



NORTH SLOPE
SUBSISTENCE REGIONAL
ADVISORY COUNCIL
Meeting Materials

*April 1-2, 2020
Utqiagvik*



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On the cover...

Arctic Grayling



USFWS photo by K. Sowl

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NORTH SLOPE SUBSISTENCE REGIONAL ADVISORY COUNCIL

Inupiat Heritage Center
Utqiagvik

April 1-2, 2020
convening at 9:00 am daily

TELECONFERENCE: call the toll free number: 1-866-864-5314, then when prompted enter the passcode: 3091862.

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)

- a. Office of Subsistence Management Fisheries Program Information Update
- b. Call for Federal Fish and Shellfish Proposals* 12
- c. Fisheries Resource Monitoring Program Update
- d. Review and approve FY2019 Annual Report* Supplemental

11. Agency Reports

(Time limit of 15 minutes unless approved in advance)

- Tribal Governments
- Native Organizations
- Gates of the Arctic National Park and Preserve
- US Fish and Wildlife Service
 - Arctic National Wildlife Refuge
 - Utqiagvik (Barrow) Field Office
- Bureau of Land Management – NPR-A
- Alaska Department of Fish and Game – Wildlife updates
- North Slope Borough, Department of Wildlife Management
- Office of Subsistence Management

12. Future Meeting Dates*

- Confirm fall 2020 meeting date and location15
- Select winter 2021 meeting date and location16

13. Closing Comments

14. Adjourn (Chair)

To teleconference into the meeting, call the toll free number: 1-866-864-5314, then when prompted enter the passcode: 3091862.

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 Eva Patton, 907-786-3358, eva_patton@fws.gov, or 800-877-8339 (TTY), by close of business on March 9, 2020.

REGION 10
North Slope Subsistence Regional Advisory Council

Seat	Year Appointed Term Expires	Member Name and Community
1	1998 2020	Gordon R. Brower Utqiagvik Chair
2	2019	<i>VACANT</i>
3	2016 2022	Wanda T. Kippi Atqasuk Secretary
4	2015 2022	Steve A. Oomittuk Point Hope
5	2020	<i>VACANT</i>
6	2018 2020	Edward J. Rexford, Sr. Kaktovik
7	2018 2020	Martha Itta Nuiqsut
8	2021	<i>VACANT</i>
9	2018 2021	William C. Hopson Utqiagvik
10	2020 2021	Peter E. Williams Anaktuvuk Pass

NORTH SLOPE SUBSISTENCE REGIONAL ADVISORY COUNCIL

Meeting Minutes

Qalgi Community Center
Point Hope
October 23-24, 2019

Invocation:

Steve Oomittuk gave an invocation.

Call to Order, Roll Call and Quorum Establishment:

The meeting was called to order on Wednesday, October 23 at 9:15 am. Council members Gordon Brower, Wanda Pitka, Steve Oomittuk, Martha Itta, and William Hopson were present in person. Edward Rexford participated by telephone. With 6 out of 7 seated Council members present throughout the meeting, (Council has 3 vacant seats) the quorum was established.

Attendees:

In person:

- *Native Village of Point Hope:* Peggy Frankson, Jack Schaefer
- *Point Hope:* Daisy Sage, City of Point Hope Mayor, Mary Jane Attungaruak, Herbert Kimecveauk, Leonard Barger, Billy Stone, Nancy Stone, Edna Attungana, Paul Sage, Guy Omark
- *Tikigaq, Point Hope:* Pearl Oktollik Gould, Micheal Dres Sr., Mary Toksoule
- *Point Hope High school:* Ronnie Holley, Teacher; *Students:* Kaesyn Hill, Makayla Lane, Leo Kinneeveauk, Joshua Stone, Gevin Oenga
- *Alaska Department of Fish and Game, Fairbanks:* Brendan Scanlon, April Behr; *Utqiagvik:* Carmen Daggett
- *Bureau of Indian Affairs, Anchorage:* Pat Petrivelli
- *US Fish and Wildlife Service, Fairbanks:* Vince Mathews
- *Arctic National Wildlife Refuge, Fairbanks:* Steve Berendzen
- *Office of Subsistence Management, Anchorage:* Orville Lind, Greg Risdahl, Karen Hyer, Tom Evans, Eva Patton

Via teleconference:

- *Office of Subsistence Management, Anchorage:* Pippa Kenner, Hannah Voorhees, Christine Brummer
- *National Park Service, Anchorage:* Joshua Ream
- *Gates of the Arctic National Park and Preserve:* Marcy Okada, Kyle Jolly
- *Bureau of Land Management, Fairbanks:* Debbie Nigro, Shelly Jones

- *Alaska Department of Fish and Game, Palmer:* Mark Burch; *Bethel:* Phillip Perry; *Fairbanks:* Beth Lenart; *Anchorage:* Daniel Gonzalez

Review and Adopt Agenda:

Motion #1 by Mr. Hopson, seconded by Mr. Oomittuk, to adopt the agenda as read with the following changes:

- Tribal engagement presentation by Orville Lind moved to before public and Tribal comments
- Add discussion on ADF&G Tier II levels and Alaska Board of Game proposal discussion
- Request for additional updates on caribou movement

The motion #1 passed unanimously.

Review and Approve Previous Meeting Minutes:

Motion #2 by Ms. Itta, seconded by Mr. Hopson, to approve the April 3-4, 2019 meeting minutes as presented. Motion #2 passed unanimously.

Council Member and Chair Reports:

Steve Oomittuk of Point Hope reported that the last few years have been so different with warmer winters and early spring. Animal migration routes have changed and the duck migration and prevailing winds have changed. The community of Point Hope relies on the winds to bring animals. The weather patterns are changing the migrations. The prevailing winds were South to Southeast this year. Usually, they have Northwest winds, but since they haven't come, Point Hope is losing land on the North side including their traditional whale bone yard. There are not many walruses, not like there used to be. It rains in January and February. The sun sets later. Stars aren't in the same place as they used to be in the last 40-50 years. The Big Dipper is in a different place. It's like the world has shifted. Mr. Oomittuk relayed that the animals have fed us since time immemorial, but the cycle of life is changing. Now they only have a few months to gather food. The ice broke off in late May, which is early. When you live in a place your whole life, you see changes. Point Hope celebrates the beginning of the ice by bringing out the whale's tail. Now freeze up is happening much later, in November/December, around Thanksgiving time. They have an abundance of fish, but the river isn't freezing up. They haven't been seeing any Belugas in springtime the last two years. The water is warmer. He saw 300 birds at Cape Thompson and 600,000 birds at Cape Lisburn. The birds came 2-3 weeks early and lots of dead birds washed up on the beach.

This year Point Hope had a good whaling season even though it came early. There were lots of seals, and Mr. Oomittuk counted over 200 from his house. There was an abundance of seals on the ice in early April and May before the ice broke. He does not recall seeing so many seals on the ice, maybe hundreds or thousands over an area of about 7 miles of flat ice. This year there was an abundance of caribou around Point Hope. The caribou are staying around and people are still catching them.

Wanda Kippi of Atqasuk reported they had good berry picking around her area, but it ended early and no other species became available. They netted two Broad Whitefish, which they don't normally see and they were very good to eat. They get Humpback Whitefish more often. Fishing is late because the freeze-up is late; normally they used to start in September catching Grayling with nets. They put up nets for Whitefish and now at the end of October they are just beginning to catch fish. Burbot are just starting to migrate.

Ms. Kippi reported a fast melting spring around Atqasuk but it was still a good goose season. There were lots of caribou in the area. The river was very high in August, and there were big herds of caribou all over till mid-September. Then, some musk ox came around and scared the caribou, so people had to travel farther South to get caribou. She hasn't seen a single bear around Atqasuk, but heard there were a lot in Nuiqsut.

