

Meeting Minutes

Cape Fox Lodge
Ketchikan, Alaska
October 25 – 27, 2022

Invocation:

Orville Lind, Office of Subsistence Management, provided an invocation.

Call to Order, Roll Call, and Quorum Establishment:

The meeting was called to order Tuesday, October 25, 2022, at around 9:00 a.m. Council members Donald Hernandez, Calvin Casipit, Michael Douville, Ian Johnson, Harvey Kitka, Cathy Needham, Patricia Phillips, John Smith III, Louie Wagner Jr., and Frank Wright Jr. were present in person. Council members Albert Howard and James Slater were present by telephone. Council member Robert Schroeder was not present and was excused. With 12 out of 13 seated Council members present, the quorum was established.

Attendees:

- U.S. Forest Service (USFS): *Dave Schmid, Frank Sherman, Greg Risdahl, Cathy Tighe, Ray Born, DeAnna Perry, Rob Cross, Jacob Musslewhite, Andrew Sanders, Susan Oehlers, Jennifer Hanlon, Kim Ramos*
- Office of Subsistence Management (OSM): *Orville Lind, Brent Vickers, Ph.D., Lisa Grediagin, Robbin La Vine, Jason Roberts, Ph.D.*
- Ketchikan Indian Community (KIC): *Trixie Bennett, Tribal President, Tony Gallegos, Keenan Sanderson, Steven Hartford*
- Organized Village of Saxman (OVS): *Joe Williams, Tribal President*
- Organized Village of Kake (OVK): *Justin McDonald*
- Angoon Community Association: *Maxine Thomson, Mayor*
- Cape Fox, Tongass Tribe: *Willard Jackson, Speaker of the House, Teikweidi Brown Bear*
- Bureau of Indian Affairs (BIA): *Glen Chen, Ph.D.*
- National Park Service (NPS): *Eva Patton, Wendy Bredow, Barbara Cellarius*
- U.S. Fish & Wildlife Service (USFWS): *Jill Klein, Doug Cooper, Sara Markegard*
- Bureau of Land Management (BLM): *Chris McKee*
- Alaska Department of Fish and Game (ADF&G): *Mark Burch, Lauren Sill, Ross Dorendorf, Tom Schumacher, Patrick Ballard*
- Members of the Public: *Heather Bauscher, Ryan Oney-Miller, Joshua McGaw, Jordan Sletten, Owen Johnson-Knipes, Kurk Cabudol, Triston Quigley, Jason Young, Rowan Olney-Miller, Lena Keilman, Larry Bemis, Amy Daugherty, Marcie Haynes, Judith McQuerry, Naomi*

Michelson, Leah Benning, Steven Hartford, Wayne Weiling, Jerry Holderman, Judy Leask Guthrie

Welcomes:

Trixie Bennett, President of KIC, welcomed the Council to the traditional homelands of the Saanya Kwaan and the Taanta Kwaan people and delivered a Tlingit prayer. Joe Williams, Tribal President of the OVS, also extended his welcome to the Council.

Dave Schmid, Regional Forester, USFS, welcomed the Council to Ketchikan and the Tongass National Forest. Mr. Schmid, as a Federal Subsistence Board member, congratulated Council members Michael Douville and Don Hernandez for their dedicated service and presented 20-year service awards to each.

Review and Adopt Agenda:

Motion by Member Wright, seconded by Member Needham, to adopt the agenda as read with the following changes:

- Designate 10 c. non-rural determination threshold analysis as an action item
- Add USFS Regional Forester report to Old Business
- Move 10 j. Caribou Workshop/Arctic Ungulate Conference to first item under New Business
- Move 10 l. to first item on Wednesday if there are questions

The motion passed unanimously.

Review and Approve Previous Meeting Minutes:

Motion by Member Needham, seconded by Member Smith, to approve the winter 2022 meeting minutes with a correction on page 6: replace ‘elected’ with ‘re-elected’ for Frank Wright, Jr. as Council Secretary. The motion passed unanimously.

Council Member and Chair Reports:

Ian Johnson of Hoonah reported concerns about local food security and sovereignty due to the high cost of living in his community and the impact that fuel costs have had on the subsistence user’s ability to harvest food. Climate change has affected resources. The drought of 2019 and early 2020, the hemlock sawfly and budworm outbreaks all contributed to significant die-off of old growth tree stands in his area and many are concerned with wildfire risk. Warmer temperatures and ocean acidification are suspected of low Coho Salmon returns and late-returning Sockeye Salmon. Crab harvest was hit-or-miss, and very experienced crab fishermen were experiencing lower harvests. He reported that Hoonah is working at engaging and educating youth in resource policy processes.

Frank Wright, Jr. of Hoonah reported that the ferry schedule will be cut back this winter, and he described the problems caused by the decrease in transportation options throughout Southeast. His community saw a record number of tour ships this season. Unlike previous years, he did not have to sort Tanner Crabs this year or last, because there were only a few small females. He and his crew experienced

bad weather while on the water with little Tanner Crab success – worst he’s ever seen. He reported a lack of young people participating in Khu.eex’ (potlatch) because of the pandemic and he expressed concern that when any portion of a culture is taken away, it diminishes the identity of those people.

Calvin Casipit of Gustavus reported that the number of visitors and sportfishermen returned to the pre-COVID pandemic levels and that there were many fish boxes leaving the community. Because of the warm weather, there were few moose that came down from high country; however, Gustavus did meet the quota of 11-12 moose this season. Warmer temperatures are also keeping deer in higher elevations. He expressed the desire to receive more information from staff on ‘meaningful preference’ as it pertains to the direction in the Alaska National Interest Lands Conservation Act and guidance on how the Council, through its work, can address it and provide it to subsistence users.

Michael Douville of Craig reported that hunting season has just started on Prince of Wales Island with no significant harvest success yet. Fishing was good (best he’s seen in 10 years) except the notable lack of king (Chinook) salmon. Residents remain concerned about the high, healthy wolf population and the loss of winter habitat for deer. These impacts are affecting the ability of subsistence users to harvest deer in his area.

James Slater of Pelican reported that fishing for Chum Salmon seemed to be more lucrative than fishing for Coho Salmon this year. Halibut fishing was slow and there were few Pink Salmon in the creeks in his area. Deer remains at higher elevations so there has been minimal harvest success so far this season. A successful growing season allowed him to share his bounty with the community.

Albert Howard of Angoon reported the cost of living in his community is on the rise and residents rely on king (Chinook) and Coho salmon as well as deer to supplement their food sources. However, he is concerned that Angoon residents are in for a bad winter due to lack of resources. He reported that fishing returns have declined. King (Chinook) salmon was almost non-existent this year, Sockeye Salmon returns were very low, halibut fishing was very slow, and Coho Salmon showed up more than a month later than usual.

Donald Hernandez of Point Baker shared his observations of some of the many changes in salmon behavior in his area throughout the 40+ years that he has been commercially fishing in Sumner Strait. The early run of Stikine Sockeye Salmon surprisingly came in good; however, subsistence fishing may have been limited due to high water. Fishing in the north end of Sumner Strait was very bad with greater success in the South. Pink Salmon harvest, local Sockeye and Coho salmon runs were all poor, and king (Chinook) Salmon were so lacking that the season never closed. It was a good Chum Salmon season. Sawfly outbreaks were extensive and the spruce budworm attacking young growth was concerning. The community remains concerned about the ever-expanding non-resident sportfishing industry. In his community, the number of non-resident sports fishermen outnumber the local residents every single day of the summer and this has depleted local stocks that are important to subsistence users. Additional concerns of unguided fishermen are wasted fish and complicated bag limits, where fishermen make multiple fishing trips in one day, having each trip’s take processed while fishermen go back out to take

another bag limit. Chair Hernandez wondered how possession limits can be better enforced. People are not optimistic about the upcoming deer season.

Patty Phillips of Pelican reported that a result of changes in ocean waters are evident in the wasting starfish observed in her area. There are less sea otters, so locals have been able to harvest scallops and abalone to share with the community. There was hardly any shrimp this year. She has heard reports of wolves and is concerned about them showing up soon (as they are good swimmers). There have been heavy torrents of rain, scouring the streams, which resulting in poor Pink Salmon runs. Charter fleets and clients returned to the area. Compounding the shortage of salmon harvest is the Wild Fish Conservancy lawsuit, which may devastate the Chinook Salmon harvest. The treaty allocation between commercial, personal use, and charter/sport will affect subsistence users at a local level. There has been a large conifer stand die-off and there are concerns that in drier years, there could be an increase in the risk of forest fires.

Louie Wagner, Jr. of Metlakatla reported that the Pink Salmon run was good but there was limited Chum or Coho salmon. Deer populations seem to be good as many are being sighted. There is a good population of wolves in the area, and they swim between islands. His garden did well. Area clams and cockles need to be tested again to determine if the grey water being discharged by cruise ships are making them unfit for human consumption. He reported some information, he learned by serving on the Transboundary Committee regarding mining impacts, and he voiced his concerns about threats to the Stikine, Unuk, and Taku rivers in the Transboundary River watershed.

Harvey Kitka of Sitka reported that the concerns about the lack of herring continue, and he reflected on the drastic change of herring spawn that used to be in almost all bays of Sitka Sound, which are now down to just a small area and a light spawn south of Dorothy Narrows. Redoubt has provided for Sockeye Salmon harvest; however, other places on Chichagof Island have had poor salmon runs. Sea otters seem to be under control as they are seeing gumboots, abalone, and cockle beds coming back. Deer harvest seems to be down, and guided hunters seem to be taking most goats. Interaction between humans and bears have increased. He also commented on the challenges of having previous Council meetings by virtual means.

John Smith, III. of Juneau reported that there is a concern about low numbers of salmon and how a landslide from a few years ago may have damaged young fry. Trolling fishermen seemed to have a good year out on the ocean. The growing season was good. Many families were growing cabbage and broccoli as well as cherries and apples, and it was a productive year for many berries. He commented on the increase in bear/human interaction and believes that having a more liberal bear hunting season would help decrease these incidents. He would like to see better relationships between State Fish and Game officers and subsistence users.

Cathy Needham of Juneau shared some of her personal history of growing up in a subsistence lifestyle and that although she is not currently a Federally qualified subsistence user, she keeps in mind the representation of subsistence users in her work with the Council. She believes the Council should

advocate for continued uses and connection to the land and move forward with making good, positive food security decisions for families in the region. She's heard from community members regarding the Unit 4 deer proposals. She worked with Hydaburg Cooperative Association regarding the wolf issue and encouraged local people to share traditional ecological knowledge. She hopes that this information will be used more in decision-making processes, especially in moving towards indigenous co-management.

Chair's Report – Don Hernandez reported that the Council's Indigenous Co-Management Workgroup met over the summer to finalize a drafted position statement for the Council to review. He was involved in the planning and participation of the Unit 2 Deer Summit and was pleased by the participation by various groups and agencies.

Old Business:

The Council received information on the following topics: Federal Subsistence Board (Board) 805(c) Report summary; Board FY2021 Annual Report Replies summary; Special Actions update; Sitka Kaagwaantaan Extra-Territorial Jurisdiction petition; Southeast Alaska Sustainability Strategy; and the Alaska Roadless Rule.

Indigenous Co-Management Position Statement:

The Council reviewed and discussed the drafting committee's position statement and made suggested edits.

Motion by member Needham, seconded by member Phillips, to finalize and send the Council's position statement for indigenous co-management of natural resources to various agencies.

The motion **passed** on a unanimous vote.

Unit 2 Wolf Update:

Sarah Markegard, biologist with U.S. Fish & Wildlife Service, provided a status update on the Endangered Species Act petition for listing the Alexander Archipelago wolf. The species status assessment and the 12-month finding are expected to be published concurrently in the Federal Register sometime between July and September, 2023.

Tom Schumacher, ADF&G Regional Supervisor, announced the Unit 2 wolf population estimate was 268 wolves with a 95% confidence interval of 216 to 332 wolves. Based on that estimate, ADF&G supports a one-month trapping season from November 15th to December 15th.

Unit 4 Deer Proposals:

Jake Musslewhite, USFS biologist, and Rob Cross, Tongass National Forest (TNF) Subsistence Program Leader, presented the updated analyses for wildlife proposals deferred by the Board. The Council took the following actions:

WP22-07: Deer, Admiralty Island – closure to non-Federally-qualified users (Unit 4)

Motion by Member Casipit, seconded by Member Needham, to **support WP22-07 with modification** to remove wildlife analysis areas 4043, 4044, and 4054 from the proposal area and to reduce the harvest limit for non-Federally qualified users to two bucks within the remaining area (WAAs 4042, 4055, and 4041).

The Council further limited the area addressed in this proposal from its Fall 2021 recommendation and recommended a bag limit reduction instead of a full closure, which will have a lesser impact on non-Federally qualified users. The Council supports Angoon in its efforts to protect their way of life but recognizes that there is a higher threshold to achieve when justifying a closure versus reducing harvest limits. The Council considered this recommendation to be a reasonable compromise, which the Board asked for in its deferral.

The motion **passed** with 9 votes in favor to 3 against.

WP22-08: Deer, NE Chichagof – harvest restriction on non-Federally-qualified users (Unit 4)

Motion by Member Casipit, seconded by Member Johnson, to **take no action on WP22-08**, maintaining the fall 2021 recommendation.

The Council noted that there is a higher level of criteria required to close an area to harvest that are not appropriate in this case of reducing harvest limits, which still provide hunting opportunity for non-Federally qualified users. The buck restriction on non-Federally qualified users will offer a meaningful preference to Federally qualified subsistence users by reducing competition and have a dual purpose of protecting/supporting the deer population. The Council noted that previous testimony indicated that non-Federally qualified users primarily target bucks anyway.

The motion **passed** on a unanimous vote.

WP22-10: Deer, Lisianski Strait – closure to non-Federally-qualified users (Unit 4)

Amended motion by Member Phillips, seconded by Member Casipit, to **support WP22-10 with modification** to reduce the harvest limit for non-Federally qualified users to two bucks (and maintain the area recommended in Fall 2021).

The Council believes that there is a higher level of criteria required to close an area to harvest, which is not appropriate in this case of reducing harvest limits, which can still provide hunting opportunity for non-Federally qualified users, and ensure a subsistence priority. The buck restriction on non-Federally qualified users will provide a meaningful preference to Federally qualified subsistence users by reducing competition. This additional limitation on harvest in the Lisianski area will also minimize conflict in regulations and align the harvest limit by non-Federally qualified users with the harvest limit for the Hoonah area (WP22-08), making the regulations for these areas easier to understand overall. With this regulatory alignment, addressing Unit 4 deer issues in the future will be easier.

The motion **passed** on a unanimous vote.

New Business:

Fisheries Management Reports:

Jake Musslewhite, USFS, provided a Federal Subsistence Fisheries Update for the Southeast Region to the Council, including results from the Sockeye Salmon escapement monitoring project from the Fisheries Resource Monitoring Program.

Regional Fisheries Proposals and Closure Reviews:

FP23-20: Revise customary and traditional use determination for Southeastern Alaska-Yakutat Area Shellfish

Motion by Member Phillips, seconded by Member Casipit, to **support FP23-20**, as written.

Though there are few marine waters under Federal subsistence fisheries jurisdiction in Southeast Alaska, the Council is aware of a pending Final Rule that may establish additional Federal marine waters. The Council felt that there was more than substantial evidence presented to support this proposal and would like to take the first step in providing a potential benefit to subsistence users. The Council does not “think that this recommendation for C&T use is really going to restrict any other users at this point.” The motion passed on a unanimous vote.

FP23-21: Limit Sockeye Salmon harvest in Kah Sheets Lake and River to Federally qualified subsistence users

Motion by Member Phillips, seconded by Member Casipit, to **support FP23-21, with modification** to close Kah Sheets Creek to non-Federally qualified users from July 1 – July 31, while leaving Kah Sheets Lake open to all users.

Although it is difficult to determine if there is a conservation concern without stock assessment data, this area attracts a fair number of fishermen so it can be assumed there are lots of fish. Since fish are being harvested under a Federal permit, the Council feels obligated to provide a meaningful priority for an important resource (Sockeye Salmon) to subsistence users to help meet their subsistence harvest needs. This will not unnecessarily restrict non-Federally qualified users. The modification still meets the general intent of proponent as it reduces competition and may prevent non-Federally qualified users flooding into the area where there is already a significant competition for physical space between sport fishermen and subsistence users.

The motion passed on a unanimous vote.

FCR23-23: Review closure to subsistence harvest of salmon in the Taku River

Motion by Member Phillips, seconded by Member Johnson, to **rescind the closure**.

The Council was informed that this fishery was not mentioned in the Pacific Salmon Treaty, but it wasn't necessarily intentionally excluded, it was just never listed, addressed, or approved. This is the last hurdle to overcome before the Council could support creation of a Chinook Salmon fishery and although the Taku River will continue to be closed until the escapement goal is reached, this could lay a foundation to help subsistence users meet their harvest needs in the future. This would not restrict anyone since there is no regulation being created with the rescinding of this closure. The Council was happy to see the Transboundary Tech. Committee citation in the analysis, encouraged that subsistence has a place in that treaty.

The motion passed on a unanimous vote.

FCR23-24: Review closure to non-Federally qualified users for Sockeye Salmon in Neva Lake, Neva Creek, and South Creek

Motion by Member Phillips, seconded by Member Casipit, to **maintain the status quo**.

The Council found that there is substantial evidence to show that unguided sportfishing is negatively affecting subsistence users' harvest of Sockeye Salmon. This Council has made significant attempts in the past to address this issue, including but not limited to, submitting various proposals through the State's Board of Fisheries to help gather data and address the impacts of this virtually unregulated type of fishing. The Council continues to recognize the challenge of developing information other than traditional ecological knowledge (a perspective that gets discounted), which results in no action being taken and a continued impact on subsistence resources. Maintaining the status quo of the closure will help subsistence users meet their needs and provide safer conditions to fish.

The motion passed on a unanimous vote.

NDP25-01: Request to rescind the nonrural status of Ketchikan Area

Motion by Member Needham, seconded by Member Casipit, to support the OSM conclusion that the proposal has met the threshold requirements and should proceed to the next steps in the nonrural determination proposal process, including a full analysis.

The Council found, based on the information shared with them, that the proposal provided sufficient details to warrant a full analysis for determination of nonrural status of Ketchikan. The Council received public testimony from area residents in favor of non-rural status and the Council looks forward to completing the rest of the steps in the nonrural determination process, should the Board accept the Council's recommendation and find that the threshold criteria has been met.

The motion passed on a unanimous vote.

2024 Fisheries Resource Monitoring Program and Partners for Fisheries Monitoring Program:

Dr. Brent Vickers, Anthropology Division Supervisor, OSM, advised that the notice of funding opportunity for Partners of Fisheries Monitoring Program (a competitive grant for Alaska Native and rural non-profit organizations) is currently open.

Dr. Vickers then provided introductory information on funding of research and monitoring projects that help manage subsistence fisheries in Federal public waters of Alaska. Rob Cross, TNF Subsistence Leader, led the Council in discussing priority information needs, which are used to identify local concerns and gaps in fisheries knowledge based on the Council's knowledge about Southeast Alaska communities. The Council identified several priorities such as: producing reliable estimates of Sockeye Salmon escapement and in-season harvest and of stream discharge in several systems, establish escapement indexes or population estimates for Eulachon at the Unuk River and Yakutat Forelands, develop escapement goals for Sockeye Salmon systems with long term escapement data sets, incorporate the use of indigenous co-management, and update community household fish harvest surveys, to name a few.

