



BRISTOL BAY
SUBSISTENCE REGIONAL
ADVISORY COUNCIL
Meeting Materials

March 13-14, 2018
Naknek



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On the cover...

A grey wolf trots through Alaska Peninsula/Becharof Lake National Wildlife Refuge.



USFWS photo by Bob Dreeszen

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BRISTOL BAY SUBSISTENCE REGIONAL ADVISORY COUNCIL

Dolly’s Hall
Naknek

March 13 – 14, 2018
convening at 8:30 a.m. daily

TELECONFERENCE: call the toll free number: 1-866-916-7020, then when prompted enter the passcode: 37311548.

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

10. New Business (Chair)

- a. Call for Federal Fisheries Proposals (OSM) 11
- b. Call for Nonrural Determination Proposals (OSM) 14
- c. Fisheries Resource Monitoring Program Updates and Discussion (OSM) Supplemental
- c. Approve FY2017 Annual Report* (Council Coordinator) Supplemental

11. Agency Reports

(Time limit of 15 minutes unless approved in advance)

Tribal Governments

Native Organizations

- a. Bristol Bay Native Corporation (BBNC)
- b. Bristol Bay Native Association (BBNA)

USFWS

- a. Togiak National Wildlife Refuge (NWR)37
- b. Alaska Peninsula/Becharof NWR
- c. Western Alaska Landscape Conservation Cooperative
- d. Conservation of Arctic Flora and Fauna

NPS

- a. Katmai National Park and Preserve

ADF&G

OSM

13. Future Meeting Dates*

- Confirm Fall 2018 meeting date and location43
- Select Winter 2019 meeting date and location44

14. Closing Comments

15. Adjourn (Chair)

To teleconference into the meeting, call the toll free number: 1-866-916-7020, then when prompted enter the passcode: 37311548.

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 Donald Mike, 907-786-3629, donald_mike@fws.gov, or 800-877-8339 (TTY), by close of business on March 2, 2018.

REGION 4
Bristol Bay Subsistence Regional Advisory Council

Seat	Year Appointed Term Expires	Member Name and Community	
1	1993 2019	Peter M. Abraham Togiak	
2	2016 2019	Dennis Andrew, Sr. New Stuyahok	
3	2003 2019	Nanci Ann Morris Lyon King Salmon	Vice Chair
4	2007 2020	Molly B. Chythlook Dillingham	Chair
5	2017 2020	William Trefon Nondalton	
6	2014 2020	William J. Maines Dillingham	
7	2003 2020	Dan O. Dunaway Dillingham	
8	2012 2018	Lary J. Hill Iliamna	
9	2015 2018	Victor A. Seybert Pilot Point	
10	2009 2018	Richard J. Wilson Naknek	Secretary

BRISTOL BAY SUBSISTENCE REGIONAL ADVISORY COUNCIL

Dillingham Middle School Gym
Dillingham, Alaska
November 1-2, 2017

Meeting Minutes

Call to Order – Meeting called to order by Chair Chythlook

Invocation – Mr. Richard Wilson led the invocation.

Roll Call and Establish Quorum

Roll call by Council Coordinator Donald Mike. Eight members present, with two excused absent (Pete Abraham and Senafont Shugak).

Welcome and Introductions

Council member and public introductions

Government Agency Employees

Chris McKee	OSM
Suzanne Worker	OSM
Robbin La Vine	OSM
Christine Brummer	OSM
Carol Damberg*	USFWS
Pat Walsh	Togiak NWR
Andy Aderman	Togiak NWR
Clarence Summers*	NPS
Liza Rupp	NPS Lake Clark
Susan Alexander	Alaska Peninsula/Becharof NWR
Pat Petrivelli	BIA
Gabriela Halas	ADF&G
Bronwyn Jones	ADF&G
Tim Sands	ADF&G
Amy Wiita*	ADF&G
Mark Sturm	NPS Katmai

NGOs/Public

Ted Kreig	Dillingham
Father Michael	Dillingham
Chris Sutamolia	Dillingham
Gayla Hoseth	BBNA
Cody Larson	BBNA
Frank Woods	Dillingham

*Indicates participation by teleconference.

Review and Adopt Agenda

Ms. Morris Lyon moved to adopt as presented, second called by Mr. Maines. Motion carried.

Review and Approve Previous Meeting Minutes

Mr. Maines moved to approve meeting minutes of February 28, 2017, second called by Mr. Wilson. Meeting minutes approved.

Reports

Council Member Reports

Mr. Dunaway provided a summary of Local Advisory Committee activities, and reported local residents had an average season for moose harvests. The Nushagak Peninsula Caribou hunt was successful. Mr. Dunaway acknowledged Mr. Senafont Shugak, Jr. for serving on the Council.

Mr. Wilson commented on ptarmigan population and his observations indicating the population is on the increase.

Mr. Hill reported on the caribou herd, the herd is slowly returning to the area, and the moose population in the Iliamna area is low.

Mr. Seybert reported few caribou harvest by village residents, waiting for more caribou to migrate through.

Ms. Chythlook reported that berry and moose harvest was successful by area residents.

Chair's Report

Ms. Chythlook, attended FSB in Jan. 2017 and provided an overview.

Service Awards

The Office of Subsistence Management recognized two Council members for service on the Regional Advisory Council. Certificates of appreciation were presented to Mr. Lary Hill for serving five years and Ms. Molly Chythlook for ten years' service on the Council.

Public and Tribal Comment on Non-Agenda Items

Mr. Frank Woods of Dillingham provided testimony on reserved treaty rights. Cooperative agreements can be beneficial between State/Federal agencies and Tribal entities. Tribes have land use plans and would like to see stewardship between Tribes and communities.

Old Business

Alaska Native Relations Policy

Mr. Donald Mike, Council Coordinator, provided a status update on the U.S. Fish and Wildlife Service's Alaska Native Relations Policy. He noted that the policy is still in draft form, but it has not been published yet in the Federal Register. An option being considered is to make the

draft policy a FWS Regional Director's order; this will allow the policy to be implemented in Alaska without having to wait for publication in the Federal Register.

New Business

Federal Wildlife Regulatory Proposals

The Council took action on eight proposed wildlife regulatory proposals. The following is the summary of actions taken for each proposal.

WP18-21 requests that the harvest limit for the Mulchatna Caribou Herd be changed to 2 caribou with no additional restrictions in portions of Units 9, 17, and 19. It also requests consolidation of several hunt areas. The Council voted to **support as modified** by OSM.

The proposal would align Federal regulations with current State of Alaska regulations and will reduce confusion. Management action through delegation of authority, to open or close, is in place to address any conservation concerns.

WP18-22 requests that the Federal public lands closure for caribou on the Nushagak Peninsula be rescinded. The Council voted to **support** the proposal **with modification**. The modification would be to open caribou hunting to all Alaska residents when the Nushagak Peninsula Caribou Herd is above 900 animals. When the animal population is below 900 animals, caribou hunting is closed to only those with Customary and Traditional use determination on Federal public lands.

The Council stated that there are biological concerns, including the potential for overgrazing the range. However, they are also concerned about overharvest and do not want to compromise subsistence users. This modification addresses those concerns.

WP18-23 requests that residents of Units 9C and 9E be added to the customary and traditional use determination for caribou in Unit 17 remainder, specifically that portion of Units 17A and 17C consisting of the Nushagak Peninsula. The Council voted to **support as modified** by OSM. Adding communities from Unit 9C and 9E to harvest caribou in Unit 17 remainder, those communities have demonstrated C&T for the resource in Unit 17 remainder and should be recognized, since the herd of the Nushagak Peninsula originated from the Alaska Peninsula.

WP18-24 requests that Federally qualified subsistence users be allowed to use a snowmachine to position caribou, wolves, and wolverines for harvest in Unit 17, provided the animals are not shot from a moving vehicle. Following a motion to support the proposal with a second, the Council adopted an amendment to modify the proposal to insert regulatory language "a hunter may position him/herself with a snowmachine and not the animal". However, the motion as modified by the amendment failed. As such, the Council **opposed** the proposal.

The Council cited confusion defining "positioning" and "chasing". Current regulations are not clearly defined for positioning and chasing of an animal. Snowmachine use is currently allowed to access resources in Unit 17. The Council discussed a need for public education in video format to explain what the differences between chasing and positioning are.

WP18-25/26 requests the creation of a new moose hunt area in the portion of Unit 17C west of the Weary River, with modified season dates within the new area. Proposal WP18-25 requests that the current Dec. 1 – 31 season be restructured as a may-be-announced season that can be opened for up to 31 days between December 1 and the last day of February. Proposal WP18-26 requests that the current Aug. 20 – Sep. 15 season be shifted 5 days later to Aug. 25 – Sep. 20. It also requests that the current Sep. 1 – 15 season, which allows the harvest of one antlered bull with antler restrictions by harvest ticket, be extended to Sep. 1 – 20. The Council voted to **oppose** the due to conservation concerns of the herd and high calf mortality rates. The Alaska Department Fish and Game and its partners should be given the opportunity to finish its studies on the moose in Unit 17C. The proposal, if adopted, would increase competition that will concentrate use among subsistence users.

WP18-30 requests that the season for ptarmigan harvest be shortened from Aug. 10 – May 30 to Aug. 10 – Mar. 31 and that the harvest limit be reduced from 50 ptarmigan per day and 100 in possession, to 15 ptarmigan per day and 30 in possession in Unit 18. The Council voted to **support** the proposal **with modification** to change the season to Aug 10 – May 15 and the season bag limit to 20 per day and 40 in possession. The amendment will align the season with current State regulations for ptarmigan and the harvest limit with the adjacent hunt area in Unit 17. The ptarmigan population has decreased in Unit 18 and the proposal as amended will reduce regulatory complexity between Federal and State hunting regulations. The Council agreed action is needed now and reducing the harvest limit is a starting point. Reducing the harvest limit will address the conservation concern and bring back the population level up for subsistence users' future needs, some subsistence users harvest ptarmigan out of real need, and this action will benefit future subsistence harvest.

WP18-31 requests that the caribou season in Unit 18 be shortened from Aug. 1 – Mar. 15 to Aug. 1 – Feb. 28. The Council voted to **oppose** the proposal. Although the herd isn't growing as desired, there appears to be enough bulls to support harvest. The proposal will have a detrimental effect on other subsistence users and the timing involved where the users from the Bristol Bay region typically use the resource later in the season and it will affect their ability to access the resource if the later season dates are taken away.

WP18-51 requests that Federal (statewide) bear baiting restrictions be aligned with State regulations, specifically the use of biodegradable materials. The Council voted to **support** the proposal. The Council supports consistent regulations between Federal and State hunting regulations. The Council discussed hunters using household trash in past practice for bait, and is an issue due to the bears becoming used human household trash.

2018 Fisheries Resource Monitoring Plan

Ms. Robbin La Vine, staff anthropologist with OSM, presented an overview of the Fisheries Resource Monitoring Program for the Southwest Region and the 2018 Draft Southcentral Region Fisheries Resource Monitoring Plan. Notice of funding opportunity for 2018 was focused on Priority Information Needs (PINs) that were developed by the Council. Notice of funding opportunity for 2018 was focused on PINs. There were nine PINs covered for the Southwest region, with subjects ranging from reliable salmon estimates, harvest surveys, to abundance and assessments of subsistence salmon stocks.

The Council provided its input and comments to Ms. La Vine on the 2018 Monitoring Plan.

Identify Issues for FY2017 Annual Report

The Council has the opportunity to develop Annual Reports, which brings regional subsistence uses and needs to the Secretary of Interior's attention.

The Council discussed including the following issues in its 2017 Annual Report and submitted the following topics:

1. Concerns related to moose calf mortality in Unit 17C.
2. Lack of ptarmigan being seen in the area and Arctic Hare shortages.
3. Need for more collaboration between State and Federal partners on issues of concern in the region, including fish and wildlife populations and issues related to climate change.
4. Lack of agency participation, due to lack of personnel and funding.
5. Identify ways on how to better include Tribes and ANCSA corporations in proposal comments.
6. Desire for conducting a meeting of all Council chairs during or after the Federal Subsistence Board regulatory meeting.

Agency Reports

Bristol Bay Native Association (BBNA)

Mr. Cody Larson and Amy Wiita from the ADF&G provided a report on BBNA's Partners Program for the Bristol Bay region. Ms. Gayla Hoseth provided the AMBCC Co-management Council report and provided a status report on Emperor Geese population. Ms. Hoseth also announced there is currently a call for migratory bird proposals.

U.S. Fish and Wildlife Service

Mr. Andy Aderman and Mr. Pat Walsh provided the Togiak National Wildlife Refuge report. The Refuge has provided information and outreach to communities on hunter education training and visited the local schools for the hunter education program.

Ms. Susan Alexander summarized the Alaska Peninsula/Becharof, National Wildlife Refuge report. Ms. Alexander noted that a cultural permit for Port Heiden was issued.

National Park Service

Lake Clark National Park

Ms. Susan Fleek Green, Superintendent, and Ms. Liza Rupp provided reports from Lake Clark National Park & Preserve and briefed the Council on research activities in the Park.

Ms. Liza Rupp notified the Council that it is the appointing source for a seat on the Lake Clark Subsistence Resource Commission (SRC). Ms. Rupp provided the qualifications for Mr. George

Alexie and recommended that he be re-appointed for another term. Mr. Wilson, moved to appoint Mr. Alexie, with a second called by Mr. Hill. The motion carried.

Katmai National Park

Mr. Mark Sturm, Superintendent for Katmai NP, provided an update on the Pike Ridge road and other management issues. He also reported on a resolution of the Brooks Camp unauthorized road development. Mr. Sturm noted that Katmai NP met with Katmai descendants to engage and discuss remedies to restore the disturbed cultural resource site as a result of the road construction. The discussions included: what type of restoration should be considered, development of a standard operating procedure in Katmai related to working in sensitive cultural resource site areas.

Bristol Bay Native Corporation (BBNC)

BBNC report was given by Mr. Joe Chythlook. Mr. Dunaway moved to invite BBNC to attend its winter 2018 meeting for a presentation on its activities related to Katmailand Inc., with a second called by Mr. Maines. The motion carried.