Martha Itta of Nuiqsut reported that winter is coming later and people can't set nets. The ice freezes only on top and is thin. Ms. Itta reported the pipeline and infrastructure around Nuiqsut is a big problem because they are restricted where they can shoot. The roads are useful to get to wildlife, but traffic is really a big problem, and even if they are told they can go hunting, they are afraid to shoot around the pipeline.

Residents of Anuktuvuk Pass asked Ms. Itta to represent them on the Council since that seat is now vacant. They have been unable to get caribou in their area, so they go to Ms. Itta's area around Nuiqsut to hunt. More caribou are sick with green meat bugs. Sick fish are also increasing, and they have sent some samples to ADG&G and the North Slope Borough Wildlife Department, but we haven't gotten a report back yet. Ms. Itta is very concerned about cleaning up industrial debris around her community, most importantly the contaminated lakes and waters. She is also concerned about the Willow Project, which, if permitted, will block subsistence areas on the west side Nuiqsut. They are having a hard time this whaling season. Nuiqsut had a quota of six, but only got three. There is lots of boat traffic scaring the whales away.

Edward Rexford of Kaktovik reported that people are getting their animals and there are a lot of salmon showing up around Kaktovik. He reported they wanted the moose season expanded to May-August and a quota of five moose, but they were allowed only a quota of 3 moose for the whole community. Mr. Rexford talked with Mr. Berendzen about expanding the season. There was a public meeting in Kaktovik in early October, and the season was just opened on October 20 until April 30 for 3 bull moose.

William Hopson of Utqiagvik reported that things are changing around Barrow. There is less time to dry fish than they are accustomed to. They used to put up 200-300 pounds of fish in the ice cellar for winter, but it is no longer possible because the rain causes the fish and meat to mold. So, they don't store it in the ice cellar anymore because they would have to throw it away from spoilage. Right now, there is no ice near Barrow and they have not sighted any whales. This is really hurting the community. He would like to see real-time reports with observations.

Mr. Hopson reported that in these times of climate change migrations are changing. It's hard to put meat away. Nutritional values in food from the Food Bank hurts the people—it is not as nutritious as wild foods. Regulations need to be changed for what people need to survive in the winter before sport hunts are allowed. Let the people hunt when they need it. Only after that, should sport hunters be allowed to hunt. There hasn't been a good caribou hunt in 15 years because the transporters have changed the migration, and subsistence users are hurting. Please recognize the people in the North Slope villages. These tribes have a government-to-government relationship and need to be considered.

Gordon Brower of Utqiagvik requested a moment of silence and remembrance for Council member and whaling captain Tad Reich.

Mr. Brower reported that there's no ice for 50 miles out of Utqiagvik. You go out 20-30 miles and see nothing where there should be 20,000 bowhead whales right now. Where are they!? What is scaring the whales away? He is reminded of 1989 when there was lots of seismic activity and no whales. NOAA should be here at this meeting to report on the whales. There are probably 500 people in Barrow and 50% rely on subsistence resources. Mr. Brower reported he made calls to Shell, Exxon, BP, etc., and asked them if they are doing seismic activities? Where are the whales? People are going to the beach to pray. They need whales to eat.

Mr. Brower reported the warming temperatures are causing the ice cellars to cave in. These ice cellars are over a 100 years old and now just a 3-4 degree increase in temperature is ruining them. Rain filled his cellar just this past week and his *muktuk* and *quak* turned to mush and was spoiled. For the first time in his life he had to throw out *muktuk*. Mr. Brower has two cellars, one is for personal use and the other is for elders. Last year he only made 25 sacks of fish, but back in the 70s, he supported residents of all communities. Now the weather does not keep the resources in good shape. They used to build an ice house above ground to store whitefish. Whitefish preserved this way can feed 10,000 people. His family used to preserve 100 sacks and now, last year only 25. The weather in the 70s, 80s and 90s was good to sack and bring fish to Barrow in September. These fish are passed along a great distance and are used for Thanksgiving and Christmas. We can't preserve 100 sacks now. People like to eat caviar when it's fresh, it's a choice resource, but now it ferments. He proposes funding to build a big solar powered freezer to store fish—agencies need to help with this. Mr. Brower sees the need to study these fish through the FRMP program, to know why some local fish populations are sick. Mr. Brower noted that his nephews gave him a caribou and it had live little black worms inside the meat. He took it to ADF&G but hasn't heard back yet. He would like feedback on this.

Old Business:

Tom Evans, Wildlife Biologist, Office of Subsistence Management, provided the Council with an update on Wildlife Closure Review WCR20-31: closure to non-Federally qualified users for moose in Units 26B, remainder and 26C. The Council made a recommendation on this at the previous meeting and no action is required.

Eva Patton, Council Coordinator, presented an overview of the 805(C) report to the Council on the Federal Subsistence Board actions and recommendations from the April 2019 Board meeting.

New Business:

Wildlife Proposals:

Regional Proposals:

No proposals submitted for Unit 26 A, B, or C

Crossover Proposals:

WP20-43/44/45/46: Eliminate bull closure and remove prohibition of calf harvest of caribou in Unit 23, remainder. Motion #3 by Mr. Brower, seconded by Mr. Hopson, to support WP20-45 for a year-round bull season for caribou in Unit 23, as requested by the Northwest Arctic Subsistence Regional Advisory Council. Motion #3 passed on a unanimous vote. Took no action on WP20-43, 44, and 46.

The Council discussed their support for residents of Unit 23 including the North Slope community of Point Hope to be able harvest bull caribou at any time and make the decision locally, whether the bulls are in rut or not and good to eat. Council members discussed their observations that the migration and movement of caribou are changing and that the caribou have been coming by Point Hope later in the season. The Council expressed that an open bull season would allow for flexibility to hunt bull caribou when the timing is right, if the caribou are nearby the community and not in rut. The Council felt that while the closure was intended as a conservation measure initially, that perhaps it would be more beneficial to reduce pressure on cow harvest by lifting the bull closure, while traditional knowledge will inform when the bulls are in rut or are good to eat.

The Council specifically supports the proposal WP20-45 in deference to the neighboring Northwest Arctic Subsistence Regional Advisory Council and the communities in Unit 23 to be able to increase subsistence opportunity for the harvest of bull caribou. However, the Council has concerns about the proposals requesting the harvest of calves since the Western Arctic Caribou Herd is still in conservative management. The Council recognizes traditional subsistence uses of calves but suggests ongoing protection of calves at this time for the future of the herd as the population is still recovering.

WP20-47: Request closure the cow moose season and require the use of a State registration permit (RM880) to harvest moose in Unit 23. Motion #4 by Mr. Brower, seconded by Mr. Oomittuk, to support WP20-47. Motion # 4 passed unanimously.

The Council discussed that Point Hope occasionally has the opportunity to hunt moose when they are pushed north into the area by wildfires but is not familiar with other communities' subsistence moose hunting in Unit 23. However, the Council is supportive of the Northwest Arctic Council's efforts for conservation to help rebuild the moose population by closing the cow hunt and focus subsistence harvest on bull moose only. Further, the Council recommended that if the use of a registration permit were to be implemented that managers work with the local tribes to distribute permits so that they are readily accessible in each rural community in Unit 23.

WP20-49: Rescind the closure to non-Federally qualified users for sheep in Unit 25A, the Arctic Village Sheep Management Area. Motion #5 by Mr. Oomittuk, seconded by Mr. Hopson, to support WP20-49. Motion #5 failed by 5 no votes with one member absent.

The Council expressed support for the community of Arctic Village recognizing the importance of sheep for their subsistence and traditional way of life. Maintaining the closure will help to ensure continuation of subsistence uses and traditional hunting practices without conflict with other users. The Council discussed that the North Slope community of Kaktovik primarily hunts on the north side of the Brooks Range, and the Council would like to defer to the Eastern Interior Subsistence Regional Advisory Council since they are more directly involved with the Arctic Village Sheep Management Area. The vote to oppose WP20-49 aligns with the home region Council recommendation.