Subsistence Resource Commission Appointment

Dr. Barbara Cellarius, cultural anthropologist and subsistence coordinator for Wrangell-St. Elias National Park and Preserve, NPS, informed the Council of the eligibility requirements for serving on the Wrangell-St. Elias National Park and Preserve Subsistence Resource Commission.

Motion by Member Needham, seconded by Member Phillips, to appoint Darrell James to represent the Council on the Wrangell-St. Elias National Park and Preserve Subsistence Resource Commission. The motion passed on a unanimous vote.

Harvest of Wildlife for Sport Purposes in National Preserves

Eva Patton, Subsistence Program Manager, NPS, advised that NPS is re-examining the risk associated with bear baiting on Preserve lands and is asking for feedback from all Regional Advisory Councils. The Council had no input at this time.

Joint meeting: North American Caribou Workshop/Arctic Ungulate Conference May '23

Lisa Grediagin, Wildlife Division Supervisor, OSM, informed the Council of an upcoming conference on caribou and arctic ungulates. She asked the Council for possible topics for an ungulate management symposium and for a representative/alternate nomination by the Council if they wished a Council member to attend.

Motion by Member Howard, seconded by Member Wright, to nominate Member Cal Casipit to attend the conference on behalf of the Council to represent local knowledge and the concerns of the region related to ungulates.

Motion by Member Howard, seconded by Member Phillips to nominate Member Cathy Needham as an alternate.

Both motions **passed** unanimously.

Council Member reimbursement for telephonic/internet expenses related to Council teleconference meetings

DeAnna Perry, Council Coordinator, USFS, provided information to the Council regarding possible reimbursement of telephonic/internet expenses. He outlined the process to submit expenses associated with a Council member's participation in the Council meetings over the last two and a half years that were in excess of his/her normal bill.

Fall 2022 Council application/nomination open season:

Ms. Perry advised that the window to apply for a seat on the Council is currently open. There will be four vacancies to fill on the Southeast Council. The deadline to apply is February 21, 2023.

State of Alaska Board of Game proposals:

The Council voted on October 26 to form a working group to perform an initial review of the pending Alaska Board of Game Southeast Region wildlife proposals that evening and put together thoughts for comments to be discussed and approved by the Council during their meeting the following day when the comments would be finalized and forwarded to the Alaska Board of Game before its January meeting.

Motion by Member Casipit, seconded by Member Kitka, to provide comments, as discussed on record, to 24 wildlife proposals affecting Southeast Alaska resources. Motion **passed** on a unanimous vote.

Motion by Member Needham, seconded by Member Phillips, to send a representative/alternate to the Alaska Board of Game meeting in Ketchikan in January 2023 to present the Council's comments, with a request that this travel be funded by the Office of Subsistence Management. Motion **passed** on a unanimous vote.

Motion by Member Needham, seconded by Member Phillips, to nominate John Smith as the primary Council Member and Albert Howard to be the alternate Council Member to represent the Council and deliver its comments at the Alaska Board of Game January meeting. Motion **passed** on a unanimous vote.

Identify Issues for FY-2022 Annual Report:

Motion by Member Needham, seconded by Member Phillips, to approve the following list of items to be included in the draft FY-2022 Annual Report to the Board:

- Transboundary mining potential impacts to resources
- Unguided sports fishermen issues
- Adaptive management techniques to be used for young growth harvests
- Support awareness for bycatch issues
- Indigenous co-management of resources
- Youth input/representation on Regional Advisory Councils

- Commercial fisheries impact to subsistence fisheries
- Lack of law enforcement for fisheries
- Need to fund studies – document any decline of harvests due to decline of users
- Climate Change
- Current status of fish and wildlife resources throughout Southeast Alaska

Correspondence:

The Council voted to send the following additional correspondence:

- Letter to North Pacific Fishery Management Council regarding concerns about the bycatch issue
- Letter to Secretary of State (pursuant to correspondence policy) regarding the concerns about the impacts to resources of mining around transboundary rivers and watershed

Future Meeting Dates:

The Council voted to have its winter 2023 meeting February 28 through March 2, 2023, in Juneau.

The Council voted to have its fall 2023 meeting October 24 – 26, 2023, in Sitka.

**There was not enough time during this meeting to hear agency reports so they will be carried over onto the winter meeting agenda.*

DeAnna Perry, Designated Federal Officer
USDA – United States Forest Service

Don Hernandez, Chair
Southeast Alaska Subsistence Regional Advisory Council

These minutes will be formally considered by the Southeast Alaska Subsistence Regional Advisory Council at its winter 2023 meeting in Juneau, and any corrections or notations will be incorporated in the minutes at that meeting.

For a more detailed report of this meeting, copies of the transcript and meeting handouts are available upon request. Call DeAnna Perry at 1-800-478-1456 or 907-209-7817, email deanna.perry@usda.gov.

2023 NORTH AMERICAN CARIBOU WORKSHOP & ARCTIC UNGULATE CONFERENCE

Anchorage, Alaska ■ May 8-12, 2023

Come to the conference to share your knowledge and learn from others! Join an international group of managers, biologists, Indigenous and Local Knowledge holders, and others to share knowledge of caribou, muskoxen, Dall's sheep, moose, and reindeer. The meeting will provide opportunities for exchanging viewpoints, concerns, and recommendations regarding the health, stewardship, use, and study of these important species.

The theme for the joint meeting is *Crossing Boundaries*. Arctic ungulates regularly cross landscape boundaries, connecting ecosystems and peoples, necessitating partnerships and collaboration across management and political boundaries. A critical component of such partnerships involves crossing the boundaries of Western science and Indigenous knowledges to identify creative opportunities to sustain Arctic ungulate populations in a changing world. We will explore these themes across four days of research talks, storytelling, workshops and panel discussions. Join us!

For more information visit www.nacw-auc-2023.org or e-mail info@nacw-auc-2023.org.





Feedback from Regional Advisory Councils on the State and Federal Ungulate Management in Alaska Symposium

At the North American Caribou Workshop and
Arctic Ungulate Conference www.nacw-auc-2023.org

Description: This session is intended as a neutral forum for Federal Regional Advisory Council (Council) members, State Fish and Game Advisory Committee members, Federal and State agency staff, and any other interested parties to discuss ungulate management in Alaska, specifically regarding harvest regulations. The format will be facilitated discussion where participation by all attendees is encouraged. Specific topics will be determined after the Councils provide input during their fall 2022 and winter 2023 meetings.

Potential Topics

1. The effectiveness and impact of antler restrictions in moose harvest management (i.e. do spike-fork and brow-tine restrictions actually provide more subsistence harvest opportunity or is it just an easy way to manage moose populations).
2. How to manage young growth forests for moose
3. Regulations that conflict with each other and across user groups (e.g. State community hunts)
4. How biological data is collected (e.g. population surveys)
5. Habitat changes (natural, manmade, and from climate change) and their effects on ungulates
6. Predator Control
7. Identification, viability, and utilization of resident caribou herds (vs. migratory)
8. Effects of climate change, disease and overgrazing on ungulate populations
9. Summer vs. winter diet of caribou (e.g. protein intake)
10. Bull caribou harvest during the rut
11. Effects of hunting pressure on caribou movements and migration routes
12. Effects of roads/development on caribou distribution and movements
13. Population thresholds for caribou herd recovery
14. Wanton waste of meat
15. The importance of funding wildlife surveys and receiving timely reports
16. Muskox harvest management
17. Honoring and incorporating Traditional Ecological Knowledge into harvest management (i.e. letting the leaders pass and ensuring uninterrupted caribou migrations)
18. Harvest management strategies when caribou populations are too high (e.g. showing signs of nutritional stress).
19. Unsafe and disrespectful hunting practices; need for better hunter education
20. Food security
21. Climate change impacts on ungulates, particularly caribou migration routes
22. Caribou distribution patterns in relation to village harvest needs; and exploring new ways to address the needs of villages (e.g. village quota systems)
23. Sport hunter disturbance to caribou and law enforcement
24. Harvest reporting: how to improve



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

Federal Subsistence Board Informational Flyer



U.S. Forest Service

Contact:

Office of Subsistence Management
(907) 786-3888 or (800) 478-1456
subsistence@fws.gov

How to Submit a Proposal to Change Federal Subsistence Regulations

Alaska rural residents and the public are an integral part of the Federal regulatory process. Any person or group can submit proposals to change Federal subsistence regulations, comment on proposals, or testify at meetings. By becoming involved in the process, subsistence users and the public assist with effective management of subsistence activities and ensure consideration of traditional and local knowledge in subsistence management decisions. Subsistence users also provide valuable fish and wildlife harvest information.

A call for proposals to change Federal subsistence regulations is issued in January of even-numbered years for fish and shellfish and in odd-numbered years for wildlife. Proposals to change the nonrural determinations will be accepted in January of every other even-numbered year (every other fish cycle). The period during which proposals are accepted is no less than 30 calendar days. Proposals must be submitted within this time frame. Announcements are made each year regarding the proposals being accepted and timelines that apply.

You may propose changes to Federal subsistence season dates, harvest limits, methods and means of harvest, customary and traditional use and nonrural determinations.

What your proposal should contain:

There is no form to submit your proposal to change Federal subsistence regulations. Include the following information in your proposal submission (you may submit as many as you like):

- Your name and contact information (address, phone, fax, or e-mail address)
- Your organization (if applicable)
- What regulations you wish to change. Include game management unit number, drainage, or area, and species. Quote the current regulation if known. If you are proposing a new regulation, please state “new regulation.”
- The proposed regulation written as you would like to see it
- An explanation of why this regulation change should be made
- Any additional information that you believe will help the Federal Subsistence Board (Board) in evaluating the proposed change

You may submit your proposals by one of the following methods:

- Electronically: Go to the Federal Rulemaking Portal: <https://www.regulations.gov>. In the Search box, enter the Docket number [the docket number will list in the proposed rule, news releases, and other forms of outreach]. Then, click on the Search button. On the resulting page, in the Search panel on the left side of the screen, under the Document Type heading, check the Proposed Rule box to locate this document. Ensure you select the proposed rule by the U.S. Fish and Wildlife Service and **not** by the U.S. Forest Service. You may submit a comment or proposal by clicking on “Comment.”
- By mail: Submit by U.S. mail or hand delivery: Public Comments Processing, Attn: [list the Docket number]; U.S. Fish and Wildlife Service; 5275 Leesburg Pike, MS: PRB (JAO/3W); Falls Church, VA 22041–3803.
- By hardcopy: If in-person Federal Subsistence Regional Advisory Council (Council) meetings are held, you may also deliver a hard copy to the Designated Federal Official (DFO) attending any of the Council public meetings. Information on the dates, locations, and call-in numbers for the Council meetings are announced with several news releases, public service announcements, on our webpage, and social media (see bottom of page for web addresses).

Submit a separate proposal for each proposed change; however, **do not submit the same proposal by different accepted methods listed above**. To cite which regulation(s) you want to change, you may reference 50 CFR 100 or 36 CFR 242, or the proposed regulations published in the Federal Register: <https://www.federalregister.gov/>. All proposals and comments, including personal information, are posted online at <https://www.regulations.gov>.

We cannot accept proposals delivered or sent to the Alaska Regional Office of the U.S. Fish and Wildlife Service, this includes: phone or voicemail, fax, hand delivery, mail, or email.

For the proposal processing timeline and additional information contact the Office of Subsistence Management at (800) 478-1456 / (907) 786-3888 or go to <https://www.doi.gov/subsistence/proposal/submit.cfm>.

How a proposal to change Federal subsistence regulations is processed:

- Once a proposal to change Federal subsistence regulations is received by the Board, the U.S. Fish and Wildlife Service, Office of Subsistence Management (OSM) validates the proposal, assigns a proposal number and lead analyst.
- The proposals are compiled into a book for statewide distribution and posted online to the Program website (<https://www.doi.gov/subsistence/current-proposals>). The proposals are also sent out to the applicable Councils and the Alaska Department of Fish and Game (ADF&G) and the Interagency Staff Committee (ISC) for review. The period during which comments are accepted is no less than 30 calendar days. Comments must be submitted within this time frame.
- The lead analyst works with appropriate agencies and proponents to develop an analysis on the proposal.
- The analysis is sent to the Regional Advisory Councils, ADF&G, and the ISC for comments and recommendations to the Federal Subsistence Board. The public is welcome and encouraged to provide comments directly to the Councils and the Board

at their meetings. The final analysis contains all the comments and recommendations received by interested/affected parties. This packet of information is then presented to the Board for action.

- The decision to adopt, adopt with modification, defer, or reject the proposal is then made by the Board. The public is provided the opportunity to provide comment directly to the Board prior to the Board's final decision.
- The final rule is published in the Federal Register and a public regulations booklet is developed and distributed statewide and on the Program's website.

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 <https://www.doi.gov/subsistence> or by visiting www.facebook.com/subsistencealaska.

ANNUAL REPORTS

Background

ANILCA established the Annual Reports as the way to bring regional subsistence uses and needs to the Secretaries' attention. The Secretaries delegated this responsibility to the Board. Section 805(c) deference includes matters brought forward in the Annual Report.

The Annual Report provides the Councils an opportunity to address the directors of each of the four Department of Interior agencies and the Department of Agriculture Forest Service in their capacity as members of the Federal Subsistence Board. The Board is required to discuss and reply to each issue in every Annual Report and to take action when within the Board's authority. In many cases, if the issue is outside of the Board's authority, the Board will provide information to the Council on how to contact personnel at the correct agency. As agency directors, the Board members have authority to implement most of the actions which would effect the changes recommended by the Councils, even those not covered in Section 805(c). The Councils are strongly encouraged to take advantage of this opportunity.

Report Content

Both Title VIII Section 805 and 50 CFR §100.11 (Subpart B of the regulations) describe what may be contained in an Annual Report from the councils to the Board. This description includes issues that are not generally addressed by the normal regulatory process:

- an identification of current and anticipated subsistence uses of fish and wildlife populations within the region;
- an evaluation of current and anticipated subsistence needs for fish and wildlife populations from the public lands within the region;
- a recommended strategy for the management of fish and wildlife populations within the region to accommodate such subsistence uses and needs related to the public lands; and
- recommendations concerning policies, standards, guidelines, and regulations to implement the strategy.

Please avoid filler or fluff language that does not specifically raise an issue of concern or information to the Board.

Report Clarity

In order for the Board to adequately respond to each Council's annual report, it is important for the annual report itself to state issues clearly.

- If addressing an existing Board policy, Councils should please state whether there is something unclear about the policy, if there is uncertainty about the reason for the policy, or if the Council needs information on how the policy is applied.
- Council members should discuss in detail at Council meetings the issues for the annual report and assist the Council Coordinator in understanding and stating the issues clearly.

- Council Coordinators and OSM staff should assist the Council members during the meeting in ensuring that the issue is stated clearly.

Thus, if the Councils can be clear about their issues of concern and ensure that the Council Coordinator is relaying them sufficiently, then the Board and OSM staff will endeavor to provide as concise and responsive of a reply as is possible.

Report Format

While no particular format is necessary for the Annual Reports, the report must clearly state the following for each item the Council wants the Board to address:

1. Numbering of the issues,
2. A description of each issue,
3. Whether the Council seeks Board action on the matter and, if so, what action the Council recommends, and
4. As much evidence or explanation as necessary to support the Council's request or statements relating to the item of interest.



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

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

**In Reply Refer To:
RAC/SE.23139.DP**

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

Dear Chairman Christianson:

The Southeast Alaska Subsistence Regional Advisory Council (Council) appreciates the opportunity to submit its FY2022 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 held on October 25-27, 2022, the Council identified concerns and recommendations for this report. The Council approved this annual report at its winter 2023 meeting. The Council wishes to share information and raise a number of concerns dealing with implementation of Title VIII of ANILCA and the continuation of subsistence uses in the Southeast Region.

1. Transboundary River Mining – Impacts to Subsistence Users

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

The Board in its FY-2021 Annual Report Reply requested that the Council resubmit their transboundary mining concerns in the form of 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 transboundary mining issue. 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. 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 takes 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:
 - o Assistant Secretary of State, Oceans and International Environmental Scientific Affairs and Special Envoy for Biodiversity and Water Resources
 - o Director, Office of Canadian Affairs
 - o U.S. International Joint Commission Members (Messrs. Sisson, Yohe, and Corwin)

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 reduction to the trawl fleet and no effort 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 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.

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.

Request to the Board: The Council would like to know what other mechanisms could be taken to elevate this important issue. 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.

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.

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.

- 1) *Request to the Board:* 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

The remainder of this report is for informational purposes only and the Council does not require a response; however, the issues are significant and important and the Board may benefit from this knowledge.

Pursuant to Title VIII §805 and 50 CFR §100.11 (Subpart B of the regulations), the Council wishes to inform the Board of issues/actions by this Council that are not generally addressed by the normal regulatory process, such as:

- An evaluation of current and anticipated subsistence needs of fish and wildlife populations from the public lands within the region;
- A recommended strategy for the management of fish and wildlife populations within the region to accommodate such subsistence uses and needs related to public lands; and

- Recommendations concerning policies, standards, guidelines, and regulations to implement the strategy

6. Indigenous co-management of resources

The Council continues to support indigenous co-management of subsistence resources and has completed its position statement mentioned in this Council's FY-2021 Annual Report (previously forwarded to the Board). The Council is excited to hear about co-management opportunities, including those of the Seacoast Indigenous Guardians network and the many projects funded by USDA-Forest Service under the Southeast Alaska Sustainability Strategy. The Council will continue to support efforts to protect food sovereignty, address climate change, and empower Native Alaskans to collaborate and work with Federal and State groups for resource management.

7. Adaptive management techniques to be used for young growth harvests

The Council would like to encourage the Forest Service to think strategically about young growth harvest and take steps to prevent replication of the conditions that occur during old growth harvest, which exacerbate landscape management problems. There are initiatives in the Southeast Alaska Sustainability Strategy where it would be pertinent to re-emphasize the importance of strategy once harvest begins again. Timber harvest and young growth management decisions should always consider impacts to wildlife habitat. This has been a longstanding issue. The Council made strong recommendations through the Council's deer working subcommittee on Prince of Wales about 15 years ago, stressing the need for more habitat restoration on the island. Moving forward, especially with the transition from old growth to young growth harvests, the Council would like to see the Forest Service support harvest strategies that improve stands and allow for wood to be taken without further damage to the habitat.

8. Lack of law enforcement for fisheries

The Council has heard concerns from Southeast Alaska subsistence users about the need for enforcement of closures of the subsistence fisheries. There have been numerous observations of Alaska State Troopers, Fish and Wildlife officers, and Forest Service enforcement personnel who are lenient or absent in exercising enforcement for closures in fisheries designated for Federally qualified subsistence users only. The Council's deliberation regarding a closure review for the Neva systems included the reports that non-Federally qualified users are fishing in these closed areas because they know there is no enforcement. This unnecessary competition restricts access to and the number of fish that subsistence users can harvest.