Alaska Department of Fish and Game (ADF&G)

ADF&G Division of Subsistence gave an overview of subsistence research projects being conducted in the Bristol Bay region. The Council voted to submit a letter in support of walrus surveys by the Division of Subsistence.

Office of Subsistence Management (OSM)

Mr. Chris McKee provided a staff update for OSM. OSM is considering a Council chairs meeting after FSB meeting in April 2018.

Future Meeting Dates

Confirm winter 2018 dates: March 13-14, 2018 in Naknek. Selected fall meeting dates: November 6-7, 2018 in Dillingham.

The meeting was adjourned.

I hereby certify that, to the best of my knowledge, the forgoing minutes are accurate and complete.

Donald Mike
USFWS Office of Subsistence Management

Molly Chythlook, Chair
Bristol Bay Subsistence Regional Advisory Council

These minutes will be formally considered by the Bristol Bay Subsistence Regional Advisory Council at its next meeting, and any correction or notations will be incorporated in the minutes of that meeting.

For a more detailed report of this meeting, copies of the transcript and meeting handouts are available upon request. Call Donald Mike at 1-800-478-1456 or 907-786-3629, email donald_mike@fws.gov.

DRAFT



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

Federal Subsistence Board Informational Flyer



Forest Service

Contact: Regulatory Affairs Division Chief
(907) 786-3888 or (800) 478-1456
subsistence@fws.gov

How to Submit a Proposal to Change Federal Subsistence Regulations

Alaska residents and subsistence users 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 assist with effective management of subsistence activities and ensure consideration of traditional and local knowledge in subsistence management decisions. Subsistence users also provide valuable wildlife harvest information.

A call for proposals to change Federal subsistence fishing regulations is issued in January of even-numbered years and odd-numbered years for wildlife. The period during which proposals are accepted is no less than 30 calendar days. Proposals must be submitted in writing within this time frame.

You may propose changes to Federal subsistence season dates, harvest limits, methods and means of harvest, and customary and traditional use 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 management unit number and species. Quote the current regulation if known. If you are proposing a new regulation, please state, “new regulation.”
- Write the regulation the way you would like to see it written in the regulations.
- Explain why this regulation change should be made.
- You should provide any additional information that you believe will help the Federal Subsistence Board (Board) in evaluating the proposed change.

You may submit your proposals by:

1. By mail or hand delivery to:
Federal Subsistence Board
Office of Subsistence Management
Attn: Theo Matuskowitz
1011 E. Tudor Rd., MS-121
Anchorage, AK 99503
2. At any Federal Subsistence Regional Advisory Council meeting (A schedule will be published in the Federal Register and be announced statewide, bi-annually, prior to the meeting cycles)
3. On the Web at <http://www.regulations.gov>

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: <http://www.gpoaccess.gov/fr/index.html>. All proposals and comments, including personal information, are posted on the Web at <http://www.regulations.gov>.

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

How a proposal to change Federal subsistence regulations is processed:

1. 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.
2. The proposals are compiled into a book for statewide distribution and posted online at the Program website. The proposals are also sent out 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 45 calendar days. Comments must be submitted within this time frame.
3. The lead analyst works with appropriate agencies and proponents to develop an analysis on the proposal.
4. The analysis is sent to the Councils, ADF&G and the ISC for comments and recommendations to the 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 of the comments and recommendations received by interested/affected parties. This packet of information is then presented to the Board for action.
5. 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.
6. The final rule is published in the Federal Register and a public regulations booklet is created and distributed statewide and on the Program's website.

A step-by-step guide to submitting your proposal on www.regulations.gov:

1. Connect to www.regulations.gov – there is no password or username required.
2. In the white space provided in the large blue box, type in the document number listed in the news release or available on the program webpage, (for example: FWS-R7-SM2014-0062) and select the light blue “Search” button to the right.

3. Search results will populate and may have more than one result. Make sure the Proposed Rule you select is by the U.S. Fish and Wildlife Service (FWS) and **not** by the U.S. Forest Service (FS).
4. Select the proposed rule and in the upper right select the blue box that says, “Comment Now!”
5. Enter your comments in the “Comment” box.
6. Upload your files by selecting “Choose files” (this is optional).
7. Enter your first and last name in the spaces provided.
8. Select the appropriate checkbox stating whether or not you are providing the information directly or submitting on behalf of a third party.
9. Fill out the contact information in the drop down section as requested.
10. Select, “Continue.” You will be given an opportunity to review your submission.
11. If everything appears correct, click the box at the bottom that states, “I read and understand the statement above,” and select the box, “Submit Comment.” A receipt will be provided to you. Keep this as proof of submission.
12. If everything does not appear as you would like it to, select, “Edit” to make any necessary changes and then go through the previous step again to “Submit Comment.”

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 www.doi.gov/subsistence/index.cfm or by visiting www.facebook.com/subsistencealaska.



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

Federal Subsistence Board Informational Flyer



Forest Service

Contact: Anthropology Division Supervisor
(907) 786-3888 or (800) 478-1456
subsistence@fws.gov

How to Submit Proposals to Change Nonrural Determinations

A call for proposals to make or rescind nonrural determinations of communities or areas is issued in January every four years beginning in January 2018. Nonrural determinations are for the purpose of identifying rural residents who may harvest fish and wildlife for subsistence uses on Federal public lands in Alaska. The period during which proposals are accepted is no less than 30 calendar days. Proposals must be submitted in writing within this timeframe.

Your proposal must contain:

1. Your full name and mailing address (address, phone, fax, or E-mail address);
2. A statement describing the proposed nonrural determination action requested;
3. A detailed description of the community or area under consideration, including any current boundaries, borders, or distinguishing landmarks, so as to identify which Alaska residents would be affected by the change in rural or nonrural status;
4. Rationale and supporting evidence (law, policy, factors, or guidance) for the Federal Subsistence Board to consider in determining the rural or nonrural status of a community or area;
5. A detailed statement of the facts that illustrate that the community or area is rural or nonrural using the rationale and supporting evidence stated above; and
6. Any additional information supporting the proposed change.

Proposals that fail to include the above information, or proposals that are beyond the scope of authorities in 50 CFR 100.15 and 36 CFR 242.15 (the regulations on nonrural determinations) will be rejected. You may request maps delineating the boundaries of nonrural areas, proposal processing timeline, and/or additional information from the Office of Subsistence Management address below or by calling (800) 478-1456 / (907) 786-3888 or by going to <https://www.doi.gov/subsistence/library/policies> or <https://edit.doi.gov/subsistence/maps>.

You may submit your proposals by:

1. Mail or hand delivery to:
Federal Subsistence Board
Office of Subsistence Management
Attn: Regulations Specialist
1011 E. Tudor Rd., MS-121
Anchorage, Alaska 99503

1011 East Tudor Road MS-121 • Anchorage, Alaska 99503-6199 • subsistence@fws.gov • (800) 478-1456 / (907) 786-3888
This document has been cleared for public release #13812222017.

2. At any Federal Subsistence Regional Advisory Council meeting (a schedule will be published in the Federal Register and be announced statewide, bi-annually, prior to the meeting cycles)
3. On the Web at <http://www.regulations.gov>

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: <http://www.ofraccess.gov/fr/index.html>. All proposals and comments, including personal information, are posted on the Web at <http://www.regulations.gov>.

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POLICY ON NONRURAL DETERMINATIONS

FEDERAL SUBSISTENCE BOARD

Adopted January 2017

PURPOSE

This policy clarifies the internal management of the Federal Subsistence Board (Board) and provides transparency to the public regarding the process of making or rescinding nonrural determinations of communities or areas for the purpose of identifying rural residents who may harvest fish and wildlife for subsistence uses on Federal public lands in Alaska. This policy is intended to clarify existing practices under the current statute and regulations. It does not create any right or benefit enforceable at law or in equity, against the United States, its agencies, officers, or employees, or any other person.

INTRODUCTION

Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) declares that,

the continuation of the opportunity for subsistence uses by rural residents of Alaska, including both Natives and non-Natives, on the public lands and by Alaska Natives on Native lands is essential to Native physical, economic, traditional, and cultural existence and to non-Native physical, economic, traditional, and social existence; the situation in Alaska is unique in that, in most cases, no practical alternative means are available to replace the food supplies and other items gathered from fish and wildlife which supply rural residents dependent on subsistence uses” (ANILCA Section 801).

Rural status provides the foundation for the subsistence priority on Federal public lands to help ensure the continuation of the subsistence way of life in Alaska. Prior to 2015, implementation of ANILCA Section 801 and rural determinations were based on criteria set forth in Subpart B of the Federal subsistence regulations.

In October 2009, the Secretary of the Interior, with the concurrence of the Secretary of Agriculture, directed the Board to review the process for rural determinations. On December 31, 2012, the Board initiated a public review of the rural determination process. That public process lasted nearly a year, producing 278 comments from individuals, 137 comments from members of Regional Advisory Councils (Councils), 37 comments from Alaska Native entities, and 25 comments from other entities (e.g., city and borough governments). Additionally, the Board engaged in government-to-government consultation with tribes and consultation with Alaska Native Claims Settlement Act (ANCSA) corporations. In general, the comments received indicated a broad dissatisfaction with the rural determination process. Among other comments, respondents indicated the aggregation criteria were perceived as arbitrary, the population thresholds were seen as inadequate to capture the reality of rural Alaska, and the decennial review was widely viewed to be unnecessary.

Based on this information, the Board held a public meeting on April 17, 2014 and decided to recommend a simplification of the process to the Secretaries of the Interior and Agriculture (Secretaries) to address rural status in the Federal Subsistence Management Program. The Board's recommended simplified process would eliminate the rural determination criteria from regulation and allows the Board to determine which areas or communities are nonrural in Alaska. All other communities or areas would, therefore, be considered "rural" in relation to the Federal subsistence priority in Alaska.

The Secretaries accepted the Board recommendation and published a Final Rule on November 4, 2015, revising the regulations governing the rural determination process for the Federal Subsistence Management Program in Alaska. The Secretaries removed specific rural determination guidelines and criteria, including requirements regarding population data, the aggregation of communities, and a decennial review. The final rule allowed the Board to make nonrural determinations using a comprehensive approach that may consider such factors as population size and density, economic indicators, military presence, industrial facilities, use of fish and wildlife, degree of remoteness and isolation, and any other relevant material, including information provided by the public.

By using a comprehensive approach and not relying on set guidelines and criteria, this new process will enable the Board to be more flexible in making decisions that take into account regional differences found throughout the State. This will also allow for greater input from the Councils, Federally recognized tribes of Alaska, Alaska Native Corporations, and the public in making nonrural determinations by incorporating the nonrural determination process into the subsistence regulatory schedule which has established comment periods and will allow for multiple opportunities for input. Simultaneously with the Final Rule, the Board published a Direct Final Rule (80 FR 68245; Nov. 4, 2015) (**Appendix B**) establishing the list of nonrural communities, those communities not subject to the Federal subsistence priority on Federal public lands, based on the list that predated the 2007 Final Rule (72 FR 25688; May 7, 2007).

As of November 4, 2015, the Board determined in accordance with 36 CFR 242.15 and 50 CFR 100.15 that the following communities or Census-designated Places (CDPs)¹ are nonrural: Fairbanks North Star Borough; Homer area – including Homer, Anchor Point, Kachemak City, and Fritz Creek; Juneau area – including Juneau, West Juneau, and Douglas; Kenai area – including Kenai, Soldotna, Sterling, Nikiski, Salamatof, Kalifornsky, Kasilof, and Clam Gulch; Ketchikan area – including Ketchikan City, Clover Pass, North Tongass Highway, Ketchikan East, Mountain Point, Herring Cove, Saxman East, Pennock Island, and parts of Gravina Island; Municipality of Anchorage; Seward area – including Seward and Moose Pass; Valdez; and Wasilla/Palmer area – including Wasilla, Palmer, Sutton, Big Lake, Houston, and Bodenber

¹ Census Designated Place (CDP) is defined by the Federal Census Bureau as the statistical counterpart of incorporated places, delineated to provide data for settled concentrations of populations identifiable by name but not legally incorporated under the laws of the state in which they are located. CDPs are delineated cooperatively by state and local officials and the Census Bureau, following Census Bureau guidelines.

Butte (36 CFR 242.23 and 50 CFR 100.23). All other communities and areas in Alaska are, therefore, rural.

BOARD AUTHORITIES

- ANILCA 16 U.S.C. 3101, 3126.
- Administrative Procedures Act (APA), 5 U.S.C. 551-559
- 36 CFR 242.15; 50 CFR 100.15
- 36 CFR 242.18(a); 50 CFR 100.18(a)
- 36 CFR 242.23; 50 CFR 100.23

POLICY

In accordance with the Administrative Procedures Act (APA), Federal rulemaking undertaken by the Federal Subsistence Management Program requires that any individual, organization, or community be given the opportunity to submit proposals to change Federal regulations. The Board will only address changes to the nonrural status of communities or areas when requested in a proposal. This policy describes the Board's administrative process for addressing proposals to change the nonrural status of a community or area by outlining proposal requirements and submission, identifying a process schedule and general process timeline, and outlining Board decision making when acting on such proposals.

SECTION A: Submitting a Proposal

Proponents must submit a written proposal in accordance with the guidance provided in the same Federal Register notice that includes a call for proposals to revise subsistence taking of fish and shellfish regulations and nonrural determinations. This notice is published in even-numbered years. Proposals to revise nonrural determinations will be accepted every other fish and shellfish regulatory cycle, starting in 2018.

SECTION B: Requirements for Proposals

Making a Nonrural Determination

Proposals can be submitted to the Board to make a nonrural determination for a community or area. It is the proponent's responsibility to provide the Board with substantive narrative evidence to support their rationale of why the proposed nonrural determination should be considered. Proposals seeking a nonrural determination must also include the basic requirements and meet the threshold requirements outlined below.