Statewide Proposals:

WP20-08: *Require traps and snares to be marked with the name or State identification number for all furbearers in all units.* Motion #6 by Mr. Oomittuk, seconded by Ms. Kippi, to support WP20-08. Motion #6 failed by 4 no votes with two members absent.

The Council acknowledged there might be local concerns regarding traps being placed too close to city limits where pets or people may inadvertently encounter them. However, the Council stressed that this statewide proposal would be unnecessarily burdensome to trappers everywhere, many of whom have maintained trap lines for generations. Requiring a label on all traps would incur burden and financial hardship to subsistence hunters who may maintain hundreds of traps and share them among family members. Council members relayed that across the North Slope Region most trapping areas are established, and it is usually known who it belongs to with traditional family markings identifying their hunting equipment.

Alaska Board of Game Proposals:

The Council deliberated and made the following recommendation on Western Arctic 2019/2020 Alaska Board of Game wildlife proposal #26 to reauthorize the antlerless moose season in the western portion of 26A.

Motion # 7 by Mr. Oomittuk, seconded by Ms. Itta, to support Proposal 26 with modification to add language that mirrors the Federal subsistence regulations by instituting a Tier 2 hunt under State regulations. Motion #7 passed by unanimous vote.

The Council supports a continued opportunity to harvest moose in this area west of 156 west longitude and north of the Colville River drainage, which is important traditional hunting grounds for subsistence communities in this area of Unit 26A. However, given the conservation concern and limited harvest opportunity for this moose population, the Council believes the State hunt regulations should be limited to local residents of 26A who are most reliant on this moose population. Since the current State regulations allow all residents of the State of Alaska to hunt in this area of very limited moose population, the Council suggests that the new regulations include language for establishing a Tier II hunt so that only residents of Unit 26A can hunt. These residents, who rely on this moose population for subsistence the most, should have a priority for hunting moose in this area.

2020 Fisheries Resource Monitoring Program:

Karen Hyer, Fisheries Biologist with the Office of Subsistence Management, provided the Council with an overview of the 2020 Fisheries Resource Monitoring Program and Arctic Region research projects proposed for funding. Since no new projects were submitted for the North Slope Region in 2020 the Council deferred to the Northwest Arctic RAC to make any recommendations on the projects submitted for funding in their area.

Discussions ensued about the difference/relationship between the regulatory cycle and the FRMP program and about the process to develop Priority Information Needs. The Council is very interested in guiding the subsistence fisheries research priorities selection for the North Slope Region and directly involving local communities in the research. Key issues of concern discussed are moldy fish and fish freezing in the ice, the need for marine research to inform subsistence fisheries, and contaminants in subsistence fish.

Identify Issues for FY2019 Annual Report:

- Industrial contaminants in fish and the challenge of getting independent research monitoring
- Local input in the FRMP process and request for research on the mold affecting fish in Nuiqsut
- Climate change impacts to subsistence resources and access
- Request for NOAA Oceans report—no whales sighted by Utqiagvik this year!

Agency Reports:

- Native Village of Point Hope report by Peggy Frankson, Executive Director, and Jack Schaefer
- Arctic National Wildlife Refuge report presented by Steve Berendzen, Refuge Manager
- US Fish and Wildlife Service, Alaska Native Leadership Scholarship presented by Vince Mathews
- Gates of the Arctic National Park and Preserve report presented by Marcy Okada, Subsistence Specialist
- Update on the Arctic Planning Region that included Willow EIS and the ANWR EIS presented by Shelly Jones, Field Manager BLM Arctic Field Office, Bureau of Land Management NPR-A
- Alaska Department of Fish and Game Wildlife Department Updates on Western Arctic, Teshepuk, Central Arctic, and Porcupine Caribou Herds and other North Slope region wildlife updates presented by Carmen Daggett, Biologist, and Beth Lenart, Biologist
- North Slope Dolly Varden and Colville River Arctic Grayling FRMP Project reports presented by Brendan Scanlon and April Behr, Alaska Department of Fish and Game, Fisheries Research Biologists
- Federal Subsistence Program Tribal Consultation presented by Orville Lind, Native Liaison, Office of Subsistence Management
- Office of Subsistence Management report presented by Greg Risdahl, Fisheries Division Lead and Acting Deputy Assistant Director.

Future Meeting Dates:

The Council discussed and voted to set the following future meeting dates:

- Winter 2020 meeting: February 19-20 in Utqiagvik
- Fall 2020 meeting August 18-19 in Utqiagvik with request to meet in Wainwright or Anaktuvuk Pass since the Council does not currently have representation from those communities.

Eva Patton, DFO
USFWS Office of Subsistence Management

Gordon Brower, Chair

North Slope Subsistence Regional Advisory Council

These minutes will be formally considered by the North Slope Subsistence Regional Advisory Council at its winter 2020 meeting in Utqiagvik, and any corrections or notations will be incorporated in the minutes at that meeting.

A more detailed report of this meeting, copies of the transcript and meeting handouts are available upon request. Call Eva Patton at 1-800-478-1456 or 907-786-3358, email eva_patton@fws.gov.

DRAFT



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

Federal Subsistence Board Informational Flyer



Forest Service

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

How to Submit a Proposal to Change Federal Subsistence Regulations

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

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

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

What your proposal should contain:

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

- Your name and contact information (address, phone, fax, or E-mail address)
- Your organization (if applicable).
- What regulations you wish to change. Include management unit number and species. Quote the current regulation if known. If you are proposing a new regulation, please state, “new regulation.”
- Write the regulation the way you would like to see it written in the regulations.
- Explain why this regulation change should be made.
- You should provide any additional information that you believe will help the Federal Subsistence Board (Board) in evaluating the proposed change.

You may submit your proposals by:

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

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

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

How a proposal to change Federal subsistence regulations is processed:

1. Once a proposal to change Federal subsistence regulations is received by the Board, the U.S. Fish and Wildlife Service, Office of Subsistence Management (OSM) validates the proposal, assigns a proposal number and lead analyst.
2. The proposals are compiled into a book for statewide distribution and posted online at the Program website. The proposals are also sent out the applicable Councils and the Alaska Department of Fish and Game (ADF&G) and the Interagency Staff Committee (ISC) for review. The period during which comments are accepted is no less than 45 calendar days. Comments must be submitted within this time frame.
3. The lead analyst works with appropriate agencies and proponents to develop an analysis on the proposal.
4. The analysis is sent to the Councils, ADF&G and the ISC for comments and recommendations to the Board. The public is welcome and encouraged to provide comments directly to the Councils and the Board at their meetings. The final analysis contains all of the comments and recommendations received by interested/affected parties. This packet of information is then presented to the Board for action.
5. The decision to adopt, adopt with modification, defer or reject the proposal is then made by the Board. The public is provided the opportunity to provide comment directly to the Board prior to the Board's final decision.
6. The final rule is published in the Federal Register and a public regulations booklet is created and distributed statewide and on the Program's website.

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

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

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

Missing out on the latest Federal subsistence issues? If you’d like to receive emails and notifications on the Federal Subsistence Management Program you may subscribe for regular updates by emailing fws-fsb-subsistence-request@lists.fws.gov. Additional information on the Federal Subsistence Management Program may be found on the web at www.doi.gov/subsistence/index.cfm or by visiting www.facebook.com/subsistencealaska.