The Council would like to see more effort by the various agency law enforcement entities to protect subsistence fisheries for Federally qualified subsistence users by enforcing Federal fisheries closures. The Council also noted the need for increased interaction between law enforcement officials and subsistence users to establish positive connections between officers and members of the communities.

9. Analyses Content – Improvement Suggestions

The Council would like to offer constructive suggestions for improvements to the analyses prepared for the Council's consideration when performing proposal evaluations.

Declining user-ship: Placing an emphasis on declining user-ship may inaccurately reflect declines in subsistence user effort. For instance, the concept of ‘reduced hunters’ can minimize or negate a competition issue. If subsistence users are having a hard time meeting their subsistence harvest needs because of competition, they may limit the amount of time they spend in trying to hunt because their likelihood of success is greatly impacted by that competition. The lack of participation is because of competition, not because of interest.

Social Issues Section: The Council encourages analysts to look beyond what seems obvious to describe in the social issues section of the analysis. Subtle issues can be just as important for a Council to consider when evaluating proposals and including a more comprehensive social issues section will aid the Council in reviewing issues holistically.

Research – Data Collection: The Council reminds the Board of the importance of relevant data. The Council would like the Board to consider funding studies to collect data that is relevant to analyses and critical for the Council to know when providing recommendations on proposals. The Board should consider supplementing data collection through funded research, especially in instances where State data is incomplete or is limited for a specific issue/species.

10. Climate Change

This Council remains concerned about climate change and the effect that global warming, ocean acidification, extreme weather events, and other climate crises have on fish and wildlife resources in Southeast Alaska. The Council has routinely informed the Board of various issues and some of the most recent observations by Southeast subsistence users are:

- Brittle cockle shells – these shells are very thin and break very easy and there has been no explanation
- Water quality – increased temperatures, acidification, something is happening in the ocean
- Spruce beetle, budworm impacts due to warmer summers resulting in tree die-offs
- Scouring of streams due to heavy rainfall – effect on spawning beds and fry

11. Current Status of Fish and Wildlife Resources in Southeast

Pursuant to ANILCA Title VIII §805, this Council recognizes the importance of providing the Board with regional information so that it can make informed regulatory decisions. This Council continues to routinely report on the status of fish and wildlife populations and the harvests within the region by enclosing the reported harvest of subsistence resources in Southeast Alaska. Please see enclosed population and harvest information on fish and wildlife resources.

The Southeast Alaska Subsistence Regional Advisory Council appreciates the Board’s attention to these matters and the opportunity 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. The Council looks forward to continuing discussions about the issues and concerns of subsistence users in the Southeast Alaska Region. If you have any questions regarding this report, please contact me via DeAnna

Perry, Subsistence Council Coordinator, USDA – Forest Service, at deanna.perry@usda.gov or 1-800-478-1456 or 907-209-7817.

Sincerely,

Don Hernandez
Chair

Enclosures

cc Federal Subsistence Board
Southeast Alaska Subsistence Regional Advisory Council
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

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.

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.

TABLE 1—COMPARISON OF CURRENT¹ AND PROPOSED FEES—Continued

I-407	Record of Abandonment of Lawful Permanent Resident Status	No Fee	No Fee	N/A	N/A
I-485J	Confirmation of Bona Fide Job Offer or Request for Job Portability Under INA Section 204(j).	No Fee	No Fee	N/A	N/A
I-508	Request for Waiver of Certain Rights, Privileges, Exemptions, and Immunities.	No Fee	No Fee	N/A	N/A
I-566	Interagency Record of Request—A, G, or NATO Dependent Employment Authorization or Change/Adjustment To/From A, G, or NATO Status.	No Fee	No Fee	N/A	N/A
I-693	Report of Medical Examination and Vaccination Record	No Fee	No Fee	N/A	N/A
I-854	Inter-Agency Alien Witness and Informant Record	No Fee	No Fee	N/A	N/A
I-864	Affidavit of Support Under Section 213A of the INA	No Fee	No Fee	N/A	N/A
I-864A	Contract Between Sponsor and Household Member	No Fee	No Fee	N/A	N/A
I-864EZ	Affidavit of Support Under Section 213A of the INA	No Fee	No Fee	N/A	N/A
I-864W	Request for Exemption for Intending Immigrant's Affidavit of Support.	No Fee	No Fee	N/A	N/A
I-865	Sponsor's Notice of Change of Address	No Fee	No Fee	N/A	N/A
I-912	Request for Fee Waiver	No Fee	No Fee	N/A	N/A
I-942	Request for Reduced Fee	No Fee	No Fee	N/A	N/A

¹ These are fees that USCIS is currently charging and not those codified by the 2020 fee rule.

Christina E. McDonald,
Federal Register Liaison, U.S. Department of Homeland Security.
 [FR Doc. 2023-00274 Filed 1-6-23; 8:45 am]
BILLING CODE 9111-97-P

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Part 13

[NPS-AKRO-33913; PPAKAKROZ5, PPMRLE1Y.L00000]

RIN 1024-AE70

Alaska; Hunting and Trapping in National Preserves

AGENCY: National Park Service, Interior.

ACTION: Proposed rule.

SUMMARY: The National Park Service (NPS) proposes to amend its regulations for sport hunting and trapping in national preserves in Alaska. This proposed rule would prohibit certain harvest practices, including bear baiting; and prohibit predator control or predator reduction on national preserves.

DATES: Comments on the proposed rule must be received by 11:59 p.m. ET on March 10, 2023.

ADDRESSES: You may submit comments, identified by Regulation Identifier Number (RIN) 1024-AE70, by either of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.
- *Mail or Hand Deliver to:* National Park Service, Regional Director, Alaska Regional Office, 240 West 5th Ave., Anchorage, AK 99501. *Comments delivered on external electronic storage devices (flash drives, compact discs, etc.) will not be accepted.*

- *Instructions:* Comments will not be accepted by fax, email, or in any way other than those specified above. Comments delivered on external electronic storage devices (flash drives, compact discs, etc.) will not be accepted. All submissions received must include the words “National Park Service” or “NPS” and must include the docket number or RIN (1024-AE70) for this rulemaking. Comments received will be posted without change to <https://www.regulations.gov>, including any personal information provided.

- *Docket:* For access to the docket to read background documents or comments received, go to <https://www.regulations.gov> and search for “1024-AE70.”

FOR FURTHER INFORMATION CONTACT:

Regional Director, Alaska Regional Office, 240 West 5th Ave., Anchorage, AK 99501; phone (907) 644-3510; email: AKR_Regulations@nps.gov.

Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION:

Background

The Alaska National Interest Lands Conservation Act (ANILCA) allows harvest of wildlife in national preserves in Alaska for subsistence purposes by local rural residents under Federal regulations. ANILCA also allows harvest of wildlife for sport purposes by any individual under laws of the State of Alaska (referred to as the State) that do not conflict with federal laws. ANILCA requires the National Park Service (NPS) to manage national preserves consistent

with the NPS Organic Act of 1916, which directs the NPS “to conserve the scenery, natural and historic objects, and wild life in the System units and to provide for the enjoyment of the scenery, natural and historic objects, and wild life in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.” 54 U.S.C. 100101(a).

On June 9, 2020, the NPS published a final rule (2020 Rule; 85 FR 35181) that removed restrictions on sport hunting and trapping in national preserves in Alaska that were implemented by the NPS in 2015 (2015 Rule; 80 FR 64325). These included restrictions on the following methods of taking wildlife that were and continue to be authorized by the State in certain locations: taking black bear cubs, and sows with cubs, with artificial light at den sites; harvesting bears over bait; taking wolves and coyotes (including pups) during the denning season (between May 1 and August 9); taking swimming caribou; taking caribou from motorboats under power; and using dogs to hunt black bears. The 2015 Rule prohibited other harvest practices that were and continue to be similarly prohibited by the State. These prohibitions were also removed by the 2020 Rule. The 2020 Rule also removed a statement in the 2015 Rule that State laws or management actions that seek to, or have the potential to, alter or manipulate natural predator populations or processes in order to increase harvest of ungulates by humans are not allowed in national preserves in Alaska. The NPS based the 2020 Rule in part on direction from the Department of the Interior (DOI) to expand recreational hunting opportunities and align hunting opportunities with those established by states. Secretarial Orders 3347 and 3356. The 2020 Rule also responded to direction from the

Secretary of the Interior to review and reconsider regulations that were more restrictive than state provisions, and specifically the restrictions on harvesting wildlife found in the 2015 Rule.

The harvest practices at issue in both the 2015 and 2020 Rules are specific to harvest under the authorization for sport hunting and trapping in ANILCA. Neither rule addressed subsistence harvest by rural residents under title VIII of ANILCA.

The 2015 Rule

Some of the harvest methods prohibited by the 2015 Rule targeted predators. When the NPS restricted these harvest methods in the 2015 Rule, it concluded that these methods were allowed by the State for the purpose of reducing predation by bears and wolves to increase populations of prey species (ungulates) for harvest by human hunters. The State's hunting regulations are driven by proposals from members of the public, fish and game advisory entities, and State and Federal government agencies. The State, through the State of Alaska Board of Game (BOG), deliberates on the various proposals publicly. Many of the comments made in the proposals and BOG deliberations on specific hunting practices showed that they were intended to reduce predator populations for the purpose of increasing prey populations. Though the State objected to this conclusion in its comments on the 2015 Rule, the NPS's conclusion was based on State law and policies;¹ BOG proposals, deliberations, and decisions;² and Alaska Department of Fish and Game actions, statements, and publications leading up to the 2015 Rule.³ Because NPS Management

¹ Alaska Statutes (AS) section 16.05.255(k) (definition of sustained yield); Findings of the Alaska Board of Game, 2006–164–BOG, Board of Game Bear Conservation and Management Policy (May 14, 2006) (rescinded in 2012).

² See, e.g., Alaska Board of Game Proposal Book for March 2012, proposals 146, 167, 232.

³ See, e.g., AS section 16.05.255(e); State of Alaska Department of Fish and Game Emergency Order on Hunting and Trapping 04–01–11 (Mar. 31, 2011) (available at Administrative Record for Alaska v. Jewell et al., No. 3:17–cv–00013–JWS, D. Alaska pp. NPS0164632–35); State of Alaska Department of Fish and Game Agenda Change 11 Request to State Board of Game to increase brown bear harvest in game management unit 22 (2015); Alaska Department of Fish and Game Wildlife Conservation Director Corey Rossi, "Abundance Based Fish, Game Management Can Benefit All," Anchorage Daily News (Feb. 21, 2009); ADFG News Release—Wolf Hunting and Trapping Season extended in Unit 9 and 10 in response to caribou population declines (3/31/2011); Alaska Department of Fish and Game Craig Fleener, Testimony to U.S. Senate Committee on Energy and Natural Resources re: Abundance Based Wildlife Management (Sept. 23, 2013); Alaska Department of

Policies state that the NPS will manage park lands for natural processes (including natural wildlife fluctuations, abundances, and behaviors) and explicitly prohibit predator control, the NPS determined that these harvest methods authorized by the State were in conflict with NPS mandates. NPS Management Policies (4.4.1, 4.4.3) (2006). For these reasons and because the State refused to exempt national preserves from these authorized practices, the NPS prohibited them in the 2015 Rule and adopted a regulatory provision consistent with NPS policy direction on predator control related to harvest. The 2015 Rule further provided that the Regional Director would compile, annually update, and post on the NPS website a list of any State predator control laws or actions prohibited by the NPS on national preserves in Alaska.

As stated above, the 2015 Rule only restricted harvest for "sport purposes." Although this phrase is used in ANILCA, the statute does not define the term "sport." In the 2015 Rule, the NPS reasoned that harvest for subsistence is for the purpose of feeding oneself and family and maintaining cultural practices, and that "sport" or recreational hunting invokes Western concepts of fairness which do not necessarily apply to subsistence practices. Therefore, the 2015 Rule prohibited the practices of harvesting swimming caribou and taking caribou from motorboats under power which the NPS concluded were not consistent with generally accepted notions of "sport" hunting. This conclusion also supported restrictions in the 2015 Rule on the practices of taking bear cubs and sows with cubs; and using a vehicle to chase, drive, herd, molest, or otherwise disturb wildlife. To illustrate how the 2015 Rule worked in practice, a federally qualified local rural resident could harvest bear cubs and sows with cubs, or could harvest swimming caribou (where authorized under federal subsistence regulations), but a hunter from Anchorage, Fairbanks, Juneau or other nonrural areas in Alaska, or a hunter from outside Alaska, could not.

In the 2015 Rule, the NPS also concluded that the practice of putting out bait to attract bears for harvest poses an unacceptable safety risk to the visiting public and leads to unnatural wildlife behavior by attracting bears to a food source that would not normally

Fish and Game, Hunting and Trapping Emergency Order 4–01–11 to Extend Wolf Hunting and Trapping Seasons in GMU [Game Management Unit] 9 and 10 (LACL and KATM) (Nov. 25, 2014); ADFG Presentation Intensive Management of Wolves, Bears, and Ungulates in Alaska (Feb. 2009).

be there. The NPS based this conclusion on the understanding that bears are more likely to attack when defending a food source and therefore visitors who encountered a bait station would be at risk from bear attacks. In addition, the NPS concluded that baiting could cause more bears to become conditioned to human food, creating unacceptable public safety risks. The NPS based this conclusion on the fact that not all bears that visit bait stations are harvested; for example, a hunter may not be present when the bear visits the station, or a hunter may decide not to harvest a particular bear for a variety of reasons. Additionally, other animals are attracted to bait stations. Because bait often includes dog food and human food, including items like bacon grease and pancake syrup, which are not a natural component of animal diets, the NPS was concerned that baiting could lead to bears and other animals associating these foods with people, which would create a variety of risks to people, bears, and property. For these reasons, the 2015 Rule prohibited bear baiting in national preserves in Alaska.

The NPS received approximately 70,000 comments during the public comment period for the 2015 Rule. These included unique comment letters, form letters, and signed petitions. Approximately 65,000 comments were form letters. The NPS also received three petitions with a combined total of approximately 75,000 signatures. The NPS counted a letter or petition as a single comment, regardless of the number of signatories. More than 99% of the public comments supported the 2015 Rule. Comments on the 2015 Rule can be viewed on *regulations.gov* by searching for "RIN 1024-AE21".

The 2020 Rule

The 2020 Rule reconsidered the conclusions in the 2015 Rule regarding predator control, sport hunting, and bear baiting. First, the 2020 Rule reversed the 2015 Rule's conclusion that the State intended to reduce predator populations through its hunting regulations. As explained above, the NPS's conclusion in the 2015 Rule was based on BOG proposals, deliberations, and decisions; and Alaska Department of Fish and Game actions, statements, and publications that preceded the 2015 Rule. However, in their written comments on the 2015 and 2020 Rules, the State denied that the harvest

practices for predators were part of their predator control or intensive management programs and therefore were not efforts to reduce predators. In its written comments, the State argued that the liberalized predator harvest

rules were simply a means to provide new opportunities for hunters to harvest predators, in response to requests received by the BOG. The State argued that it provided these new opportunities under a “sustained yield” management framework, which is distinct from what the State considers “predator control.” The State asserted that it has a separate, formal predator control program which is not considered “hunting” by the State. According to the State, predator control occurs only through its “intensive management” program.

The NPS afforded the State’s written comments on the 2020 Rule more weight than it did on the State’s similar comments on the 2015 Rule, both of which were in conflict with other contemporaneous public State positions on the matter. The NPS took into account the analysis in the environmental assessment supporting the 2020 Rule, which concluded that the hunting practices in question would not likely alter natural predator-prey dynamics at the population level or have a significant foreseeable adverse impact to wildlife populations, or otherwise impair park resources. The NPS also considered what it viewed as the legislative requirements of ANILCA with respect to hunting. Based upon these considerations, the NPS concluded the hunting practices did not run afoul of NPS Management Policies section 4.4.3, which prohibits predator reduction to increase numbers of harvested prey species. This led the NPS to remove two provisions that were implemented in the 2015 Rule: (1) the statement that State laws or management actions intended to reduce predators are not allowed in NPS units in Alaska, and (2) prohibitions on several methods of harvesting predators. With prohibitions on harvest methods removed, the 2020 Rule went back to deferring to authorizations under State law for harvesting predators. To illustrate how the 2020 Rule works in practice, Alaska residents, including rural and nonrural residents, and out-of-state hunters may take wolves and coyotes (including pups) for sport purposes in national preserves during the denning season in accordance with State law.

The 2020 Rule also relied upon a different interpretation of the term “sport” in ANILCA’s authorization for harvest of wildlife for sport purposes in national preserves in Alaska. As explained above, the 2015 Rule gave the term “sport” its common meaning associated with standards of fairness, and prohibited certain practices that were not compatible with these standards. In the 2020 Rule, the NPS

stated that in the absence of a statutory definition, the term “sport” merely served to distinguish sport hunting from harvest under federal subsistence regulations. Consequently, under the 2020 Rule, practices that may not be generally compatible with notions of “sport”—such as harvesting swimming caribou or taking cubs and pups or mothers with their young—may be used by anyone in national preserves in accordance with State law.

Finally, the 2020 Rule reconsidered the risk of bear baiting to the visiting public. The NPS noted that peer-reviewed data are limited on the specific topic of hunting bears over bait. Additionally, the NPS concluded that human-bear interactions are likely to be rare, other than for hunters seeking bears, due to a lack of observed bear conditioning to associate bait stations with humans and the relatively few people in such remote areas to interact with bears. In making this risk assessment, the NPS took into account state regulations on baiting that are intended to mitigate safety concerns, and NPS authority to enact local closures if and where necessary. For these reasons and because of policy direction from the DOI and the Secretary of the Interior requiring maximum deference to state laws on harvest that did not exist in 2015, the 2020 Rule rescinded the prohibition on bear baiting that was implemented in the 2015 Rule. As a result, any Alaska resident, including rural and nonrural residents, or out-of-state hunter may take bears over bait in national preserves in Alaska in accordance with State law, including with the use of human and dog foods.

The NPS received approximately 211,780 pieces of correspondence, with a total of 489,101 signatures, during the public comment period for the 2020 Rule. Of the 211,780 pieces of correspondence, approximately 176,000 were form letters and approximately 35,000 were unique comments. More than 99% of the public comments opposed the 2020 Rule. Comments on the 2020 Rule can be viewed on *regulations.gov* by searching for “RIN 1024-AE38”.

Proposed Rule

In this proposed rule, the NPS reconsiders the conclusions that supported the 2020 Rule. This proposed rule addresses three topics that were considered in the 2015 and 2020 Rules: (1) bear baiting; (2) the meaning and scope of hunting for “sport purposes” under ANILCA; and (3) State law addressing predator harvest. After reconsidering these topics, the NPS

proposes in this rule to prohibit the same harvest methods that were prohibited in the 2015 Rule. The proposed rule also would prohibit predator control or predator reduction on national preserves. Finally, the proposed rule would clarify the regulatory definition of trapping for reasons explained below. The NPS has begun consulting and communicating with Tribes and Alaska Native Claims Settlement Act (ANCSA) Corporations that would be most affected by this proposed rule and the feedback provided to date has been incorporated by the NPS in this proposed rule as discussed below.

