



KODIAK/ALEUTIANS SUBSISTENCE  
REGIONAL ADVISORY COUNCIL  
Meeting Materials

*February 22 - 23, 2018*

*Kodiak*





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*On the cover...*

Intern working the Buskin River Sockeye Salmon weir. Funding for the weir comes from the Fisheries Resource Monitoring Program.



ADF&G photo by Mark Witteveen

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**KODIAK/ALEUTIANS SUBSISTENCE REGIONAL ADVISORY COUNCIL**

Best Western Kodiak Inn  
Kodiak

February 22-23, 2018  
9:00 a.m. daily

**TELECONFERENCE:** call the toll free number: 1-866-820-9854 , then when prompted enter the passcode: 4801802

**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 Reports
  - Chair’s Report
- 9. Public and Tribal Comment on Non-Agenda Items** (available each morning)
- 10. New Business** (*Chair*)

Agenda

- a. Call for Federal Fisheries Proposals (*OSM*) ..... 17
- b. Fisheries Resource Monitoring Program Updates and Discussion (*OSM*)..... Supplemental
- c. Call for Non-Rural Determination Proposals (*OSM*) ..... 20
- d. Approve FY2017 Draft Annual Report\* (*OSM*) ..... Supplemental

**12. Agency Reports**

*(Time limit of 15 minutes unless approved in advance)*

Tribal Governments

- Sun’aq Tribe of Kodiak Buskin Watershed Crayfish Status Report .....43

Native Organizations

Special Actions

USFWS

- Sea Otter Population Status/Updates (*Michelle St. Martin, USFWS*)
- Emperor Goose Subsistence Hunt Update
- Aleutian Bering Sea Islands Coastal Resilience Update (*Aaron Poe, USFWS*) .....45

ADF&G

- Buskin Sockeye Update .....47

USGS

- Earthscope/ANGLE Program (*Jennifer Witton, Anchorage School District*)

Marine Mammal Commissions and Boards (*Mike Miller, Juneau*)

OSM

**13. Future Meeting Dates\***

- Confirm Fall 2018 meeting dates and location .....60
- Select Winter 2019 meeting dates and location .....61

**14. Closing Comments**

**15. Adjourn** (*Chair*)

**To teleconference** into the meeting, call the toll free number: 1-866-820-9854, then when prompted enter the passcode: 4801802

*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 Karen Deatherage, 907-786-3564, karen\_deatherage@fws.gov, or 800-877-8339 (TTY), by close of business on February 16, 2018.

**REGION 3**  
**Kodiak/Aleutians Subsistence Regional Advisory Council**

<b>Seat</b>	<b>Year Apptd Term Expires</b>	<b>Member Name and Community</b>
<b>1</b>	2010 <b>2019</b>	<b>Antone Shelikoff</b> Akutan
<b>2</b>	2001 <b>2019</b>	<b>Patrick Holmes</b> Kodiak
<b>3</b>	2005 <b>2019</b>	<b>Richard Koso</b> Adak
<b>4</b>	2004 <b>2019</b>	<b>Samuel Rohrer</b> Kodiak
<b>5</b>	2017 <b>2020</b>	<b>Christopher Price</b> Unalaska
<b>6</b>	2014 <b>2020</b>	<b>Coral Chernoff</b> Kodiak
<b>7</b>	2014 <b>2020</b>	<b>Rebecca Skinner</b> Kodiak
<b>8</b>	1997 <b>2018</b>	<b>Della Trumble</b> King Cove
<b>9</b>	2000 <b>2018</b>	<b>Mitch Simeonoff, Sr.</b> Akhiok
<b>10</b>	2012 <b>2018</b>	<b>Melissa Berns</b> Old Harbor

**KODIAK/ALEUTIANS SUBSISTENCE REGIONAL ADVISORY COUNCIL**

September 26-27, 2017

Cold Bay, Alaska

Meeting Minutes

Meeting called to order at 9:00 a.m.

**Roll call**

A quorum was established with the following Council members present: Melissa Berns, Coral Chernoff, Tom Schwantes, Samuel Rohrer, Rebecca Skinner, Antone Shelikoff, Della Trumble. Rick Koso and Patrick Holmes participated via teleconference. Mitch Simeonoff absent (unexcused).

Agency Staff in Attendance

Karen Deatherage, Office of Subsistence Management (OSM), Anchorage  
Thomas Doolittle, OSM, Anchorage  
Thomas Evans, OSM, Anchorage  
Robbin La Vine, OSM, Anchorage  
Greg Risdahl, Izembek National Wildlife Refuge  
Leticia Melendez, Izembek National Wildlife Refuge  
Kelly Modle, LE, Izembek National Wildlife Refuge  
Glenn Chen, Bureau of Indian Affairs, Anchorage

Angela Simpson, City of Cold Bay  
Colton Lipka, Alaska Department of Fish and Game (ADF&G), Kodiak/Cold Bay  
John Arkley, Cold Bay

Teleconference Line

Mark Burch, ADF&G, Palmer  
Mark Witterveen, ADF&G, Kodiak  
Amy Witta, ADF&G, Anchorage  
Lisa Fox, ADF&G, Kodiak  
Chris Peterson, ADF&G, King Salmon  
Nate Svoboda, ADF&G, Kodiak  
Tom Rinaldi, ADF&G, Palmer  
Mike Brady, Kodiak National Wildlife Refuge  
Bill Pyle, Kodiak National Wildlife Refuge  
Orville Lind, OSM, Anchorage  
Carol Damburg, U.S. Fish and Wildlife Service, Anchorage  
Dan Sharp, Bureau of Land Management, Anchorage  
Tom Lance, Sunaq Tribe, Kodiak  
Rob Whitter United States Geological Survey, Anchorage  
Beth Spangler, United States Geological Survey, Anchorage  
Clarence Summers, National Park Service, Anchorage  
Kay Larson-Blair, Aleut Corporation



Joshua Ream, OSM, Anchorage  
Christine Brummer, OSM, Anchorage

### **Approval of Agenda**

Berns moved to approve the agenda. Seconded by Schwantes. Agenda was amended to add an update on the Unimak Island Caribou Herd under Agency Reports, and Board of Game Proposals under New Business. Berns moved to approve the agenda as amended, seconded by Schwantes and carried unanimously.

### **Approval of Winter 2017 Draft Minutes**

Schwantes moved to approve the minutes with the following corrections: (1) Fix typos for Port Lions, Lisa Hupp's name and Ouzinkie spelling. Seconded by Shelikoff and carried unanimously.

### **Council Member Reports**

*Rohrer.* The north and west side deer population got hit pretty hard this past winter. The south side is in somewhat better shape. There seems to be a lot of winter kills. I haven't heard of anyone participating in the Emperor goose hunt this spring. There have not been many permits picked up for the state hunt. Some people are unhappy about the one bird limit and the road system restriction.

*Berns.* There was a great salmon return with wonderful sockeye. The pink run was late but they did end up showing as people were fishing much later into August and September. There is also a good silver run right now. Bears are around harvesting fish and staying out of the village. The berry year was slow. A lot of sea otters are being seen and people are harvesting them, as well as seals and sea lion pups. Lots of people are using the hides for handicrafts. There was a great culture camp on Sitkalidak Island, with a focus on responsible harvesting and plants as food and medicine. There will be a salmon camp when I return. Old Harbor purchased a bison herd for Sitkalidak Island to provide an alternative meat source for the community. The locals are looking forward to harvesting deer and goats.

*Koso.* Subsistence has been doing well on Adak. There is plenty of fish and the caribou herd is doing well. There are still quite a few hunters coming in for caribou but they are harder to get on the north side of the island. I would like to bring up Board of Game Proposal 128 for caribou on Adak. Most of the Adak residents are in favor of it. We still need to have a survey done for caribou on the island.

*Holmes.* Adak should speak with Coast Guard in Kodiak to see if they can survey caribou. Folks did really well with subsistence, especially with the early opening up of the Buskin. The deer population is up from previous winters but may be down from last year's cold temperatures. Congratulations to the Sun'aq Tribe on their crayfish grant award, Chernoff for her work on migratory bird handicrafts and thanks to Berns on the seal meat donation back in February.

*Chernoff.* Not a lot of deer seen this year but there are lots of does with twins around town. There's also salmonberry die-off from the cold. There's not too much clam digging on Kodiak because of PSP (paralytic shellfish poisoning) issues. I was able to join Sun'aq on a clam dig for testing, and showed them which parts are eaten and which are discarded. PSP showed up in all samples. The Emperor goose hunt was limited due to the road system closure. We have not caught many King crabs, though Dungeness were plentiful. There didn't seem to be a big bird die-off like they had up north. The Sun'aq Tribe was awarded a grant to gather and study crayfish. ADF&G got 7 crayfish, the tribe captured 100 and my family got 45 from Buskin Lake.

*Schwantes.* There was an extremely hard winter last year with a lack of snow and cold temperatures. There were good returns of salmon to the Buskin and Pasagshak and subsistence users did well. The cold winter caused a lack of berries and the early King salmon runs were poor. There seems to be an increase in sea otters, especially on the north end of the Kodiak, and we are seeing a lot more sea otters in Women's Bay. On September 14th I counted what I feel is an early return of Emperor geese to Kodiak. There were 84 geese in Women's Bay.

*Shelikoff.* Emperor goose hunting has been challenging because people just found out and most think you can only take one bird. Humpies were getting up to the creek just last week. We don't get clams because Trident Seafoods puts wastewater in the Bay and the clams can't breathe and may be poisoned. There was a subsistence survey. We can send data into a website on the seabird die-off. The blueberries were good, but there were no salmonberries.

*Skinner.* Senator Dan Sullivan hosted a field hearing for the Magnuson-Stevens reauthorization this August in Soldotna. It's useful for this Council to be aware of this and possibly prepare for some significant changes. It was a bad salmonberry year in our area as well. There is excitement about the Emperor goose hunt opening. I participated in the Tribal/ANSCA Consultation conducted by OSM. Very few tribes and corporations were involved. There appears to be a general lack of knowledge about how tribes and corporations can be involved.

*Trumble.* Lisa Scarborough from ADF&G and others did work in February on subsistence uses in Sand Point, and were conducting household surveys in April. Risdahl spent some time in King Cove and worked with me on caribou subsistence permits. This had been done by Fish and Wildlife in the past, but I have been issuing them out of the King Cove Corporation office to assist. I hope to collect them at the end of the season and send them to the Refuge. I've also been working with Cold Bay outfitter Rod Schue to distribute caribou to 13 elders this year. We appreciate the relationship we have with Schue and other outfitters to help share food with our community. There was no snow this winter and the weather was cold for an unusual period of time. Without snowpack, the elders predicted there would be no berries and they were right. Blueberries were good but there were no salmonberries and very few moss berries. There were so many pink salmon and humpies in False Pass and King Cove you could walk on fish.