Fall 2020 Regional Advisory Council Meeting Calendar

Last updated on 11/12/19

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

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Aug. 16	Aug. 17 <i>Window opens</i>	Aug. 18 NS — Point Hope	Aug. 19	Aug. 20	Aug. 21	Aug. 22
Aug. 23	Aug. 24	Aug. 25	Aug. 26	Aug. 27	Aug. 28	Aug. 29
K/A — Unalaska (in conjunction with “Life Forum Conference”)						
Aug. 30	Aug. 31	Sep. 1	Sep. 2	Sep. 3	Sep. 4	Sep. 5
Sep. 6	Sep. 7 LABOR DAY HOLIDAY	Sep. 8	Sep. 9	Sep. 10	Sep. 11 K/A — Cold Bay/Sand Point	Sep. 12
Sep. 13	Sep. 14	Sep. 15	Sep. 16	Sep. 17	Sep. 18	Sep. 19
Sep. 20	Sep. 21	Sep. 22 YKD — St. Mary’s	Sep. 23	Sep. 24	Sep. 25	Sep. 26
Sep. 27	Sep. 28	Sep. 29	Sep. 30	Oct. 1	Oct. 2	Oct. 3
Oct. 4	Oct. 5	Oct. 6	Oct. 7	Oct. 8 SC — Anchorage	Oct. 9	Oct. 10
Oct. 11	Oct. 12 COLUMBUS DAY HOLIDAY	Oct. 13	Oct. 14	Oct. 15 WI — Aniak EI — Fairbanks	Oct. 16	Oct. 17
Oct. 18	Oct. 19	Oct. 20	Oct. 21	Oct. 22	Oct. 23	Oct. 24
SE — Sitka						
Oct. 25	Oct. 26	Oct. 27	Oct. 28	Oct. 29 SP — Nome BB — Dillingham	Oct. 30	Oct. 31
Nov. 1	Nov. 2	Nov. 3 NW — Kotzebue	Nov. 4	Nov. 5	Nov. 6 <i>Window closes</i>	Nov. 7

Winter 2021 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. 14</i>	<i>Feb. 15</i> PRESIDENT'S DAY HOLIDAY	<i>Feb. 16</i> <i>Window Opens</i>	<i>Feb. 17</i>	<i>Feb. 18</i>	<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>Mar. 16</i>	<i>Mar. 17</i>	<i>Mar. 18</i>	<i>Mar. 19</i>	<i>Mar. 20</i>
<i>Mar. 21</i>	<i>Mar. 22</i>	<i>Mar. 23</i>	<i>Mar. 24</i>	<i>Mar. 25</i>	<i>Mar. 26</i> <i>Window Closes</i>	<i>Mar. 27</i>

INTRODUCTION TO ANILCA

Alaska is the largest state in the country with a land area of 375 million acres and one-third of the coastal shoreline of the nation. Within its borders lie significant natural, scenic, historical, archeological, geological, scientific, wilderness, cultural, recreational, and wildlife resources. The American people face an enormous challenge when they and their elected officials try to strike a delicate balance between preservation and development of these resources. Only through this balance will both present and future generations of Americans be beneficiaries of Alaska's vast wealth.

The U.S. Congress has consistently confronted the long-standing, unresolved issues of Native Alaskan land claims, subsistence lifestyles, energy development, economic growth, and transportation planning. Congress continues to enact legislative solutions. Among other things, these solutions affect the five national conservation systems in Alaska—the National Park System, the National Wildlife Refuge System, the National Wild and Scenic Rivers System, the National Wilderness Preservation System and the National Forest System. Congress also attempted to ensure that the implementation of the Alaska Native Claims Settlement Act (ANCSA, 43 U.S.C. 1601-1629e) and the development of Alaska's commerce, energy resources, and transportation systems would be planned for in an orderly fashion.

Spanning three administrations and five sessions of Congress, what had been called the "Alaska lands bill" was enacted into law on December 2, 1980 as the *Alaska National Interest Lands Conservation Act* (ANILCA) P.L. 96-487. Congress and the administration spent nearly nine years (1971–1980) developing this legislation. As the agency most involved with administering Federal lands, the Department of the Interior was given the responsibility to propose and to implement most of the legislation which would affect the present and, ultimately, the future of Alaska. However, a number of different Federal agencies, as well as the State of Alaska, Alaska Native groups, and other interested organizations and individuals were involved in the overall process by which legislative proposals were shaped into law through hearings in the Houses of Congress, and other forms of public participation.

The origins of ANILCA date back to the late 1950s when the Territory of Alaska became the 49th state. The *Alaska Statehood Act* of 1958 authorized the newly established state to select (over time) 104 million acres from the total 375 million acre land area as an economic base.

On December 18, 1971, Congress passed the *Alaska Native Claims Settlement Act* (ANCSA) which recognized and settled the long-contested rights of Alaska Natives by granting them the right to select approximately 44 million acres of Federal land in Alaska. The Act also afforded the Secretary of the Interior the opportunity to designate new natural, cultural, recreational, and wildlife areas in the nation. Section 17(d)(2) of ANCSA authorized the Secretary to withdraw 80 million acres of land during the next two years to be studied for possible additions to the National Park, National Wildlife Refuges, National Wild and Scenic Rivers, and the National Forest Systems. The deadline for the Secretary's withdrawal action was December 18, 1973.

On December 17, 1973, the legislative proposals resulting from these “d-2” studies were submitted to Congress. Following receipt of this legislation, Congress had five years—until December 17, 1978—to act.

In October 1978, the 95th Congress adjourned without enacting the proposed legislation, although a great deal of progress had been made toward passing a comprehensive Alaska lands bill. The House had successfully passed Alaska legislation on May 19, 1978 by a vote of 277-31. A bill had been reported out of the Senate Energy and Natural Resources Committee. Lack of time prevented final passage of an Alaska lands act.

To prevent the withdrawal status of the lands included in the proposed legislation from terminating on December 17, 1978, the Secretary of the Interior exercised his authority under Section 204(e) of the *Federal Land Policy and Management Act*. On November 16, 1978, the Secretary withdrew 105 million acres of Federal public lands in Alaska for a three-year period, expiring on November 19, 1981. The Secretary of Agriculture withdrew an additional 11 million acres under Section 204(b) of FLPMA over a two-year period.

On December 1, 1978, the President withdrew by proclamation over 55 million acres of Alaskan land and designated them as National Monuments, to be administered by the National Park Service, the U.S. Fish and Wildlife Service, and the U.S. Forest Service.

The Secretary of Interior, on February 12, 1980, withdrew 40 million acres of land for a period of 20 years under the authority of FLPMA to extend the three-year withdrawals that were scheduled to expire in November 1981.

Finally, in the last days of the 96th Congress, the President signed the *Alaska National Interest Lands Conservation Act* on December 2, 1980, after extensive debate and final passage by Congress.

Since then, the following public laws have been passed amending the original legislation: P.L. 97-394, P.L. 97-468, P.L. 98-620, P.L. 99-235, P.L. 99-644, P.L. 100-203, and P.L. 100-241.

The following copy of ANILCA, Title VIII has changes through February 3, 1988 (P.L. 100-241).

Title VIII of ANILCA

TITLE VIII—SUBSISTENCE MANAGEMENT AND USE

FINDINGS

SEC. 801. Findings.

SEC. 802. Policy.

- SEC. 803. Definitions.
- SEC. 804. Preference for subsistence use.
- SEC. 805. Local and regional participation.
- SEC. 806. Federal monitoring.
- SEC. 807. Judicial enforcement.
- SEC. 808. Park and park monument subsistence resource commissions.
- SEC. 809. Cooperative agreements.
- SEC. 810. Subsistence and land use decisions.
- SEC. 811. Access.
- SEC. 812. Research.
- SEC. 813. Periodic reports.
- SEC. 814. Regulations.
- SEC. 815. Limitations, savings clauses.
- SEC. 816. Closure to subsistence uses.

FINDINGS

SEC. 801. The Congress finds and declares that

(1) 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;

(2) 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;

(3) continuation of the opportunity for subsistence uses of resources on public and other lands in Alaska is threatened by the increasing population of Alaska, with resultant pressure on subsistence resources, by sudden decline in the populations of some wildlife species which are crucial subsistence resources, by increased accessibility of remote areas containing subsistence resources, and by taking of fish and wildlife in a manner inconsistent with recognized principles of fish and wildlife management;

(4) to fulfill the policies and purposes of the *Alaska Native Claims Settlement Act* and as a matter of equity, it is necessary for the Congress to invoke its constitutional authority over Native affairs and its constitutional authority under the property clause and the commerce clause to protect and provide the opportunity for continued subsistence uses on the public lands by Native and non-Native rural residents; and

(5) the national interest in the proper regulation, protection and conservation of fish and wildlife on the public lands in Alaska and the continuation of the opportunity for a subsistence way of life by residents of rural Alaska require that an administrative structure be established for the purpose of enabling rural residents who have personal knowledge of local conditions and requirements to have a meaningful role in the management of fish and wildlife and of subsistence uses on the public lands in Alaska.