Basic Requirements

All proposals must contain the following information:

- Full name and mailing address of the proponent;
- A statement describing the proposed nonrural determination action requested;
- A detailed description of the community or area under consideration, including any current boundaries, borders, or distinguishing landmarks, so as to identify which Alaska residents would be affected by the change in nonrural status;

- Rationale and supporting evidence (law, policy, factors, or guidance) for the Board to consider in determining the nonrural status of a community or area;
- A detailed statement of the facts that illustrate that the community or area is nonrural or rural using the rationale and supporting evidence stated above; and
- Any additional information supporting the proposed change.

Threshold Requirements

In addition to the basic requirements outlined above, the following threshold requirements apply. The Board shall only accept a proposal to designate a community or area as nonrural, if the Board determines the proposal meets the following threshold requirements:

- The proposal is based upon information not previously considered by the Board;
- The proposal provides substantive rationale and supporting evidence for determining the nonrural status of a community or area that takes into consideration the unique qualities of the region; and
- The proposal provides substantive information that supports the proponent's rationale that a community or area is nonrural.

The Board shall carefully weigh the initial recommendation from the affected Regional Advisory Council(s) when determining whether the proposal satisfies the threshold requirements outlined above. If the Board determines the proposal does not satisfy the threshold requirements, the proponent will be notified in writing. If it is determined the proposal does meet the threshold, it shall be considered in accordance with the process schedule and timeline set forth below.

Limitation on Submission of Proposals Seeking Nonrural Determinations

The Board is aware of the burden placed on rural communities and areas in defending their rural status. If the rural status of a community or area is maintained after a proposal to change its status to nonrural is rejected, then no proposals to change the rural status of that community or area shall be accepted until the next proposal cycle. If a new proposal is submitted during the next proposal cycle, then it must address a demonstrated change that was not previously considered by the Board. Additionally, the following considerations apply to resubmitting proposals to change a community's status from rural to nonrural:

- Whether or not there has been a "demonstrated change" to the rural identity of a community or area is the burden of the proponent to illustrate by a preponderance of the evidence;
- Many characteristics, individually or in combination, may constitute a "demonstrated change" including, but not limited to, changes in population size and density, economic indicators, military presence, industrial facilities, use of fish and wildlife, or degree of remoteness and isolation; and

- The Board’s most recent decision on the nonrural status of a community or area will be the baseline for any future proposals for that community or area, thus, a “demonstrated change”, as referred to in this portion of the process, must occur after the Board’s most recent decision.

Rescinding a Nonrural Determination

For proposals seeking to have the Board rescind a nonrural determination, it is the proponent’s responsibility to provide the Board with substantive narrative evidence to support their rationale of why the nonrural determination should be rescinded. Proposals seeking to have the Board rescind a nonrural determination must also include the basic requirements and meet the threshold requirements outlined below.

Basic Requirements

All proposals must contain the following information:

- Full name and mailing address of the proponent;
- A statement describing the proposed nonrural determination action requested;
- A description of the community or area considered as nonrural, including any current boundaries, borders, or distinguishing landmarks, so as to identify what Alaska residents would be affected by the change in rural status;
- Rationale and supporting evidence (law, policy, factors, or guidance) for the Board to consider in determining the nonrural status of a community or area;
- A detailed statement of the facts that illustrate that the community or area is rural using the rationale stated above; and
- Any additional information supporting the proposed change.

Threshold Requirements

In addition to the baseline information outlined above, the following threshold requirements apply. The Board shall only accept a proposal to rescind a nonrural determination, if the Board determines the proposal meets the following threshold requirements:

- The proposal is based upon information not previously considered by the Board;
- The proposal demonstrates that the information used and interpreted by the Board in designating the community as nonrural has changed since the original determination was made;
- The proposal provides substantive rationale and supporting evidence for determining the nonrural status of a community or area that takes into consideration the unique qualities of the region; and
- The proposal provides substantive information that supports the provided rationale that a community or area is rural instead of nonrural.

The Board shall determine whether the proposal satisfies the threshold requirements outlined above after considering the recommendation(s) from the affected Regional Advisory Council(s). If the Board determines the proposal does not satisfy the threshold

requirements, the proponent will be notified in writing. If it is determined the proposal does meet the threshold, it shall be considered in accordance with the process schedule and timeline set forth below.

SECTION C: Decision Making

The Board will make nonrural determinations using a comprehensive approach that may consider such factors as population size and density, economic indicators, military presence, industrial facilities, use of fish and wildlife, degree of remoteness and isolation, and any other relevant material including information provided by the public. As part of its decision-making process, the Board may compare information from other, similarly-situated communities or areas if limited information exists for a certain community or area.

When acting on proposals to change the nonrural status of a community or area, the Board shall:

- Proceed on a case-by-case basis to address each proposal regarding nonrural determinations;
- Base its decision on nonrural status for a community or area on information of a reasonable and defensible nature contained within the administrative record;
- Make nonrural determinations based on a comprehensive application of evidence and considerations presented in the proposal that have been verified by the Board as accurate;
- Rely heavily on the recommendations from the affected Regional Advisory Council(s);
- Consider comments from government-to-government consultation with affected tribes;
- Consider comments from the public;
- Consider comments from the State of Alaska;
- Engage in consultation with affected ANCSA corporations;
- Have the discretion to clarify the geographical extent of the area relevant to the nonrural determination; and
- Implement a final decision on a nonrural determination in compliance with the APA.

Regional Advisory Council Recommendations

The Board intends to rely heavily on the recommendations of the Councils and recognizes that Council input will be critical in addressing regional differences in the nonrural determination process. The Board will look to the Regional Advisory Councils for confirmation that any relevant information brought forth during the nonrural determination process accurately describes the unique characteristics of the affected community or region.

SECTION D: Process Schedule

As authorized in 36 CFR 242.18(a) and 50 CFR 100.18(a), “The Board may establish a rotating schedule for accepting proposals on various sections of subpart C or D regulations over a period of years.” To ensure meaningful input from the Councils and allow opportunities for tribal and ANCSA corporation consultation and public comment, the Board will only accept nonrural determination proposals every other year in even-numbered years in conjunction with the call for proposals to revise subsistence taking of fish and shellfish regulations, and nonrural determinations. If accepted, the proposal will be deliberated during the regulatory Board meeting in the next fisheries regulatory cycle. This schedule creates a three-year period for proposal submission, review, analysis, Regional Advisory Council input, tribal and ANCSA corporation consultation, public comment, and Board deliberation and decision.

SECTION E: General Process Timeline

Outlined in Table 1 and Table 2

Table 1. General Process Timeline


- 1. January to March (Even Year)** – A proposed rule is published in the Federal Register with the call for proposals to revise subsistence taking of fish and shellfish regulations and nonrural determinations.
- 2. April to July (Even Year)** – Staff will verify that proposals include the basic requirements and can be legally addressed by the Federal Subsistence Program. If the proposal is incomplete or cannot be addressed by the Federal Subsistence Program, the proponent will be notified in writing. Additionally for verified proposals, tribal consultation and ANCSA corporation consultation opportunities will be provided during this time.
- 3. August to November (Even Year)** –Affected Regional Advisory Council(s) reviews the verified proposals and provides a preliminary recommendation for the Board. The Council preliminary recommendation may include: relevant regional characteristics; whether or not the Council supports the proposal; and if, in the Council’s opinion, the proposal meets the threshold requirements with justification. This action shall occur at the affected Council’s fall meeting on the record.
- 4. November to December (Even Year)** – The Interagency Staff Committee (ISC) shall provide comments on each verified proposal. Staff shall organize nonrural determination proposal presentations that include the original proposal, the Council preliminary recommendation, tribal and ANCSA consultation comments, and the ISC comments.
- 5. January (Odd Year)** – At the Board’s public meeting, Staff will present the proposals, and the Board will determine if the threshold requirements have been met. If the Board determines the proposal does not satisfy the threshold requirements, the proponent will be notified in writing. If it is determined the proposal does meet the threshold requirements, the Board will direct staff to prepare a full analysis according to established guidelines and address the proposal in accordance with the process schedule and timeline set forth below.
- 6. February (Odd Year) to July (Even Year) (18 months)** – For proposals determined to satisfy the threshold requirements, the Board will conduct public hearings in the communities that may be affected should the proposal be adopted by the Board. During this time period, independent of the fall Council meetings, interested tribes may request formal government-to-government consultation and ANCSA corporations may also request consultation on the nonrural determination proposals.
- 7. August to November (Even Year)** –The Council(s) shall provide recommendations at their fall meetings and the ISC shall provide comments on the draft nonrural determination analyses.
- 8. November to December (Even Year)** – Staff incorporates Council recommendations and ISC comments into the draft nonrural determination analyses for the Board.
- 9. January (Odd Year)** – At the Board’s Fisheries Regulatory meeting, staff present the nonrural determination analyses to the Board. The Board adopts, adopts with modification, or rejects the proposals regarding nonrural determinations.

Table 2. General Process Timeline Comparison with other Cycles

Wildlife & FRMP Cycle	Fishery Cycle	Dates	Board or Activity	Proposed Nonrural Determination Cycle		
		Council Cycle		Even Years	Odd Years	
Wildlife & FRMP Review Cycle	Fishery Review Cycle	January	Board FRMP Work Session	1	Nonrural Proposed Rule	
		February March	Fishery Proposed Rule Jan- Mar			
		April July	Board Meeting	2		Proposal verification, Tribal and ANCSA consultation
		August September October November	Fishery Proposal Review			3
		December		4		
		January	Board Meeting	5		Odd Years - Board determines which proposals meet the threshold requirements
	Wildlife Review Cycle	Fishery Review Cycle	February March	Wildlife Proposed Rule Jan - Mar	6	Odd to Even Years (18 months) - Public Hearings, government-government consultation with the tribes, ANCSA Corporation Consultation, and writing of Nonrural Determination Analyses for proposals that meet the threshold requirements as determined by the Board
			April July			
			August September October November	Wildlife Proposal & FRMP Project Review		
		December				
		January	Board FRMP Work Session			
		February March	Fishery Proposed Rule Jan- Mar			
Fishery Review Cycle	Fishery Review Cycle	April July	Board Meeting	7	Even Years Analysis Review	
		August September October November	Fishery Proposal Review			
		December		8		
	January	Board Meeting	9	Odd Years – Final Board Decision		

SIGNATORIES

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


Chair of the Federal Subsistence Board
Date: 11-12-17


Regional Director
U.S. Fish and Wildlife Service
Date: 11/12/17

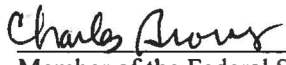

Regional Forester
USDA Forest Service
Date: 1/12/17


Regional Director
National Park Service
Date: 1/12/17


State Director
Bureau of Land Management
Date: 1/12/17


Regional Director
Bureau of Indian Affairs
Date: 1/12/2017


Member of the Federal Subsistence Board
Date: 01/12/2017


Member of the Federal Subsistence Board
Date: 01/12/17

Appendix A – Final Rule – Rural Determination Process

DEPARTMENT OF AGRICULTURE**Forest Service****36 CFR Part 242****DEPARTMENT OF THE INTERIOR****Fish and Wildlife Service****50 CFR Part 100**

[Docket No. FWS-R7-SM-2014-0063;
FXRS1261070000-156-FF07J00000;
FBMS# 4500086287]

RIN 1018-BA62

**Subsistence Management Regulations
for Public Lands in Alaska; Rural
Determination Process**

AGENCIES: Forest Service, Agriculture;
Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Secretaries of Agriculture and the Interior are revising the regulations governing the rural determination process for the Federal Subsistence Management Program in Alaska. The Secretaries have removed specific guidelines, including requirements regarding population data, the aggregation of communities, and a decennial review. This change will allow the Federal Subsistence Board (Board) to define which communities or areas of Alaska are nonrural (all other communities and areas would, therefore, be rural). This new process will enable the Board to be more flexible in making decisions and to take into account regional differences found throughout the State. The new process will also allow for greater input from the Subsistence Regional Advisory Councils (Councils), Federally recognized Tribes of Alaska, Alaska Native Corporations, and the public.

DATES: This rule is effective November 4, 2015.

ADDRESSES: This rule and public comments received on the proposed rule may be found on the Internet at www.regulations.gov at Docket No. FWS-R7-SM-2014-0063. Board meeting transcripts are available for review at the Office of Subsistence Management, 1011 East Tudor Road, Mail Stop 121, Anchorage, AK 99503, or on the Office of Subsistence Management Web site (<https://www.doi.gov/subsistence>).

FOR FURTHER INFORMATION CONTACT: Chair, Federal Subsistence Board, c/o U.S. Fish and Wildlife Service, Attention: Eugene R. Peltola, Jr., Office of Subsistence Management; (907) 786-3888 or subsistence@fws.gov. For

questions specific to National Forest System lands, contact Thomas Whitford, Regional Subsistence Program Leader, USDA, Forest Service, Alaska Region; (907) 743-9461 or twhitford@fs.fed.us.

SUPPLEMENTARY INFORMATION:**Background**

Under Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) (16 U.S.C. 3111-3126), the Secretary of the Interior and the Secretary of Agriculture (Secretaries) jointly implement the Federal Subsistence Management Program. This program provides a preference for take of fish and wildlife resources for subsistence uses on Federal public lands and waters in Alaska. The Secretaries published temporary regulations to carry out this program in the *Federal Register* on June 29, 1990 (55 FR 27114), and published final regulations in the *Federal Register* on May 29, 1992 (57 FR 22940). The program regulations have subsequently been amended a number of times. Because this program is a joint effort between Interior and Agriculture, these regulations are located in two titles of the Code of Federal Regulations (CFR): Title 36, "Parks, Forests, and Public Property," and Title 50, "Wildlife and Fisheries," at 36 CFR 242.1-242.28 and 50 CFR 100.1-100.28, respectively. The regulations contain subparts as follows: Subpart A, General Provisions; Subpart B, Program Structure; Subpart C, Board Determinations; and Subpart D, Subsistence Taking of Fish and Wildlife.