Bear Baiting

The NPS proposes to prohibit bear baiting in national preserves in Alaska. Bait that hunters typically use to attract bears includes processed foods like bread, pastries, dog food, and bacon grease. As explained below, this proposal would lower the risk that bears will associate food at bait stations with humans and become conditioned to eating human-produced foods, thereby creating a public safety concern. This proposal would also lower the probability of visitors encountering a bait station where bears may attack to defend a food source. The proposal to prohibit baiting is supported by two primary risk factors and other considerations that are discussed below.

Risk of Bears Defending a Food Source

The risks caused by humans feeding bears (including baiting them with food) are widely recognized.⁴ Bears are more likely to attack when defending a food source, putting visitors who encounter a bear at or near a bait station or a kill site

⁴Herrero, S. 2018. Bear attacks: their causes and avoidance. Lyons Press, Guilford, Connecticut, USA at p. 22; Glitzenstein, E., Fritschie, J. The Forest Service’s Bait and Switch: A Case Study on Bear Baiting and the Service’s Struggle to Adopt a Reasoned Policy on a Controversial Hunting Practice within the National Forests. 1 *Animal Law* 47, 55–56 (1995). See also, Denali State Park Management Plan, 69 (2006) (“The practice has the potential for creating serious human-bear conflicts, by encouraging bears to associate campgrounds and other human congregation points with food sources.”); City and Borough of Juneau, Living with Bears: How to Avoid Conflict (available at https://juneau.org/wp-content/uploads/2017/03/2004_living_w_pamphlet_finaljustified.pdf), City and Borough of Juneau, Living in Bear Country (available at https://juneau.org/wp-content/uploads/2017/03/living_in_bear_country_color.pdf) (“It is well known that garbage kills bears—that is, once bears associate people with a food reward, a chain of events is set into motion and the end result, very often, is a dead bear.”); Biologists say trash bears in Eagle River will be killed—but people are the problem, Anchorage Daily News (available at www.adn.com/alaska-news/wildlife/2018/06/18/biologists-say-trash-bears-in-eagle-river-will-be-killed-but-people-are-the-problem/).

at significant risk.⁵ Visitors to national preserves in Alaska may inadvertently encounter bears and bait stations while engaging in sightseeing, hiking, boating, hunting, photography, fishing, and a range of other activities. This is because despite the vast, relatively undeveloped nature of these national preserves, most visitation occurs near roads, trails, waterways, or other encampments (*e.g.*, cabins, residences, communities). Establishing and maintaining a bait station requires the transport of supplies, including bait, barrels, tree stands, and game cameras. The same roads, trails, and waterways used by visitors are, therefore, also used by those setting up a bait station. Thus, despite the vast landscapes, bear baiting and many other visitor activities are concentrated around the same limited access points. Processed foods are most commonly used for bait because they are convenient to obtain and are attractive to bears. Processed foods do not degrade quickly nor are they rapidly or easily broken down by insects and microbes. As a result, they persist on the landscape along with the public safety risk of bears defending a food source.

The NPS recognizes that there are restrictions in State law intended to mitigate the risks described above. Bait stations are prohibited within ¼ mile of a road or trail and within one mile of a dwelling, cabin, campground, or other recreational facility. State regulations also require bait station areas to be signed so that the public is aware that a bait station exists. Although these mitigation measures may reduce the immediate risk of park visitors approaching a bear defending bait, NPS records indicate that bait stations established at Wrangell-St. Elias National Park and Preserve often do not comply with the State's minimum distance requirements. Further, as discussed below, these requirements do not mitigate the risk of other adverse outcomes associated with baiting that are discussed below.

Risk of Habituated and Food-Conditioned Bears

Another aspect of bear baiting that poses a public safety and property risk is the possibility that bears become habituated to humans through exposure to human scents at bait stations and then become food conditioned, meaning

⁵Herrero, S. 2018. Bear attacks: their causes and avoidance. Lyons Press, Guilford, Connecticut, USA. at p. 22; Glitzenstein, E., Fritschie, J. The Forest Service's Bait and Switch: A Case Study on Bear Baiting and the Service's Struggle to Adopt a Reasoned Policy on a Controversial Hunting Practice within the National Forests. 1 Animal Law 47, 55–56 (1995).

they learn to associate humans with a food reward (bait). This is particularly true of processed foods that are not part of a bear's natural diet because virtually all encounters with processed foods include exposure to human scent.

It is well understood that habituated and food-conditioned bears pose a heightened public safety risk.⁶ The published works of Stephen Herrero, a recognized authority on human-bear conflicts and bear attacks explain the dangers from bears that are habituated to people or have learned to feed on human food, highlight that habituation combined with food-conditioning has been associated with a large number of injuries to humans, and indicate food-conditioning of bears may result from exposure to human food at bait stations.

The State's mitigation measures mentioned above, including requirements for buffers and signage, do not adequately address the risk associated with habituated and food-conditioned bears because bears range widely, having home ranges of tens to hundreds of square miles.⁷ The buffers around roads, trails, and dwellings are therefore inconsequential for bears that feed at bait stations but are not harvested there. These bears have the potential to become habituated to humans and conditioned to human-produced foods, resulting in increased likelihood of incidents that compromise public safety, result in property damage and threaten the lives of bears who are killed in defense of human life and property.

In the 2020 Rule, the NPS determined that the lack of conclusive evidence that bear baiting poses safety concerns justified allowing bear baiting. While the NPS acknowledges the lack of peer-reviewed data demonstrating that bear baiting poses a public safety risk, this data gap exists primarily because rigorous studies specific to this point are logistically and ethically infeasible. The determination made by the NPS in the 2020 Rule did not fully consider the vast experience and knowledge of recognized experts and professional resource managers. In April 2022, the NPS queried 14 NPS resource managers

⁶Herrero, S. 2018. Bear attacks: their causes and avoidance. Lyons Press, Guilford, Connecticut, USA. at p. 22; Glitzenstein, E., Fritschie, J. The Forest Service's Bait and Switch: A Case Study on Bear Baiting and the Service's Struggle to Adopt a Reasoned Policy on a Controversial Hunting Practice within the National Forests. 1 Animal Law 47, 55–56 (1995).

⁷See, *e.g.*, Glitzenstein, E., Fritschie, J. The Forest Service's Bait and Switch: A Case Study on Bear Baiting and the Service's Struggle to Adopt a Reasoned Policy on a Controversial Hunting Practice within the National Forests. 1 Animal Law 52–53 (1995).

and wildlife biologists from 12 different National Park System units in Alaska about bear baiting. These technical experts' unanimous opinion was that bear baiting will increase the likelihood of defense of life and property kills of bears and will alter the natural processes and behaviors of bears and other wildlife. Considering the potential for significant human injury or even death, these experts considered the overall risk of bear baiting to the visiting public to be moderate to high. These findings generally agree with the universal recognition in the field of bear management that food conditioned bears result in increased bear mortality and heightened risk to public safety and property, and that baiting, by its very design and intent, alters bear behavior. The findings also are consistent with the State's management plan for Denali State Park. The management plan expresses concern that bear baiting "teaches bears to associate humans with food sources" and states that bear baiting is in direct conflict with recreational, non-hunting uses of the park. The plan further notes that bear baiting has "the potential for creating serious human-bear conflicts, by encouraging bears to associate campgrounds and other human congregation points with food sources."⁸

Other Considerations

In addition to the risks explained above, there are other considerations that support the proposal to prohibit all bear baiting. The NPS is guided by its mandates under the NPS Organic Act to conserve wildlife and under ANILCA to protect wildlife populations. Food-conditioned bears are more likely to be killed by authorities or by the public in defense of life or property.⁹ While the NPS supports wildlife harvest as authorized in ANILCA, it cannot

⁸Denali State Park Management Plan, 69 (2006).

⁹See *e.g.*, City and Borough of Juneau, Living with Bears: How to Avoid Conflict (available at https://juneau.org/wp-content/uploads/2017/03/2004_living_w_pamphlet_finaljustified.pdf), and Borough of Juneau, Living in Bear Country (available at https://juneau.org/wp-content/uploads/2017/03/living_in_bear_country_color.pdf)

("It is well known that garbage kills bears—that is, once bears associate people with a food reward, a chain of events is set into motion and the end result, very often, is a dead bear."); Biologists say trash bears in Eagle River will be killed—but people are the problem, Anchorage Daily News (available at www.adn.com/alaska-news/wildlife/2018/06/18/biologists-say-trash-bears-in-eagle-river-will-be-killed-but-people-are-the-problem/); Glitzenstein, E., Fritschie, J. The Forest Service's Bait and Switch: A Case Study on Bear Baiting and the Service's Struggle to Adopt a Reasoned Policy on a Controversial Hunting Practice within the National Forests. 1 Animal Law 52–53 (1995).

promote activities that increase non-harvest mortalities of bears.

Feedback From Tribes and ANCSA Corporations on Bear Baiting

Feedback received to date from Tribes and ANCSA Corporations indicates baiting bears is not a common activity in or near national preserves and not something done commonly by local rural residents. Many of the entities voiced support for prohibiting baiting altogether, limiting bait to natural items, increasing buffer zones around developments, or requiring a permit. On the other hand, a minority—mostly entities affiliated with the Wrangell-St. Elias area—recommended continuing to allow sport hunters to harvest bears over bait, including with use of processed foods like donuts and dog food. Consultation and communication with Tribes and ANCSA Corporations is ongoing and feedback will continue to be considered by the NPS throughout the rulemaking process.

The Meaning and Scope of Hunting for “Sport Purposes” Under ANILCA

Hunting is prohibited in National Park System units except as specifically authorized by Congress. 36 CFR 2.2(b). Title VIII of ANILCA allows local rural residents to harvest wildlife for subsistence in most, but not all, lands administered by the NPS in Alaska. Title VIII also created a priority for federal subsistence harvest over other consumptive uses of fish and wildlife. Separate from subsistence harvest, ANILCA authorized anyone to harvest wildlife for “sport purposes.” When first authorized under ANILCA, the State managed subsistence harvest by local rural residents under Title VIII as well as harvest for sport purposes by anyone. After a ruling from the State Supreme Court that the State Constitution barred the State from implementing the rural subsistence provisions of ANILCA, the Federal government assumed management of subsistence harvest under title VIII. Following this decision, the State only regulates harvest for sport purposes under ANILCA.¹⁰ Under the State’s current framework, Alaska residents have a priority over nonresidents but there is no prioritization based upon where one resides in Alaska.

¹⁰ The State of Alaska also uses the term “subsistence” when referencing harvest of fish and wildlife by state residents. It is important to recognize, however, that state subsistence harvest is not the same as federal subsistence under title VIII of ANILCA, which is limited to only local rural residents. When the term “subsistence” is used in this document, it refers to subsistence under title VIII of ANILCA and harvest of fish and wildlife under federal regulations.

Accordingly, all residents of Alaska have an equal opportunity to harvest wildlife for “sport purposes” in national preserves under State law.

The NPS is re-evaluating whether it was appropriate for the 2020 Rule to change its interpretation of the term “sport” in the 2015 Rule. An important implication of that change is that the 2020 Rule expanded sport hunting opportunities for nonlocal residents who are not qualified to harvest wildlife under federal subsistence laws. As mentioned above, in the spring of 2022 the NPS reached out to Tribes and ANCSA Corporations that are most likely to be impacted by this proposed rule. In these discussions, most of these entities expressed concern that increasing harvest opportunities under ANILCA’s authorization for sport hunting and trapping could result in increased competition from individuals that are not local to the area. In addition, most of these entities do not believe there is a demand to engage in these harvest practices in national preserves (other than limited demand to bait bears in Wrangell-St. Elias) and expressed a preference that the NPS not authorize practices that could encourage more nonlocal hunters to visit the area and compete for wildlife resources.

This feedback from Tribes and ANCSA Corporations illustrates a tension between the interests conveyed and the outcome of the 2020 Rule which increased harvest opportunities for nonlocal rural residents. In the 2015 Rule, the NPS said harvest of wildlife for “sport purposes” carries with it concepts of fairness or fair chase. These constructs do not necessarily apply to subsistence practices which emphasize cultural traditions and acquisition of calories for sustenance. In the 2020 Rule, the NPS changed its interpretation by saying the term “sport” only serves to differentiate harvest under State regulations from harvest under federal subsistence regulations. As a result, practices that some might consider only appropriate for subsistence harvest by local rural residents now may be used by anyone harvesting for “sport purposes” under State law. As conveyed by the Tribes and ANCSA Corporations, this increases competition between federal subsistence hunters and sport hunters by expanding hunting opportunities to those who are not local rural residents. It also allows for sport hunters to engage in practices that are not considered sporting under notions of the term as described above. The examples below illustrate how this issue plays out in national preserves in Alaska today:

- *Swimming caribou.* Under the 2015 Rule, only qualified rural residents could harvest swimming caribou in national preserves in accordance with federal subsistence regulations, which recognize the practice as part of a customary and traditional subsistence lifestyle. Individuals from Anchorage, Fairbanks, Juneau and other nonrural areas in Alaska, as well as out-of-state hunters, could not harvest swimming caribou in national preserves. Under the 2020 Rule, residents of nonrural areas in Alaska (including Anchorage, Fairbanks, and Juneau) and out-of-state hunters can harvest swimming caribou in national preserves in accordance with State law under ANILCA’s authorization for harvest for “sport purposes.”

- *Black bear cubs and sows with cubs.* Under the 2015 Rule, only a qualified rural resident could harvest bear cubs and sows with cubs in accordance with federal subsistence regulations, which recognize this practice as an uncommon but customary and traditional harvest practice by some Native cultures in northern Alaska. Accordingly, while the NPS supported the activity under federal subsistence regulations, the NPS did not support it under ANILCA’s authorization for “sport” hunting.” Under the 2020 Rule which deferred to State law, harvest of bear cubs and sows with cubs is not limited based on where one resides. Accordingly, under the 2020 Rule individuals who are not local to the area can harvest bear cubs and sows with cubs at den sites in national preserves under ANILCA’s authorization for harvest for “sport” purposes.

- *Take of wolves and coyotes, including pups, during the denning season.* The 2015 Rule prohibited sport hunters from taking wolves and coyotes during the denning season, a time when their pelts are not in prime condition, which can leave pups and cubs orphaned and left to starve. Under the 2020 Rule, any hunter (including those from out of state) can harvest wolves and coyotes year-round, including pups during the denning season. This reduces the number of wolves and coyotes available to harvest when their pelts are fuller and therefore more desirable to subsistence users and other trappers.

These examples demonstrate that the NPS’s interpretation of the term “sport” under the 2015 Rule created a result that is more in line with the majority of feedback received to date from Tribes and ANCSA Corporations. The NPS Organic Act directs the NPS to conserve wildlife. Based upon this conservation mandate, hunting is prohibited in National Park System units except as authorized by Congress. 36 CFR 2.2(b).

ANILCA authorizes harvest for Federal subsistence and “sport purposes” in national preserves in Alaska. The NPS interprets the term “sport” to include the concept of fair chase as articulated by some hunting organizations,¹¹ as not providing an unfair advantage to the hunter and allowing the game to have a reasonable chance of escape. This involves avoiding the targeting of animals that are particularly vulnerable, such as while swimming, while young, or while caring for their young. While the NPS understands that the exact boundaries of this concept involve some level of ambiguity, the NPS believes the practices addressed in this proposed rule fall outside the norms of “sport” hunting.

The NPS requests comment on this concept of “sport” and whether the practices described in these examples should be allowed as a “sport” hunt in national preserves in Alaska. Giving meaning of the term “sport” also prioritizes harvest for subsistence by local rural residents by avoiding competition with nonlocal residents who are hunting for sport purposes under ANILCA. This is consistent with the priority that Congress placed on the customary and traditional uses of wild renewable resources by local rural residents under ANILCA (*see* Sec. 101(c)). For these reasons, the proposed rule would reinstate the prohibitions in the 2015 Rule on methods of harvest that are not compatible with generally accepted notions of “sport” hunting. The proposed rule would define the terms “big game,” “cub bear,” “fur animal,” and “furbearer,” which are used in the table of prohibited harvest methods, in the same way they were defined in the 2015 Rule.

State Law Addressing Predator Harvest

The proposed rule also would address opportunities to harvest predators that are authorized by the State. NPS policy interprets and implements the NPS Organic Act. NPS Management Policies require the NPS to manage National Park System units for natural processes, including natural wildlife fluctuations, abundances, and behaviors, and specifically prohibit the NPS from engaging in predator reduction efforts to benefit one harvested species over another or allowing others to do so on NPS lands. (NPS Management Policies 2006, Ch. 4). These activities are prohibited by policy even if they do not actually reduce predator populations or

increase the number of prey species available to hunters. The NPS believes the 2020 Rule is in tension with these policies based upon the information it collected over a period of years before the publication of the 2015 Rule. This information indicates that the predator harvest practices that were allowed by the State were allowed for the purpose of benefited prey species over predators. For this reason, the proposed rule would reinstate the prohibitions in the 2015 Rule on methods of harvest that target predators for the purpose of increasing populations of prey species for human harvest. In addition, the proposed rule would add the following statement to its regulations to clarify that predator control is not allowed on NPS lands: “Actions to reduce the numbers of native species for the purpose of increasing the numbers of harvested species (*e.g.*, predator control or predator reduction) are not allowed.”

Trapping Clarification

Finally, the proposed rule would revise the definition of “trapping” in part 13 to clarify that trapping only includes activities that use a “trap” as that term is defined in part 13. The definition of “trapping” promulgated in the 2015 Rule inadvertently omitted reference to the use of traps, instead referring only to “taking furbearers under a trapping license.” The proposed revision would resolve any question about whether trapping can include any method of taking furbearers under a trapping license, which could include the use of firearms depending upon the terms of the license. This change would more closely align the definition of “trapping” in part 13 with the definition that applies to System units outside of Alaska in part 1.

Compliance With Other Laws, Executive Orders and Department Policy

Regulatory Planning and Review (Executive Orders 12866 and 13563)

Executive Order 12866 provides that the Office of Information and Regulatory Affairs in the OMB will review all significant rules. The Office of Information and Regulatory Affairs has determined that this proposed rule is significant because it raises novel legal or policy issues. The NPS has assessed the potential costs and benefits of this proposed rule in the report entitled “Cost-Benefit and Regulatory Flexibility Analyses: Alaska Hunting and Trapping Regulations in National Preserves” which can be viewed online at <https://www.regulations.gov> by searching for “1024-AE70.” Executive Order 13563

reaffirms the principles of Executive Order 12866 while calling for improvements in the nation’s regulatory system to promote predictability, to reduce uncertainty, and to use the best, most innovative, and least burdensome tools for achieving regulatory ends. The executive order directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public where these approaches are relevant, feasible, and consistent with regulatory objectives. Executive Order 13563 emphasizes further that regulations must be based on the best available science and that the rulemaking process must allow for public participation and an open exchange of ideas. The NPS has developed this proposed rule in a manner consistent with these requirements.

Regulatory Flexibility Act

This proposed rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This certification is based on the cost-benefit and regulatory flexibility analyses found in the report entitled “Cost-Benefit and Regulatory Flexibility Analyses: Alaska Hunting and Trapping Regulations in National Preserves” which can be viewed online at <https://www.regulations.gov> by searching for “1024-AE70.”

Unfunded Mandates Reform Act

This proposed rule does not impose an unfunded mandate on Tribal, State, or local governments or the private sector of more than \$100 million per year. The proposed rule does not have a significant or unique effect on Tribal, State, or local governments or the private sector. It addresses public use of national park lands and imposes no requirements on other agencies or governments. A statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*) is not required.