Evans inquired about the ptarmigan decline and any new observations. Holmes responded that local observations show no improvement. Residents are curious if eagles were impacting the population. Shelikoff reported that sporthunters were shooting ptarmigan and trying to give

them to local people. The locals won't eat them because the meat is like swiss cheese. Shelikoff would like to see a sporthunting closure to allow the ptarmigan to rebuild.

### **Service Awards**

Doolittle presented Berns (5 years) and Trumble (20 years) awards for service on the Kodiak/Aleutians Subsistence Regional Advisory Council. The right to use the artwork for Trumble's award was graciously donated by Nichole Gould, a seventh grader from King Cove.

### **Public Comment**

John Arkely from Cold Bay testified on swans in Unit 9D. He questioned why no hunting was allowed in this Unit when it was permitted in other areas nearby. Arkely also inquired about the status of the Unimak Island caribou herd, its current population and when a subsistence hunt might be opened again. He remarked that more law enforcement was needed. Trumble told Arkely that agency representatives would be able respond to his questions during agency reports.

### **New Business**

#### *Wildlife Regulatory Proposals*

WP18-20 – Evans presented the OSM analysis on this proposal submitted by Council requesting that the harvest limit for caribou in Unit 9D be changed from 1 bull to 1 caribou and that the fall harvest season be extended from August 10-September 20 to August 1-September 30. Evans remarked that most Federally qualified subsistence users hunt caribou in this unit under a State registration. The OSM preliminary conclusion is to support WP18-20 with modification to remove the unit specific regulations referencing quotas and closures and delegate authority to announce quotas and any needed closures via a delegation of authority letter only. ADF&G supports the proposal as the harvest has been lower than anticipated. Risdahl expressed concern over population growth and suggested a 2 caribou limit. Peterson remarked that there is a proposal in to the Board of Game (BOG) to increase harvest limits based upon harvestable surplus.

Schwantes moved to support WP18-20 with modification to allow two caribou by Federal registration permit and to allow the Refuge to close the season if necessary. Seconded by Berns. The Council had a lengthy discussion with agency staff regarding ongoing concern for the herd, the lack of population studies, the lack of a biologist at Izembek and online harvest reporting. Simpson testified about the lack of a biologist and limitations of caribou population modelling. Risdahl explained the actual population estimates and current sample size. He also stressed the Refuge's priority for hiring a biologist, pending funding. Melendez discussed the online reporting system. Peterson explained that the BOG proposal was based on harvestable surplus to prevent overharvest but gives ADF&G the opportunity to increase the harvest if needed.

Angela Simpson from Cold Bay testified about her concern with estimated populations and the need for hard numbers. Risdahl shared population sampling information as well as actual counts and how they were used to determine surplus.

Skinner asked about simplifying permits by putting the hunt under a State registration system. Trumble remarked that the Delegation of Authority was a good tool to use to prevent overharvest. The Council agreed to table the proposal until they heard BOG Proposal 126 to further liberalize the caribou hunt in Unit 9D.

Schwantes withdrew the motion, concurred by Berns.

WP18-51 – Evans presented the analysis on WP18-51, a statewide proposal submitted by the Eastern Interior Alaska Subsistence Regional Advisory Council, which requests that bear baiting restrictions be aligned with State regulations, specifically the use of biodegradable materials. The OSM preliminary conclusion is to support WP18-51 with modification to establish a definition for scent lure and clarify the regulatory language. Evans clarified that the new regulation would allow for hunters to use non fish and wildlife materials, i.e., dog food, as bait.

Peterson stated that ADF&G supports WP18-51 to expand the definition of bait as it would simplify enforcement and reduce regulatory authority. Risdahl said that bear baiting is currently not permitted in this region. Deatherage read a summary of 3 written comments opposing WP18-51 from the public, largely citing food conditioning of bears which could increase human-bear conflicts. Skinner expressed concerns about using scent lures. Rohrer stated that this regulation would only apply to those areas where the practice is permitted, and that traditionally the Council does not comment on proposals that don't impact the region.

Rohrer motioned that the Council take no action on WP18-51. Seconded by Skinner and passed unanimously. The Council recognized that WP18-51 only applied to Federal areas where bear baiting is permitted. Bear baiting is currently not permitted on any Federal lands in Region 3. The Council rarely comments on proposals that do not impact their region.

### *Alaska Board of Game Proposals*

Deatherage presented the Alaska Board of Game (BOG) proposals relevant to the Kodiak/Aleutians Region.

Proposal 4 requests that definition of “edible meat” for cranes, geese and swan be expanded. Council members generally agreed that this proposal would help reduce waste and make state regulations consistent with Federal regulations. They also understood the extra burden on sporthunters, increased likelihood of violations, and that the fall sport hunt is very different from subsistence hunting. One public member opposed this regulation because of the burden to sporthunters who would need to carry all parts of multiple birds for several miles. Skinner moved to take no action on Proposal #4. Seconded by Rohrer and carried unanimously.

Proposal 41 requests an exemption for rural subsistence hunters from waterfowl conservation tags and Federal duck stamp purchase requirements. Some Council members expressed concern that there are no jobs in rural Alaska, and purchasing conservation tags and duck stamps is a financial burden. Skinner was interested in data tracking for fees. Rohrer remarked that hunters under 18, over 60 or financially unable to purchase either of these tags are currently exempt under



State regulations. He supported the idea of purchasing stamps if you are able for improved harvest reporting. Schwantes moved to take no action on Proposal 41. Seconded by Chernoff and carried unanimously.

Proposal 43 requests the taking of Emperor Geese by proxy hunting. The Council believes that proxy hunting for Emperor geese should be allowed so that elders who are unable to hunt have the opportunity to eat a long standing traditional bird. One Council member did not support proxy hunts for Emperor geese until the results of the new hunting regulations were completed. Another Council member commented that the Council may wish to take up the issue of a proxy hunt at the Federal level by approaching the Kodiak Group of the Alaska Migratory Bird Co-Management Council. Schwantes moved to send comments to the BOG supporting Proposal 43. Seconded by Koso and carried with one “nay” vote.

Proposal 126 requests increasing the bag limit for Southern Alaska Peninsula (SAP) caribou herd in Unit 9D in response to harvestable surplus. While the Council members appreciated ADF&G’s adaptive approach to control herd growth, they believed too many animals were being allotted to non-residents. Several members, along with OSM staff, expressed concern that the herd had not yet reached the lower end of the population objective. This population has undergone wide fluctuations in the past and consideration should be given to its history, as well as herd growth potential with or without predator control and hunting cessations. Schwantes and Rohrer introduced a modification for the proposal which would retain the adaptive approach of ADF&G but lower the harvest allotted to non-residents as follows:

- If harvestable surplus is > 150: Resident – 2 caribou, Non-Resident 0*
- If harvestable surplus is > 250: Resident - 3 caribou, Non-resident 1*
- If harvestable surplus is > 450: Resident – 4 caribou Non-resident 2*
- If harvestable surplus is > 550: Resident & Non-Resident To be discussed.*

Schwantes moved to send comments to the BOG supporting Proposal 43 as amended. Seconded by Rohrer and carried unanimously.

Proposal 128 requests the harvest of any caribou in Unit 10, Adak Island with no limit and no closed season. This proposal is supported by local residents and does not appear to cause conservation concerns for the caribou herd on Adak. Most locals go after caribou for the meat and are not necessarily looking to hunt large bulls. ADF&G remarked that this proposal would allow for the take of more cows and address suspected herd growth. Council members did express concerns over the lack of recent surveys for caribou on the island. Koso moved to send comments to the BOG supporting Proposal 43. Seconded by Shelikoff and carried unanimously.

Proposal 53 requests a re-evaluation of the C&T use finding for migratory birds statewide and establish the amount necessary for subsistence (ANS) for ducks, geese, swan, snipe and cranes. The Council did agree that C&T should be evaluated for ducks, geese, swan, snipe and cranes, but was concerned about the extensive process for establishing ANS. Schwantes moved to take no action on this proposal. Seconded by Rohrer and carried with two opposed.

*Wildlife Regulatory Proposals (continued)*

WP18-20 resumed – Schwantes moved to support 18-20 with modification to change the harvest limit from 1 bull to 1 caribou, and give Delegated Authority to the refuge manager to establish and announce quotas. The Unit 9D caribou harvest would be set at a limit of 1-4 caribou, based upon conservation concerns and harvestable surplus, with seasons of August 1-September 30 and November 15-March 31 by Federal registration permit for Federally qualified users only. Seconded by Skinner.

The Council appreciated ADF&G's plan to protect habitat and respond to potential herd growth via adaptive management. The Council disagreed with the non-resident take under the BOG Proposal #126 and is preparing comments reflecting these concerns to the BOG. The Council believes the Refuge Manager will work closely with ADF&G and local communities to ensure that quotas and closures are set to conserve the herd. The Council also discussed changes to the designated hunter provision and ultimately decided the current limit of two per day was sufficient.

The motion carried unanimously.

#### *Fisheries Resource Monitoring Program*

La Vine gave an overview of the FRMP, including the projects received and their relationship to the Council's Priority Information Needs (PIN). Based on proposals, LaVine remarked that the Council did very well with respect to its PINs and projects submitted for awards. Skinner said that the Buskin River weir is very important to Kodiak, and that Unalaska projects were also needed. She noted there is value in having data year after year. Koso and Skinner expressed support for Unalaska projects. Skinner was disappointed the proponents for Proposal 18-401 for Oglala and Akalura Lakes did not document reaching out to Simeonoff and Akhiok for this project. Trumble asked that the Unalaska project be ranked as #2 versus #3.

#### **Tribal Governments/Native Organizations**

Sun'aq Tribe - Tom Lance spoke on behalf of Sun'aq Tribe regarding the recent Tribal wildlife grant award of \$200k to study crayfish in the Buskin watershed. The project will include a robust isotope analysis, population studies, and radio tagging. Lance expressed appreciation for support from OSM, U.S. Fish and Wildlife Service, Sea Grant, Kodiak Soil and Water Conservation District, and the U.S. Coast Guard. The project is expected to last 2.5 years.

#### **Agency Reports**

##### *U.S. Fish and Wildlife Service*

Kodiak National Wildlife Refuge - Pyle gave an update on activities listed on the Refuge written report provided to the Council. Holmes said he appreciated the previous outreach from the Refuge to the community and would like them to get a subsistence biologist and Refuge

Information Technician back on the payroll. Holmes expressed concerns about bear/human interactions and cub survival due to the lack of berries. Chernoff mentioned the partnership with the Refuge to do a migratory bird and Alutiiq culture workshop with an emphasis on conservation, crafts and migratory bird calendar entries.