POLICY

SEC. 802. It is the policy of Congress that—

(1) consistent with sound management principles, and the conservation of healthy populations of fish and wildlife, the use of the public lands in Alaska is to cause the least adverse impact possible on rural residents who depend upon subsistence uses of the resources of such lands; consistent with management of fish and wildlife in accordance with recognized scientific principles and the purposes for each unit established, designated, or expanded by or pursuant to Titles II through VII of this Act, the purpose of this title is to provide the opportunity for rural residents engaged in a subsistence way of life to do so;

(2) nonwasteful subsistence uses of fish and wildlife and other renewable resources shall be the priority consumptive uses of all such resources on the public lands of Alaska; when it is necessary to restrict taking to assure the continued viability of a fish or wildlife population or the continuation of subsistence uses of such population, the taking of such population for nonwasteful subsistence uses shall be given preference on the public lands over other consumptive uses; and

(3) except as otherwise provided by this Act or other Federal laws, Federal land managing agencies, in managing subsistence activities on the public lands and in protecting the continued viability of all wild renewable resources in Alaska, shall cooperate with adjacent landowners and land managers, including Native Corporations, appropriate State and Federal agencies and other nations.

DEFINITIONS

SEC. 803. As used in this Act, the term “subsistence uses” means the customary and traditional uses by rural Alaska residents of wild renewable resources for direct personal or family consumption as food, shelter, fuel, clothing, tools, or transportation; for the making and selling of handicraft articles out of nonedible byproducts of fish and wildlife resources taken for personal or family consumption, for barter, or sharing for personal or family consumption; and for customary trade. For the purposes of this section, the term—

(1) “**family**” means all persons related by blood, marriage, or adoption, or any person living within the household on a permanent basis; and

(2) “**barter**” means the exchange of fish or wildlife or their parts, taken for subsistence uses—

(A) for other fish or game or their parts; or

(B) for other food or for nonedible items other than money if the exchange is of a limited and noncommercial nature.

PREFERENCE FOR SUBSISTENCE USE

SEC. 804. Except as otherwise provided in this Act and other Federal laws, the taking on public lands of fish and wildlife for nonwasteful subsistence uses shall be accorded priority over the taking on such lands of fish and wildlife for other purposes. Whenever it is necessary to restrict the taking of populations of fish and wildlife on such lands for subsistence uses to protect the continued viability of such populations, or to continue such uses, such priority shall be implemented through appropriate limitations based on the application of the following criteria:

(1) customary and direct dependence upon the populations as the mainstay of livelihood;

(2) local residency; and

(3) the availability of alternative resources.

LOCAL AND REGIONAL PARTICIPATION

SEC. 805. (a) Except as otherwise provided in subsection (d) of this section, one year after the date of enactment of this Act, the Secretary in consultation with the State shall establish—

(1) at least six Alaska subsistence resource regions which taken together, include all public lands. The number and boundaries of the regions shall be sufficient to assure that regional differences in subsistence uses are adequately accommodated;

(2) such local advisory committees within each region as he finds necessary at such time as he may determine, after notice and hearing, that the existing State fish and game advisory committees do not adequately perform the functions of the local committee system set forth in paragraph (3)(D)(iv) of this subsection; and

(3) a regional advisory council in each subsistence resource region. Each regional advisory council shall be composed of residents of the region and shall have the following authority:

(A) the review and evaluation of proposals for regulations, policies, management plans, and other matters relating to subsistence uses of fish and wildlife within the region;

(B) the provision of a forum for the expression of opinions and recommendations by persons interested in any matter related to the subsistence uses of fish and wildlife within the region;

(C) the encouragement of local and regional participation pursuant to the provisions of this title in the decision making process affecting the taking of fish and wildlife on the public lands within the region for subsistence uses;

(D) the preparation of an Annual Report to the Secretary which shall contain—

(i) an identification of current and anticipated subsistence uses of fish and wildlife populations within the region;

(ii) an evaluation of current and anticipated subsistence needs for fish and wildlife populations within the region;

(iii) a recommended strategy for the management of fish and wildlife populations within the region to accommodate such subsistence uses and needs; and

(iv) recommendations concerning policies, standards, guidelines, and regulations to implement the strategy. The State fish and game advisory committees or such local advisory committees as the Secretary may establish pursuant to paragraph (2) of this subsection may provide advice to and assist, the regional advisory councils in carrying out the functions set forth in this paragraph.

(b) The Secretary shall assign adequate qualified staff to the regional advisory councils and make timely distribution of all available relevant technical and scientific support data to the regional advisory councils and the State fish and game advisory committees or such local advisory committees as the Secretary may establish pursuant to paragraph (2) of subsection (a).

(c) The Secretary, in performing his monitoring responsibility pursuant to section 806 and in the exercise of his closure and other administrative authority over the public lands, shall consider the report and recommendations of the regional advisory councils concerning the taking of fish and wildlife on the public lands within their respective regions for subsistence uses. The Secretary may choose not to follow any recommendation which he determines is not supported by substantial evidence, violates recognized principles of fish and wildlife conservation, or would be detrimental to the satisfaction of subsistence needs. If a recommendation is not adopted by the Secretary, he shall set forth the factual basis and the reasons for his decision.

(d) The Secretary shall not implement subsections (a), (b), and (c) of this section if within one year from the date of enactment of this Act the State enacts and implements laws of general applicability which are consistent with, and which provide for the definition, preference and participation specified in, sections 803, 804, and 805, such laws unless and until repealed, shall supersede such sections insofar as such sections govern State responsibility pursuant to this title for the taking of fish and wildlife on the public lands for subsistence uses. Laws establishing a system of local advisory committees and regional advisory councils consistent with section 805 shall provide that the State rulemaking authority shall consider the advice and recommendations of the regional councils concerning the taking of fish and wildlife populations on public lands within their respective regions for subsistence uses. The regional councils may present recommendations, and the evidence upon which such recommendations are based to the State rulemaking authority during the course of the administrative proceedings of such authority. The State rulemaking authority may choose not to follow any recommendation which it determines is not supported by substantial evidence presented during the course of its administrative proceedings, violates recognized principles of fish and wildlife conservation or would be detrimental to the satisfaction of rural subsistence needs. If a recommendation is not adopted by the State rulemaking authority, such authority shall set forth the factual basis and the reasons for its decision.

(e)(1) The Secretary shall reimburse the State, from funds appropriated to the Department of the Interior for such purposes, for reasonable costs relating to the establishment and operation of the regional advisory councils established by the State in accordance with subsection (d) and the operation of the State fish and game advisory committees so long as such committees are not superseded by the Secretary pursuant to paragraph (2) of subsection (a). Such reimbursement may not exceed 50 per centum of such costs in any fiscal year. Such costs shall be verified in a statement which the Secretary determines to be adequate and accurate. Sums paid under this subsection shall be in addition to any grants, payments, or other sums to which the State is entitled from appropriations to the Department of the Interior.

(2) Total payments to the State under this subsection shall not exceed the sum of \$5,000,000 in any one fiscal year. The Secretary shall advise the Congress at least once in every five years as to whether or not the maximum payments specified in this subsection are adequate to ensure the effectiveness of the program established by the State to provide the preference for subsistence uses of fish and wildlife set forth in section 804.

FEDERAL MONITORING

SEC. 806. The Secretary shall monitor the provisions by the State of the subsistence preference set forth in section 804 and shall advise the State and the Committee on Interior and Insular Affairs and on Merchant Marine and Fisheries of the House of Representatives and the Committees on Energy and Natural Resources and Environment and Public Works of the Senate annually and at such other times as he deems necessary of his views on the effectiveness of the implementation of this title including the State's provision of such preference, any exercise of his closure or other administrative authority to protect subsistence resources or uses, the views of the State, and any recommendations he may have.