Takings (Executive Order 12630)

This proposed rule does not effect a taking of private property or otherwise have takings implications under Executive Order 12630. A takings implication assessment is not required.

Federalism (Executive Order 13132)

Under the criteria in section 1 of Executive Order 13132, the proposed rule does not have sufficient federalism implications to warrant the preparation of a Federalism summary impact statement. This proposed rule only affects use of federally administered

¹¹ The Hunting Heritage Foundation, www.huntingheritagefoundation.com (last visited July 25, 2022); Boone and Crockett Club, www.boone-crockett.org/principles-fair-chase (last visited July 25, 2022).

lands and waters. It has no outside effects on other areas. A Federalism summary impact statement is not required.

Civil Justice Reform (Executive Order 12988)

This proposed rule complies with the requirements of Executive Order 12988. This proposed rule:

- (a) Meets the criteria of section 3(a) requiring that all regulations be reviewed to eliminate errors and ambiguity and be written to minimize litigation; and
- (b) Meets the criteria of section 3(b)(2) requiring that all regulations be written in clear language and contain clear legal standards.

Consultation With Indian Tribes and ANCSA Corporations (Executive Order 13175 and Department Policy)

The DOI strives to strengthen its government-to-government relationship with Indian Tribes through a commitment to consultation with Indian Tribes and recognition of their right to self-governance and Tribal sovereignty. The NPS has begun consulting and communicating with Tribes and ANCSA Corporations that would be most affected by this proposed rule and the feedback provided to date has been incorporated by the NPS in this proposed rule. The NPS has evaluated this proposed rule under the criteria in Executive Order 13175 and under the Department's Tribal consultation and ANCSA Corporation policies. This proposed rule would restrict harvest methods for sport hunting only; it would not affect subsistence harvest under Title VIII of ANILCA. Feedback from Tribes and ANCSA Corporations indicates that these harvest methods are not common or allowed in many areas by the State. For these reasons, the NPS does not believe the proposed rule will have a substantial direct effect on federally recognized Tribes or ANCSA Corporation lands, water areas, or resources. Consultation and communication with Tribes and ANCSA Corporations is ongoing and feedback will continue to be considered by the NPS throughout the rulemaking process.

Paperwork Reduction Act

This proposed rule does not contain information collection requirements, and a submission to the Office of Management and Budget under the Paperwork Reduction Act is not required. The NPS may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid OMB control number.

National Environmental Policy Act

The NPS will prepare an environmental assessment of this proposed rule to determine whether this proposed rule will have a significant impact on the quality of the human environment under the National Environmental Policy Act of 1969. The environmental assessment will include new information, as appropriate, as well as an impact analysis similar to what was provided in the environmental assessments prepared for the 2015 Rule and the 2020 Rule, both of which resulted in a finding of no significant impact.

Effects on the Energy Supply (Executive Order 13211)

This proposed rule is not a significant energy action under the definition in Executive Order 13211; the proposed rule is not likely to have a significant adverse effect on the supply, distribution, or use of energy, and the proposed rule has not otherwise been designated by the Administrator of Office of Information and Regulatory Affairs as a significant energy action. A Statement of Energy Effects is not required.

Clarity of This Rule

The NPS is required by Executive Orders 12866 (section 1(b)(12)) and 12988 (section 3(b)(1)(B)), and 13563 (section 1(a)), and by the Presidential Memorandum of June 1, 1998, to write all rules in plain language. This means that each rule the NPS publishes must:

- (a) Be logically organized;
- (b) Use the active voice to address readers directly;
- (c) Use common, everyday words and clear language rather than jargon;
- (d) Be divided into short sections and sentences; and
- (e) Use lists and tables wherever possible.

If you feel that the NPS has not met these requirements, send the NPS comments by one of the methods listed in the ADDRESSES section. To better help the NPS revise the rule, your comments should be as specific as possible. For example, you should identify the numbers of the sections or paragraphs that you find unclear, which sections or sentences are too long, the sections where you feel lists or tables would be useful, etc.

Public Participation

It is the policy of the DOI, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments regarding this proposed rule

by one of the methods listed in the ADDRESSES section of this document.

Public Availability of Comments

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask the NPS in your comment to withhold your personal identifying information from public review, the NPS cannot guarantee that it will be able to do so.

List of Subjects in 36 CFR Part 13

Alaska, National Parks, Reporting and recordkeeping requirements.

In consideration of the foregoing, the National Park Service proposes to amend 36 CFR part 13 as set forth below:

PART 13—NATIONAL PARK SYSTEM UNITS IN ALASKA

- 1. The authority citation for part B continues to read as follows:

Authority: 16 U.S.C. 3101 *et seq.*; 54 U.S.C. 100101, 100751, 320102; Sec. 13.1204 also issued under Pub. L. 104–333, Sec. 1035, 110 Stat. 4240, November 12, 1996.

- 2. In § 13.1:
 - a. Add in alphabetical order the definitions for “Big game”, “Cub bear”, “Fur animal”, and “Furbearer”.
 - b. Revise the definition of “Trapping”.
 The additions and revision read as follows:

§ 13.1 Definitions.

* * * * *

Big game means black bear, brown bear, bison, caribou, Sitka black-tailed deer, elk, mountain goat, moose, muskox, Dall's sheep, wolf, and wolverine.

* * * * *

Cub bear means a brown (grizzly) bear in its first or second year of life, or a black bear (including the cinnamon and blue phases) in its first year of life.

* * * * *

Fur animal means a classification of animals subject to taking with a hunting license, consisting of beaver, coyote, arctic fox, red fox, lynx, flying squirrel, ground squirrel, or red squirrel that have not been domestically raised.

Furbearer means a beaver, coyote, arctic fox, red fox, lynx, marten, mink, least weasel, short-tailed weasel, muskrat, land otter, red squirrel, flying squirrel, ground squirrel, Alaskan marmot, hoary marmot, woodchuck, wolf and wolverine.

* * * * *

Trapping means taking furbearers with a trap under a trapping license.

* * * * *

3. In § 13.42, add paragraphs (f) and (k) to read as follows:

§ 13.42 Taking of wildlife in national preserves.

* * * * *

(f) Actions to reduce the numbers of native species for the purpose of increasing the numbers of harvested species (*e.g.*, predator control or predator reduction) are prohibited.

* * * * *

(k) This paragraph applies to the taking of wildlife in park areas

administered as national preserves except for subsistence uses by local rural residents pursuant to applicable Federal law and regulation. The following are prohibited:

TABLE 1 TO PARAGRAPH (k)

Prohibited acts	Any exceptions?
(1) Shooting from, on, or across a park road or highway	None.
(2) Using any poison or other substance that kills or temporarily incapacitates wildlife.	None.
(3) Taking wildlife from an aircraft, off-road vehicle, motorboat, motor vehicle, or snowmachine.	If the motor has been completely shut off and progress from the motor's power has ceased.
(4) Using an aircraft, snowmachine, off-road vehicle, motorboat, or other motor vehicle to harass wildlife, including chasing, driving, herding, molesting, or otherwise disturbing wildlife.	None.
(5) Taking big game while the animal is swimming	None.
(6) Using a machine gun, a set gun, or a shotgun larger than 10 gauge	None.
(7) Using the aid of a pit, fire, artificial salt lick, explosive, expanding gas arrow, bomb, smoke, chemical, or a conventional steel trap with an inside jaw spread over nine inches.	Killer style traps with an inside jaw spread less than 13 inches may be used for trapping, except to take any species of bear or ungulate.
(8) Using any electronic device to take, harass, chase, drive, herd, or molest wildlife, including but not limited to: artificial light; laser sights; electronically enhanced night vision scope; any device that has been airborne, controlled remotely, and used to spot or locate game with the use of a camera, video, or other sensing device; radio or satellite communication; cellular or satellite telephone; or motion detector.	(i) Rangefinders may be used. (ii) Electronic calls may be used for game animals except moose. (iii) Artificial light may be used for the purpose of taking furbearers under a trapping license during an open season from Nov. 1 through March 31 where authorized by the State. (iv) Artificial light may be used by a tracking dog handler with one leashed dog to aid in tracking and dispatching a wounded big game animal. (v) Electronic devices approved in writing by the Regional Director.
(9) Using snares, nets, or traps to take any species of bear or ungulate	None.
(10) Using bait	Using bait to trap furbearers.
(11) Taking big game with the aid or use of a dog	Leashed dog for tracking wounded big game.
(12) Taking wolves and coyotes from May 1 through August 9	None.
(13) Taking cub bears or female bears with cubs	None.
(14) Taking a fur animal or furbearer by disturbing or destroying a den	Muskrat pushups or feeding houses.

Shannon Estenoz,
Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 2023-00142 Filed 1-6-23; 8:45 am]

BILLING CODE 4312-52-P

Fall 2023 Regional Advisory Council Meeting Calendar

Last updated 11/7/2022

Due to travel budget limitations placed by Department of the Interior on the U.S. Fish and Wildlife Service and the Office of Subsistence Management, the dates and locations of these meetings will be subject to change

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Aug. 13	Aug. 14 Window Opens	Aug. 15	Aug. 16	Aug. 17	Aug. 18	Aug. 19
Aug. 20	Aug. 21	Aug. 22	Aug. 23	Aug. 24	Aug. 25	Aug. 26
Aug. 27	Aug. 28	Aug. 29	Aug. 30	Aug. 31	Sep. 1	Sep. 2
Sep. 3	Sep. 4 Labor Day Holiday	Sep. 5	Sep. 6	Sep. 7	Sep. 8	Sep. 9
Sep. 10	Sep. 11	Sep. 12	Sep. 13	Sep. 14	Sep. 15	Sep. 16
Sep. 17	Sep. 18	Sep. 19	Sep. 20	Sep. 21	Sep. 22	Sep. 23
		KARAC (King Cove)				
Sep. 24	Sep. 25	Sep. 26	Sep. 27	Sep. 28	Sep. 29	Sep. 30
Oct. 1	Oct. 2	Oct. 3	Oct. 4	Oct. 5	Oct. 6	Oct. 7
	SCRAC (Kenai)		EIRAC (Tok or Fairbanks)			
Oct. 8	Oct. 9 Columbus Day Holiday	Oct. 10	Oct. 11	Oct. 12	Oct. 13	Oct. 14
		YKDRAC (Anchorage or Bethel)				
		WIRAC (Fairbanks)				
Oct. 15	Oct. 16	Oct. 17	Oct. 18	Oct. 19	Oct. 20	Oct. 21
	NWARAC (Kotzebue)					
Oct. 22	Oct. 23	Oct. 24	Oct. 25	Oct. 26	Oct. 27	Oct. 28
		BBRAC (Dillingham)				
		SEARAC (Sitka)				
Oct. 29	Oct. 30	Oct. 31	Nov. 1	Nov. 2	Nov. 3 Window Closes	Nov. 4
			NSRAC (Utqiagvik)			
			SPRAC (Nome)			

Winter 2024 Regional Advisory Council Meeting Calendar

Last updated 12/22/2022

Due to travel budget limitations placed by Department of the Interior on the U.S. Fish and Wildlife Service and the Office of Subsistence Management, the dates and locations of these meetings will be subject to change

Sunday	Monday	Tuesday	Wednesday-	Thursday	Friday	Saturday
<i>Mar. 3</i>	<i>Mar. 4 Window Opens</i>	<i>Mar. 5</i>	<i>Mar. 6</i>	<i>Mar. 7</i>	<i>Mar. 8</i>	<i>Mar. 9</i>
<i>Mar. 10</i>	<i>Mar. 11</i>	<i>Mar. 12</i>	<i>Mar. 13</i>	<i>Mar. 14</i>	<i>Mar. 15</i>	<i>Mar. 16</i>
<i>Mar. 17</i>	<i>Mar. 18</i>	<i>Mar. 19</i>	<i>Mar. 20</i>	<i>Mar. 21</i>	<i>Mar. 22</i>	<i>Mar. 23</i>
<i>Mar. 24</i>	<i>Mar. 25</i>	<i>Mar. 26</i>	<i>Mar. 27</i>	<i>Mar. 28</i>	<i>Mar. 29 Window Closes</i>	<i>Mar. 30</i>

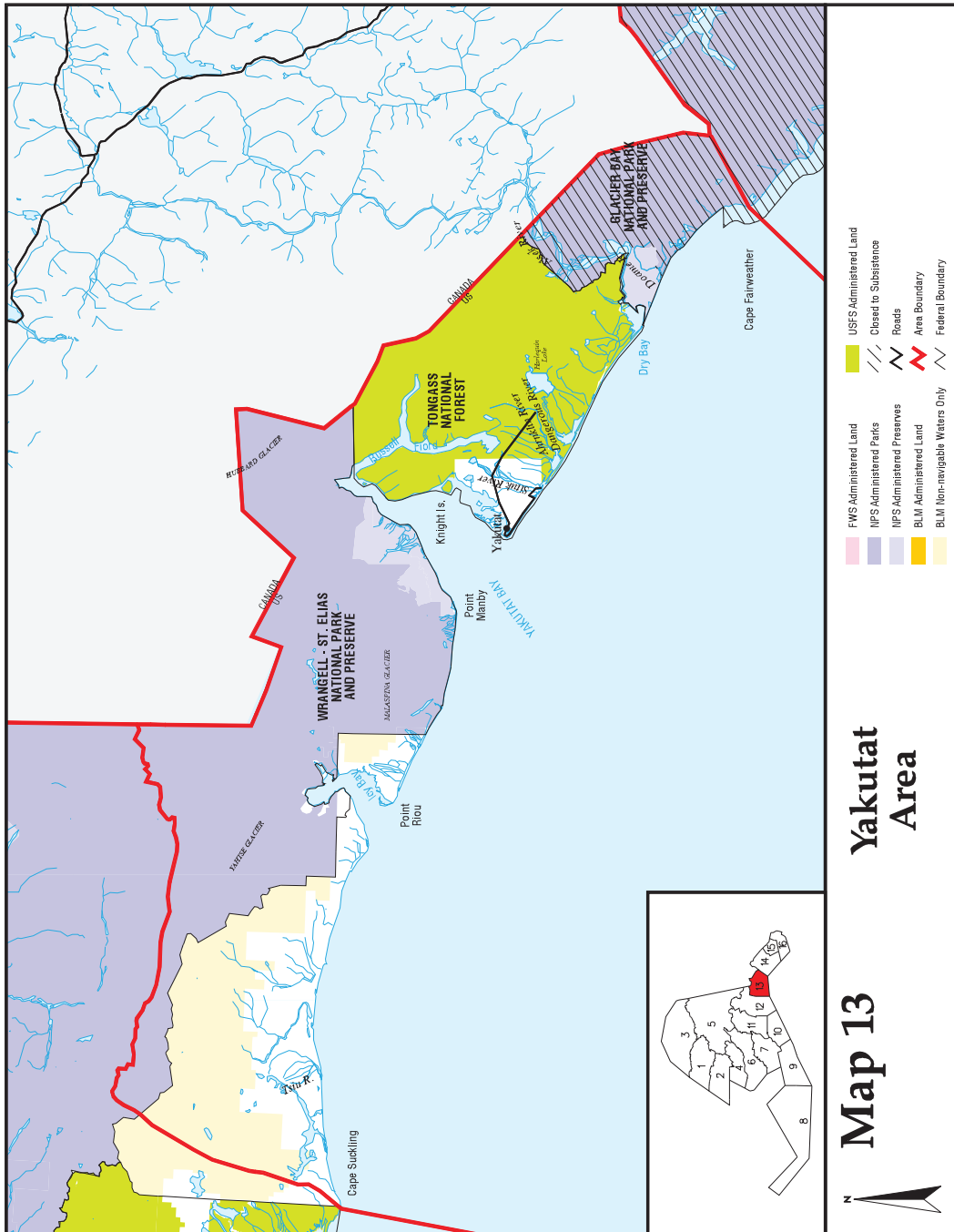
Fall 2024 Regional Advisory Council Meeting Calendar

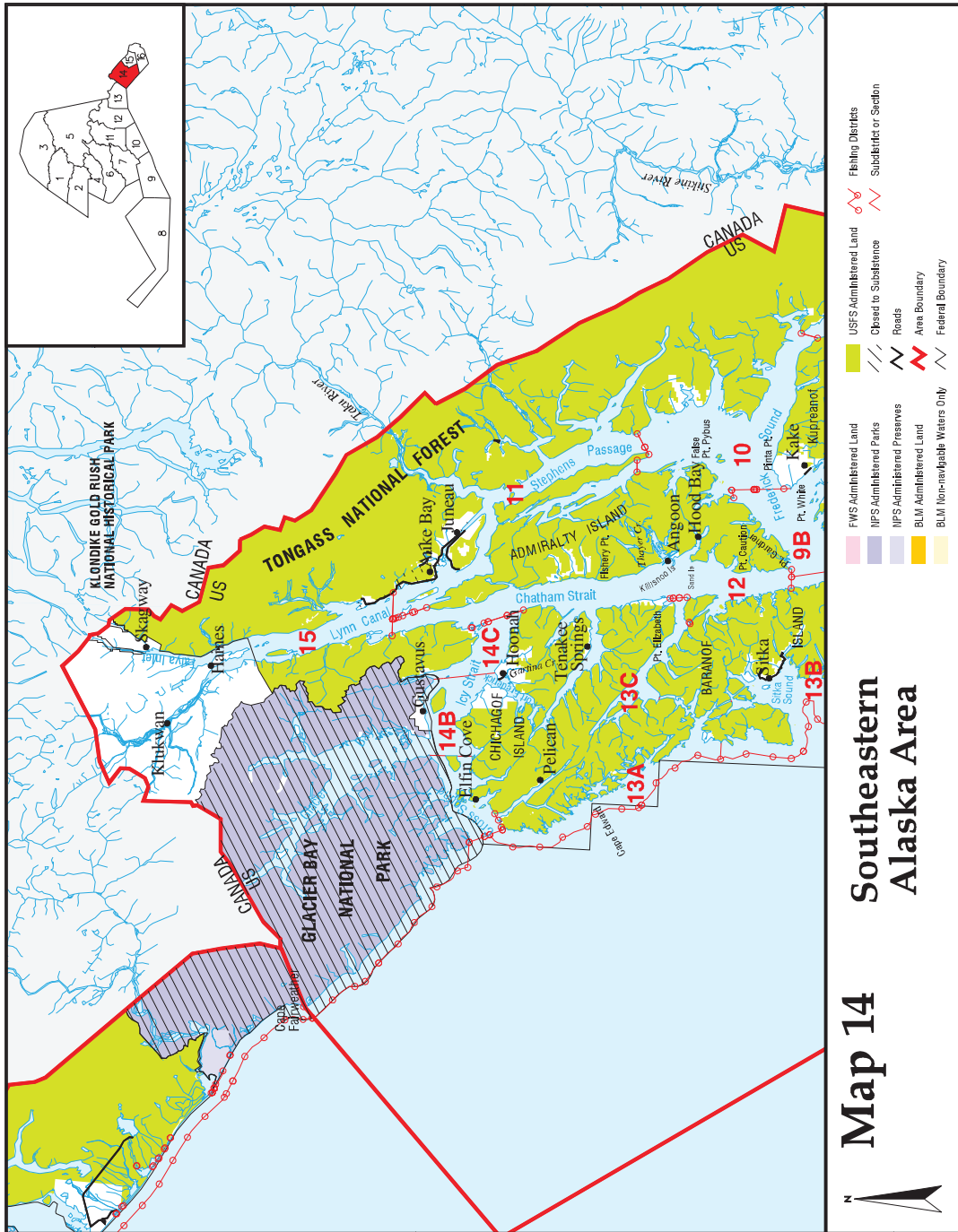
Last updated 12/22/2022

Due to travel budget limitations placed by Department of the Interior on the U.S. Fish and Wildlife Service and the Office of Subsistence Management, the dates and locations of these meetings will be subject to change