Alaska Maritime National Wildlife Refuge- Webber reported that the Refuge had an excellent year working with partners in the Aleutian/Pribilof region on WWII events, including the Attu Island anniversary. Activities occurred at Funter Bay which had been used as an internment camp for Pribilof residents. Steve Delahanty and Karen Clark attended on behalf of USFWS to remember the suffering of the people who were sent there. Greg Siekaniec, USFWS Regional Director, issued a formal apology to the people on Saint Paul in June. In August, there were trips to Kiska and Attu with family members who had survived the events. The Refuge also had excellent participation in culture camps at Sand Point, the Pribilofs and Unalaska. Trumble said her niece attended the Funter Bay event. Trumble's mother was 6 years old when she was removed. The Refuge continued its participation in the Pribilof Islands and Rural Seabird Youth Network at Sand Point and Unalaska. Webber updated information on the seabird die-off's which are largely being attributed to starvation. Toxins have been ruled out. Holmes asked Webber to send him additional historical information on WWII in the Aleutians.

#### *United States Geological Survey*

Earthscope/ANGLE Program - Whitter from the Alaska Native Science and Engineering Program (ANSEP) presented information on the ANGLE program, which is designed to help communities respond to geohazards. This is a nationwide program where earthquake activity sensors are placed and monitored by communities. Berns shared that the Old Harbor Tribe received a FEMA grant to document the oral history from the 1964 earthquake and tsunami to help prepare residents for an event in the future. Berns indicated she will share this information to the FEMA grant manager. Rob asked that people share the information on this program far and wide. Skinner stated there was interest from the Kodiak Borough Assembly and asked that outreach be expanded to municipalities. Whitter said the project aims to get feedback on how emergency preparedness relates to everyday life and how can the ANGLE program be beneficial, including for subsistence. There will be workshops in Kodiak, Anchorage and possibly the Southeast. Deatherage was asked to send Witter Holmes' email and to distribute Whitter's PowerPoint to the Council via email.

#### *Alaska Department of Fish and Game*

Buskin River - Witterveen presented an update on Sockeye Salmon in the Buskin watershed. Holmes congratulated ADF&G on their intern program and inquired about the forecast. Witterveen responded that they were still analyzing data but expect a typical strong return with good size diversity next year.

Unit 8 Wildlife – Nate Svoboda gave a report on Kodiak wildlife. The brown bear harvest for Fall, 2016 was 73 bears; 45 male, 28 female. There were no bears harvested under subsistence regulations. In the spring 2017, 118 brown bears were harvested; 93 male, 25 female. Two bears were taken under subsistence permits. The 2017 non-sport mortality was 13 bears, of

which 7 were Defense of Life and Property, 5 natural deaths and 1 male killed by troopers. Long term bear reproduction and survivability research on Sitkalidak Island is continuing, with support from Old Harbor Native Corporation, Dallas Safari Club, and the Kodiak Brown Bear Trust. The 20 year project is in its 10<sup>th</sup> year. Thirty-one females were collared for monitoring, with 56 dependent cubs (6 months to 2.5 years) to 18 females. Mean reproductive rate is 1 litter every 4 years. This low sample size shows 2.9 cubs per litter. Survival rates by age are 85% for 6 months to 1 year; 93% for 1 to 1.5 years, 100% for 1.5 to 2 years, 81% for 2 to 2.5 years; 96% 3-3.5 years and about 100% after that. We are currently monitoring 13 bears, but would like to see that up to 20-30 animals.

Afognak research staff includes 4 native corporation youth and an intern from the Sun'aq Tribe. The 5 year study is looking at impacts of timber harvest on elk and bears. Bears (79) and elk (43) were handled, with most weighed. The average weight for female spring bears was 400 lbs., for males it was 526 lbs.

Deer – Over 8000 deer were harvested, mostly females, and represented the highest harvest since the late 1990's. The population is still robust despite the large winter deer kill.

Elk – Hunters took 86 elk on Roosevelt Island, the highest harvest since the 2008/2009 season. ADF&G would like to see increased cow harvests in the Raspberry and Southwest Afognak areas to reduce populations. There is an increasing elk population of 1,000-1200 animals. Cow/calf ratio is 21/100. The bull/cow is 16/100 which is decent. ADF&G is investigating winter and logging impacts with elk collaring and monitoring. There is good distribution with 8 herds on 2 islands. The average spring weight for cows is 584 lbs., for bulls its 703 lbs.

Mountain goats – The harvest was 315 goats with 210 billys and 104 nannies. Overall the population is growing and there is an interest in increasing the harvest to 2 goats. Kodiak is becoming a goat hunting hotspot with 3,254 goats island-wide. This is a robust and growing population showing an increase of 500 goats with 25 kids/100 adults.

Furbearers – Harvest for the 2016/17 season was 30 beaver and 120 land otters. Mink are continuing to show up on Long Island and the north road system, which is causing some concern.

Caribou – This season had the largest harvest on record of 46 caribou with 28 bulls and 18 cows. Normal harvest is around 20 animals. The population is stable to slightly increasing and currently at 350-400 animals.

Bison are no longer under ADF&G jurisdiction.

Chernoff inquired about the bear population status and how they are derived. Svoboda responded that bears on the road system are reported by a group. Svoboda explained the differences between biological and social capacity, the social being lower on the road system. A registration hunt is in place to help reduce conflicts. Skinner remarked on the impacts of berry diets and the recent poor berry season. Svoboda responded that bears are opportunistic and ADF&G is not currently concerned about low berry years.



Rohrer asked about the carrying capacity of goats on Kodiak, and Svoboda responded that this was unknown until there was an understanding of seasonal resource use and habitat capacity. The goat population has experienced exponential growth in recent years.

McLees Lake – Colton Lipka gave an update on the McLees Lake weir. Lipka is with the ADF&G, Commercial Fisheries Division and project leader for the weir. The project was initiated with the USFWS and Qawalangin Tribal Corporation. Escapement goals start at 8600, and average return has been 31k fish. The 2017 escapement was 13k with later than average run timing. ADF&G issued an emergency order prohibiting subsistence fishing July 1-22 closer than 500 yards offshore to allow for escapement. An FRMP proposal was submitted to continue funding the weir. Holmes asked about community harvest permits to take pressure off the beach. Lipka said a community harvest permit was not approved. Skinner inquired about impacts from the potential loss of a weir at McLees. Lipka responded that although ADF&G could use aerial surveys, they are less precise which would force a more conservative take. Trumble asked for justification for the study. Lipka responded that the study allows for season management to ensure no overharvest and no over-escapement. It also provides a valuable indication of ecosystem health. Skinner remarked that weirs and weir counts were critical for real time inseason management and has an impact on subsistence. She was disappointed that the FRMP Technical Review Committee (TRC) comments for the McLees Lake weir did not address the relationship with the Qawalangin Tribe. There is a huge percentage of subsistence harvest coming from this lake.

*USFWS (continued)*

Izembek National Wildlife Refuge - Greg Risdahl, Refuge Manager, presented an update on Refuge activities, including changes to the caribou hunt. Last year there were 7 caribou harvested of the 75 permits issued for the SAP herd. This year there is no subsistence quota. People can have as many permits as they need. The State harvest was 40 caribou. The Refuge could not conduct a winter caribou count because there is no biologist. ADF&G did a sample survey that observed 1442 caribou in the SAP herd with a bull/cow ratio of 49/100 and calf/cow ratio of 38/100. October flights observed 258 caribou on Unimak, with a bull/cow ratio of 32/100 and calf/cow ratio of 40/100.

Brant surveys show juvenile estimates increased to 17.1 versus 12.9 in 2015. The population is doing well. More and more birds are wintering on Izembek Lagoon, but they are now coming from the Arctic versus the Yukon Delta, which was a traditional nesting place for brant. Climate appears to be driving these changes but the Refuge needs baseline data to be able to identify trends. The Refuge is experiencing a lack of snow cover, warming climate and a huge crowberry die-off.

Schwantes asked why there wasn't a Unimak Island caribou herd survey. Risdahl explained that there was no biologist in place due to staff departures, but the hiring process for a GS-9 or GS-11 biologist was submitted. Koso asked about wolves on Unimak. Crowley responded that not a single wolf was seen during the ADF&G Unimak surveys. Risdahl remarked that moose population estimates in Unit 9D were unknown, but that moose were being seen. Emperor goose harvest is perceived to be negligible. Council members expressed concerns over the lack of staff

and turnover. Risdahl explained that it was difficult to garner interest for long term residency in Cold Bay. He recommended Trumble speak with Julian Fischer at UFSWS regarding resident swans. Risdahl reported that ptarmigan numbers appear to be down, likely due to road hunters. There are more hunters in the area and lots of interest. Risdahl highlighted information in the Refuge report, including parasite research with USGS for avian influenza and bear surveys showing roughly 281 bears, which is considered healthy. On Unimak Island, 137 bears were observed, with the number of single bears decreasing by 27%. In Unit 9D the majority of bears are harvested in the Fall, mostly by non-residents. On Unimak, most bears are taken by residents with only 37% by non-residents, which isn't unusual given that it's a draw hunt. We are monitoring stream water pH, dissolved oxygen, and conductivity. Water temperatures in the Izembek Lagoon are being monitored by UAF and the Sealife Center. These temperatures are 10 degrees warmer than any time in the past.

Unimak Caribou - Peterson explained that the Unimak herd was small with a population objective of 1,000 animals. During the last couple of years they have exceeded bull/cow ratio goals of 35/100 as well as the calf/cow ratio of 25/100. The herd is rapidly growing. If the population reaches 500 ADF&G can consider a limited hunt. If it reaches 1,000 ADF&G is mandated to provide a hunt. Peterson reported a current herd estimate of 300 animals. The older cows are dying and the younger cows are producing. The current Amount Necessary for Subsistence for the Unimak and SAP herds is 100-150 caribou. The state issued 80 general hunt permits (resident and non-resident) for the SAP herd with only 40 animals harvested. They are also issuing bear permits and a vegetation survey is forthcoming. Peterson said the herd grew from 230 to approximately 330 animals last year. ADF&G will conduct their fall count in October. Deatherage will get fall survey results from ADF&G and forward to the Council.

Schwantes moved to submit a Wildlife Special Action request to create a Federal subsistence hunt on Unimak Island for a limited harvest of bulls based on conservation concerns and harvestable surplus. Seconded by Rohrer. Risdahl stated that Izembek Refuge would support the proposal. Peterson asked that the Council base their request on numbers and trends, and that ADF&G would be neutral due to the current low population. Holmes stated that he was uncomfortable with a hunt and recommended limiting it to False Pass residents only. Peterson remarked that ADF&G would want a higher bull/cow ratio and 500 animals prior to opening up a State hunt. Skinner asked that up to 10 permits be issued, dependent upon fall survey results. Doolittle confirmed that a Federal registration hunt could occur with a quota system and that a community harvest can be issued out of False Pass. Motion carried unanimously.