JUDICIAL ENFORCEMENT

SEC. 807. (a) Local residents and other persons and organizations aggrieved a failure of the State or the Federal Government to provide for the priority for subsistence uses set forth in section 804 (or with respect to the State as set forth in a State law of general applicability if the State has fulfilled the requirements of section 805(d)) may, upon exhaustion of any State or Federal (as appropriate) administrative remedies which may be available, file a civil action in the United States District Court for the District of Alaska to require such actions to be taken as are necessary to provide for the priority.

In a civil action filed against the State, the Secretary may be joined as a party to such action. The court may grant preliminary injunctive relief in any civil action if the granting of such relief is appropriate under the facts upon which the action is based. No order granting preliminary relief shall be issued until after an opportunity for hearing. In a civil action filed against the State, the court shall provide relief, other than preliminary relief, by directing the State to submit regulations which satisfy the requirements of section 804 when approved by the court, such regulations shall be incorporated as part of the final judicial order, and such order shall be valid only for such period of time as normally provided by State law for the regulations at issue. Local residents and other persons and organizations who are prevailing parties in an action filed pursuant to this section shall be awarded their costs and attorney's fees.

(b) A civil action filed pursuant to this section shall be assigned for hearing at the earliest possible date, shall take precedence over other matters pending on the docket of the United States district court at that time, and shall be expedited in every way by such court and any appellate court.

(c) This section is the sole Federal judicial remedy created by this title for local residents and other residents who, and organizations which, are aggrieved by a failure of the State to provide for the priority of subsistence uses set forth in section 804.

PARK AND PARK MONUMENT SUBSISTENCE RESOURCE COMMISSIONS

SEC. 808. (a) Within one year from the date of enactment of this Act the Secretary and the Governor shall each appoint three members to a subsistence resource commission for each national park or park monument within which subsistence uses are permitted by this Act. The regional advisory council established pursuant to section 805 which has jurisdiction within the area in which the park or park monument is located shall appoint three members to the commission each of whom is a member of either the regional advisory council or a local advisory committee within the region and also engages in subsistence uses within the park or park monument. Within eighteen months from the date of enactment of this Act, each commission shall devise and recommend to the Secretary and the Governor a program for subsistence hunting within the park or park monument. Such program shall be prepared using technical information and other pertinent data assembled or produced by necessary field studies or investigations conducted jointly or separately by the technical and administrative personnel of the State and the Department of Interior, information submitted by, and after consultation with the appropriate local advisory committees and regional advisory councils, and any testimony received in a public hearing or hearings held by the commission prior to preparation of the plan at a convenient location or locations in the vicinity of the park or park monument. Each year

thereafter, the commission, after consultation with the appropriate local committees and regional councils, considering all relevant data and holding one or more additional hearings in the vicinity of the park or park monument, shall make recommendations to the Secretary and the Governor for any changes in the program or its implementation which the commission deems necessary.

(b) The Secretary shall promptly implement title program and recommendations submitted to him by each commission unless he finds in writing that such program or recommendations violates recognized principles of wildlife conservation, threatens the conservation of healthy populations of wildlife in the park or park monument, is contrary to the purposes for which the park or park monument is established, or would be detrimental to the satisfaction of subsistence needs of local residents. Upon notification by the Governor, the Secretary shall take no action on a submission of a commission for sixty days during which period he shall consider any proposed changes in the program or recommendations submitted by the commission which the Governor provides him.

(c) Pending the implementation of a program under subsection (a) of this section, the Secretary shall permit subsistence uses by local residents in accordance with the provisions of this title and other applicable Federal and State law.

COOPERATIVE AGREEMENTS

SEC. 809. The Secretary may enter into cooperative agreements or otherwise cooperate with other Federal agencies, the State, Native Corporations, other appropriate persons and organizations, and acting through the Secretary of State, other nations to effectuate the purposes and policies of this title.

SUBSISTENCE AND LAND USE DECISIONS

SEC. 810. (a) In determining whether to withdraw, reserve, lease, or otherwise permit the use, occupancy, or disposition of public lands under any provision of law authorizing such actions, the head of the Federal agency having primary jurisdiction over such lands or his designee shall evaluate the effect of such use, occupancy, or disposition on subsistence uses and needs, the availability of other lands for the purposes sought to be achieved, and other alternatives which would reduce or eliminate the use, occupancy, or disposition of public lands needed for subsistence purposes. No such withdrawal, reservation, lease, permit, or other use, occupancy or disposition of such lands which would significantly restrict subsistence uses shall be effected until the head of such Federal agency—

- (1) gives notice to the appropriate State agency and the appropriate local committees and regional councils established pursuant to section 805;
- (2) gives notice of, and holds, a hearing in the vicinity of the area involved; and
- (3) determines that—(A) such a significant restriction of subsistence uses is necessary, consistent with sound management principles for the utilization of the public lands, (B) the proposed activity will involve the minimal amount of public lands necessary to accomplish the purposes of such use, occupancy, or other disposition, and (C) reasonable steps will be taken to minimize adverse impacts upon subsistence uses and resources resulting from such actions.

(b) If the Secretary is required to prepare an environmental impact statement pursuant to section 102(2)(C) of the *National Environmental Policy Act*, he shall provide the notice and

hearing and include the findings required by subsection (a) as part of such environmental impact statement.

(c) Nothing herein shall be construed to prohibit or impair the ability of the State or any Native Corporation to make land selections and receive land conveyances pursuant to the *Alaska Statehood Act* or the *Alaska Native Claims Settlement Act*.

(d) After compliance with the procedural requirements of this section and other applicable law, the head of the appropriate Federal agency may manage or dispose of public lands under his primary jurisdiction for any of those uses or purposes authorized by this Act or other law.

ACCESS

SEC. 811. (a) The Secretary shall ensure that rural residents engaged in subsistence uses shall have reasonable access to subsistence resources on the public lands.

(b) Notwithstanding any other provision of this Act or other law the Secretary shall permit on the public lands appropriate use for subsistence purposes of snowmobiles, motorboats, and other means of surface transportation traditionally employed for such purposes by local residents, subject to reasonable regulation.

RESEARCH

SEC. 812. The Secretary, in cooperation with the State and other appropriate Federal agencies, shall undertake research on fish and wildlife and subsistence uses on the public lands, seek data from, consult with and make use of, the special knowledge of local residents engaged in subsistence uses; and make the results of such research available to the State, the local and regional councils established by the Secretary or State pursuant to section 805, and other appropriate persons and organizations.

PERIODIC REPORTS

SEC. 813. Within four years after the date of enactment of this Act and within every three-year period thereafter, the Secretary, in consultation with the Secretary of Agriculture, shall prepare and submit a report to the President of the Senate and the Speaker of the House of Representatives on the implementation of this title. The report shall include—

(1) an evaluation of the results of the monitoring undertaken by the Secretary as required by section 806;

(2) the status of fish and wildlife populations on public lands that are subject to subsistence uses;

(3) a description of the nature and extent of subsistence uses and other uses of fish and wildlife on the public lands;

(4) the role of subsistence uses in the economy and culture of rural Alaska;

(5) comments on the Secretary's report by the State, the local advisory councils and regional advisory councils established by the Secretary or the State pursuant to section 805, and other appropriate persons and organizations;

(6) a description of those actions taken, or which may need to be taken in the future, to permit the opportunity for continuation of activities relating to subsistence uses on the public lands;

(7) such other recommendations the Secretary deems appropriate.

A notice of the report shall be published in the Federal Register and the report shall be made available to the public.

REGULATIONS

SEC. 814. The Secretary shall prescribe such regulations as are necessary and appropriate to carry out his responsibilities under this title.