Consistent with Subpart B of these regulations, the Secretaries established a Federal Subsistence Board to administer the Federal Subsistence Management Program. The Board comprises:

- A Chair appointed by the Secretary of the Interior with concurrence of the Secretary of Agriculture;
- The Alaska Regional Director, U.S. Fish and Wildlife Service;
- The Alaska Regional Director, U.S. National Park Service;
- The Alaska State Director, U.S. Bureau of Land Management;
- The Alaska Regional Director, U.S. Bureau of Indian Affairs;
- The Alaska Regional Forester, U.S. Forest Service; and
- Two public members appointed by the Secretary of the Interior with concurrence of the Secretary of Agriculture.

Through the Board, these agencies and members participate in the development of regulations for subparts C and D, which, among other things, set forth program eligibility and specific harvest seasons and limits.

In administering the program, the Secretaries divided Alaska into 10 subsistence resource regions, each of which is represented by a Regional Advisory Council. The Councils provide a forum for rural residents with personal knowledge of local conditions and resource requirements to have a meaningful role in the subsistence management of fish and wildlife on Federal public lands in Alaska. The Council members represent varied geographical, cultural, and user interests within each region.

Prior Rulemaking

On November 23, 1990 (55 FR 48877), the Board published a notice in the *Federal Register* explaining the proposed Federal process for making rural determinations, the criteria to be used, and the application of those criteria in preliminary determinations. On December 17, 1990, the Board adopted final rural and nonrural determinations, which were published on January 3, 1991 (56 FR 236). Final programmatic regulations were published on May 29, 1992, with only slight variations in the rural determination process (57 FR 22940). As a result of this rulemaking, Federal subsistence regulations at 36 CFR 242.15 and 50 CFR 100.15 require that the rural or nonrural status of communities or areas be reviewed every 10 years, beginning with the availability of the 2000 census data.

Because some data from the 2000 census was not compiled and available until 2005, the Board published a proposed rule in 2006 to revise the list of nonrural areas recognized by the Board (71 FR 46416, August 14, 2006). The final rule published in the *Federal Register* on May 7, 2007 (72 FR 25688).

Secretarial Review

On October 23, 2009, Secretary of the Interior Salazar announced the initiation of a Departmental review of the Federal Subsistence Management Program in Alaska; Secretary of Agriculture Vilsack later concurred with this course of action. The review focused on how the Program is meeting the purposes and subsistence provisions of Title VIII of ANILCA, and if the Program is serving rural subsistence users as envisioned when it began in the early 1990s.

On August 31, 2010, the Secretaries announced the findings of the review, which included several proposed administrative and regulatory reviews and/or revisions to strengthen the Program and make it more responsive to those who rely on it for their subsistence uses. One proposal called

for a review, with Council input, of the rural determination process and, if needed, recommendations for regulatory changes.

The Board met on January 20, 2012, to consider the Secretarial directive and the Councils' recommendations and review all public, Tribal, and Alaska Native Corporation comments on the initial review of the rural determination process. After discussion and deliberation, the Board voted unanimously to initiate a review of the rural determination process and the 2010 decennial review. Consequently, the Board found that it was in the public's best interest to extend the compliance date of its 2007 final rule (72 FR 25688; May 7, 2007) on rural determinations until after the review of the rural determination process and the decennial review were completed or in 5 years, whichever comes first. The Board published a final rule on March 1, 2012 (77 FR 12477), extending the compliance date.

The Board followed this action with a request for comments and announcement of public meetings (77 FR 77005; December 31, 2012) to receive public, Tribal, and Alaska Native Corporation input on the rural determination process.

Due to a lapse in appropriations on October 1, 2013, and the subsequent closure of the Federal Government, some of the preannounced public meetings and Tribal consultations to receive comments on the rural determination process during the closure were cancelled. The Board decided to extend the comment period to allow for the complete participation from the Councils, public, Tribes, and Corporations to address this issue (78 FR 66885; November 7, 2013).

The Councils were briefed on the Board's *Federal Register* documents during their winter 2013 meetings. At their fall 2013 meetings, the Councils provided a public forum to hear from residents of their regions, deliberate on the rural determination process, and provide recommendations for changes to the Board.

The Secretaries, through the Board, also held hearings in Barrow, Ketchikan, Sitka, Kodiak, Bethel, Anchorage, Fairbanks, Kotzebue, Nome, and Dillingham to solicit comments on the rural determination process. Public testimony was recorded during these hearings. Government-to-government tribal consultations on the rural determination process were held between members of the Board and Federally recognized Tribes of Alaska. Additional consultations were held

between members of the Board and Alaska Native Corporations.

Altogether, the Board received 475 substantive comments from various sources, including individuals, members of the Councils, and other entities or organizations, such as Alaska Native Corporations and borough governments. In general, this information indicated a broad dissatisfaction with the current rural determination process. The aggregation criteria were perceived as arbitrary. The current population thresholds were seen as inadequate to capture the reality of rural Alaska. Additionally, the decennial review was widely viewed to be unnecessary.

Based on this information, the Board at their public meeting held on April 17, 2014, elected to recommend a simplification of the process by determining which areas or communities are nonrural in Alaska; all other communities or areas would, therefore, be rural. The Board would make nonrural determinations using a comprehensive approach that considers population size and density, economic indicators, military presence, industrial facilities, use of fish and wildlife, degree of remoteness and isolation, and any other relevant material, including information provided by the public. The Board would rely heavily on the recommendations of the Subsistence Regional Advisory Councils.

In summary, based on Council and public comments, Tribal and Alaska Native Corporation consultations, and briefing materials from the Office of Subsistence Management, the Board developed a proposal that simplifies the process of rural determinations and submitted its recommendation to the Secretaries on August 15, 2014.

On November 24, 2014, the Secretaries requested that the Board initiate rulemaking to pursue the regulatory changes recommended by the Board. The Secretaries also requested that the Board obtain Council recommendations and public input, and conduct Tribal and Alaska Native Corporation consultation on the proposed changes. If adopted through the rulemaking process, the current regulations would be revised to remove specific guidelines, including requirements regarding population data, the aggregation of communities, and the decennial review, for making rural determinations.

Public Review and Comment

The Departments published a proposed rule on January 28, 2015 (80 FR 4521), to revise the regulations governing the rural determination

process in subpart B of 36 CFR part 242 and 50 CFR part 100. The proposed rule opened a public comment period, which closed on April 1, 2015. The Departments advertised the proposed rule by mail, radio, newspaper, and social media; comments were submitted via www.regulations.gov to Docket No. FWS-R7-SM-2014-0063. During that period, the Councils received public comments on the proposed rule and formulated recommendations to the Board for their respective regions. In addition, 10 separate public meetings were held throughout the State to receive public comments, and several government-to-government consultations addressed the proposed rule. The Councils had a substantial role in reviewing the proposed rule and making recommendations for the final rule. Moreover, a Council Chair, or a designated representative, presented each Council's recommendations at the Board's public work session of July 28, 2015.

The 10 Councils provided the following comments and recommendations to the Board on the proposed rule:

Northwest Arctic Subsistence Regional Advisory Council—unanimously supported the proposed rule.

Seward Peninsula Subsistence Regional Advisory Council—unanimously supported the proposed rule.

Yukon-Kuskokwim Delta Subsistence Regional Advisory Council—unanimously supported the proposed rule.

Western Interior Alaska Regional Advisory Council—supported the proposed rule.

North Slope Subsistence Regional Advisory Council—unanimously supported the proposed rule as written. The Council stated the proposed rule will improve the process and fully supported an expanded role and inclusion of recommendations of the Councils when the Board makes nonrural determinations. The Council wants to be closely involved with the Board when the Board sets policies and criteria for how it makes nonrural determinations under the proposed rule if the rule is approved, and the Council passed a motion to write a letter requesting that the Board involve and consult with the Councils when developing criteria to make nonrural determinations, especially in subject matter that pertains to their specific rural characteristics and personality.

Bristol Bay Subsistence Regional Advisory Council—supported switching the focus of the process from rural to

nonrural determinations. They indicated there should be criteria for establishing what is nonrural to make determinations defensible and justifiable, including determinations of the carrying capacity of the area for sustainable harvest, and governmental entities should not determine what is spiritually and culturally important for a community. They supported eliminating the mandatory decennial; however, they requested a minimum time limit between requests (at least 3 years). They discussed deference and supported the idea but felt it did not go far enough.

Southcentral Alaska Subsistence Regional Advisory Council—supported the proposed rule with modification. They recommended deference be given to the Councils on the nonrural determinations.

Southeast Alaska Subsistence Regional Advisory Council—supported the proposed rule with modification. The Council recommended a modification to the language of the proposed rule: “The Board determines, after considering the report and recommendations of the applicable regional advisory council, which areas or communities in Alaska are non-rural” The Council stated that this modification is necessary to prevent the Board from adopting proposals contrary to the recommendation(s) of a Council and that this change would increase transparency and prevent rural communities from being subject to the whims of proponents.

Kodiak/Aleutians Subsistence Regional Advisory Council—is generally appreciative that the Board has recommended changes to the rural determination process and supported elimination of the decennial review. The Council recommended that the Board implement definitive guidelines for how the Board will make nonrural determinations to avoid subjective interpretations and determinations; that the language of the proposed rule be modified to require the Board to defer to the Councils and to base its justification for not giving deference on defined criteria to avoid ambiguous decisions; that the Board provide program staff with succinct direction for conducting analyses on any proposals to change a community’s status from rural to nonrural; and that the Board develop written policies and guidelines for making nonrural determinations even if there is a lack of criteria in the regulations. The Council is concerned that proposals to change rural status in the region will be frequently submitted from people or entities from outside the region; the Council is opposed to

proposals of this nature from outside its region and recommends that the Board develop guidelines and restrictions for the proposal process that the Board uses to reassess nonrural status.

Eastern Interior Alaska Subsistence Regional Advisory Council—opposed the proposed rule due to the lack of any guiding criteria to determine what is rural or nonrural. They stated the lack of criteria could serve to weaken the rural determination process. They supported greater involvement of the Councils in the Board’s process to make rural/nonrural determinations. This Council was concerned about changes including increasing developments, access pressure on rural subsistence communities and resources, and social conflicts in the Eastern Interior region.

A total of 90 substantive comments were submitted from public meetings, letters, deliberations of the Councils, and those submitted via www.regulations.gov.

- 54 supported the proposed rule;
- 16 neither supported nor opposed the proposed rule;
- 7 supported the proposed rule with modifications;
- 7 neither supported nor opposed the proposed rule and suggested modifications; and
- 6 opposed the proposed rule.

Major comments from all sources are addressed below:

Comment: The Board should provide, in regulatory language, objective criteria, methods, or guidelines for making nonrural determinations.

Response: During the request for public comment (77 FR 77005; December 31, 2012), the overwhelming response from the public was dissatisfaction with the list of regulatory guidelines used to make rural determinations. The Board, at their April 17, 2014, public meeting, stated that if the Secretaries approved the recommended simplification of the rural determination process, the Board would make nonrural determinations using a comprehensive approach that considers, but is not limited to, population size and density, economic indicators, military presence, industrial facilities, use of fish and wildlife, degree of remoteness and isolation, and any other relevant material, including information provided by the public. The Board also indicated that they would rely heavily on the recommendations of the Subsistence Regional Advisory Councils. The Board, at their July 28, 2015, public work session, directed that a subcommittee be established to draft options (policy or rulemaking) to address future rural determinations. The subcommittee options, once reviewed

by the Board at their January 12, 2016, public meeting will be presented to the Councils for their review and recommendations.

Comment: The Board should give deference to the Regional Advisory Councils on nonrural determinations and place this provision in regulatory language.

Response: The Board expressed during its April 2014 and July 2015 meetings that it intends to rely heavily on the recommendations of the Councils and that Council input will be critical in addressing regional differences in the rural determination process. Because the Board has confirmed that Councils will have a meaningful and important role in the process, a change to the regulatory language is neither warranted nor necessary at the present time.

Comment: Establish a timeframe for how often proposed changes may be submitted.

Response: During previous public comment periods, the decennial review was widely viewed to be unnecessary, and the majority of comments expressed the opinion that there should not be a set timeframe used in this process. The Board has been supportive of eliminating a set timeframe to conduct nonrural determinations. However, this issue may be readdressed in the future if a majority of the Councils support the need to reestablish a nonrural review period.

Comment: Redefine “rural” to allow nonrural residents originally from rural areas to come home and participate in subsistence activities.

Response: ANILCA and its enacting regulations clearly state that you must be an Alaska resident of a rural area or community to take fish or wildlife on public lands. Any change to that definition is beyond the scope of this rulemaking.

Comment: Develop a policy for making nonrural determinations, including guidance on how to analyze proposed changes.

Response: The Board, at their July 28, 2015, public work session, directed that a subcommittee be established to draft options (policy or rulemaking) to address future rural determinations that, once completed, will be presented to the Councils for their review and recommendations.

Comment: Allow rural residents to harvest outside of the areas or communities of residence.

Response: All rural Alaskans may harvest fish and wildlife on public lands unless there is a customary and traditional use determination that identifies the specific community’s or area’s use of particular fish stocks or

wildlife populations or if there is a closure.

Rule Promulgation Process and Related Rulemaking

These final regulations reflect Secretarial review and consideration of Board and Council recommendations, Tribal and Alaska Native Corporations government-to-government tribal consultations, and public comments. The public received extensive opportunity to review and comment on all changes.

Because this rule concerns public lands managed by an agency or agencies in both the Departments of Agriculture and the Interior, identical text will be incorporated into 36 CFR part 242 and 50 CFR part 100.

Elsewhere in today's **Federal Register** is a direct final rule by which the Board is revising the list of rural determinations in subpart C of 36 CFR part 242 and 50 CFR part 100. See "Subsistence Management Regulations for Public Lands in Alaska; Rural Determinations, Nonrural List" in Rules and Regulations.