#### *Office of Subsistence Management*

Doolittle gave an update on staff changes and vacancies, including his own new position as Deputy Assistant Regional Director of OSM. Doolittle shared his history with the Council and his desire to help subsistence users when possible.

#### *USFWS (continued)*

Izembek National Wildlife Refuge - Leticia Melendez presented the upcoming Migratory Bird calendar call for submissions. Outreach includes adjacent communities in King Cove, False

Pass, Nelson Lagoon and Sand Point. Home school entries will also be allowed. Kids were asked to fill in the blank for “migratory birds bring me.” Melendez read some of the heartfelt responses. The theme for the 2019 calendar is Birds Bouncing Back, Conservation Works. Entries should be submitted to the Refuge where there will be winners selected, manager choices and then a statewide contest. Chernoff thanked Melendez for her involvement.

### **Annual Report**

The Council elected to include the following issues in their FY 2017 report: 1) Staffing and retention at Izembek National Wildlife Refuge, particularly a biologist to conduct caribou surveys (2) the need to meet in different communities in the fall with a desire to hold winter meetings in Kodiak, 3) an RIT and subsistence biologist in Kodiak, 4) the need to change the spring season for Emperor Goose to an earlier time when the birds are present (the Council will propose this to the Kodiak AMBCC), (5) improved outreach for the Tribal/ANSCA Corp consultations, (6) Training for new Council members (7) Thank the agencies for their reports, prioritize having Emperor Goose updates to the Councils, requests for written reports/materials prior to the meeting and requests for in-person vs. telephonic agency representation (8) increased law enforcement for the Peninsula, 9) Sea otter predation, invite a Sea Otter Commission member to speak to the Council along with having presentations on sea otter populations. It's a continued issue of concern for people and shellfish harvesters from Larson Bay, Ouzinkie, and Port Lions have to travel further to get their subsistence needs met. There also needs to be shellfish predation research in Women's Bay.

### **Future Meeting Dates**

*Winter 2018 Meeting.* Schwantes moved to hold the meeting February 27-28 or March 13-14, whichever dates are not selected by the Bristol Bay Council. Seconded by Koso and carried unanimously.

*Fall, 2018 Meeting.* Schwantes moved to hold the meeting September 19-20 in Sand Point. Seconded by Koso and carried unanimously.

### **Closing Statements**

*Trumble.* Thanked Izembek staff and participants. Thank you to Karen and to Council members for being there.

*Skinner.* Enjoyed coming out to Cold Bay and learning about the Refuge.

*Koso.* Apologized for not making the meeting, but that it was a great one and thanked all members.

*Berns.* Expressed her appreciation for coming to Cold Bay. Her grandfather came here with USFWS and her dad grew up in Cold Bay. She would like to see the study map for the Maritime Refuge presentation. The Earthscope/ANGLE report was good to see, particularly the other earth stations. Would like to see an answer to the 9D swan hunt issue as well as ptarmigan

population concerns addressed. Appreciated Risdahl information on the mule deer survivability study.

*Holmes*. Thanked Trumble for chairing the meeting. Considers this the best Council ever and appreciated the good Federal and State input.

Schwantes moved to adjourn the meeting. Seconded by Koso and carried unanimously  
I hereby certify that, to the best of my knowledge, the foregoing minutes are accurate and complete.

September 27, 2017

/s/  
*Karen Deatherage, DFO*  
*Office of Subsistence Management, USFWS*

/s/  
*Della Trumble, Acting Chair*  
Kodiak/Aleutians Subsistence Regional Advisory Council

These minutes will be formally considered by the Kodiak/Aleutians Subsistence Regional Advisory Council at its next meeting, and any corrections or notations will be incorporated in the minutes of that meeting.





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](http://www.regulations.gov):**

1. Connect to [www.regulations.gov](http://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.”

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**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](mailto: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](http://www.doi.gov/subsistence/index.cfm) or by visiting [www.facebook.com/subsistencealaska](http://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](mailto: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)<sup>1</sup> 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

<sup>1</sup> 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.

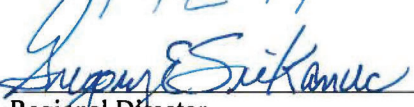
Table 2. General Process Timeline Comparison with other Cycles

Wildlife & FRMP Cycle	Fishery Cycle	Dates	Board or Activity	Proposed Nonrural Determination Cycle		
		Council Cycle			Even Years	
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			
		December		4	Finalize Threshold presentations for the Board	
		January	Board Meeting	5	Odd Years - Board determines which proposals meet the threshold requirements	
	Fishery Review Cycle	Wildlife 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	Wildlife Review Cycle	April July	Board Meeting	7	Even Years Analysis Review	
		August September October November	Fishery Proposal Review			
	December		8	Finalize Nonrural Determination Analyses		
	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: 1/12/17

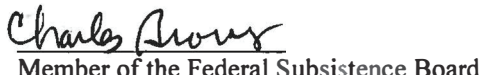
  
Regional Forester  
USDA Forest Service  
Date: 1/12/17

  
Regional Director  
National Park Service  
Date:

  
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](http://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](mailto: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](mailto: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](http://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](http://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<sub>2.5</sub> 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<sub>2.5</sub>) 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](mailto: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](mailto: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

- 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 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 Bodenberg 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.*

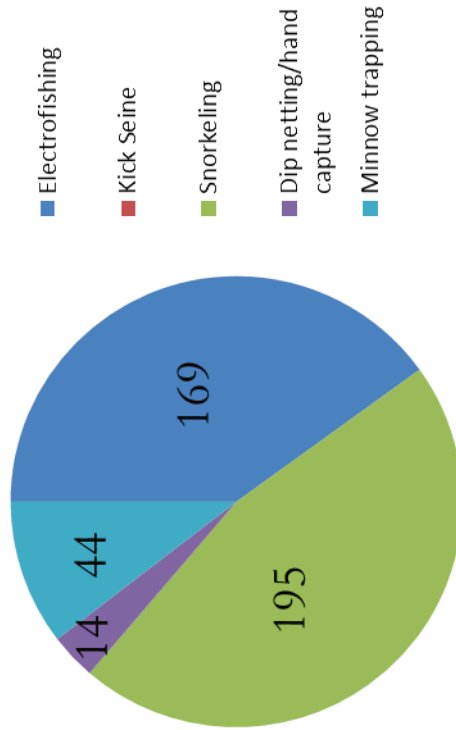
[FR Doc. 2015–27996 Filed 10–30–15; 8:45 am]

**BILLING CODE 3410–11–4333–15–P**

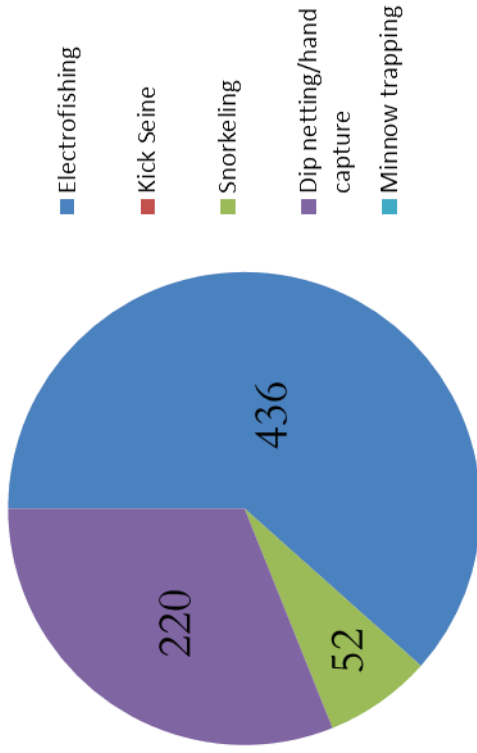


Sun'aq Tribe of Kodiak Buskin Watershed Crayfish Status Report

2016 Results



2017 Results



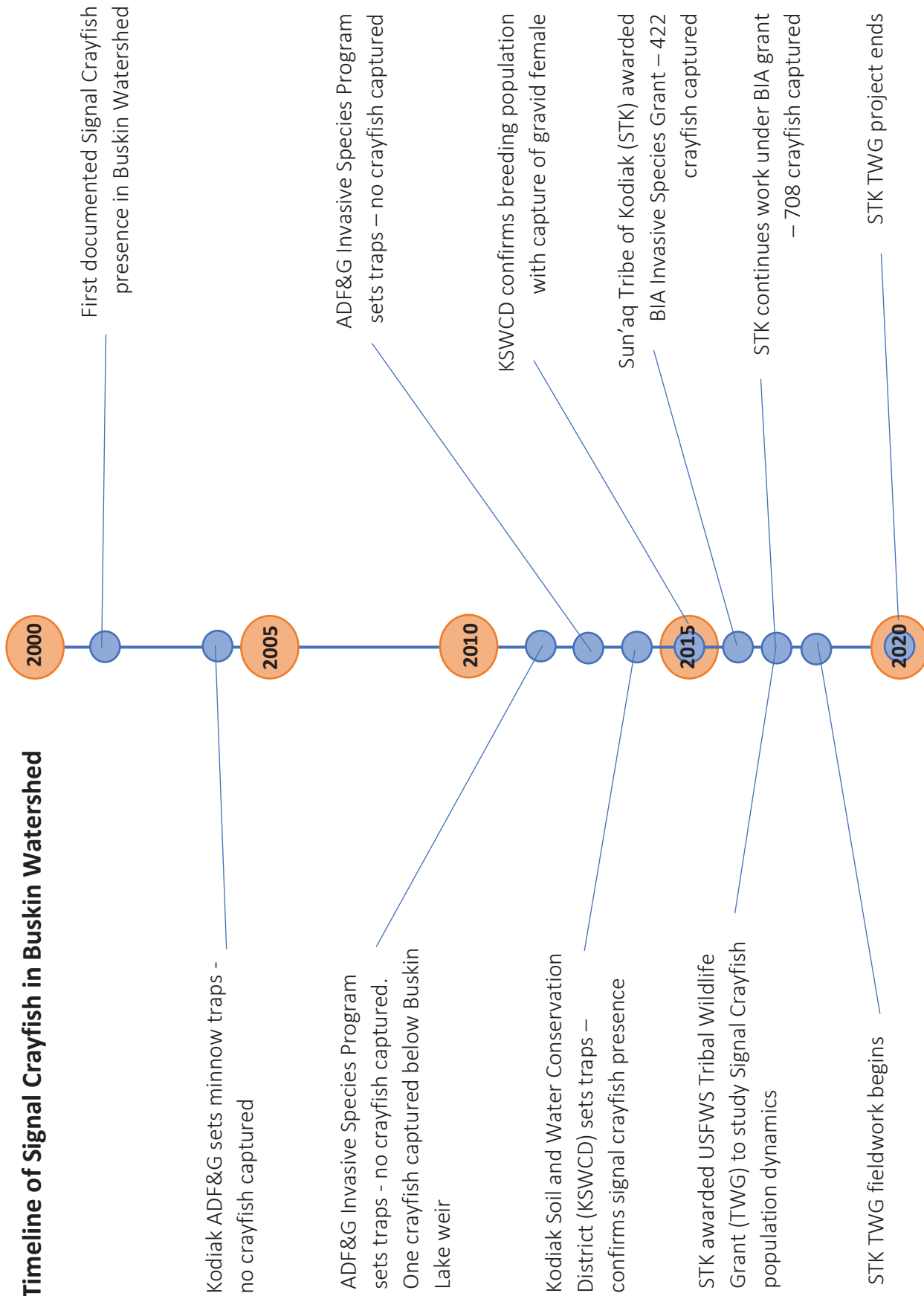
Method	# Captured
Electrofishing	169*
Kick Seine	0
Snorkeling	195
Dip netting/hand capture	14
Minnow trapping	44
<b>Total</b>	<b>422</b>