LIMITATIONS, SAVINGS CLAUSES

SEC. 815. Nothing in this title shall be construed as—

(1) granting any property right in any fish or wildlife or other resource of the public lands or as permitting the level of subsistence uses of fish and wildlife within a conservation system unit to be inconsistent with the conservation of healthy populations, and within a national park or monument to be inconsistent with the conservation of natural and healthy populations, of fish and wildlife. No privilege which may be granted by the State to any individual with respect to subsistence uses may be assigned to any other individual;

(2) permitting any subsistence use of fish and wildlife on any portion of the public lands (whether or not within any conservation system unit) which was permanently closed to such uses on January 1, 1978, or enlarging or diminishing the Secretary's authority to manipulate habitat on any portion of the public lands;

(3) authorizing a restriction on the taking of fish and wildlife for nonsubsistence uses on the public lands (other than national parks and park monuments) unless necessary for the conservation of healthy populations of fish and wildlife, for the reasons set forth in section 816, to continue subsistence uses of such populations, or pursuant to other applicable law; or

(4) modifying or repealing the provisions of any Federal law governing the conservation or protection of fish and wildlife, including the— National Wildlife Refuge System Administration Act of 1966 (80 Stat. 927- 16 U.S.C. 668dd-jj), National Park Service Organic Act (39 Stat. 535, 16 U.S.C. 1, 2, 3, 4), Fur Seal Act of 1966 (80 Stat. 1091, 16 U.S.C. 1187), Endangered Species Act of 1973 (87 Stat. 884 16 U.S.C. 1531-1543), Marine Mammal Protection Act of 1972 (86 Stat. 1027; 16 U.S.C. 1361-1407), Act entitled "An Act for the Protection of the Bald Eagle", approved June 8, 1940 (54 Stat. 250; 16 U.S.C. 742a-754), Migratory Bird Treaty Act (40 Stat. 755;16 U.S.C. 703-711), Federal Aid in Wildlife Restoration Act (50 Stat. 917- 16 U.S.C. 669-669i), Fishery Conservation and Management Act of 1976 (90 Stat. 331;16 U.S.C. 1801-1882), Federal Aid in Fish Restoration Act (64 Stat. 430; 16 U.S.C. 777-777K), or any amendments to any one or more of such Acts.

CLOSURE TO SUBSISTENCE USES

SEC. 816. (a) All national parks and park monuments in Alaska shall be closed to the taking of wildlife except for subsistence uses to the extent specifically permitted by this Act. Subsistence uses and sport fishing shall be authorized in such areas by the Secretary and carried out in accordance with the requirements of this title and other applicable laws of the United States and the State of Alaska.

(b) Except as specifically provided otherwise by this section, nothing in this title is intended to enlarge or diminish the authority of the Secretary to designate areas where, and establish periods when, no taking of fish and wildlife shall be permitted on the public lands for reasons of public safety, administration, or to assure the continued viability of a particular fish or wildlife population. Notwithstanding any other provision of this Act or other law, the Secretary, after consultation with the State and adequate notice and public hearing, may temporarily close any public lands (including those within any conservation system unit), or any portion thereof, to subsistence uses of a particular fish or wildlife population only if necessary for reasons of public safety, administration, or to assure the continued viability of such population. If the Secretary determines that an emergency situation exists and that extraordinary measures must be taken for public safety or to assure the continued viability of a particular fish or wildlife population, the Secretary may immediately close the public lands, or any portion thereof, to the subsistence uses of such population and shall publish the reasons justifying the closure in the Federal Register. Such emergency closure shall be effective when made, shall not extend for a period exceeding sixty days, and may not subsequently be extended unless the Secretary affirmatively establishes, after notice and public hearing, that such closure should be extended.

Subsistence Regional Advisory Council Correspondence Policy

The Federal Subsistence Board (Board) recognizes the value of the Regional Advisory Councils' role in the Federal Subsistence Management Program. The Board realizes that the Councils must interact with fish and wildlife resource agencies, organizations, and the public as part of their official duties, and that this interaction may include correspondence. Since the beginning of the Federal Subsistence Program, Regional Advisory Councils have prepared correspondence to entities other than the Board. Informally, Councils were asked to provide drafts of correspondence to the Office of Subsistence Management (OSM) for review prior to mailing. Recently, the Board was asked to clarify its position regarding Council correspondence. This policy is intended to formalize guidance from the Board to the Regional Advisory Councils in preparing correspondence.

The Board is mindful of its obligation to provide the Regional Advisory Councils with clear operating guidelines and policies, and has approved the correspondence policy set out below. The intent of the Regional Advisory Council correspondence policy is to ensure that Councils are able to correspond appropriately with other entities. In addition, the correspondence policy will assist Councils in directing their concerns to others most effectively and forestall any breach of department policy.

The Alaska National Interest Lands Conservation Act Title VIII required the creation of Alaska's Subsistence Regional Advisory Councils to serve as advisors to the Secretary of the Interior and the Secretary of Agriculture and to provide meaningful local participation in the management of fish and wildlife resources on Federal public lands. Within the framework of Title VIII and the Federal Advisory Committee Act, Congress assigned specific powers and duties to the Regional Advisory Councils. These are also reflected in the Councils' charters. (*Reference: ANILCA Title VIII §805, §808, and §810; Implementing regulations for Title VIII, 50 CFR 100 .11 and 36 CFR 242 .11; Implementing regulations for FACA, 41 CFR Part 102-3.70 and 3.75*)

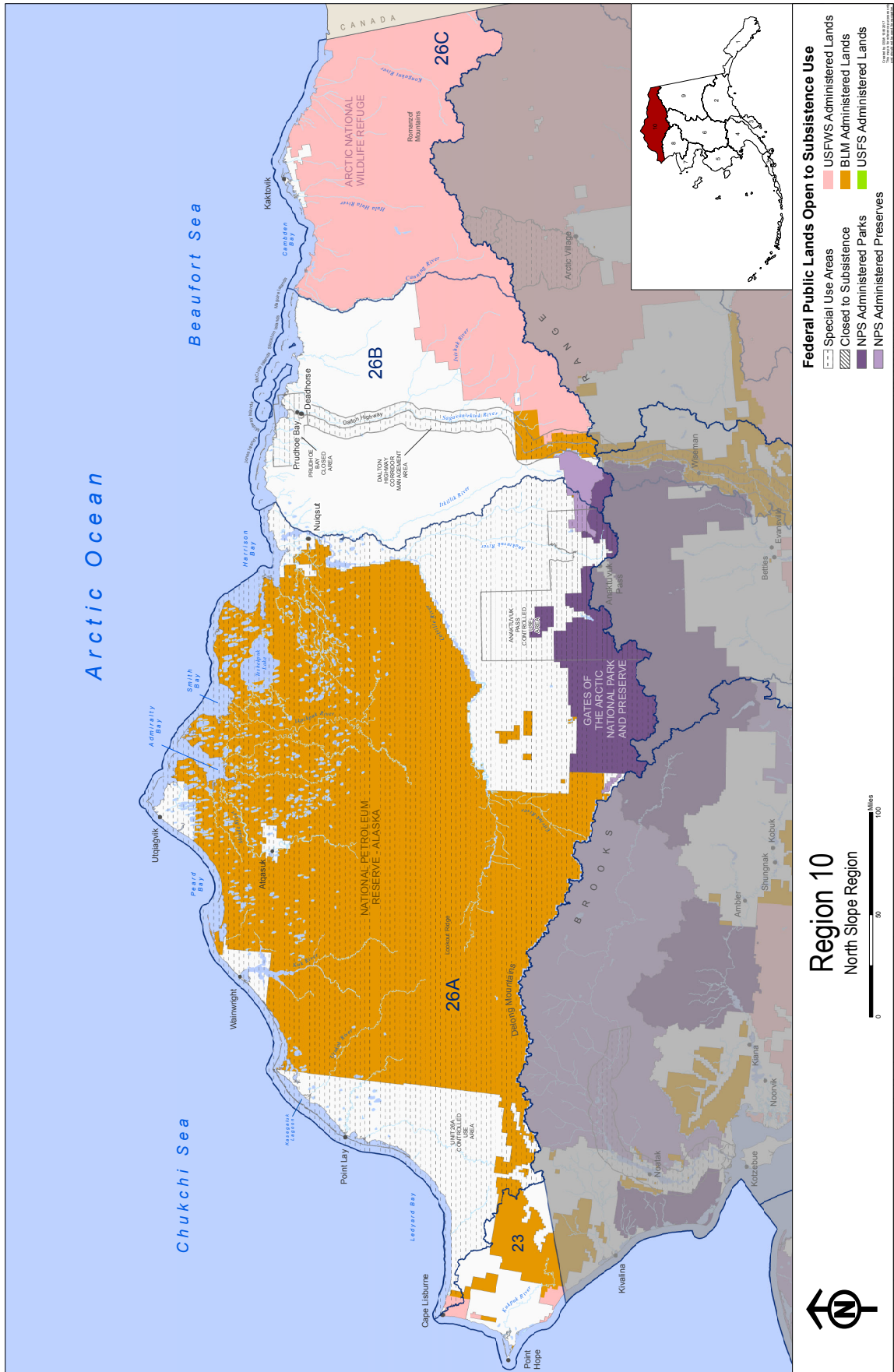
The Secretaries of Interior and Agriculture created the Federal Subsistence Board and delegated to it the responsibility for managing fish and wildlife resources on Federal public lands. The Board was also given the duty of establishing rules and procedures for the operation of the Regional Advisory Councils. The Office of Subsistence Management was established within the Federal Subsistence Management Program's lead agency, the U.S. Fish and Wildlife Service, to administer the Program. (*Reference: 36 CFR Part 242 and 50 CFR Part 100 Subparts C and D*)