Conformance With Statutory and Regulatory Authorities

Administrative Procedure Act Compliance

The Board has provided extensive opportunity for public input and involvement in compliance with Administrative Procedure Act requirements, including publishing a proposed rule in the **Federal Register**, participation in multiple Council meetings, and opportunity for additional public comment during the Board meeting prior to deliberation. Additionally, an administrative mechanism exists (and has been used by the public) to request reconsideration of the Secretaries' decision on any particular proposal for regulatory change (36 CFR 242.18(b) and 50 CFR 100.18(b)). Therefore, the Secretaries believe that sufficient public notice and opportunity for involvement have been given to affected persons regarding this decision. In addition, because the direct final rule that is mentioned above and is related to this final rule relieves restrictions for many Alaskans by allowing them to participate in the subsistence program activities, we believe that we have good cause, as required by 5 U.S.C. 553(d), to make this rule effective upon publication.

National Environmental Policy Act Compliance

A Draft Environmental Impact Statement that described four

alternatives for developing a Federal Subsistence Management Program was distributed for public comment on October 7, 1991. The Final Environmental Impact Statement (FEIS) was published on February 28, 1992. The Record of Decision (ROD) on Subsistence Management for Federal Public Lands in Alaska was signed April 6, 1992. The selected alternative in the FEIS (Alternative IV) defined the administrative framework of an annual regulatory cycle for subsistence regulations.

A 1997 environmental assessment dealt with the expansion of Federal jurisdiction over fisheries. The Secretary of the Interior, with concurrence of the Secretary of Agriculture, determined that expansion of Federal jurisdiction does not constitute a major Federal action significantly affecting the human environment and, therefore, signed a Finding of No Significant Impact.

Section 810 of ANILCA

An ANILCA section 810 analysis was completed as part of the FEIS process on the Federal Subsistence Management Program. The intent of all Federal subsistence regulations is to accord subsistence uses of fish and wildlife on public lands a priority over the taking of fish and wildlife on such lands for other purposes, unless restriction is necessary to conserve healthy fish and wildlife populations. The final section 810 analysis determination appeared in the April 6, 1992, ROD and concluded that the Program, under Alternative IV with an annual process for setting subsistence regulations, may have some local impacts on subsistence uses, but will not likely restrict subsistence uses significantly.

Paperwork Reduction Act

An agency may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. This rule does not contain any new collections of information that require OMB approval. OMB has reviewed and approved the collections of information associated with the subsistence regulations at 36 CFR part 242 and 50 CFR part 100, and assigned OMB Control Number 1018-0075, which expires February 29, 2016.

Regulatory Planning and Review (Executive Orders 12866 and 13563)

Executive Order 12866 provides that the Office of Information and Regulatory Affairs (OIRA) in the Office of Management and Budget will review all

significant rules. OIRA has determined that this rule is not significant.

Executive Order 13563 reaffirms the principles of E.O. 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. E.O. 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. We have developed this rule in a manner consistent with these requirements.

Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*) requires preparation of flexibility analyses for rules that will have a significant effect on a substantial number of small entities, which include small businesses, organizations, or governmental jurisdictions. In general, the resources to be harvested under this rule are already being harvested and consumed by the local harvester and do not result in an additional dollar benefit to the economy. However, we estimate that two million pounds of meat are harvested by subsistence users annually and, if given an estimated dollar value of \$3.00 per pound, this amount would equate to about \$6 million in food value Statewide. Based upon the amounts and values cited above, the Departments certify that this rulemaking will not have a significant economic effect on a substantial number of small entities within the meaning of the Regulatory Flexibility Act.

Small Business Regulatory Enforcement Fairness Act

Under the Small Business Regulatory Enforcement Fairness Act (5 U.S.C. 801 *et seq.*), this rule is not a major rule. It does not have an effect on the economy of \$100 million or more, will not cause a major increase in costs or prices for consumers, and does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises.

Executive Order 12630

Title VIII of ANILCA requires the Secretaries to administer a subsistence priority on public lands. The scope of this Program is limited by definition to certain public lands. Likewise, these regulations have no potential takings of private property implications as defined by Executive Order 12630.

Unfunded Mandates Reform Act

The Secretaries have determined and certify pursuant to the Unfunded Mandates Reform Act, 2 U.S.C. 1502 *et seq.*, that this rulemaking will not impose a cost of \$100 million or more in any given year on local or State governments or private entities. The implementation of this rule is by Federal agencies, and there is no cost imposed on any State or local entities or tribal governments.

Executive Order 12988

The Secretaries have determined that these regulations meet the applicable standards provided in sections 3(a) and 3(b)(2) of Executive Order 12988, regarding civil justice reform.

Executive Order 13132

In accordance with Executive Order 13132, the rule does not have sufficient Federalism implications to warrant the preparation of a Federalism summary impact statement. Title VIII of ANILCA precludes the State from exercising subsistence management authority over fish and wildlife resources on Federal lands unless it meets certain requirements.

Executive Order 13175

Title VIII of ANILCA does not provide specific rights to tribes for the subsistence taking of wildlife, fish, and shellfish. However, the Secretaries, through the Board, provided Federally recognized Tribes and Alaska Native corporations opportunities to consult on this rule. Consultation with Alaska Native corporations are based on Public Law 108–199, div. H, Sec. 161, Jan. 23, 2004, 118 Stat. 452, as amended by Public Law 108–447, div. H, title V, Sec. 518, Dec. 8, 2004, 118 Stat. 3267, which provides that: “The Director of the Office of Management and Budget and all Federal agencies shall hereafter consult with Alaska Native corporations on the same basis as Indian tribes under Executive Order No. 13175.”

The Secretaries, through the Board, provided a variety of opportunities for consultation: Commenting on proposed changes to the existing rule; engaging in dialogue at the Council meetings; engaging in dialogue at the Board’s meetings; and providing input in

person, by mail, email, or phone at any time during the rulemaking process.

On March 23 and 24, 2015, the Board provided Federally recognized Tribes and Alaska Native Corporations a specific opportunity to consult on this rule. Federally recognized Tribes and Alaska Native Corporations were notified by mail and telephone and were given the opportunity to attend in person or via teleconference.

Executive Order 13211

This Executive Order requires agencies to prepare Statements of Energy Effects when undertaking certain actions. However, this rule is not a significant regulatory action under E.O. 13211, affecting energy supply, distribution, or use, and no Statement of Energy Effects is required.

Drafting Information

Theo Matuskowitz drafted these regulations under the guidance of Eugene R. Peltola, Jr. of the Office of Subsistence Management, Alaska Regional Office, U.S. Fish and Wildlife Service, Anchorage, Alaska. Additional assistance was provided by

- Daniel Sharp, Alaska State Office, Bureau of Land Management;
- Mary McBurney, Alaska Regional Office, National Park Service;
- Dr. Glenn Chen, Alaska Regional Office, Bureau of Indian Affairs;
- Trevor T. Fox, Alaska Regional Office, U.S. Fish and Wildlife Service; and
- Thomas Whitford, Alaska Regional Office, U.S. Forest Service.

Authority

This rule is issued under the authority of Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) (16 U.S.C. 3111–3126).

List of Subjects**36 CFR Part 242**

Administrative practice and procedure, Alaska, Fish, National forests, Public lands, Reporting and recordkeeping requirements, Wildlife.

50 CFR Part 100

Administrative practice and procedure, Alaska, Fish, National forests, Public lands, Reporting and recordkeeping requirements, Wildlife.

Regulation Promulgation

For the reasons set out in the preamble, the Secretaries amend 36 CFR part 242 and 50 CFR part 100 as set forth below.

PART ____—SUBSISTENCE MANAGEMENT REGULATIONS FOR PUBLIC LANDS IN ALASKA

- 1. The authority citation for both 36 CFR part 242 and 50 CFR part 100 continues to read as follows:

Authority: 16 U.S.C. 3, 472, 551, 668dd, 3101–3126; 18 U.S.C. 3551–3586; 43 U.S.C. 1733.

Subpart B—Program Structure

- 2. In subpart B of 36 CFR part 242 and 50 CFR part 100, § ____ .15 is revised to read as follows:

§ ____ .15 Rural determination process.

(a) The Board determines which areas or communities in Alaska are nonrural. Current determinations are listed at § ____ .23.

(b) All other communities and areas are, therefore, rural.

Dated: Oct. 28, 2015.

Sally Jewell,

Secretary of the Interior.

Dated: Sept. 30, 2015.

Beth G. Pendleton,

Regional Forester, USDA—Forest Service.

[FR Doc. 2015–27994 Filed 10–30–15; 8:45 am]

BILLING CODE 3410–11–4333–15–P

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Parts 52 and 81**

[EPA–R04–OAR–2014–0904; FRL–9936–55–Region 4]

Air Plan Approval and Air Quality Designation; TN; Reasonably Available Control Measures and Redesignation for the TN Portion of the Chattanooga 1997 Annual PM_{2.5} Nonattainment Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving the portion of a State Implementation Plan (SIP) revision submitted by the State of Tennessee, through the Tennessee Department of Environment and Conservation (TDEC), on October 15, 2009, that addresses reasonably available control measures (RACM), including reasonably available control technology (RACT), for the Tennessee portion of the Chattanooga, TN-GA-AL nonattainment area for the 1997 fine particulate matter (PM_{2.5}) national ambient air quality standards (NAAQS) (hereinafter referred to as the “Chattanooga TN-GA-AL Area” or

Appendix B – Direct Final Rule – Nonrural List

Need for Correction

As published, the final regulations (TD 9728) contain errors that may prove to be misleading and are in need of clarification.

Correction of Publication

Accordingly, the final regulations (TD 9728), that are subject to FR Doc. 2015-18816, are corrected as follows:

1. On page 45866, in the preamble, third column, last sentence of first full paragraph, the language "rules, including section 706(d)(2) and section 706(d)(3)." is corrected to read "rules, including section 704(c), § 1.704-3(a)(6) (reverse section 704(c)), section 706(d)(2), and section 706(d)(3)."

2. On page 45868, in the preamble, first column, fourth line from the bottom of the column, the language "interim closings of its books except at" is corrected to read "interim closing of its books except at".

3. On page 45871, in the preamble, second column, third line from the bottom of the column, under paragraph heading "*v. Deemed Timing of Variations*," the language "taxable year was deemed to close at the" is corrected to read "taxable year was deemed to occur at the".

4. On page 45873, in the preamble, third column, eighth line from the bottom of the column, the language "taxable as of which the recipients of a" is corrected to read "taxable year as of which the recipients of a".

5. On page 45874, second column, eight lines from the bottom of the column, the following sentence is added to the end of the paragraph: "These final regulations do not override the application of section 704(c), including reverse section 704(c), and therefore the final regulations provide that the rules of section 706 do not apply in making allocations of book items upon a partnership revaluation."

6. On page 45876, in the preamble, second column, under paragraph heading "*Effective/Applicability Dates*", fifth line of the first paragraph, the language "of a special rule applicable to § 1.704-" is corrected to read "of a special rule applicable to § 1.706-".

7. On page 45876, in the preamble, second column, under paragraph heading "*Effective/Applicability Dates*", third line of the second paragraph, the language "regulations apply to the partnership" is corrected to read "regulations apply to partnership".

8. On page 45876, in the preamble, third column, fourth line from the top of the column, the language "that was formed prior to April 19, 2009." is corrected to read "that was formed prior to April 14, 2009."

9. On page 45877, first column, under paragraph heading "*List of Subjects*," the fourth line, the language "26 CFR part 2" is corrected to read "26 CFR part 602".

10. On page 45883, third column, the first line of the signature block, the language "Karen L. Schiller," is corrected to read "Karen M. Schiller,".

Martin V. Franks,

*Chief, Publications and Regulations Branch,
Legal Processing Division, Associate Chief
Counsel (Procedure and Administration).*

[FR Doc. 2015-28014 Filed 11-3-15; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF AGRICULTURE**Forest Service****36 CFR Part 242****DEPARTMENT OF THE INTERIOR****Fish and Wildlife Service****50 CFR Part 100**

[Docket No. FWS-R7-SM-2015-0156;
FXRS1261070000-156-FF07J00000;
FBMS#4500086366]

RIN 1018-BA82

Subsistence Management Regulations for Public Lands in Alaska; Rural Determinations, Nonrural List

AGENCY: Forest Service, Agriculture; Fish and Wildlife Service, Interior.

ACTION: Direct final rule.

SUMMARY: This rule revises the list of nonrural areas in Alaska identified by the Federal Subsistence Board (Board). Only residents of areas that are rural are eligible to participate in the Federal Subsistence Management Program on public lands in Alaska. Based on a Secretarial review of the rural determination process, and the subsequent change in the regulations governing this process, the Board is revising the current nonrural determinations to the list that existed prior to 2007. Accordingly, the community of Saxman and the area of Prudhoe Bay will be removed from the nonrural list. The following areas continue to be nonrural, but their boundaries will return to their original borders: the Kenai Area; the Wasilla/Palmer area; the Homer area; and the Ketchikan area.

DATES: This rule is effective on December 21, 2015 unless we receive significant adverse comments on or before December 4, 2015.

ADDRESSES: You may submit comments by one of the following methods:

- *Electronically:* Go to the Federal eRulemaking Portal: <http://www.regulations.gov> and search for FWS-R7-SM-2015-0156, which is the docket number for this rulemaking.
- *By hard copy:* U.S. mail or hand-delivery to: USFWS, Office of Subsistence Management, 1011 East Tudor Road, MS 121, Attn: Theo Matuskowitz, Anchorage, AK 99503-6199

FOR FURTHER INFORMATION CONTACT:

Chair, Federal Subsistence Board, c/o U.S. Fish and Wildlife Service, Attention: Eugene R. Peltola, Jr., Office of Subsistence Management; (907) 786-3888 or subsistence@fws.gov. For questions specific to National Forest System lands, contact Thomas Whitford, Regional Subsistence Program Leader, USDA, Forest Service, Alaska Region; (907) 743-9461 or twhitford@fs.fed.us.