Method	# Captured
Electrofishing	436*
Kick Seine	0
Snorkeling	52
Dip netting/hand capture	220
Minnow trapping	0
<b>Total</b>	<b>708</b>

\*Same distance of lakeshore fished each year

Contact: Kelly Krueger, Tribal Biologist, Sun'aq Tribe of Kodiak  
 Email: [kkrueger@sunaq.org](mailto:kkrueger@sunaq.org), Phone: 907-486-4449

## Timeline of Signal Crayfish in Buskin Watershed



Contact: Kelly Krueger, Tribal Biologist, Sun'aq Tribe of Kodiak  
Email: [kkruieger@sunaq.org](mailto:kkruieger@sunaq.org), Phone: 907-486-4449

## Working Together to Help Alaska's Imperiled Coastal Communities

### A Collaborative Approach for Climate Change Adaptation

#### CONNECTING COASTAL LEADERS

In Alaska, changes in snow, ice, and weather, have resulted in risks to human lives, infrastructure damage, threats to valuable natural resources, and disruption of hunting, fishing, and livelihoods.

Leaders from the Aleutians to the Chukchi Sea came together for a series of Coastal Resilience and Adaptation Workshops, spearheaded by three Landscape Conservation Cooperatives and the Aleutian Pribilof Islands Association. Tribal leaders, resource managers, community planners, and scientists explored strategies to adapt to these unprecedented changes.

The workshop series brought together

18 Organizing Partners

52 Tribes

16 State & Federal Agencies

300+ Participants

to meet in 5 regional hubs in Alaska

Kotzebue  
Nome  
King Salmon  
Unalaska  
Ketchikan



Storm Damage and Erosion in the Native Village of Shishmaref  
Photo Credit: Shishmaref Erosion and Relocation Coalition

"AT THE WORKSHOP IT WAS INVALUABLE TO HAVE TRIBES, AGENCIES, AND SCIENTISTS AT THE SAME TABLE TO TALK ABOUT THESE PRESSING ISSUES."

VERNER WILSON III, DIRECTOR OF NATURAL RESOURCES,  
BRISTOL BAY NATIVE ASSOCIATION

#### TOGETHER WE CAN...

- Reduce risk to human lives
- Mitigate disaster impacts
- Leverage government resources to support local decision-making
- Enhance collaboration among tribes & government agencies
- Protect Alaska's cultural heritage
- Enhance vitality of hunting & fishing resources

#### WORKSHOP OUTCOMES

- Toolkit of resources and AdaptAlaska.org to share information and build diverse networks
- Leveraged four new job positions to work with partners on several key next steps
- Several communities working with the state to initiate Small Community Emergency Response Plans
- Formation of two regional climate adaptation task forces in Bristol Bay region and Kotzebue

"UNDERSTANDING RISK AND THE RESOURCES AVAILABLE TO ADAPT IS ESSENTIAL FOR COMMUNITIES TO TAKE CHARGE OF THEIR FUTURE AND INCREASE RESILIENCE."

SALLY COX, LOCAL GOVERNMENT PLANNER, ALASKA DEPARTMENT OF COMMERCE, COMMUNITY, & ECONOMIC DEVELOPMENT



Workshop participants in King Salmon discuss local adaptation strategies  
Photo Credit: Adapt Alaska



#CoastalChangeAK @northlatitudes

Major funding provided by Bureau of Indian Affairs through the Aleutian Pribilof Islands Association and U.S. Fish & Wildlife Service through Alaska's Landscape Conservation Cooperatives. Key organizing partners: Alaska Sea Grant, Alaska Ocean Observing System, Bristol Bay Native Association, Central Council of the Tlingit and Haida Indian Tribes of Alaska, Southeast Alaska Tribal Ocean Research, Kawerak Inc., Maniilaq Association, Northwest Arctic Borough, and Qawalangin Tribe.

#### ADAPT ALASKA COALITION

Following the workshops, participants and organizers formed the Adapt Alaska Coalition to continue working together on cross-cutting climate change adaptation strategies.

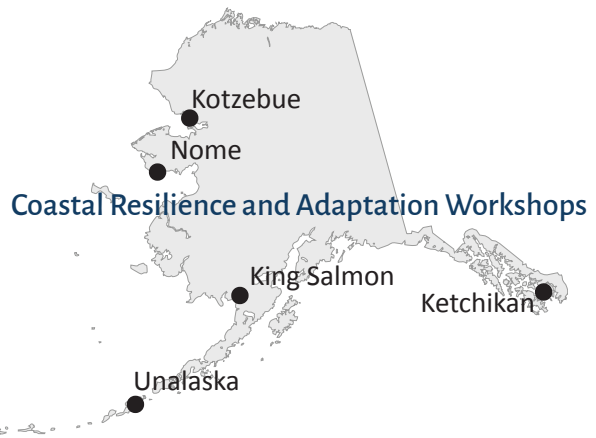


Adapt Alaska creates a space for discussion between communities, tribes, agencies, and nonprofits to enable communities to adapt to rapidly changing landscape, ocean, and climate conditions across Alaska. The website will:

- Provide a synthesis of ongoing environmental change in Alaska.
- Provide tools for monitoring, mitigation, and adaptation solutions.
- Provide a platform for communities to share their stories with other Alaskans.
- Act as a portal leading the user to external web resources on coastal resilience in Alaska.

Adapt Alaska emerged in 2016 out of a collaborative effort on the part of agencies, researchers, tribes, and nonprofits during four coastal resilience and adaptation workshops in western Alaska and a climate adaptation planning-workshop in Southeast Alaska. Over 300 decision makers from 52 tribes and 16 state and federal agencies participated in regional workshops. Workshop facilitators and participants:

- Identified several key challenges facing local stakeholders.
- Catalogued local science and information needs.
- Discussed potential adaptation strategies.



The Adapt Alaska community will continue to sustain the effort by:

- Find synergies among community planning efforts.
- Provide recommendations on integrating scientific and traditional knowledge.
- Use stakeholder-identified information needs to inform coastal science priorities.
- Continue planning additional coastal resilience workshops, and expand the effort into interior Alaska.

[adaptalaska.org](http://adaptalaska.org)



Western Alaska LCC



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**Alaska Department of Fish and Game Report to the Kodiak-Aleutian Islands Subsistence Regional Advisory Council: Update through December 31, 2017 on the Buskin River Sockeye Salmon Fishery and Stock Assessment Project**

**By  
Mark Witteveen**

**December 2017**

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**Alaska Department of Fish and Game**

**Division of Sport Fish**



**PROGRESS REPORT**

**INTRODUCTION**

The Buskin River drainage, located on Kodiak Island approximately 2 miles southwest of the city of Kodiak, traditionally supports the single largest subsistence salmon fishery within the Kodiak/Aleutian Islands Region. The fishery occurs in nearshore marine waters adjacent to the river mouth and targets several species of salmon, although sockeye salmon typically comprise about 80% of the total subsistence harvest (Table 1). Between 2012 and 2016, federally qualified subsistence users harvested an average of 4,551 Buskin River sockeye salmon, which accounted for 21% of the total sockeye salmon harvest reported for Kodiak Island (Table 2). During 2008 and 2009, low sockeye salmon escapement on the Buskin and closure of the subsistence fishery prompted subsistence users to fish elsewhere, however, participation and harvests have increased significantly since then, corresponding with rebounding sockeye salmon returns to the Buskin Drainage (Table 3). Historically, 40 to 50% of the sockeye harvest in the Kodiak area has come from the Buskin fishery and half of all permit holders in the region report fishing the Buskin area.

**Table 1.- Buskin River drainage reported subsistence salmon harvest by species, 2012-2016<sup>a</sup>.**

Year	Permits	Reported Subsistence Harvest									
		Chinook		Sockeye		Coho		Pink		Chum	
		No. Fish	% of Total	No. Fish	% of Total	No. Fish	% of Total	No. Fish	% of Total	No. Fish	% of Total
2012	280	1	<1%	2,606	69%	978	26%	154	4%	12	<1%
2013	308	8	<1%	6,083	89%	611	9%	117	2%	39	<1%
2014	330	29	<1%	5,459	76%	1,537	21%	121	2%	11	<1%
2015	270	30	<1%	3,866	77%	884	18%	225	4%	17	<1%
2016	255	15	<1%	4,743	89%	496	9%	96	2%	8	<1%
Average	289	16	<1%	4,551	81%	859	16%	137	3%	19	<1%

<sup>a</sup>. Source: ADF&G Division of Commercial Fisheries, Kodiak.

**Table 2.- Kodiak Area reported federal subsistence harvest of sockeye salmon by location, 2012-2016<sup>a</sup>.**

Location	2012	2013	2014	2015	2016	2012-2016 avg.
Buskin River	2,606	6,083	5,459	3,866	4,743	4,551
Old Harbor/Sitkalidak	455	621	160	475	473	437
Alitak Bay	987	1,013	940	805	201	789
Karluk	150	417	393	119	679	352
Larsen Bay/Uyak Bay	616	863	2,484	945	680	1,118
Uganik Bay	1,051	752	1,007	677	336	765



Afognak Bay	1,711	2,012	3,001	1,892	4,282	2,580
Remainder Afognak Island	2,906	2,949	1,968	2,376	2,008	2,441
Settler's Cove	6,222	2,743	2,685	2,129	1,406	3,037
<b>Total</b>	<b>24,074</b>	<b>27,881</b>	<b>22,745</b>	<b>16,044</b>	<b>16,044</b>	<b>21,358</b>

<sup>a</sup>. Source: ADF&G Division of Commercial Fisheries, Kodiak. 2017 data unavailable.