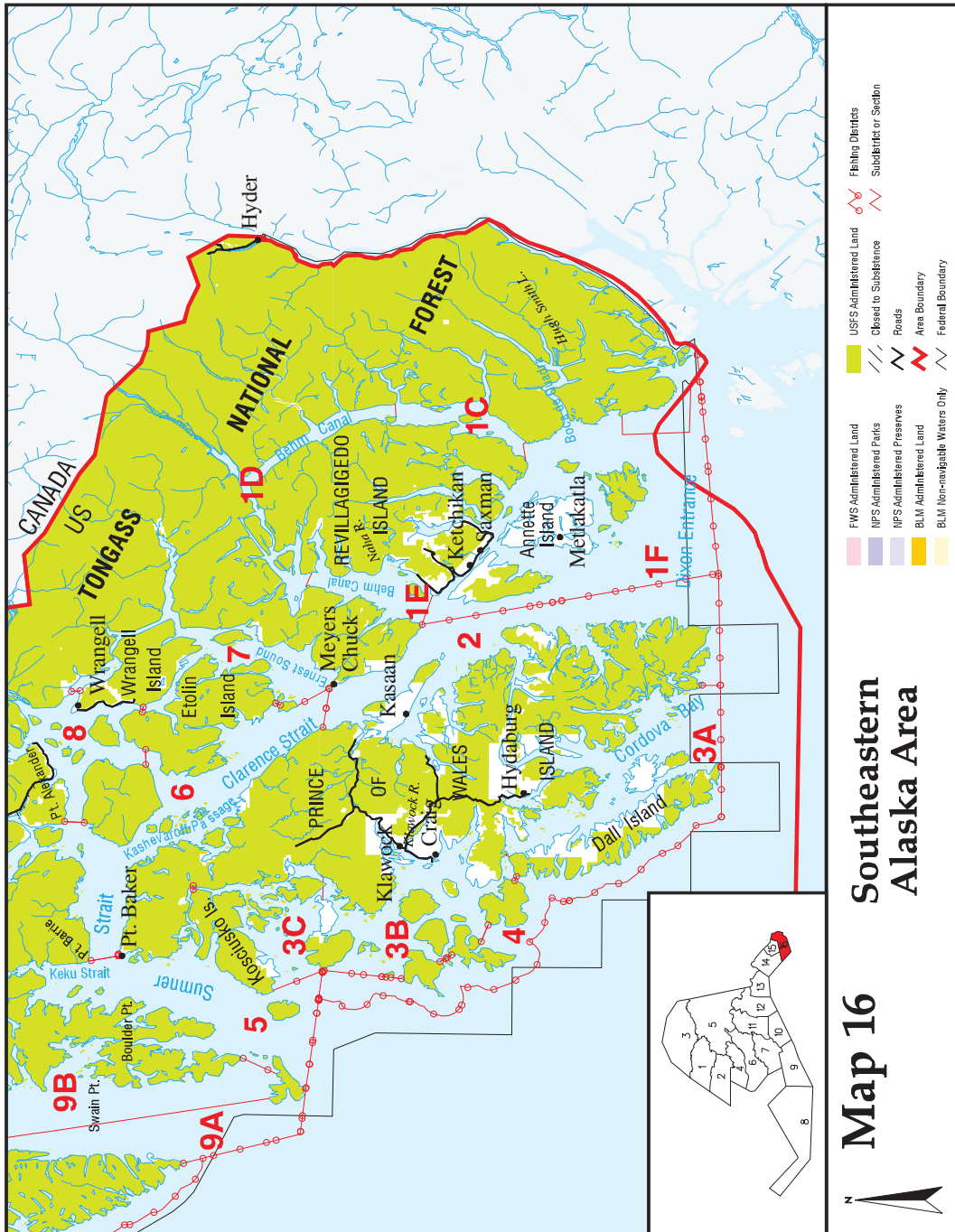
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Aug. 18	Aug. 19 Window Opens	Aug. 20	Aug. 21	Aug. 22	Aug. 23	Aug. 24
Aug. 25	Aug. 26	Aug. 27	Aug. 28	Aug. 29	Aug. 30	Aug. 31
Sep. 1	Sep. 2 Labor Day Holiday	Sep. 3	Sep. 4	Sep. 5	Sep. 6	Sep. 7
Sep. 8	Sep. 9	Sep. 10	Sep. 11	Sep. 12	Sep. 13	Sep. 14
Sep. 15	Sep. 16	Sep. 17	Sep. 18	Sep. 19	Sep. 20	Sep. 21
Sep. 22	Sep. 23	Sep. 24	Sep. 25	Sep. 26	Sep. 27	Sep. 28
Sep. 29	Sep. 30	Oct. 1	Oct. 2	Oct. 3	Oct. 4	Oct. 5
Oct. 6	Oct. 7	Oct. 8	Oct. 9	Oct. 10	Oct. 11	Oct. 12
Oct. 13	Oct. 14 Columbus Day Holiday	Oct. 15	Oct. 16	Oct. 17	Oct. 18	Oct. 19
Oct. 20	Oct. 21	Oct. 22	Oct. 23	Oct. 24	Oct. 25	Oct. 26
Oct. 27	Oct. 28	Oct. 29	Oct. 30	Oct. 31	Nov. 1 Window Closes	Nov. 2