SUPPLEMENTARY INFORMATION:**Background**

Under Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) (16 U.S.C. 3111-3126), the Secretary of the Interior and the Secretary of Agriculture (Secretaries) jointly implement the Federal Subsistence Management Program (Program). This program provides a preference for take of fish and wildlife resources for subsistence uses on Federal public lands and waters in Alaska. Only residents of areas identified as rural are eligible to participate in the Program on Federal public lands in Alaska. Because this program is a joint effort between Interior and Agriculture, these regulations are located in two titles of the Code of Federal Regulations (CFR): Title 36, "Parks, Forests, and Public Property," and Title 50, "Wildlife and Fisheries," at 36 CFR 242.1-242.28 and 50 CFR 100.1-100.28, respectively.

Consistent with these regulations, the Secretaries established a Federal Subsistence Board (Board) comprising Federal officials and public members to administer the Program. One of the Board's responsibilities is to determine which communities or areas of the State are rural or nonrural. The Secretaries also divided Alaska into 10 subsistence resource regions, each of which is represented by a Regional Advisory Council (Council). The Council members represent varied geographical, cultural, and user interests within each region. The Councils provide a forum for rural residents with personal knowledge of local conditions and resource requirements to have a

meaningful role in the subsistence management of fish and wildlife on Federal public lands in Alaska.

Related Rulemaking

Elsewhere in today's **Federal Register** is a final rule that sets forth a new process by which the Board will make rural determinations ("Subsistence Management Regulations for Public Lands in Alaska; Rural Determination Process"). Please see that rule for background information on how this new process was developed and the extensive Council and public input that was considered. A summary of that information follows:

Until promulgation of the rule mentioned above, Federal subsistence regulations at 36 CFR 242.15 and 50 CFR 100.15 had required that the rural or nonrural status of communities or areas be reviewed every 10 years, beginning with the availability of the 2000 census data. Some data from the 2000 census was not compiled and available until 2005, so the Board published a proposed rule in 2006 to revise the list of nonrural areas recognized by the Board (71 FR 46416, August 14, 2006). The final rule published in the **Federal Register** on May 7, 2007 (72 FR 25688), and changed the rural determination for several communities or areas in Alaska. These communities had 5 years following the date of publication to come into compliance.

The Board met on January 20, 2012, and, among other things, decided to extend the compliance date of its 2007 final rule on rural determinations. A final rule published March 1, 2012 (77 FR 12477), that extended the compliance date until either the rural determination process and findings review were completed or 5 years, whichever came first. The 2007 regulations have remained in titles 36 and 50 of the CFR unchanged since their effective date.

The Board followed that action with a request for comments and announcement of public meetings (77 FR 77005; December 31, 2012) to receive public, Tribal, and Alaska Native Corporations input on the rural determination process. At their fall 2013 meetings, the Councils provided a public forum to hear from residents of their regions, deliberate on the rural determination process, and provide recommendations for changes to the Board. The Board also held hearings in Barrow, Ketchikan, Sitka, Kodiak, Bethel, Anchorage, Fairbanks, Kotzebue, Nome, and Dillingham to solicit comments on the rural determination process, and public testimony was

recorded. Government-to-government tribal consultations on the rural determination process were held between members of the Board and Federally recognized Tribes of Alaska. Additional consultations were held between members of the Board and Alaska Native Corporations.

Altogether, the Board received 475 substantive comments from various sources, including individuals, members of the Councils, and other entities or organizations, such as Alaska Native Corporations and borough governments. In general, this information indicated a broad dissatisfaction with the current rural determination process.

Based on this information, the Board at their public meeting held on April 17, 2014, elected to recommend a simplification of the process by determining which areas or communities are nonrural in Alaska; all other communities or areas would, therefore, be rural. The Board would make nonrural determinations using a comprehensive approach that considers population size and density, economic indicators, military presence, industrial facilities, use of fish and wildlife, degree of remoteness and isolation, and any other relevant material, including information provided by the public. The Board would rely heavily on the recommendations of the Councils. The Board developed a proposal that simplifies the process of rural determinations and submitted its recommendation to the Secretaries on August 15, 2014.

On November 24, 2014, the Secretaries requested that the Board initiate rulemaking to pursue the regulatory changes recommended by the Board. The Secretaries also requested that the Board obtain Council recommendations and public input, and conduct Tribal and Alaska Native Corporation consultation on the proposed changes.

The Departments published a proposed rule on January 28, 2015 (80 FR 4521), to revise the regulations governing the rural determination process in subpart B of 36 CFR part 242 and 50 CFR part 100. Following a process that involved substantial Council and public input, the Departments published the final rule that may be found elsewhere in today's **Federal Register**.

Direct Final Rule

During that process, the Board went on to address a starting point for nonrural communities and areas. The May 7, 2007 (72 FR 25688), final rule was justified by the Board's January 3,

1991, notice (56 FR 236) adopting final rural and nonrural determinations and the final rule of May 7, 2002 (67 FR 30559), amending 36 CFR 242.23(a) and 50 CFR 100.23(a) to add the Kenai Peninsula communities (Kenai, Soldotna, Sterling, Nikiski, Salamatof, Kalifornsky, Kasilof, Clam Gulch, Anchor Point, Homer, Kachemak City, Fritz Creek, Moose Pass, and Seward) to the list of areas determined to be nonrural. The 2007 rule added the village of Saxman and the area of Prudhoe Bay to the nonrural list and expanded the nonrural boundaries of the Kenai Area; the Wasilla/Palmer area; the Homer area; and the Ketchikan Area.

Since the 2007 final rule (72 FR 25688; May 7, 2007) was contentious, and so many comments were received objecting to the changes imposed by that rule, the Board has decided to return to the rural determinations prior to the 2007 final rule. The Board further decided that the most expedient method to enact their decisions was to publish this direct final rule adopting the pre-2007 nonrural determinations. As a result, the Board has determined the following areas to be nonrural: Fairbanks North Star Borough; Homer area—including Homer, Anchor Point, Kachemak City, and Fritz Creek; Juneau area—including Juneau, West Juneau, and Douglas; Kenai area—including Kenai, Soldotna, Sterling, Nikiski, Salamatof, Kalifornsky, Kasilof, and Clam Gulch; Ketchikan area—including Ketchikan City, Clover Pass, North Tongass Highway, Ketchikan East, Mountain Point, Herring Cove, Saxman East, Pennock Island, and parts of Gravina Island; Municipality of Anchorage; Seward area—including Seward and Moose Pass, Valdez, and Wasilla area—including Palmer, Wasilla, Sutton, Big Lake, Houston, and Bodenbergs Butte.

These final regulations reflect Board review and consideration of Council recommendations, Tribal and Alaska Native Corporations government-to-government tribal consultations, and public comments. Based on concerns expressed by some of the Councils and members of the public, the Board went on to direct staff to develop options for the Board to consider and for presentation to the Councils, to address future nonrural determinations. These options will be presented to the Board and Chairs of each Council at the January 12, 2016, public meeting.

We are publishing this rule without a prior proposal because we view this action as an administrative action by the Federal Subsistence Board. This rule will be effective, as specified above in DATES, unless we receive significant

adverse comments on or before the deadline set forth in DATES. Significant adverse comments are comments that provide strong justifications why the rule should not be adopted or for changing the rule. If we receive significant adverse comments, we will publish a notice in the **Federal Register** withdrawing this rule before the effective date. If no significant adverse comments are received, we will publish a document in the **Federal Register** confirming the effective date.

Because this rule concerns public lands managed by an agency or agencies in both the Departments of Agriculture and the Interior, identical text will be incorporated into 36 CFR part 242 and 50 CFR part 100.

Conformance With Statutory and Regulatory Authorities

Administrative Procedure Act Compliance

In compliance with Administrative Procedure Act, the Board has provided extensive opportunity for public input and involvement in its efforts to improve the rural determination process as described in the related final rule published elsewhere in today's **Federal Register**. In addition, anyone with concerns about this rulemaking action may submit comments as specified in **DATES** and **ADDRESSES**.

National Environmental Policy Act Compliance

A Draft Environmental Impact Statement that described four alternatives for developing a Federal Subsistence Management Program was distributed for public comment on October 7, 1991. The Final Environmental Impact Statement (FEIS) was published on February 28, 1992. The Record of Decision (ROD) on Subsistence Management for Federal Public Lands in Alaska was signed April 6, 1992. The selected alternative in the FEIS (Alternative IV) defined the administrative framework of an annual regulatory cycle for subsistence regulations.

A 1997 environmental assessment dealt with the expansion of Federal jurisdiction over fisheries and is available at the office listed under **FOR FURTHER INFORMATION CONTACT**. The Secretary of the Interior, with concurrence of the Secretary of Agriculture, determined that expansion of Federal jurisdiction does not constitute a major Federal action significantly affecting the human environment and, therefore, signed a Finding of No Significant Impact.

Section 810 of ANILCA

An ANILCA section 810 analysis was completed as part of the FEIS process on the Federal Subsistence Management Program. The intent of all Federal subsistence regulations is to accord subsistence uses of fish and wildlife on public lands a priority over the taking of fish and wildlife on such lands for other purposes, unless restriction is necessary to conserve healthy fish and wildlife populations. The final section 810 analysis determination appeared in the April 6, 1992, ROD and concluded that the Program, under Alternative IV with an annual process for setting subsistence regulations, may have some local impacts on subsistence uses, but will not likely restrict subsistence uses significantly.

During the subsequent environmental assessment process for extending fisheries jurisdiction, an evaluation of the effects of this rule was conducted in accordance with section 810. That evaluation also supported the Secretaries' determination that the rule will not reach the "may significantly restrict" threshold that would require notice and hearings under ANILCA section 810(a).

Paperwork Reduction Act

An agency may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. This rule does not contain any new collections of information that require OMB approval. OMB has reviewed and approved the collections of information associated with the subsistence regulations at 36 CFR part 242 and 50 CFR part 100, and assigned OMB Control Number 1018-0075, which expires February 29, 2016.

Regulatory Planning and Review (Executive Orders 12866 and 13563)

Executive Order 12866 provides that the Office of Information and Regulatory Affairs (OIRA) in the Office of Management and Budget will review all significant rules. OIRA has determined that this rule is not significant.

Executive Order 13563 reaffirms the principles of E.O. 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. E.O. 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. We have developed this rule in a manner consistent with these requirements.

Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*) requires preparation of flexibility analyses for rules that will have a significant effect on a substantial number of small entities, which include small businesses, organizations, or governmental jurisdictions. In general, the resources to be harvested under this rule are already being harvested and consumed by the local harvester and do not result in an additional dollar benefit to the economy. However, we estimate that two million pounds of meat are harvested by subsistence users annually and, if given an estimated dollar value of \$3.00 per pound, this amount would equate to about \$6 million in food value Statewide. Based upon the amounts and values cited above, the Departments certify that this rulemaking will not have a significant economic effect on a substantial number of small entities within the meaning of the Regulatory Flexibility Act.

Small Business Regulatory Enforcement Fairness Act

Under the Small Business Regulatory Enforcement Fairness Act (5 U.S.C. 801 *et seq.*), this rule is not a major rule. It does not have an effect on the economy of \$100 million or more, will not cause a major increase in costs or prices for consumers, and does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises.

Executive Order 12630

Title VIII of ANILCA requires the Secretaries to administer a subsistence priority on public lands. The scope of this Program is limited by definition to certain public lands. Likewise, these regulations have no potential takings of private property implications as defined by Executive Order 12630.

Unfunded Mandates Reform Act

The Secretaries have determined and certify pursuant to the Unfunded Mandates Reform Act, 2 U.S.C. 1502 *et seq.*, that this rulemaking will not impose a cost of \$100 million or more

in any given year on local or State governments or private entities. The implementation of this rule is by Federal agencies and there is no cost imposed on any State or local entities or tribal governments.

Executive Order 12988

The Secretaries have determined that these regulations meet the applicable standards provided in sections 3(a) and 3(b)(2) of Executive Order 12988, regarding civil justice reform.

Executive Order 13132

In accordance with Executive Order 13132, the rule does not have sufficient Federalism implications to warrant the preparation of a Federalism summary impact statement. Title VIII of ANILCA precludes the State from exercising subsistence management authority over fish and wildlife resources on Federal lands unless it meets certain requirements.

Executive Order 13175

The Alaska National Interest Lands Conservation Act, Title VIII, does not provide specific rights to tribes for the subsistence taking of wildlife, fish, and shellfish. However, the Secretaries, through the Board, provided Federally recognized Tribes and Alaska Native corporations opportunities to consult on this rule. Consultation with Alaska Native corporations are based on Public Law 108–199, div. H, Sec. 161, Jan. 23, 2004, 118 Stat. 452, as amended by Public Law 108–447, div. H, title V, Sec. 518, Dec. 8, 2004, 118 Stat. 3267, which provides that: “The Director of the Office of Management and Budget and all Federal agencies shall hereafter consult with Alaska Native corporations on the same basis as Indian tribes under Executive Order No. 13175.”

The Secretaries, through the Board, provided a variety of opportunities for consultation on the rural determination process: commenting on changes under consideration for the existing regulations; engaging in dialogue at the Council meetings; engaging in dialogue at the Board’s meetings; and providing input in person, by mail, email, or phone at any time during the rulemaking process.

Since 2007 multiple opportunities were provided by the Board for Federally recognized Tribes and Alaska Native Corporations to consult on the subject of rural determinations. Federally recognized Tribes and Alaska Native Corporations were notified by mail and telephone and were given the opportunity to attend in person or via teleconference.

Executive Order 13211

This Executive Order requires agencies to prepare Statements of Energy Effects when undertaking certain actions. However, this rule is not a significant regulatory action under E.O. 13211, affecting energy supply, distribution, or use, and no Statement of Energy Effects is required.

Drafting Information

Theo Matuskowitz drafted these regulations under the guidance of Eugene R. Peltola, Jr. of the Office of Subsistence Management, Alaska Regional Office, U.S. Fish and Wildlife Service, Anchorage, Alaska. Additional assistance was provided by

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- Dr. Glenn Chen, Alaska Regional Office, Bureau of Indian Affairs;
- Trevor T. Fox, Alaska Regional Office, U.S. Fish and Wildlife Service; and
- Thomas Whitford, Alaska Regional Office, U.S. Forest Service.