**Table 3.- Federal subsistence harvest locations in the Kodiak Area by number of permits fished, 2012-2016<sup>a</sup>.**

Location	2012	2013	2014	2015	2016	2012-2016 avg.
Buskin River	224	308	330	270	255	277
Old Harbor/Sitkalidak	29	30	23	23	13	24
Alitak Bay	34	28	27	27	4	24
Karluk Village	4	10	6	4	10	7
Larsen Bay/Uyak Bay	26	27	46	28	14	28
Uganik Bay	40	35	33	32	18	32
Afognak Bay	70	85	89	83	115	88
Remainder Afognak Island	61	61	58	69	56	61
Settler's Cove	135	76	57	57	43	74
<b>Number issued</b>	<b>2,121</b>	<b>2,080</b>	<b>1,996</b>	<b>1,798</b>	<b>1,798</b>	<b>1,959</b>

<sup>a</sup>. Source: ADF&G Division of Commercial Fisheries, Kodiak.

In 2000, in order to ensure sustained sockeye salmon production over time, a stock assessment study was initiated by Alaska Department Fish and Game (ADF&G) on the Buskin River. It was funded by the Fish and Wildlife Service, Office of Subsistence Management with the goal to establish a Biological Escapement Goal (BEG) for the sockeye salmon run on the Buskin. The BEG is based on a population model which incorporates annual escapement and harvest figures with the age composition of annual returns to estimate the total production of each year of spawning (known as a brood table). Samples of male to female ratios, average length and age classes are collected each year over the course of the run from the escapement and the subsistence harvest. The current escapement goal range is set at 5,000 - 8,000 sockeye salmon and is used for management of the subsistence, sport and commercial fisheries to ensure a sustained yield from the population. An annual sockeye salmon escapement objective for Catherine and Louise lakes (reported as Lake Louise) has not yet been established.

Sockeye salmon escapements are annually enumerated through in-season counts of adult fish migrating into the drainage. A salmon counting weir located on Buskin River has been operated by ADF&G for this purpose since 1985. In 2002, a second weir was installed on a major tributary stream flowing into the Buskin River from Catherine and Louise lakes.

## 2017 PROJECT RESULTS

### Escapement

The 2017 count at the Buskin River was 7,222 sockeye salmon. This is less than the recent 5-year average for this date of 11,807 but within the escapement goal range of 5,000 to 8,000 fish (Figure 1). The Buskin River weir, located at the outlet of Buskin Lake, was operational from May 16 through September 27. The 2017 run returned earlier than typical in May and June and leveled off in July more than most seasons. This year, 25% of the run was counted by May 31, 50% by June 7, and 75% by June 14 (Figure 2). Historically, 75% of the Buskin River sockeye run is counted by the end of June; this year it was 96%.

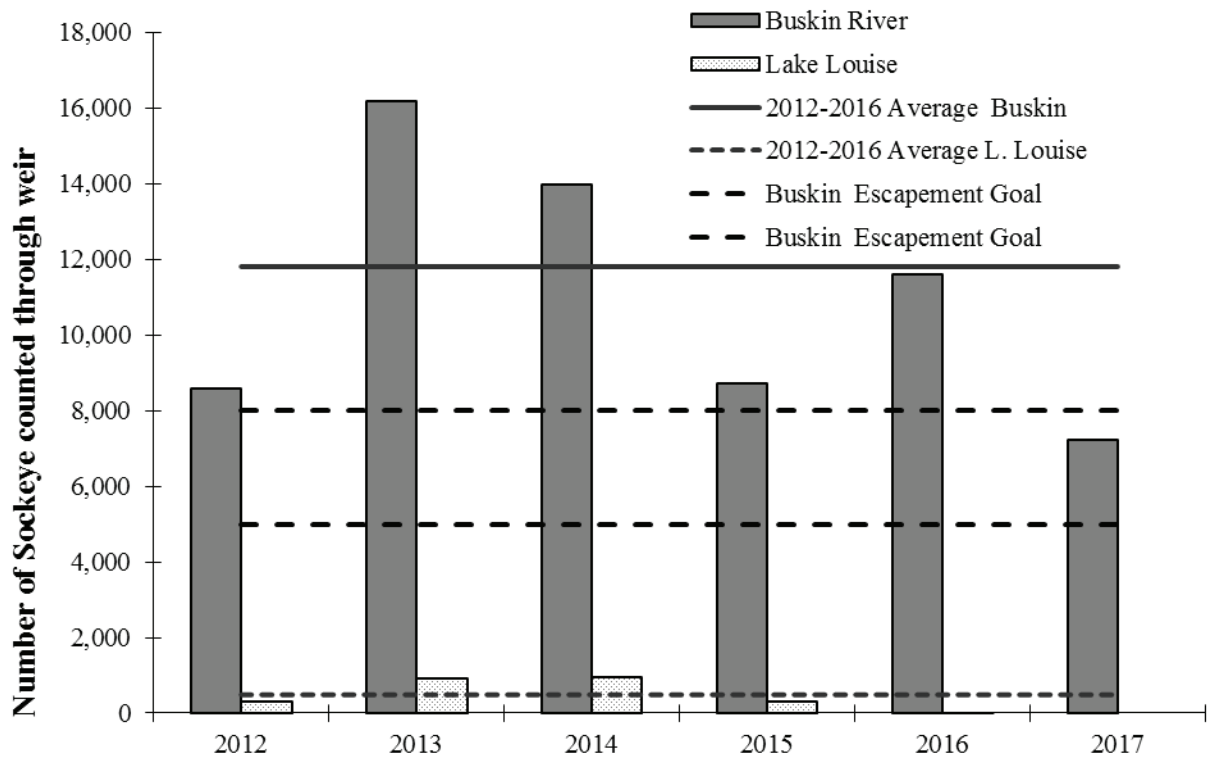


Figure 1.- Buskin River and Lake Louise sockeye salmon escapement, 2012-2017.

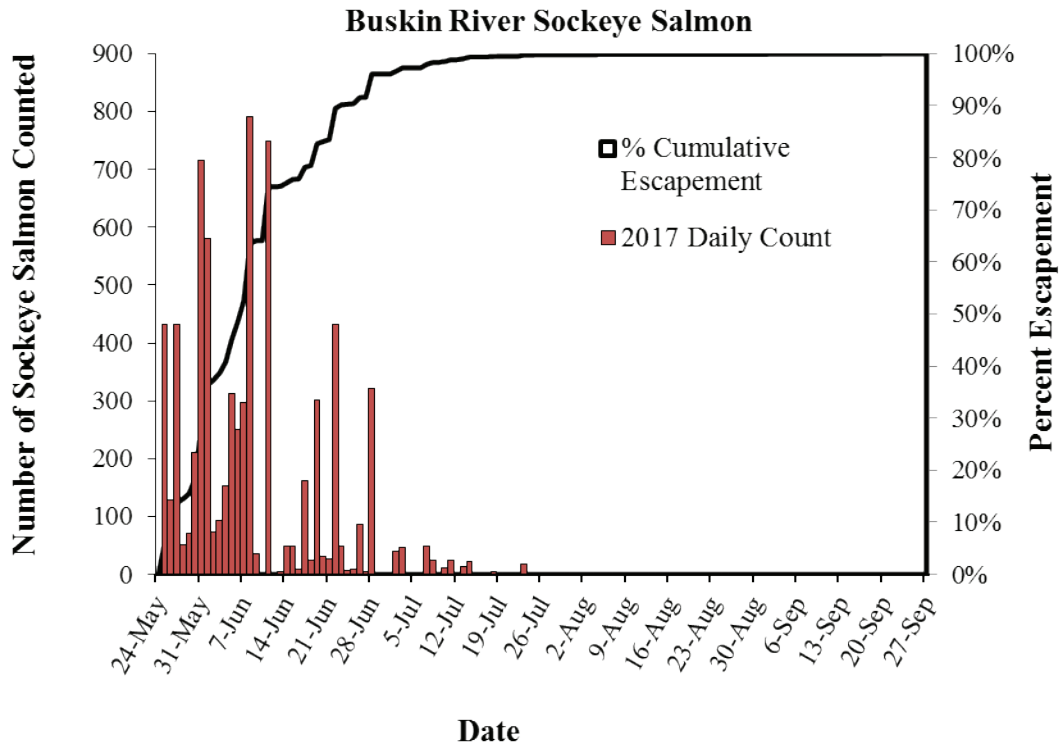


Figure 2.- Daily sockeye salmon weir counts into Buskin Lake through September 27, 2017.

The Lake Louise tributary weir was located approximately one-eighth mile upstream of the Buskin River confluence, below the Chiniak Highway. The weir was installed on June 2 and removed on September 4. The Lake Louise weir count was 141 sockeye salmon (Figure 3), which is below the recent 5-year average of 438; typically the Lake Louise return peaks in mid-August. Timing of the 2017 Lake Louise run was similar to other years with the majority of the escapement occurred in large pulses, frequently associated with rain events.

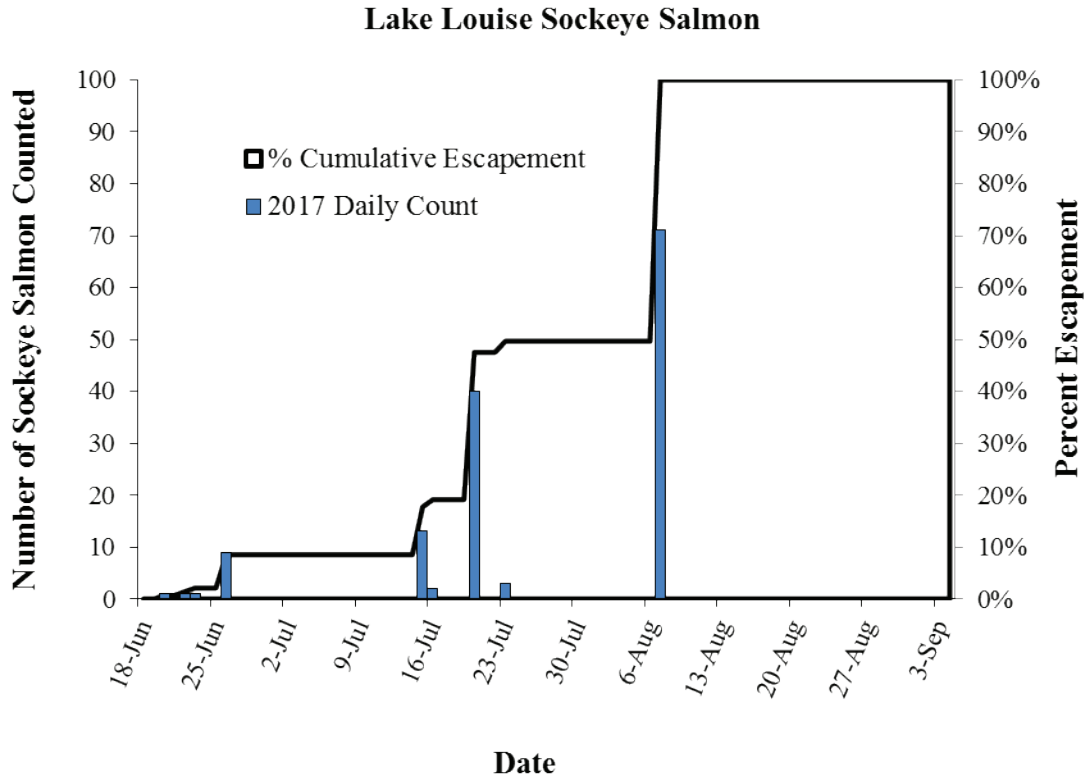


Figure 3.- Daily sockeye salmon weir counts into Lake Louise through September 4, 2017.