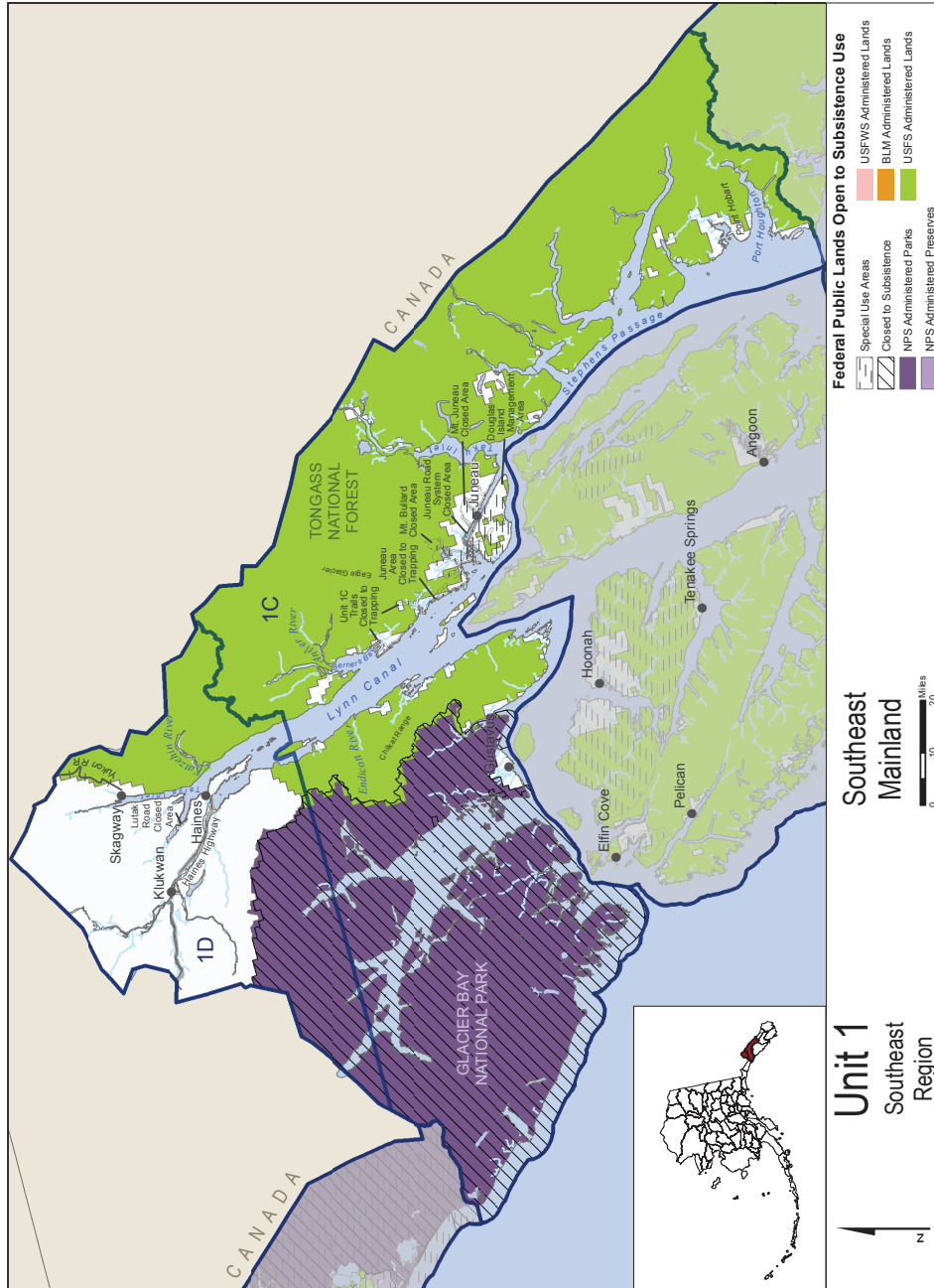


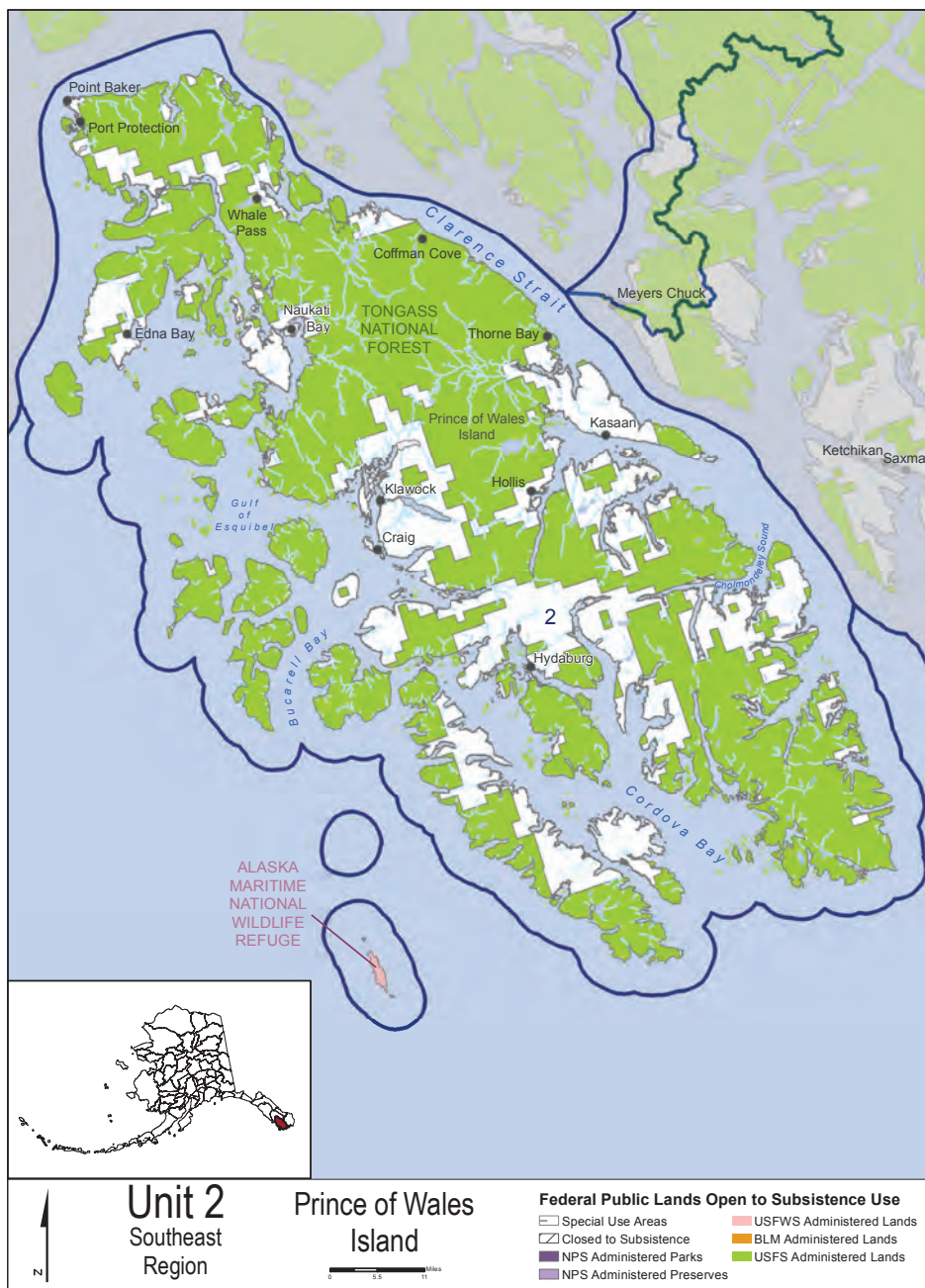


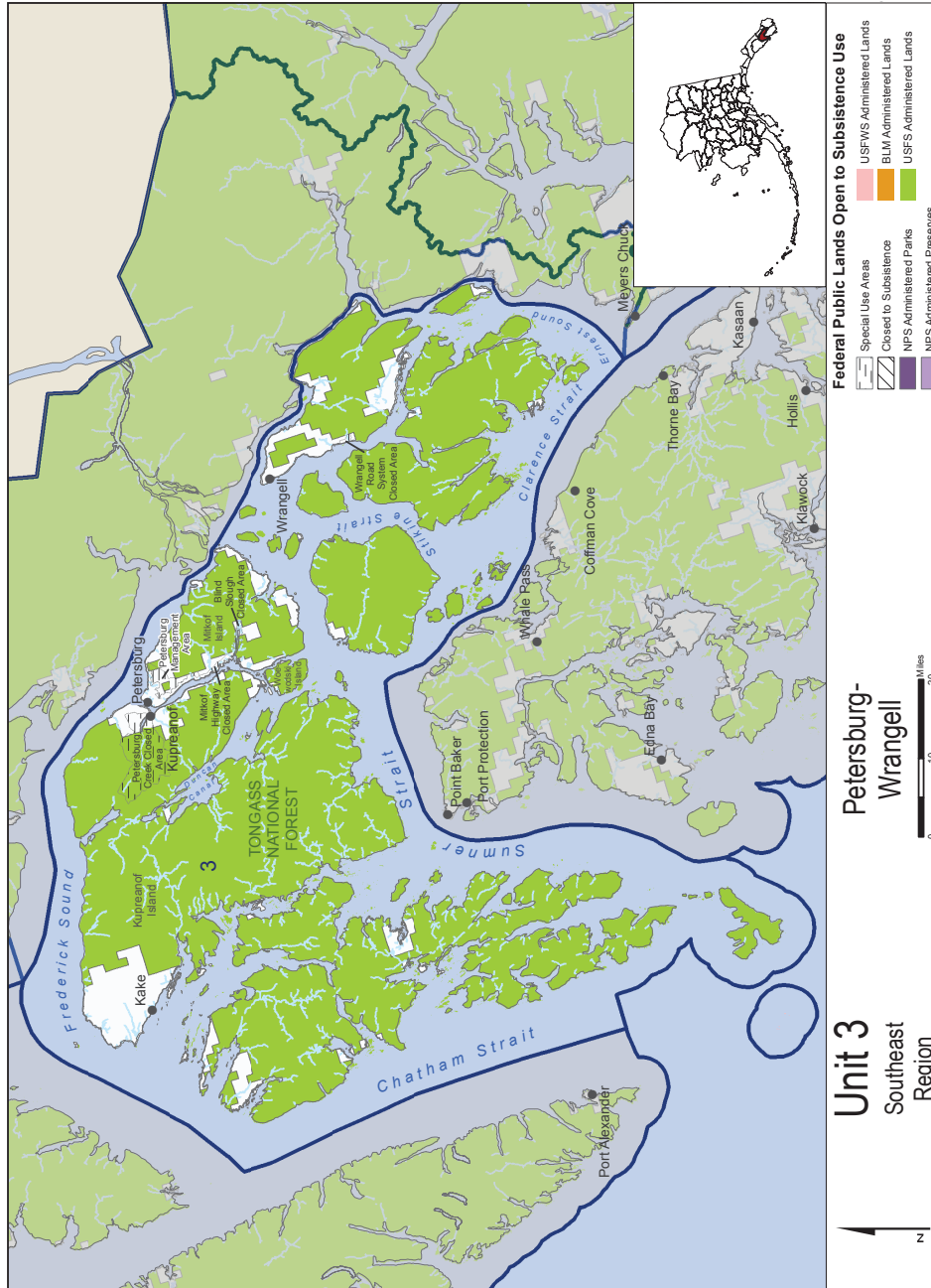


Region 1 – Southeast Regional Maps

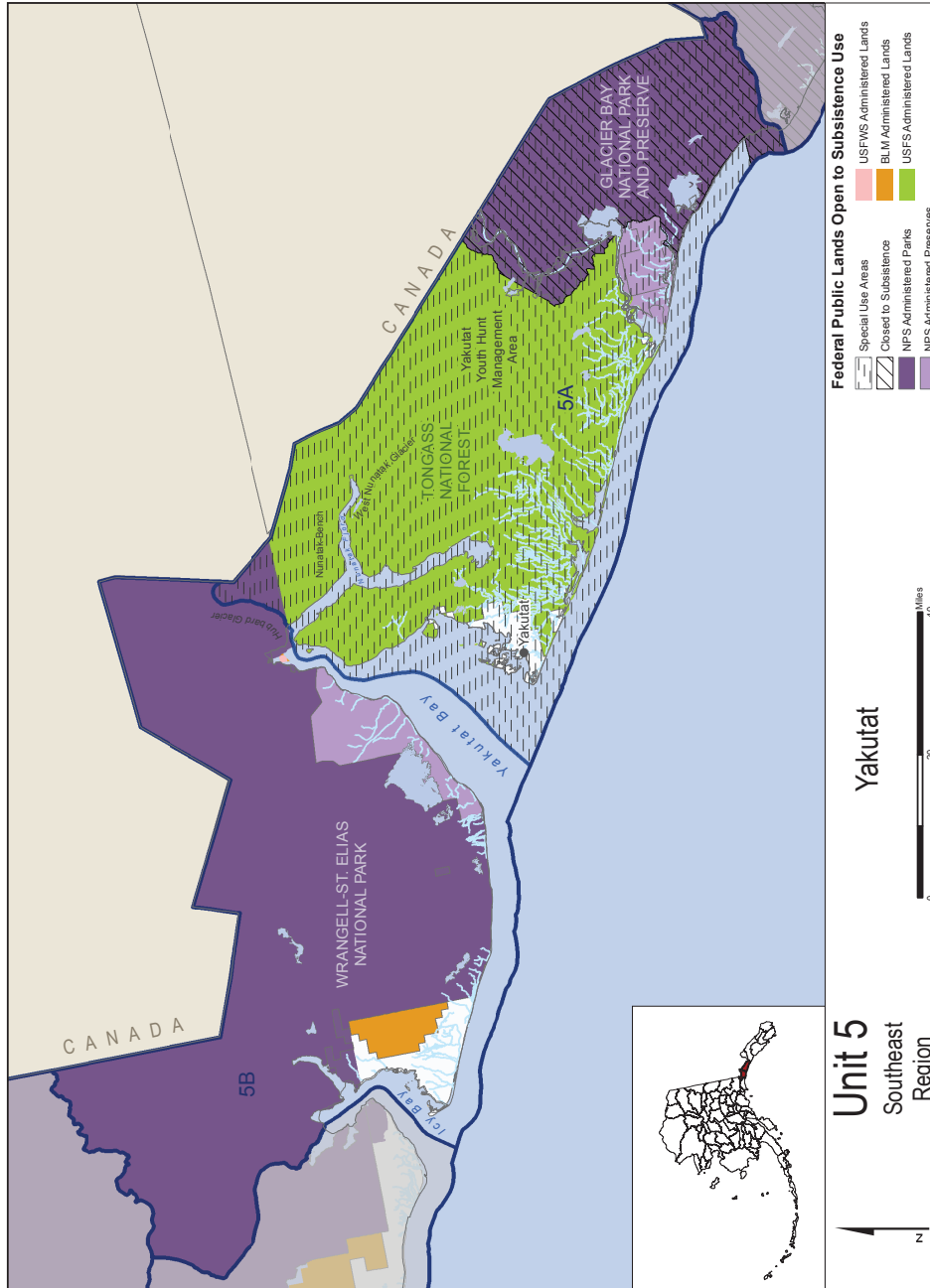






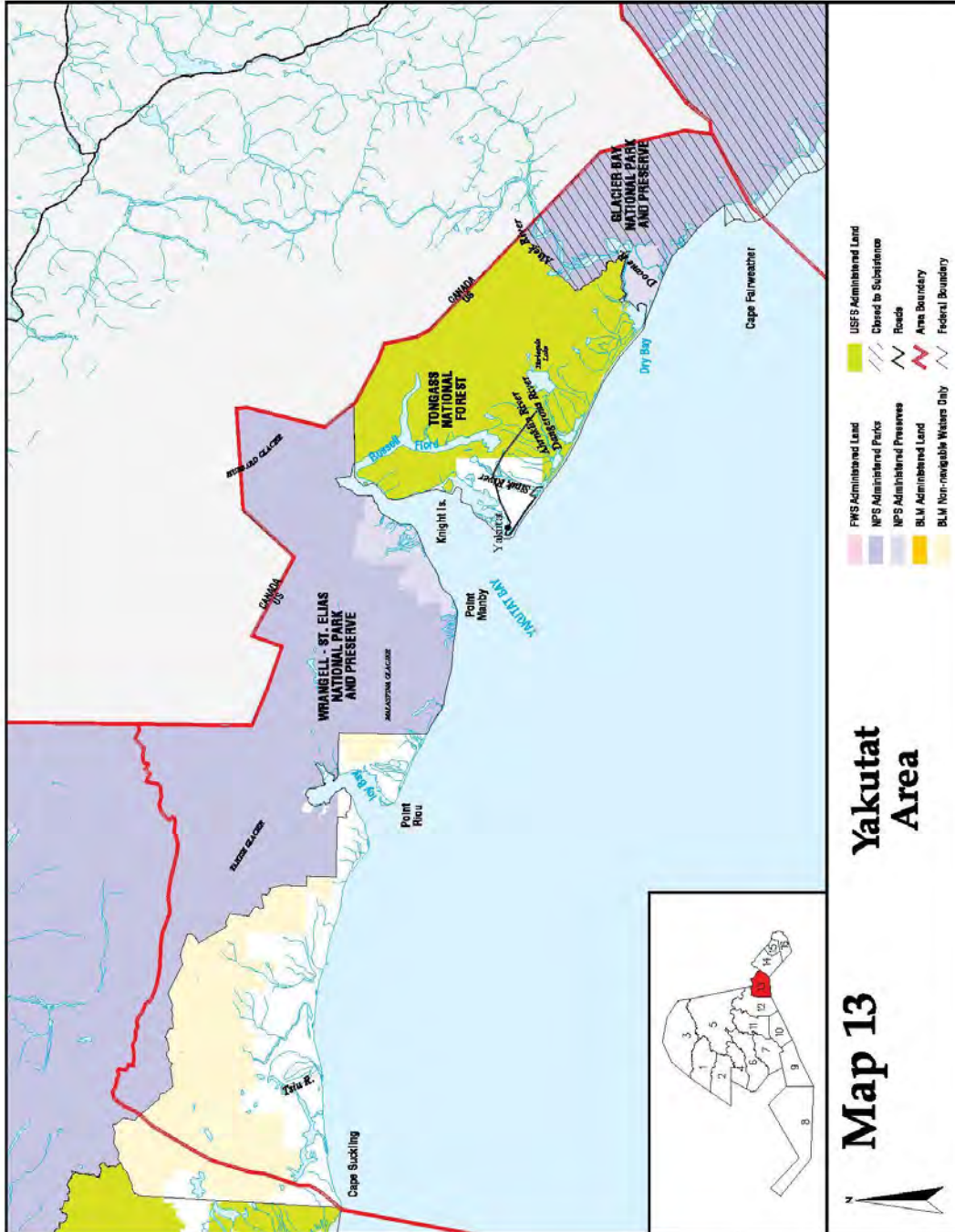


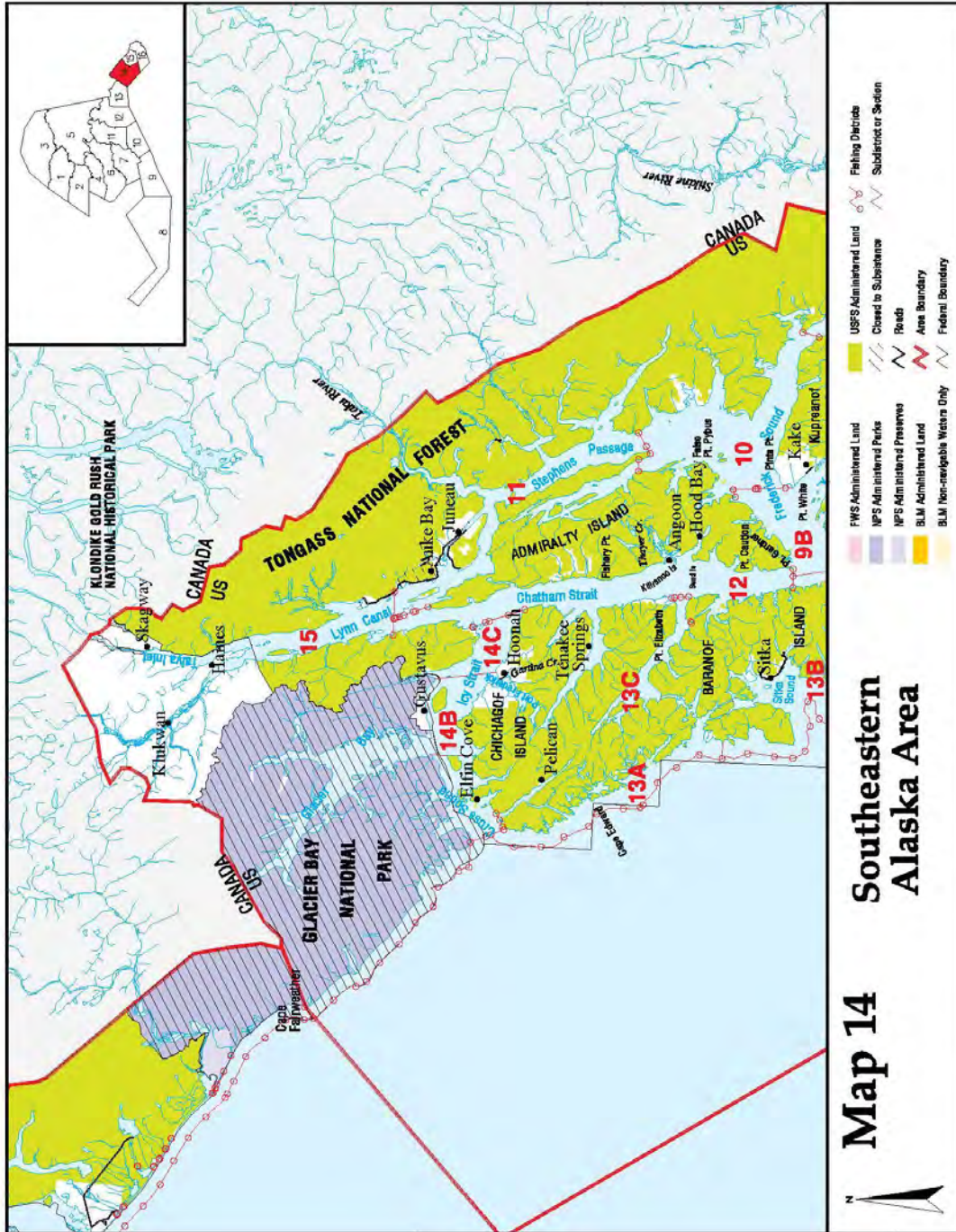




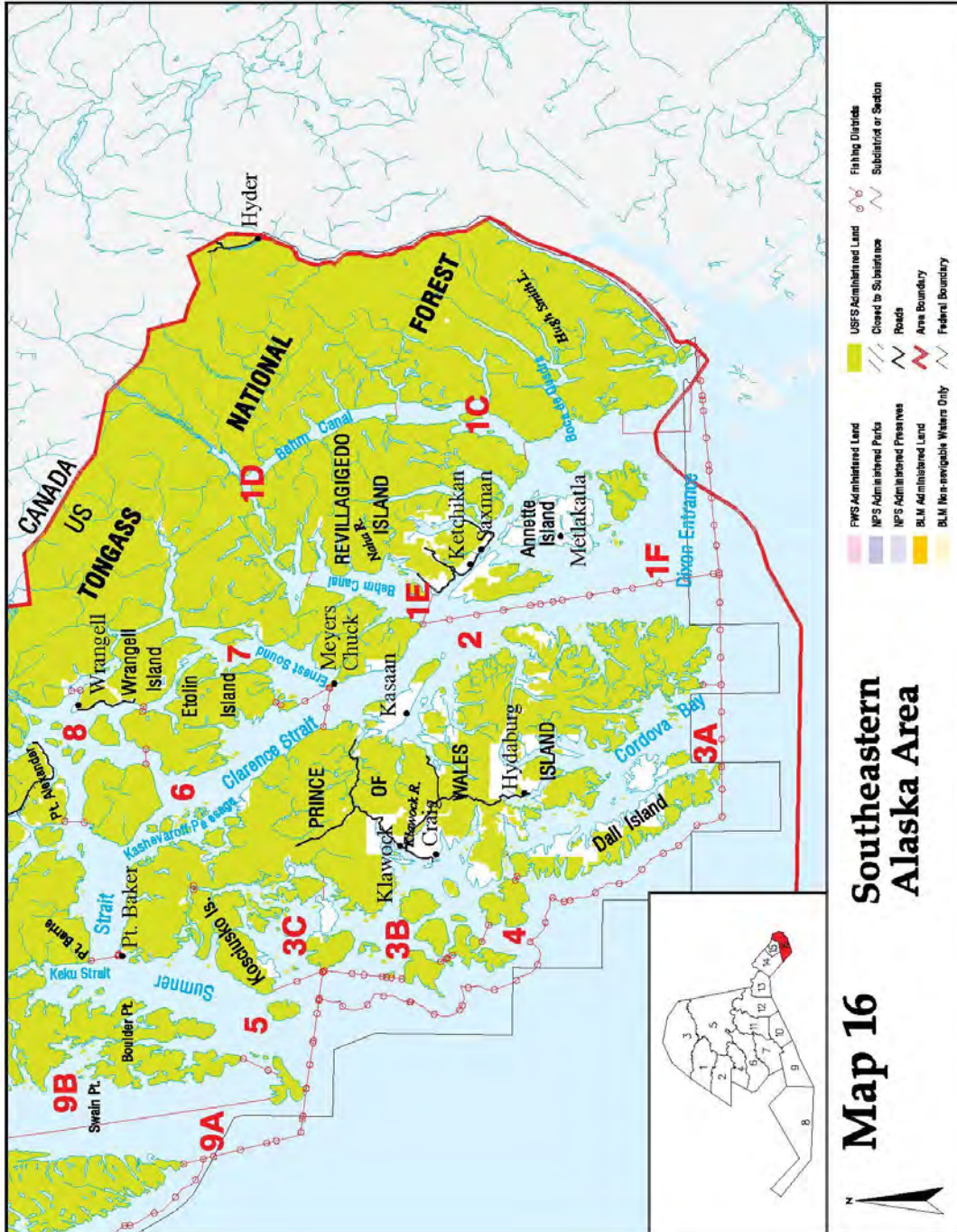
Region 1 – Southeast Regional Maps



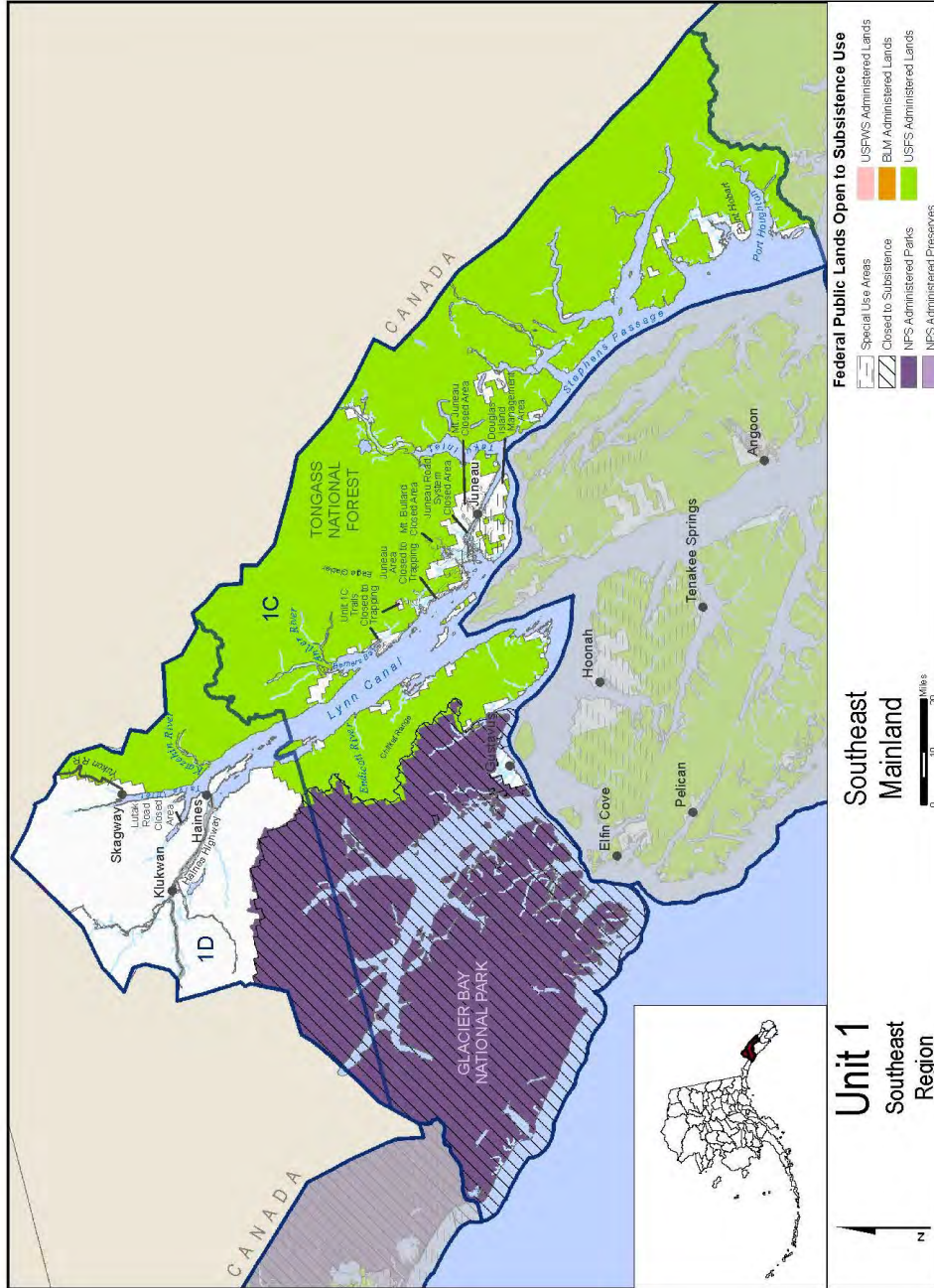


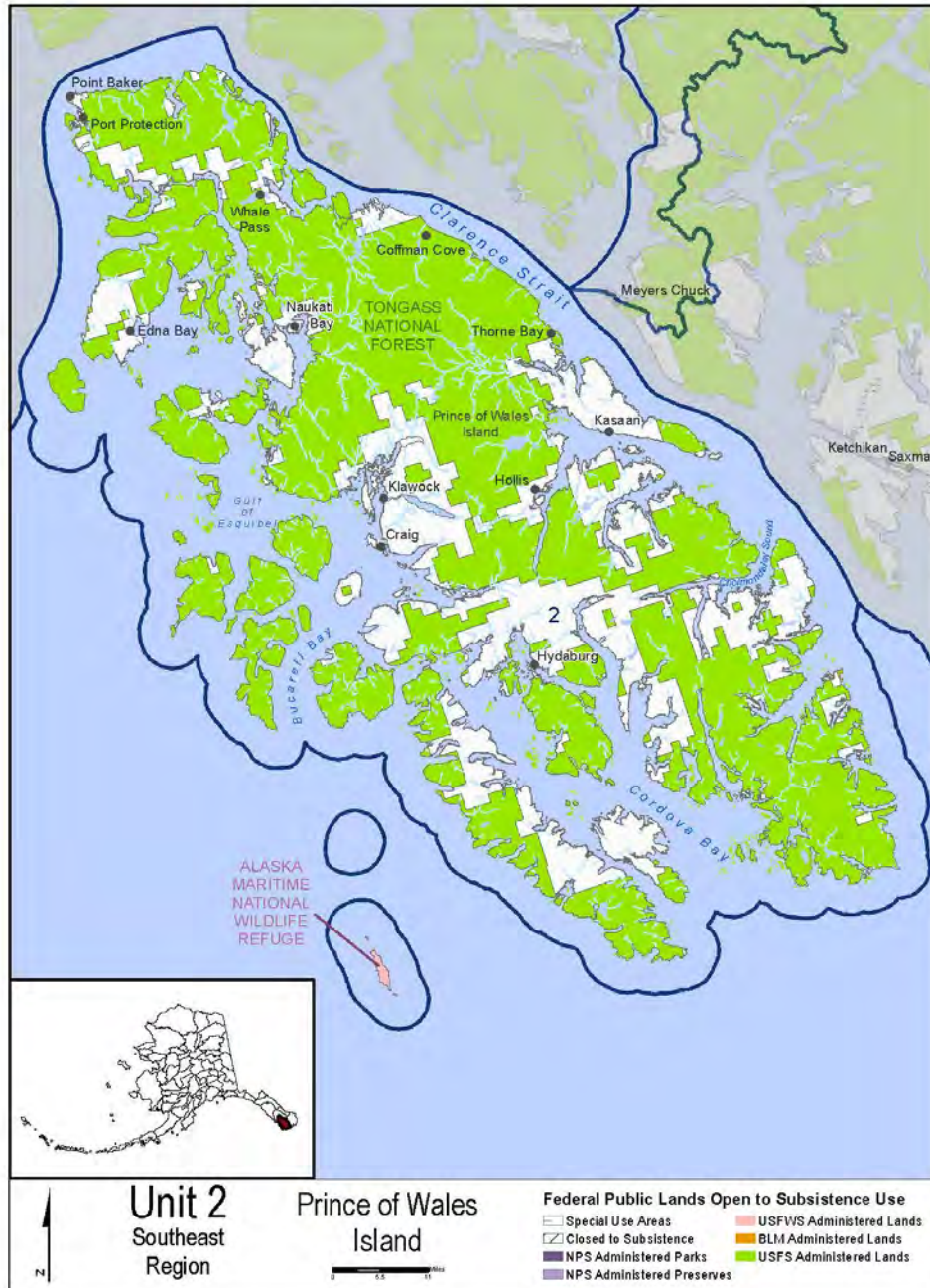


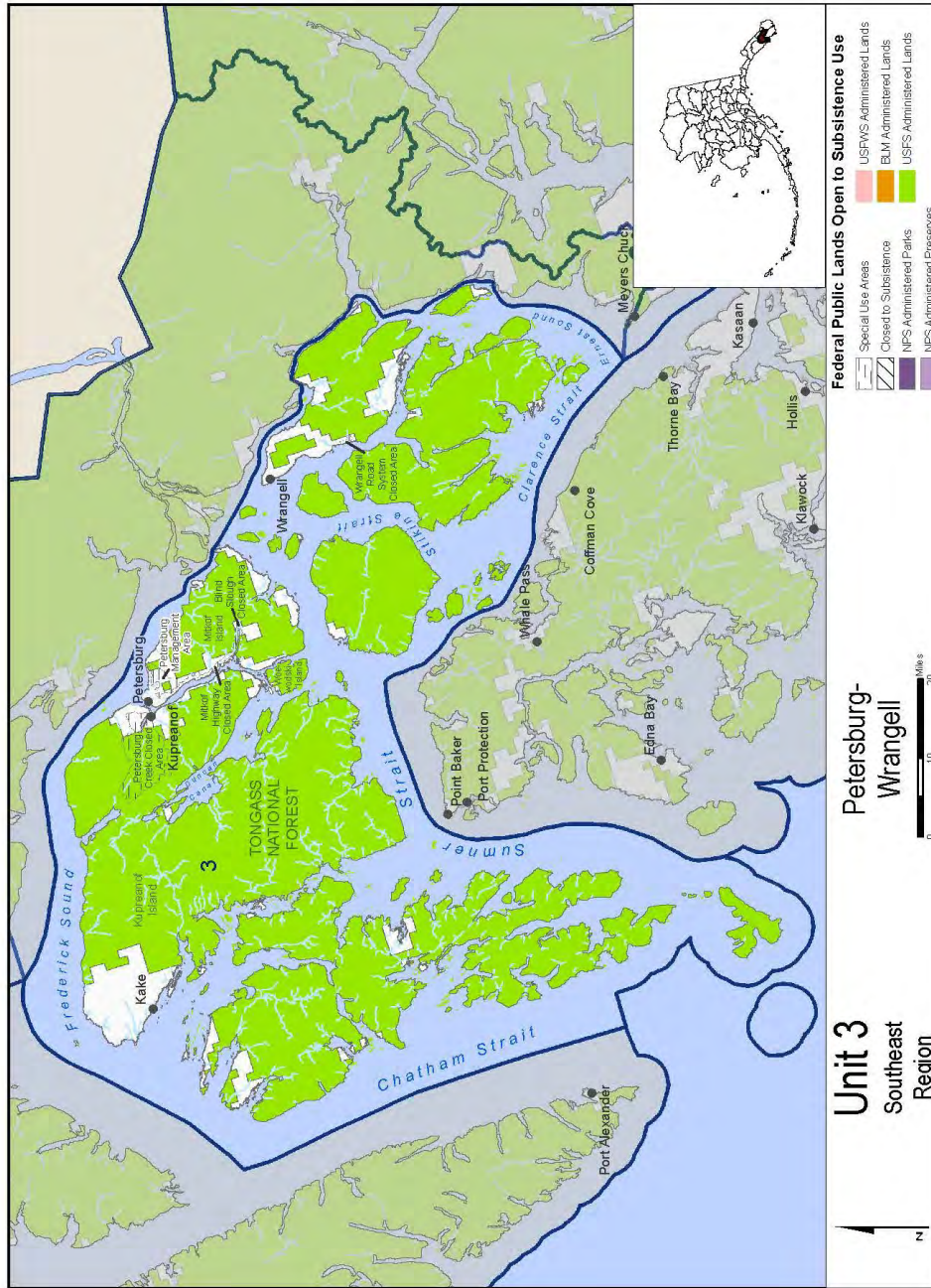


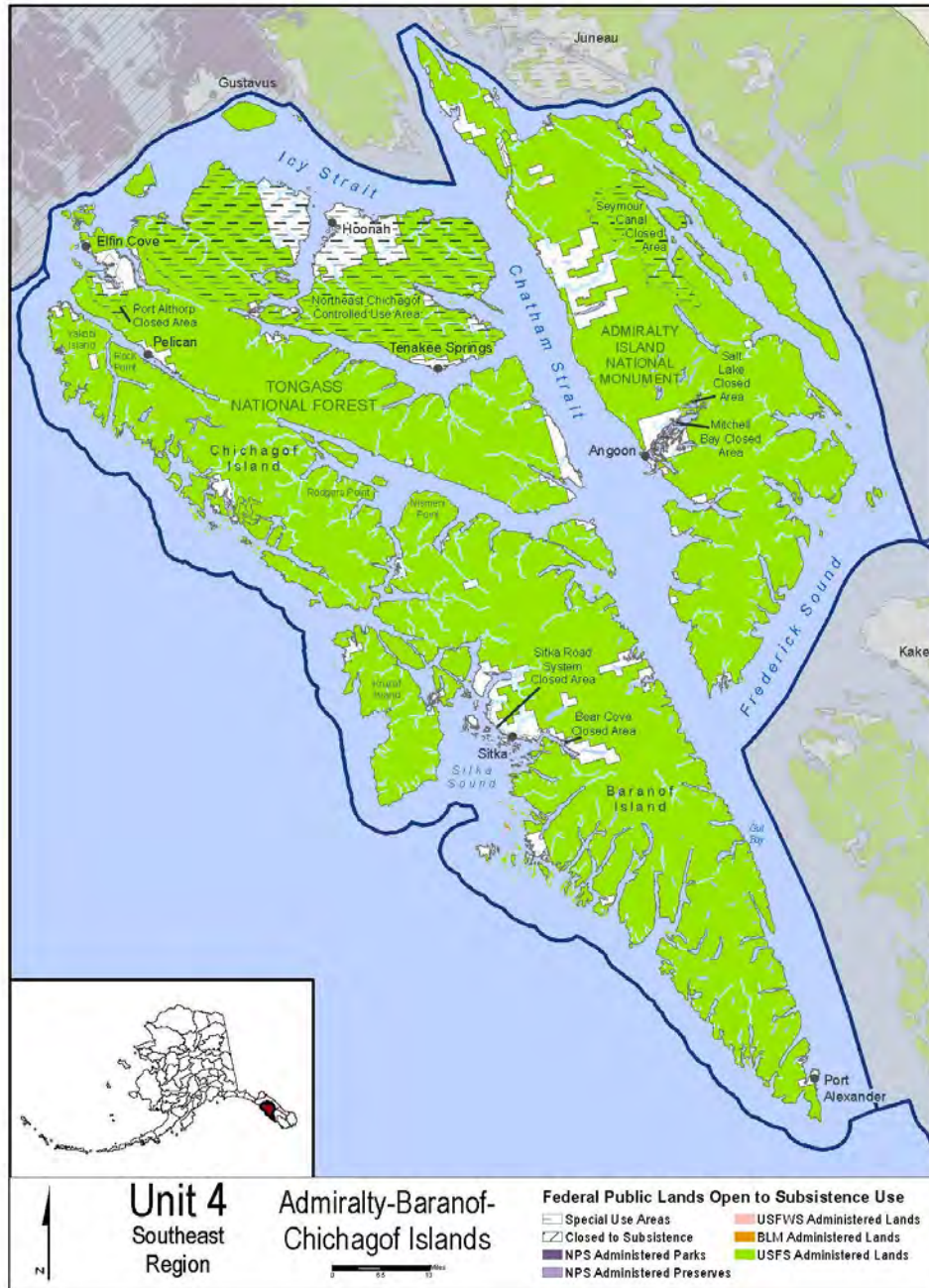


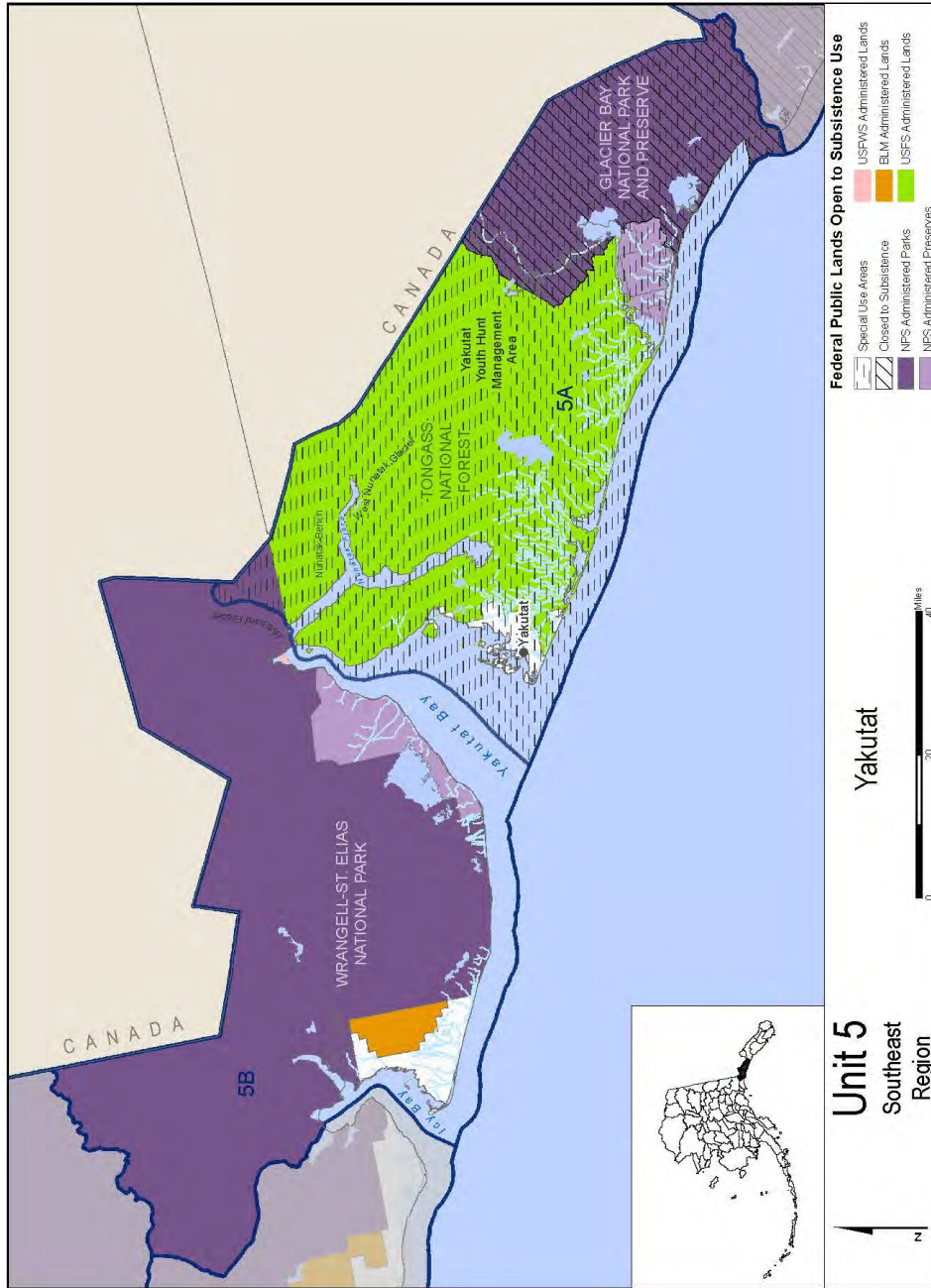












**Department of the Interior
U. S. Fish and Wildlife Service**

Southeast Alaska Subsistence Regional Advisory Council

Charter

1. **Committee's Official Designation.** The Council's official designation is the Southeast Alaska Subsistence Regional Advisory Council (Council).
2. **Authority.** The Council is renewed by virtue of the authority set out in the Alaska National Interest Lands Conservation Act (ANILCA) (16 U.S.C. 3115 (1988)) Title VIII, and under the authority of the Secretary of the Interior, in furtherance of 16 U.S.C. 410hh-2. The Council is regulated by the Federal Advisory Committee Act (FACA), as amended, (5 U.S.C., Appendix 2).
3. **Objectives and Scope of Activities.** The objective of the Council is to provide a forum for the residents of the Region with personal knowledge of local conditions and resource requirements to have a meaningful role in the subsistence management of fish and wildlife on Federal lands and waters in the Region.
4. **Description of Duties.** Council duties and responsibilities, where applicable, are as follows:
 - a. Recommend the initiation, review, and evaluate of proposals for regulations, policies, management plans, and other matters relating to subsistence uses of fish and wildlife on public lands within the region.
 - b. Provide a forum for the expression of opinions and recommendations by persons interested in any matter related to the subsistence uses of fish and wildlife on public lands within the Region.
 - c. Encourage local and regional participation in the decision-making process affecting the taking of fish and wildlife on the public lands within the region for subsistence uses.
 - d. 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;

- (3) A recommended strategy for the management of fish and wildlife populations within the Region to accommodate such subsistence uses and needs; and
 - (4) Recommendations concerning policies, standards, guidelines, and regulations to implement the strategy.
 - e. Appoint one member to the Wrangell-St. Elias National Park Subsistence Resource Commission in accordance with section 808 of the ANILCA.
 - f. Make recommendations on determinations of customary and traditional use of subsistence resources.
 - g. Make recommendations on determinations of rural status.
 - h. Provide recommendations on the establishment and membership of Federal local advisory committees.
- 5. Agency or Official to Whom the Council Reports.** The Council reports to the Federal Subsistence Board Chair, who is appointed by the Secretary of the Interior with the concurrence of the Secretary of Agriculture.
- 6. Support.** The U.S. Fish and Wildlife Service will provide administrative support for the activities of the Council through the Office of Subsistence Management.
- 7. Estimated Annual Operating Costs and Staff Years.** The annual operating costs associated with supporting the Council’s functions are estimated to be \$195,000, including all direct and indirect expenses and 1.15 Federal staff years.
- 8. Designated Federal Officer.** The DFO is the Subsistence Council Coordinator for the Region or such other Federal employee as may be designated by the Assistant Regional Director – Subsistence, Region 11, U.S. Fish and Wildlife Service. The DFO is a full-time Federal employee appointed in accordance with Agency procedures. The DFO will:
- (a) Approve or call all Council and subcommittee meetings;
 - (b) Prepare and approve all meeting agendas;
 - (c) Attend all committee and subcommittee meetings;
 - (d) Adjourn any meeting when the DFO determines adjournment to be in the public interest; and