Authority

This rule is issued under the authority of Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) (16 U.S.C. 3111–3126).

List of Subjects

36 CFR Part 242

Administrative practice and procedure, Alaska, Fish, National forests, Public lands, Reporting and recordkeeping requirements, Wildlife.

50 CFR Part 100

Administrative practice and procedure, Alaska, Fish, National forests, Public lands, Reporting and recordkeeping requirements, Wildlife.

Regulation Promulgation

For the reasons set out in the preamble, the Secretaries amend 36 CFR part 242 and 50 CFR part 100 as set forth below.

PART—SUBSISTENCE MANAGEMENT REGULATIONS FOR PUBLIC LANDS IN ALASKA

- 1. The authority citation for both 36 CFR part 242 and 50 CFR part 100 continues to read as follows:

Authority: 16 U.S.C. 3, 472, 551, 668dd, 3101–3126; 18 U.S.C. 3551–3586; 43 U.S.C. 1733.

Subpart C—Board Determinations

- 2. In subpart C of 36 CFR part 242 and 50 CFR part 100, § __.23 is revised to read as follows:

§ __.23 Rural determinations.

(a) The Board has determined all communities and areas to be rural in accordance with § __.15 except the following: Fairbanks North Star Borough; Homer area—including Homer, Anchor Point, Kachemak City, and Fritz Creek; Juneau area—including Juneau, West Juneau, and Douglas; Kenai area—including Kenai, Soldotna, Sterling, Nikiski, Salamatof, Kalifornsky, Kasilof, and Clam Gulch; Ketchikan area—including Ketchikan City, Clover Pass, North Tongass Highway, Ketchikan East, Mountain Point, Herring Cove, Saxman East, Pennock Island, and parts of Gravina Island; Municipality of Anchorage; Seward area—including Seward and Moose Pass, Valdez, and Wasilla/Palmer area—including Wasilla, Palmer, Sutton, Big Lake, Houston, and Bodenbergt Butte.

(b) You may obtain maps delineating the boundaries of nonrural areas from the U.S. Fish and Wildlife Service at the Alaska Regional Office address provided at 50 CFR 2.2(g), or on the Web at <https://www.doi.gov/subsistence>.

Dated: September 30, 2015.

Eugene R. Peltola, Jr.,

Assistant Regional Director, U.S. Fish and Wildlife Service, Acting Chair, Federal Subsistence Board.

Dated: September 30, 2015.

Thomas Whitford,

Subsistence Program Leader, USDA—Forest Service.

[FR Doc. 2015–27996 Filed 10–30–15; 8:45 am]

BILLING CODE 3410–11–4333–15–P



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Togiak National Wildlife Refuge
P.O. Box 270
Dillingham, Alaska 99576
Phone 907-842-1063
Fax 907-842-5402



INFORMATION BULLETIN - January 2018

Cooperative Salmon Escapement Monitoring Projects. Contact: Pat Walsh

ADF&G has monitored Chinook, chum and sockeye salmon escapement on the Middle Fork Goodnews River since 1980. Togiak Refuge has worked with ADF&G since 1992 to assist in staffing the weir until 2017, during which reduced Refuge funding prevented providing staff assistance.

On the Kanektok River, ADF&G, Native Village of Kwinhagak, Coastal Villages and Togiak Refuge have worked cooperatively to monitor salmon and Dolly Varden runs since 2001. However, this project has been cancelled for the past two years (2016-2017) due to lack of funding.

Mulchatna Caribou Contact: Andy Aderman

Togiak Refuge assisted ADF&G with telemetry monitoring flights, radiocollar deployment, satellite data acquisition, data entry and database management. A composition survey conducted October 14-15, 2017 estimated ratios of 32 bulls and 27 calves per 100 cows. Both the bull to cow and calf to cow ratios were slightly below their management objectives (Neil Barten, ADF&G, personal communication).

Nushagak Peninsula Caribou Contact: Andy Aderman

A composition survey conducted October 13, 2017 estimated ratios of 30 bulls and 42 calves per 100 cows. The bull to cow ratio declined to its second lowest level while the calf to cow ratio was slightly below the previous 5-year average of 44.6 calves per 100 cows. For the 2017-2018 hunt, Refuge Manager Henry set the harvest objective at 300 caribou and an initial harvest limit of 3 caribou per hunter. The area immediately north of the federal hunt was opened August 1-March 31 with a bag limit of 2 caribou by state RC501 permit. As of January 17, 2018, a total of 11 caribou (10 bulls and 1 cow) have been reported harvested (6 bulls and 1 cow by Federal permit and 4 bulls by State permit). Poor travel conditions (thin snow cover and open rivers) for snowmachine-based hunters have prevailed through mid-January 2018.

Moose Contact: Andy Aderman

Togiak Refuge has been engaged in developing a moose survey method that does not rely on complete snow cover, and preliminary results suggest that 1) the method is succeeding, and 2) that the Togiak Refuge moose population has continued the growth we have documented over the past 20 years. The results that follow should be considered tentative, pending a statistical peer review currently underway by ADF&G.

A Refuge-wide survey conducted in October 2016 with no snow cover estimated 2,590 (± 504 at 80% confidence) moose. Sightability trials involving radio-collared moose indicated 72.7% detection which equates to a sightability correction factor (SCF) of 1.375. Applying the correction increases the estimate to 3,561 moose. A similar effort in March 2017 with complete snow cover estimated 3,071 (± 503 at 80% CI) moose. Sightability improved to 83.3% (or a SCF of 1.2) resulting in a Refuge-wide estimate of 3,685 moose. The most recent survey in October 2017, estimated 2,368 (± 441 at 80% confidence) moose. Sightability trials involving radio-collared moose indicated 71.0% detection which equates to a SCF of 1.409. Applying the correction increases the estimate to 3,337 moose.

In May 2017, 25 of 37 (67.6%) radio-collared adult cows produced 44 calves suggesting a production rate of 118.9 calves per 100 adult cows which is similar to the previous 5 years. The twinning rate was 76.0% which was higher than the long term average. Calf survival from birth to November was 36.4%, the second lowest rate since monitoring began in 1998.

The reported moose harvest in Unit 17A for 2017-2018 as of January 17, 2018 is 54 (49 bulls and 5 cows) with the following breakdown: 42 bulls reported in the fall RM573 hunt; 3 bulls in the fall DM 570 hunt; 3 bulls in the winter RM575 hunt and 1 bull and 5 cows in the winter RM576 hunt (Neil Barten, ADF&G, personal communication). Note: both the RM575 and RM576 hunts got extended to February 20, 2018.

The relationships of wolf and brown bear predation with moose population density and growth at Togiak National Wildlife Refuge and BLM Goodnews Block, Alaska Contact: Pat Walsh

In summer 2014, Togiak Refuge, the USFWS Genetics Lab, ADF&G, and BLM initiated a study to understand the effects of wolf and brown bear predation in regulating the populations of moose. The study relies on radio telemetry and stable isotope analysis. Our approach is to relate the predation impact by wolves and bears on moose at varying levels of moose population density. We will use existing population estimates for brown bears, and through the use of radio telemetry, we will estimate the number and composition of wolf packs on the Refuge. We will model wolf and bear predation on moose based on the quantity of wolves and bears and diet composition of both species determined through analysis of carbon and nitrogen isotopes occurring in bear and wolf hair. Hair is being collected from wolves when captured during radio collaring operations, and has been collected from brown bears using break-away hair snares. So far, we have captured and radioed 27 wolves from seven packs. During summers 2014-2016, we deployed over 400 snares, and collected over 200 brown bear hair samples. Laboratory analyses have been completed for bear and most wolf samples, and data are being reviewed to determine where sampling gaps exist.

Walrus Contact: Doug Holt

The Togiak Refuge has annually monitored the number and timing of Pacific walrus at haul-outs since 1985, using ground counts (1985-2008), aerial surveys (2003-2011) and time lapse photography (2010-2017). Overall, walrus numbers have declined, with the greatest declines at Cape Peirce and Cape Newenham. Peak counts in the most current year when every day was counted (2015) were 722 at Cape Peirce, 682 on Hagemeister Island, and 437 at Cape Newenham. Walrus using haul-outs in Bristol Bay are typically recorded from late spring to late fall but have been observed at Cape Newenham every month except one since cameras were deployed in fall of 2014.

Seabirds Contact: Kara Hilwig

The abundance and reproductive success of black-legged kittiwakes, common murre, and pelagic cormorants has been monitored annually at Cape Peirce from 1990-2014, and intermittently at Cape Newenham from 1990-2009. Seabird studies were resumed at Cape Peirce in 2016 and continued in 2017. In 2015 and 2016, large seabird mortality events were observed along North America's west coast. Population counts and reproductive success of kittiwakes, murre, and cormorants at Cape Peirce in 2016 and 2017 were among the lowest recorded since the initiation of the monitoring. No hatchlings were produced at Cape Peirce in 2016 and 2017. Population and productivity monitoring will continue in June 2018.

Invasive Aquatic Plant Surveys Contact: Kara Hilwig

Elodea spp. is a highly invasive and difficult to control aquatic plant implicated in the degradation and loss of fish habitat across the world. It was confirmed present in Alaska in 2009 and is now found in several waterbodies across the State, although it has not been reported from Bristol Bay waters. *Elodea* infestations in salmon streams and lakes can reduce the quality of salmon spawning and rearing habitat. *Elodea* surveys have never been conducted on Togiak National Wildlife Refuge, Wood-Tikchik State Park or the surrounding areas. Early detection and removal of *Elodea* from pristine waters of Bristol Bay will be the least expensive and most effective method of protecting one of the largest salmon fisheries in the world from the detrimental effects of this invader. Staff have submitted several proposals to conduct surveys on the Refuge and Park, however, funding is uncertain at this time.

Water Temperature Monitoring Contact: Doug Holt

Stream temperature monitoring was conducted at 21 locations on 14 rivers in Togiak National Wildlife Refuge from August 2001 until July 2016. Continuous hourly water temperatures were recorded at each site. Over 2.1 million temperature records were collected, quality-graded, and digitally stored in a relational database. The warmest month each year was July. The maximum recorded mean daily summer temperatures varied by location, with median values of 9.8–22.9°C across sites. The warmest temperatures were observed in the Kukaktlim Lake outlet and the coolest temperatures were observed in the Weary River. Based on differences in maximum daily mean temperature, the four warmest sites were each located near a lake outlet. Recorded temperature measurements at each site except the Weary River exceeded the Alaska Department of Environmental Conservation's 13°C temperature criteria for fish habitat two or more years, with temperature readings at Gechiak Lake outlet, Kukaktlim Lake outlet, Middle Fork Goodnews Lake outlet, and Nichols Lake outlet exceeding these criteria annually. The warmest

year observed was 2004. Previous analyses of data collected on these sites indicated a cooling trend but recently a warming trend has been observed. More monitoring is required to determine if differences in previous and current trend observations are the result of cyclical patterns or a long-term warming trend.

Temperature was monitored at 2 lakes with temperature loggers equally spaced from surface to lake bottom and temperature recorded every hour. Both lakes exhibited similar patterns of turnover and surface freezing in winter beginning near the end of November and thawing near the end of April each year. Data from each lake showed evidence of multiple freeze/thaw events during the winter of 2015-2016.

Quantifying River Discharge Contact: Pat Walsh

Togiak Refuge and the USFWS Water Resources Branch have worked cooperatively since 1999 to acquire baseline hydrologic data of the flow regime (magnitude, duration, timing, frequency, and rate of change) and water quality. A network of stream discharge gages collected stream flow data from 1999-2005 at 20 locations. A subset of five of these stations continued to collect data through fall 2009, after which three of the five stations were removed. We will monitor discharge in the Togiak and Kulukak Rivers indefinitely. Each gage is instrumented with pressure sensors that measure water level every 15 minutes. On-grounds discharge measurements are made 3 to 6 times a year. In 2014, satellite transmitters were added to the stream gages that allow remote monitoring of the equipment.

Education and Outreach Contact: Amanda Cochran

Togiak Refuge has an active education and outreach program, conducting more than 60 classrooms visits throughout 12 Bristol Bay villages annually. Classroom visits include lessons about the Migratory Bird Calendar; National Wildlife Refuge Week; careers in natural resource conservation, and numerous teacher requested classroom presentations. The refuge works with several school districts and private schools including the Southwest Region, Lower Kuskokwim, Dillingham City school districts and the Dillingham 7th Day Adventist School. Field trips with area students for the 2016-2017 school year included bird walks, animal tracks and ID, archery, salmon life cycles, aquatic resources and bear safety. The refuge website is also an education tool and is available at <http://togiak.fws.gov>.

The refuge, in partnership with Alaska Department of Fish and Game and the Southwest Region School District, has also conducted 7 hunter safety courses throughout western Bristol Bay Villages, impacting more than 100 students in Manokotak, Dillingham, Twin Hills, Togiak, Aleknagik and Quinhagak. The refuge plans to continue these courses in 2018 and will be adding the National Archery in School Program to its offerings.

The refuge education program also produces Bristol Bay Field Notes (a new episode airs each week on KDLG). Togiak Refuge has a very active Facebook page which disseminates information on a daily basis to a rapidly growing global audience.

In 2017 the refuge also hosted a Student Conservation Association (SCA) Career Discovery Intern, Antonio Hornstein, who engaged local elementary age youth around the Dillingham

community. The refuge partnered with Alaska 4H, Alaska State Parks, UW Fisheries Research Institute, and the Dillingham Library to host more than 15 summer programs for ages 3-17. This included expanding its Ranger for a Day Program to Dillingham and Aleknagik, as well as, participating in the summer library reading program and Curyung culture camp activities. The programs promoted conservation of the area's natural resources and traditional/subsistence way of life.

Outreach programs for the community continued in the fall and winter. The refuge hosted a family bird feeder building program and Christmas Bird Count pancake breakfast. These efforts resulted in doubling the participation for the Christmas bird count.