An emergency order was issued in 2017 liberalizing the Buskin River sport fishery. On June 7, the bag limit for Buskin River sockeye was increased from 2 to 5 fish per day for the remainder of the season when the escapement was predicted to meet the escapement goal range of 5,000 to 8,000 fish. On June 8, closed water markers were reduced to the stream terminus for the subsistence fishery.

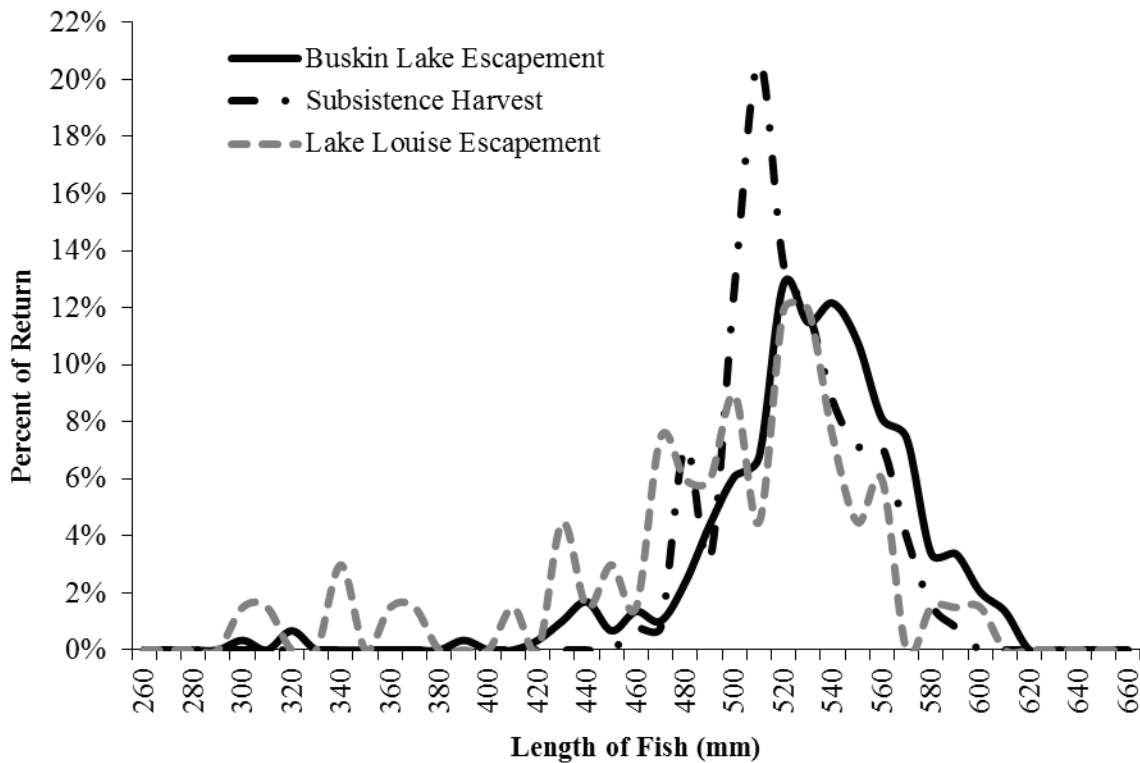
*Stock Assessment- 2017 Results*

In 2017, age, length and sex data were collected from 296 sockeye salmon from the Buskin River escapement of which 241 were able to be aged. Age composition was not significantly different across sampling periods. Dominant age classes were age 2.3 at 56.7% and age 1.3 at 28.2%; two-ocean fish comprised only 9.7% of the escapement. The mean length of females was 509 mm while the mean length of males was 470 mm.

During the 2017 subsistence fishery, 122 sockeye were sampled for age, sex and length information with 112 able to be aged. Dominant age classes were age 1.3 at 69.6% and age 2.3 at 26.8%. The mean length of females was 528 mm and mean length of males was 540 mm.

Age, length and sex data were collected from 68 fish from Lake Louise escapement, with 63 of these able to be aged. The sample size for fish aged was too small determine an accurate age composition, however, the dominant age classes were age 1.2 at 30.6% and age 1.3 at 26.3%. The mean length of females was 475mm and mean length of males was 474mm.

Typically, age samples from the escapement and subsistence harvest indicate that during most years the Buskin Lake run component is primarily comprised of age 1.3 and 2.3 fish. Age classes in the subsistence fishery are generally similar but there are typically fewer age 1.2 and 2.2 fish sampled in the subsistence fishery than at Buskin Lake. These younger fish are generally smaller and the size selectivity of gillnets leads to catching larger, older fish (Figure 4). Interestingly, all fish were larger than average during 2017 and the Buskin Lake escapement was slightly larger than the subsistence catch. It is possible that much of the Buskin Lake run was larger than the ideal catchable size for local gillnet selectivity.



**Figure 4.- Length frequency distribution of sockeye salmon from the Buskin Lake and Lake Louise escapement and the Buskin River drainage subsistence harvest, 2017.**

Reconstruction of the Buskin Lake portion of the sockeye salmon run by its various harvest components indicate that, historically, the total return has remained relatively stable at around 19,000 fish, however between 2000 and 2004, the estimated total increased substantially to an average of 33,500. The recent five-year average (2012-2016) is near the historical average at about 19,062 fish (Figure 5). During the last five years, subsistence harvests have averaged 24% of the total run and, by number of fish harvested, have constituted the most important user of the Buskin River sockeye salmon resource.