(e) Chair meetings when directed to do so by the official to whom the advisory committee reports.

9. Estimated Number and Frequency of Meetings. The Council will meet 1-2 times per year, and at such times as designated by the Federal Subsistence Board Chair or the DFO.

10. Duration. Continuing.

11. Termination. The Council will be inactive 2 years from the date the charter is filed, unless prior to that date, the charter is renewed in accordance with provisions of section 14 of the FACA. The Council will not meet or take any action without a valid current charter.

12. Membership and Designation. The Council's membership is composed of representative members as follows:

Thirteen members who are knowledgeable and experienced in matters relating to subsistence uses of fish and wildlife and who are residents of the region represented by the Council.

To ensure that each Council represents a diversity of interests, the Federal Subsistence Board in their nomination recommendations to the Secretary will strive to ensure that nine of the members (70 percent) represent subsistence interests within the region and four of the members (30 percent) represent commercial and sport interests within the region. The portion of membership representing commercial and sport interests must include, where possible, at least one representative from the sport community and one representative from the commercial community.

The Secretary of the Interior will appoint members based on the recommendations from the Federal Subsistence Board and with the concurrence of the Secretary of Agriculture.

Members will be appointed for 3-year terms. Members serve at the discretion of the Secretary.

If appointments for a given year have not yet been announced, a member may continue to serve on the Council following the expiration of his or her term until such appointments have been made. Unless reappointed, the member's service ends on the date of announcement even if that member's specific seat remains unfilled.

Alternate members may be appointed to the Council to fill vacancies if they occur out of cycle. An alternate member must be approved and appointed by the Secretary before attending the meeting as a representative. The term for an appointed alternate member will be the same as the term of the member whose vacancy is being filled.

Council members will elect a Chair, a Vice-Chair, and Secretary for a 1-year term.

Members of the Council will serve without compensation. However, while away from their homes or regular places of business, Council and subcommittee members engaged in Council, or subcommittee business, approved by the DFO, may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in Government service under Section 5703 of title 5 of the United States Code.

13. **Ethics Responsibilities of Members.** No Council or subcommittee member will participate in any Council or subcommittee deliberations or votes relating to a specific party matter before the Department or its bureaus and offices including a lease, license, permit, contract, grant, claim, agreement, or litigation in which the member or the entity the member represents has a direct financial interest.
14. **Subcommittees.** Subject to the DFO's approval, subcommittees may be formed for the purpose of compiling information or conducting research. However, such subcommittees must act only under the direction of the DFO and must report their recommendations to the full Council for consideration. Subcommittees must not provide advice or work products directly to the Agency. Subcommittees will meet as necessary to accomplish their assignments, subject to the approval of the DFO and the availability of resources.
15. **Recordkeeping.** The Records of the Council, and formally and informally established subcommittees or other subgroups of the Council, must be handled in accordance with General Records Schedule 6.2, and other approved Agency records disposition schedules. These records must be available for public inspection and copying, subject to the Freedom of Information Act (5 U.S.C. 552).

_____/signature on the filed original/
Secretary of the Interior

Dec. 10, 2021
Date Signed

Dec. 13, 2021
Date Filed

This page intentionally left blank

Follow and “Like” us on Facebook!
www.facebook.com/subsistencealaska