Policy

1. The subject matter of Council correspondence shall be limited to matters over which the Council has authority under §805(a)(3), §808, §810 of Title VIII, Subpart B §__.11(c) of regulation, and as described in the Council charters.
2. Councils may, and are encouraged to, correspond directly with the Board. The Councils are advisors to the Board.
3. Councils are urged to also make use of the annual report process to bring matters to the Board's attention.

6/15/04

4. As a general rule, Councils discuss and agree upon proposed correspondence during a public meeting. Occasionally, a Council chair may be requested to write a letter when it is not feasible to wait until a public Council meeting. In such cases, the content of the letter shall be limited to the known position of the Council as discussed in previous Council meetings.
5. Except as noted in Items 6, 7, and 8 of this policy, Councils will transmit all correspondence to the Assistant Regional Director (ARD) of OSM for review prior to mailing. This includes, but is not limited to, letters of support, resolutions, letters offering comment or recommendations, and any other correspondence to any government agency or any tribal or private organization or individual.
 - a. Recognizing that such correspondence is the result of an official Council action and may be urgent, the ARD will respond in a timely manner.
 - b. Modifications identified as necessary by the ARD will be discussed with the Council chair. Councils will make the modifications before sending out the correspondence.
6. Councils may submit written comments requested by federal land management agencies under ANILCA §810 or requested by regional Subsistence Resource Commissions under §808 directly to the requesting agency. Section 808 correspondence includes comments and information solicited by the SRCs and notification of appointment by the Council to an SRC.
7. Councils may submit proposed regulatory changes or written comments regarding proposed regulatory changes affecting subsistence uses within their regions to the Alaska Board of Fisheries or the Alaska Board of Game directly. A copy of any comments or proposals will be forwarded to the ARD when the original is submitted.
8. Administrative correspondence such as letters of appreciation, requests for agency reports at Council meetings, and cover letters for meeting agendas will go through the Council's regional coordinator to the appropriate OSM division chief for review.
9. Councils will submit copies of all correspondence generated by and received by them to OSM to be filed in the administrative record system.
10. Except as noted in Items 6, 7, and 8, Councils or individual Council members acting on behalf of or as representative of the Council may not, through correspondence or any other means of communication, attempt to persuade any elected or appointed political officials, any government agency, or any tribal or private organization or individual to take a particular action on an issue. This does not prohibit Council members from acting in their capacity as private citizens or through other organizations with which they are affiliated.



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

North Slope Subsistence Regional Advisory Council

Charter

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

- (3) A recommended strategy for the management of fish and wildlife populations within the Region to accommodate such subsistence uses and needs.
 - (4) Recommendations concerning policies, standards, guidelines, and regulations to implement the strategy.
- e. Appoint one member to the Gates of the Arctic National Park Subsistence Resource Commission in accordance with section 808 of the ANILCA.
- f. Make recommendations on determinations of customary and traditional use of subsistence resources.
- g. Make recommendations on determinations of rural status.
- h. Provide recommendations on the establishment and membership of Federal local advisory committees.
- i. Provide recommendations for implementation of Secretary's Order 3347: Conservation Stewardship and Outdoor Recreation, and Secretary's Order 3356: Hunting, Fishing, Recreational Shooting, and Wildlife Conservation Opportunities and Coordination with States, Tribes, and Territories. Recommendations shall include, but are not limited to:
 - (1) Assessing and quantifying implementation of the Secretary's Orders, and recommendations to enhance and expand their implementation as identified;
 - (2) Policies and programs that:
 - (a) increase outdoor recreation opportunities for all Americans, with a focus on engaging youth, veterans, minorities, and other communities that traditionally have low participation in outdoor recreation;
 - (b) expand access for hunting and fishing on Bureau of Land Management, U.S. Fish and Wildlife Service, and National Park Service lands in a manner that respects the rights and privacy of the owners of non-public lands;
 - (c) increase energy, transmission, infrastructure, or other relevant projects while avoiding or minimizing potential negative impacts on wildlife; and
 - (d) create greater collaboration with States, Tribes, and/or Territories.

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

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

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

All current and future Executive Orders, Secretary's Orders, and Secretarial Memos should be included for discussion and recommendations as they are released. 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 \$165,000, including all direct and indirect expenses and 1.0 Federal staff years.
8. **Designated Federal Officer.** The DFO is the Subsistence Council Coordinator for the Region or such other Federal employee as may be designated by the Assistant Regional

Director – Subsistence, Region 11, U.S. Fish and Wildlife Service. The DFO is a full-time Federal employee appointed in accordance with Agency procedures. The DFO will:

- (a) Approve or call all Council and subcommittee meetings;
- (b) Prepare and approve all meeting agendas;
- (c) Attend all committee and subcommittee meetings;
- (d) Adjourn any meeting when the DFO determines adjournment to be in the public interest; and
- (e) Chair meetings when directed to do so by the official to whom the advisory committee reports.

9. **Estimated Number and Frequency of Meetings.** The Council will meet 1-2 times per year, and at such times as designated by the Federal Subsistence Board Chair or the DFO.
10. **Duration.** Continuing.
11. **Termination.** The Council will be inactive 2 years from the date the Charter is filed, unless, prior to that date, 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.

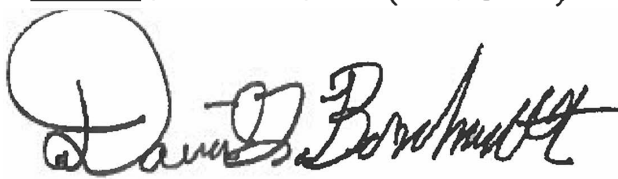
The Secretary of the Interior will appoint members based on the recommendations from the Federal Subsistence Board and with the concurrence of the Secretary of Agriculture. Members will be appointed for 3-year terms. Members serve at the discretion of the Secretary.

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

Council members will elect a Chair, 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, made be handled in accordance with General Records Schedule 6.2, and other approved Agency records disposition schedule. These records made be available for public inspection and copying, subject to the Freedom of Information Act (5 U.S.C. 552).



Secretary of the Interior

DEC 12 2019

Date Signed

DEC 13 2019

Date Filed

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