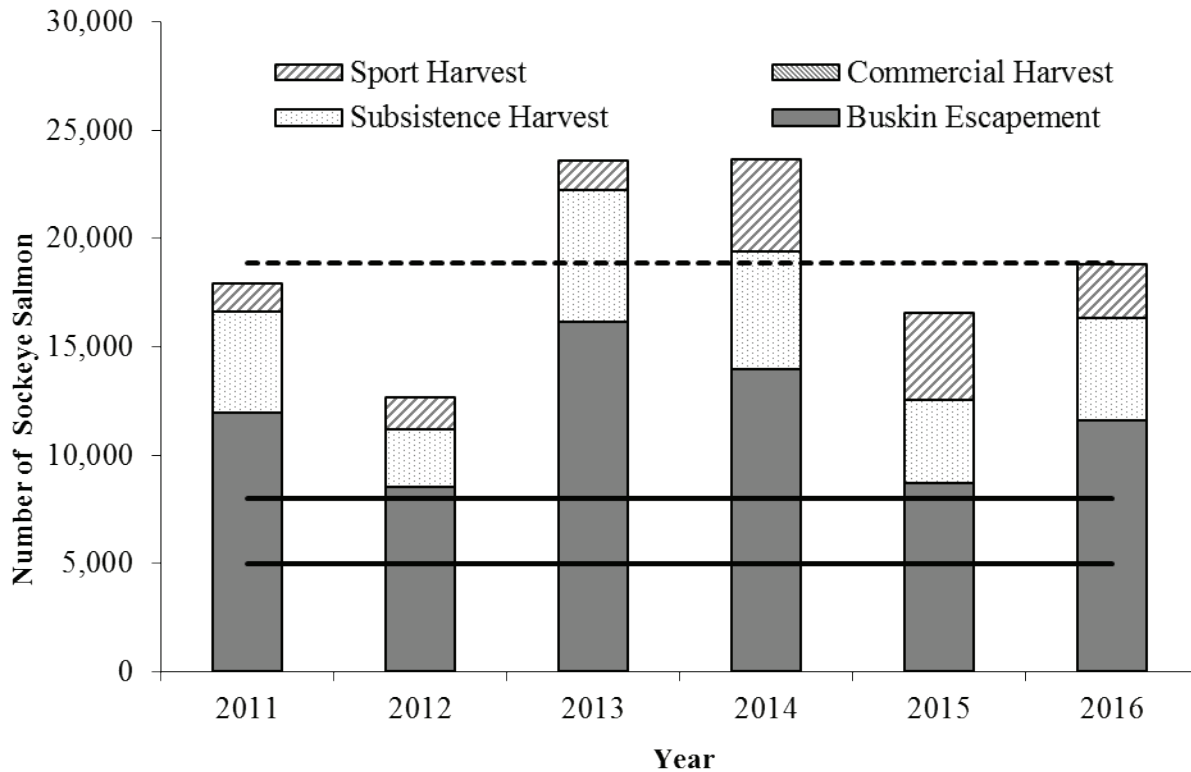


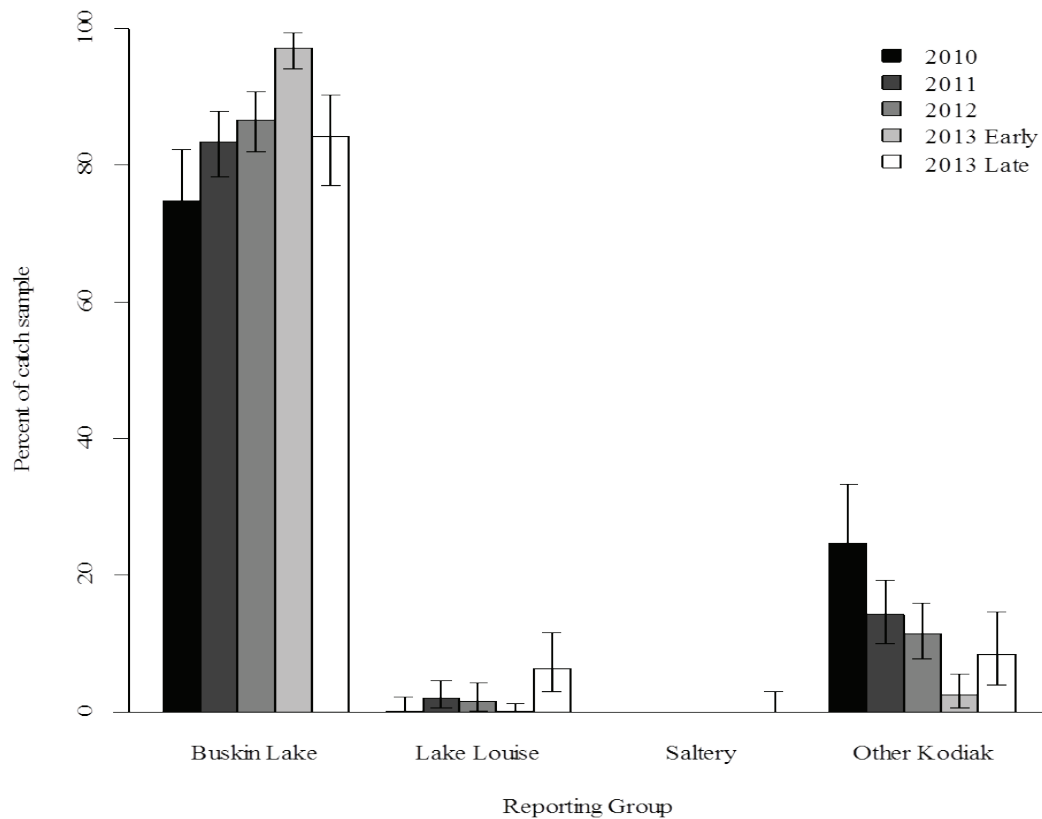
Figure 5.- Composition of total sockeye salmon return to the Buskin River, 2011-2016.

**GENETIC TESTING**

In 2008, ADF&G’s genetics laboratory conducted analyses of Buskin and Lake Louise sockeye salmon escapement samples collected in 2005. Genetic differences in the populations were distinct enough to conclude that the two runs could be identified through genetic testing alone. In 2017, 126 sockeye salmon were sampled from Buskin subsistence harvest in order to genetically apportion Buskin and Lake Louise harvest components for more precise run reconstruction. These samples will be pooled with those collected over the 2014-17 project cycle for analysis in early 2018.

Analysis of previous genetic samples, from 2010-2013, was conducted during the spring of 2014. Harvest of Lake Louise bound sockeye ranged from 0.1% to 6.5% of the total subsistence harvest while sockeye from systems other than the Buskin drainage ranged from 10.9% to 24.7% of the harvest (Figure 6). In 2013, there were enough samples to apportion them between ‘early’ and ‘late’ harvested fish. This found that the proportion of Lake Louise fish in the harvest increased from 0.1% to 6.4% over the course of the season. It was expected that a low percentage of the harvest was comprised of Lake Louise fish due to later run-timing and smaller size, however, it was not expected that other Kodiak sockeye salmon stocks could make up nearly a quarter of the harvest in some years.





**Figure 6.- Composition of sockeye salmon harvested in the Buskin subsistence fishery 2010-2013.**

**SUBSISTENCE USER INTERVIEWS**

In response to a priority information need recently identified by the Kodiak/Aleutians Region Subsistence Advisory Council (RAC), verbal interviews taken on the fishing grounds with Buskin River subsistence users have been conducted annually since 2007 to determine residency of subsistence users and patterns of historic fishing effort. In 2017, technicians opportunistically contacted subsistence users at the boat harbors in the City of Kodiak, while sampling the harvest for age, sex and length information. Due to difficulty with the department vessel, no surveys on the grounds were available and an earlier-than-expected run timing resulted in the overall number of interviews to be reduced. The 2017 survey sample was collected over the duration of the subsistence fishery, providing residency and effort data not currently available from subsistence permit returns. A total of 5 subsistence users were interviewed beginning June 1.

**Table 4.- Results from verbal interviews conducted with Buskin River subsistence users between June 1 and June 24, 2017.**

<b>User Statistics:</b>			
<b>Total Users Interviewed:</b>	5		
<b>Interview dates:</b>	June 1 - June 24		
<b>User Demographics</b>			
	<b>Kodiak</b>	<b>Alaska</b>	<b>Unknown</b>
<b>Residency</b>	5	0	0
	<b>Buskin</b>	<b>Pasagshak</b>	<b>Unknown</b>
<b>Location of Traditional Subsistence Use</b>	5	0	0
	<b>Yes</b>	<b>No</b>	
<b>Have Occasionally Fished Other Areas</b>	4	1	

\*Other areas occasionally fished: Pasagshak, Litnik, Port Lions

**CAPACITY BUILDING**

Since 2003, the Buskin River project has been a vehicle for fisheries-based education and development of career interests for young subsistence users through establishment of a high school intern program. During this internship, students gain knowledge of the principals involved in fisheries management and research while obtaining field experience in fisheries data collection methods and techniques. The intern program annually employs two top qualified students who work on the Buskin project under supervision of ADF&G staff between June 1 and July 31. The high school intern program has been an outstanding success, to the extent that at least seven former interns are currently employed with ADF&G as seasonal Fish and Wildlife Technicians or Fisheries Biologists, and 20 of 26 former interns have returned to work for the department at some point.

Additionally, this season, ADF&G worked with the Sun’aq Tribe of Kodiak to employ a Native Youth Intern for two weeks this summer on a variety of Sport Fish projects including working on the Buskin weirs, capturing king salmon for broodstock, and stocking local lakes with rainbow trout.

**CONCLUSION**

With exception of the 2008 and 2009 returns, Buskin River sockeye abundance has remained relatively stable and has allowed for continued, sustained harvest by subsistence and recreational users alike. In 2017, the escapement met the biological escapement goal with uninterrupted opportunity for harvest by subsistence and sport users.

Annual implementation of the Buskin River sockeye salmon weir project, made possible with funding from the Fisheries Research Monitoring Program, has been essential for inseason

management that is necessary to sustain the health of the Buskin River sockeye salmon stock while providing maximum harvest opportunity for subsistence users. Continuation of this project will allow for additional analysis of run productivity to aid in the ongoing assessment of sockeye salmon returns to the Buskin River. It will also aid in refining the BEG concurrent with triennial Board of Fisheries meetings, as in the 2011 cycle when the goal was changed as a direct result of this project.

**Kodiak/Aleutians Subsistence Regional Advisory Council**  
c/o Office of Subsistence Management  
1011 East Tudor Road M/S 121  
Anchorage, Alaska 99503

RAC 17022.KD

**OCT 23 2017**

Kristy Tibbles  
Executive Director  
Alaska Department of Fish and Game  
Boards Support Section  
ATTN: Board of Game Comments  
P.O. Box 115526  
Juneau, Alaska 99811-5526

Subject: Comments on the Board of Game Proposals, Statewide

Dear Ms. Tibbles:

I am writing on behalf of the Kodiak/Aleutians Subsistence Regional Advisory Council (Council) to provide the Council's comments on a statewide Board of Game proposal.

The Council is one of ten regional advisory councils formed under Title VIII of the Alaska National Interests Lands Conservation Act (ANILCA) and chartered under the Federal Advisory Committee Act. Section 805 of ANILCA and the Council's charter establish its authority to initiate, review and evaluate regulations, policies, management plans, and other matters related to subsistence within the Kodiak/Aleutians Region. The Council provides a public forum for discussion and recommendations for subsistence fish and wildlife management in the region. The Council also reviews resource management actions that may impact subsistence resources critical to Federally qualified subsistence users, whom the Council represents.

The Council held a public meeting on September 26 and 27, 2017 in Cold Bay, during which it discussed various proposed changes to the State of Alaska hunting and trapping regulations. Specifically, the Council discussed and voted on:

- **Proposal 43. Taking of Game by Proxy. Allow the taking of Emperor geese by proxy hunting.** This statewide proposal would allow proxy hunters to take geese for elders, the disabled and others who are unable to hunt them. The Council is particularly interested in providing elders the opportunity to subsist on a long-standing traditional bird. **The Council voted to support Proposal 43.**

Executive Director Tibbles

2

If you have any questions regarding this correspondence, please contact Karen Deatherage, Subsistence Council Coordinator, Office of Subsistence Management, at 1-800-478-1456 or (907) 786-3586 or at karen\_deatherage@fws.gov.

Thank you for your consideration.

Sincerely,



Della Trumble  
Vice-Chair

cc: Kodiak/Aleutians Subsistence Regional Advisory Council  
Eugene R. Peltola, Jr., Assistant Regional Director, Office of Subsistence Management  
Thomas Doolittle, Deputy Assistant Regional Director,  
Office of Subsistence Management  
George Pappas, State Subsistence Liaison, Office of Subsistence Management  
Jennifer Hardin, Subsistence Policy Coordinator, Office of Subsistence Management  
Carl Johnson, Council Coordination Division Supervisor,  
Office of Subsistence Management  
Pippa Kenner, Acting Anthropology Division Supervisor,  
Office of Subsistence Management  
Chris McKee, Wildlife Division Supervisor, Office of Subsistence Management  
Karen Deatherage, Subsistence Council Coordinator, Office of Subsistence Management  
Eric Taylor, Chief, Division of Migratory Bird Management, U.S. Fish and Wildlife Service  
Jill Klein, Special Assistant to the Commissioner, Alaska Department of Fish and Game  
Administrative Record



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

# 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> <b>PRESIDENT'S DAY</b> <b>HOLIDAY</b>	<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**

**Kodiak/Aleutians Subsistence Regional Advisory Council**

**Charter**

1. **Committee's Official Designation.** The Council's official designation is the Kodiak/Aleutians 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 of, review, and evaluate 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.
  - (4) Recommendations concerning policies, standards, guidelines, and regulations to implement the strategy.
- e. Make recommendations on determinations of customary and traditional use of subsistence resources.
- f. Make recommendations on determinations of rural status.
- g. Provide recommendations on the establishment and membership of Federal local advisory committees.
- h. 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.
- i. 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 \$175,000, 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 advisory committee's and subcommittees' meetings;

- (b) Prepare and approve all meeting agendas;
  - (c) Attend all committee and subcommittee meetings;
  - (d) Adjourn any meeting when the DFO determines adjournment to be in the public interest; and
  - (e) Chair meetings when directed to do so by the official to whom the advisory committee reports.
9. **Estimated Number and Frequency of Meetings.** The Council will meet 1-2 times per year, and at such times as designated by the Federal Subsistence Board Chair or the DFO.
10. **Duration.** Continuing.
11. **Termination.** The Council will be inactive 2 years from the date the Charter is filed, unless, prior to that date, it 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.

For geographic membership balance, it is a Council goal to seat four members who reside on the Kodiak Archipelago, three members who reside on the Alaska Peninsula, and three who reside on the Aleutian and Pribilof Islands.

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 or other subgroups 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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