Also, the refuge partners with others to conduct three environmental education camps described below:

Cape Peirce Marine Science and Yup'ik Culture Camp Contact: Terry Fuller

In July 2017 an enthusiastic group of seven area junior high students representing three villages traveled to Cape Peirce for this camp. Students experienced outstanding and stunningly sunny weather and were able to observe seabirds, marine mammals, learn how field work is conducted, as well as learning about food webs and ecological relationships. Students and agency staff also learned about traditional Yup'ik uses of animals and plants and about Native survival skills. This camp is designed to help students gain a better understanding of the biological diversity of a marine ecosystem. It also strengthens their sense of stewardship for local natural resources. Other topics at this camp included tide pools, wilderness survival skills, archery, bear safety, Leave No Trace camping practices and careers with USFWS. RIT John Mark of Quinhagak was on hand to speak with students about traditional uses, biologist Doug Holt discussed walrus biology, and Artist-in-Residence Shawna Pickenpaugh of Wyoming led students through a number of art activities. Traditional councils and school districts from throughout western Bristol Bay are cooperators with this camp.

Southwest Alaska Science Academy (Salmon Camp) Contact: Terry Fuller

This past June and July (2017), Togiak Refuge helped with the 16th year of a summer camp aimed at teaching middle and high school students about fisheries science and the importance of salmon to our ecosystem. Students were selected from the Bristol Bay region. During the camp students worked in the field alongside fisheries professionals. Cooperators with the refuge on this project included the Bristol Bay Economic Development Corporation, Bristol Bay Science and Research Institute, University of Alaska, University of Washington School of Fisheries, the Dillingham City and Southwest Region school districts, and ADF&G. This year Togiak Staff were able to share with camp students about the following: identifying the different species of Pacific salmon at various stages in their development, the salmon life cycle, jobs associated with the fishing industry, salmon in art (fish taxidermy) and archery.

Summer Outdoor Skills and River Ecology Float Camp Contact: Terry Fuller

The 2017 Float Camp took place on the Ongivinuk River. At this camp, nine high school students (three from Anchorage, two from Quinhagak, one from Manokotak and three from Dillingham) learned about river ecosystems and how to enjoy them safely and responsibly while

taking part in a float trip conducted on a refuge river. Students observed and learned about the many fish, wildlife and plant species found on the Ongivinuk. Rafting skills, water safety, different angling practices (Catch and Release), Leave No Trace camping practices and bear safety were topics during the trip. Students also participated in other outdoor activities such as wilderness survival skills. This camp helps students grasp the biological diversity of riparian ecosystems and the importance of salmon as a nutrient source, while developing a deeper sense of stewardship for local natural resources. Traditional councils and school districts in western Bristol Bay are cooperators with this camp.

River Ranger Program Contact: Amanda McCutcheon Cochran

The Refuge River Ranger Program was conceived during the public use management planning process and was first implemented in 1991. The program serves many purposes. River Rangers are the main contact source for sport fishermen and local residents. Information distributed to the public includes Service policies, regulations, resource management practices, State sport fish regulations, bear safety, wilderness ethics, Leave-No-Trace camping and information about private lands to prevent trespass. Rangers document public use occurring on the river along with the location and timing of activities, conflicts between users, and sport fish catch/harvest per unit effort. Rangers also assist Refuge staff with biological studies. In addition, Rangers patrol campsites for litter, monitor compliance of sport fishing guides and offer assistance as needed. In recent years, continuing into 2017 the RITS and River Rangers have also recruited local volunteers to assist them in river patrols. This helps build capacity and partnership within the villages. River Ranger volunteers donated nearly 100 hours of their time over the 2017 summer. The refuge plans to have two River Rangers on the Togiak and Kanektok Rivers in 2018.

Staff Update

Refuge Information Technician Keemuel Kenrud resigned in December 2017. This position is in the process of being announced and filled in the spring of 2018. Federal Wildlife Officer Derek Thompson arrived in Dillingham mid-December. Visitor Services Manager Amanda Cochran accepted the Deputy Chief of Interpretation position at Bryce Canyon National Park in Utah and will move there in February.

Fall 2018 Regional Advisory Council Meeting Calendar

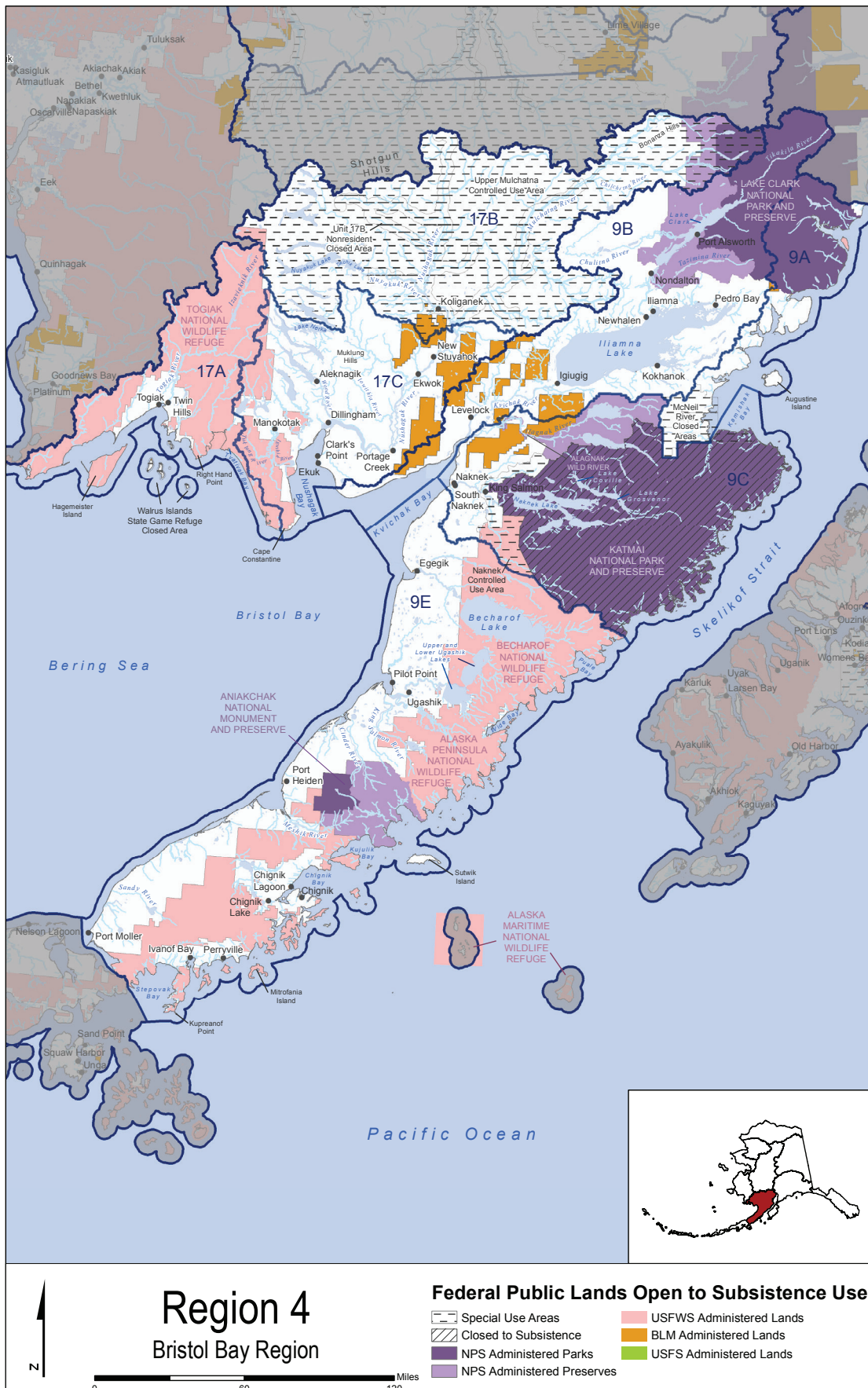
Due to travel budget limitations placed by Department of the Interior on the U.S. Fish and Wildlife Service and the Office of Subsistence Management, the dates and locations of these meetings will be subject to change.

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Aug. 19	Aug. 20	Aug. 21 NS — Point Hope	Aug. 22	Aug. 23	Aug. 24	Aug. 25
Aug. 26	Aug. 27	Aug. 28	Aug. 29	Aug. 30	Aug. 31	Sept. 1
Sept. 2	Sept. 3 LABOR DAY HOLIDAY	Sept. 4	Sept. 5	Sept. 6	Sept. 7	Sept. 8
Sept. 9	Sept. 10	Sept. 11	Sept. 12	Sept. 13	Sept. 14	Sept. 15
Sept. 16	Sept. 17	Sept. 18 K/A — Sand Point	Sept. 19	Sept. 20	Sept. 21	Sept. 22
Sept. 23	Sept. 24	Sept. 25	Sept. 26	Sept. 27 YKD — Bethel	Sept. 28	Sept. 29
Sept. 30	Oct. 1	Oct. 2 SE — Sitka	Oct. 3	Oct. 4	Oct. 5	Oct. 6
Oct. 7	Oct. 8 COLUMBUS DAY HOLIDAY	Oct. 9 EI — Tanana	Oct. 10 WI — Galena	Oct. 11	Oct. 12	Oct. 13
Oct. 14	Oct. 15	Oct. 16	Oct. 17	Oct. 18	Oct. 19 AFN — Anchorage	Oct. 20
Oct. 21	Oct. 22	Oct. 23 SP — Nome	Oct. 24 NW — Anchorage	Oct. 25	Oct. 26	Oct. 27
Oct. 28	Oct. 29 SC — TBD	Oct. 30	Oct. 31	Nov. 1	Nov. 2	Nov. 3
Nov. 4	Nov. 5	Nov. 6 BB — Dillingham	Nov. 7	Nov. 8	Nov. 9	Nov. 10

Winter 2019 Regional Advisory Council Meeting Calendar

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>Feb. 3</i>	<i>Feb. 4</i> <i>Window Opens</i>	<i>Feb. 5</i>	<i>Feb. 6</i>	<i>Feb. 7</i>	<i>Feb. 8</i>	<i>Feb. 9</i>
<i>Feb. 10</i>	<i>Feb. 11</i>	<i>Feb. 12</i>	<i>Feb. 13</i>	<i>Feb. 14</i>	<i>Feb. 15</i>	<i>Feb. 16</i>
<i>Feb. 17</i>	<i>Feb. 18</i> PRESIDENT'S DAY HOLIDAY	<i>Feb. 19</i>	<i>Feb. 20</i>	<i>Feb. 21</i>	<i>Feb. 22</i>	<i>Feb. 23</i>
<i>Feb. 24</i>	<i>Feb. 25</i>	<i>Feb. 26</i>	<i>Feb. 27</i>	<i>Feb. 28</i>	<i>Mar. 1</i>	<i>Mar. 2</i>
<i>Mar. 3</i>	<i>Mar. 4</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>Window Closes</i>	<i>Mar. 16</i>



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

Bristol Bay Subsistence Regional Advisory Council

CHARTER

1. **Committee's Official Designation.** The Council's official designation is the Bristol Bay 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)), 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 evaluation 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 three members to the Lake Clark National Park and three members to the Aniakchak National Monument Subsistence Resource Commissions, 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.
 - i. Provide recommendations for implementation of Secretary's Order 3347: Conservation Stewardship and Outdoor Recreation, and Secretary's Order 3356: Hunting, Fishing, Recreational Shooting, and Wildlife Conservation Opportunities and Coordination with States, Tribes, and Territories. Recommendations shall include, but are not limited to:
 - (1) Assessing and quantifying implementation of the Secretary's Orders, and recommendations to enhance and expand their implementation as identified;
 - (2) Policies and programs that:
 - (a) increase outdoor recreation opportunities for all Americans, with a focus on engaging youth, veterans, minorities, and other communities that traditionally have low participation in outdoor recreation;
 - (b) expand access for hunting and fishing on Bureau of Land Management, U.S. Fish and Wildlife Service, and National Park Service lands in a manner that respects the rights and privacy of the owners of non-public lands;
 - (c) increase energy, transmission, infrastructure, or other relevant projects while avoiding or minimizing potential negative impacts on wildlife; and
 - (d) create greater collaboration with states, tribes, and/or territories.

- J. Provide recommendations for implementation of the regulatory reform initiatives and policies specified in section 2 of Executive Order 13777: Reducing Regulation and Controlling Regulatory Costs; Executive Order 12866: Regulatory Planning and Review, as amended; and section 6 of Executive Order 13563: Improving Regulation and Regulatory Review. Recommendations shall include, but are not limited to:

Identifying regulations for repeal, replacement, or modification considering, at a minimum, those regulations that:

- (1) eliminate jobs, or inhibit job creation;
- (2) are outdated, unnecessary, or ineffective;
- (3) impose costs that exceed benefits;
- (4) create a serious inconsistency or otherwise interfere with regulatory reform initiative and policies;
- (5) rely, in part or in whole, on data or methods that are not publicly available or insufficiently transparent to meet the standard for reproducibility; or
- (6) derive from or implement Executive Orders or other Presidential and Secretarial directives that have been subsequently rescinded or substantially modified.

At the conclusion of each meeting or shortly thereafter, provide a detailed recommendation meeting report, including meeting minutes, to the Designated Federal Officer (DFO).

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 \$155,000, including all direct and indirect expenses and 1.0 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 7, 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 of the Council and subcommittee meetings;
- (b) Prepare and approve all meeting agendas;
- (c) Attend all Council 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 the 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:

Ten 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 seven of the members (70 percent) represent subsistence interests within the Region and three 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. A vacancy on the Council will be filled in the same manner in which the original appointment was made. Members serve at the discretion of the Secretary.

Council members will elect a Chair, 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 DFOs approval, subcommittees may be formed for the purpose of compiling information and 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.** Records of the Council, and formally and informally established subcommittees of the Council, shall be handled in accordance with General Records Schedule 6.2, and other approved Agency records disposition schedule. These records shall be available for public inspection and copying, subject to the Freedom of Information Act, 5 U.S.C. 552.



Secretary of the Interior

DEC 01 2017

Date Signed

DEC 04 2017

Date Filed

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