



NORTH SLOPE
SUBSISTENCE REGIONAL
ADVISORY COUNCIL
Meeting Materials

*February 13 - 14, 2018
Utqiagvik*



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On the cover...

The caribou are moving north to their calving grounds and summer range on the north slope, telling us that the time of winter is nearing an end...



NPS photo by Zak Richter

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NORTH SLOPE SUBSISTENCE REGIONAL ADVISORY COUNCIL

North Slope Borough Assembly Chambers
Utqiagvik

February 14 - 15, 2018
9:00 am ~ 5:30 pm 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. Old Business (Chair)

Special Action Review if relevant

11. New Business (Chair)

- a. Call for Federal Fisheries Proposals21
- b. Call for Nonrural Determination Proposals24
- c. Fisheries Resource Monitoring Program Updates and Discussion Supplemental
- d. Approve FY2017 Annual Report* Supplemental

12. Agency Reports

(Time limit of 15 minutes unless approved in advance)

Tribal Governments

Native Organizations

Arctic National Wildlife Refuge

Alaska Department of Fish and Game – Caribou updates

Bureau of Land Management – National Petroleum Reserve–Alaska

Gates of the Arctic National Park and Preserve

Arctic Landscape Conservation Cooperative

US Fish and Wildlife Service – Barrow Field Office

Office of Subsistence Management

13. Future Meeting Dates*

- Confirm Fall 2018 meeting date and location47
- Select Winter 2019 meeting date and location48

14. Closing Comments

15. 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 February 5, 2018.

REGION 10
North Slope Subsistence Regional Advisory Council

Seat	Year Appointed <i>Term Expires</i>	Member Name and Community
1	1998 2020	Gordon R. Brower Utqiagvik Chair
2	2011 2019	Robert V. Shears Utqiagvik
3	2016 2019	Wanda T. Kippi Atqasuk Secretary
4	2015 2019	Steve A. Oomituk Point Hope
5	2017 2020	Fredrick Neakok Utqiagvik
6	2017 2020	Jerry Sikvayugak Anaktuvuk Pass
7	2017	VACANT
8	2016 2018	Ester S. Hugo Anaktuvuk Pass
9	2006 2018	Lee Kayotuk Kaktovik Vice Chair
10	2002 2018	Rosemary Ahtuanguaruak Nuiqsut

NORTH SLOPE SUBSISTENCE REGIONAL ADVISORY COUNCIL

**Inupiat Heritage Center
Utqiagvik, Alaska**

November 15-17, 2017

MEETING MINUTES

Council Members Present:

Gordon Brower
Rosemary Ahtuanguaruak
Robert Shears
Lee Kayotuk
Wanda Kippi
Ester Hugo
Steve Oomituk (via teleconference)

Meeting Attendees:

Eva Patton, Council Coordinator, Office of Subsistence Management (OSM)
Gene Peltola, Jr. Deputy Area Regional Director, OSM
Carl Johnson, Council Coordination Division Chief, OSM
Tom Evans, Wildlife Biologist, OSM
Joshua Ream, Anthropologist, OSM
Megan Klosterman, Wildlife Biologist, OSM
Karen Hyer, Fisheries Biologist, OSM
Ernest Nageak, Native Liaison, Barrow Field Office, US Fish and Wildlife Service (USFWS)
Neesha Stellrecht, Branch Chief, Endangered Species Recovery Program, USFWS
Hollis Twitchell, Assistant Manager, Arctic National Wildlife Refuge, USFWS
Vince Mathews, Subsistence Coordinator for Arctic, Kanuti, and Yukon Flats, USFWS
Roy M. Nageak, Sr., National Petroleum Reserve – Alaska (NPR-A), Barrow Office, Bureau of Land Management (BLM)
Beth Lenart, Wildlife Biologist, Alaska Department of Fish and Game (ADF&G), Fairbanks
Ryan Klimstra, Wildlife Biologist, Alaska Department of Fish and Game, Fairbanks
Darren Bruning, Area Management Biologist, ADF&G, Fairbanks
Corey Schwanke, Fisheries Research Biologist, ADF&G
Mark Wiggin, Alaska Department of Natural Resources (DNR)
Glenn Chenn, Interagency Staff Committee, Subsistence Branch Chief, Bureau of Indian Affairs (BIA)
Brian Person, Biologist, Division of Wildlife Management (DWM), North Slope Borough (NSB)
Felipe Farley, Law Department, NSB
Lloyd Pamingona, Director, Inupiat Community of the Arctic Slope (ICAS)
George Edwardson, President, ICAS
Vera Williams, Inupiat History Language and Culture Commission (IHLC), Utqiagvik
Geoff Carroll, Barrow
Joe Leavitt, Subsistence Hunter, Barrow
Nancy Leavitt, Subsistence Hunter, Barrow
Aber Akpik, Barrow
Charla Hopson, Barrow

Leo Kaleak, Barrow

ANSEP Students:

Kaelyn Stalker

Ilya Turchaninov

Via teleconference:

Marcy Okada, Subsistence Coordinator, Gates of the Arctic National Park, National Park Service (NPS)

Dan Sharp, Interagency Staff Committee, BLM

Brendon Scanlon, Fisheries Research Biologist, ADF&G, Fairbanks

Tony Gorn, Area Management Biologist, ADF&G, Nome

Mark Burch, Area Management Biologist, ADF&G, Palmer

Jill Klein, Special Assistant to the Commissioner, ADF&G

Clarence Summers, Interagency Staff Committee, NPS

Lisa Maas, Wildlife Biologist, OSM

Pippa Kenner, Anthropologist, OSM

Orville Lind, Native Liaison, OSM

Welcome and introductions: Council Chair, Gordon Brower welcomed everyone to the meeting and opened with an invocation and asked for introductions from all participating in person and by teleconference.

Roll Call: Members present: Robert Shears, Rosemary Ahtuanguak, Gordon Brower, Lee Kayotuk, Wanda Kippi, Esther Hugo, Steve Oomituk (teleconference). Quorum was established.

Review and Adopt Agenda: Agenda approved with some revisions to order.

Review and Approve Previous Meeting Minutes: Meeting minutes approved with corrections to spelling on Inupiaq fish names: Pikutuuq, and Aanaakliq and correction to the spelling of public participant Fred Tukrook's name.

Council Member Reports:

Robert Shears relayed reports from the Wainwright area, noting that there was a successful trapping season last spring, particularly of predator species. He highlighted there was a strong smelt fishery in the coastal estuaries, but that the fish tasted different in some particular areas where it was harvest. There was a successful spring waterfowl harvest despite shortages of shotgun shells locally. It was pretty easy to harvest caribou in August and September, but people had to limit harvest due to storage concerns with warmer weather. Robert stressed that since bone provides important nutrients, people store meat on bone, which takes up more space, and most people store the meat in the ground since there is not enough housing and freezer space indoors. There was a thaw event in late October – early November, which tragically caused loss to a lot of meat that was being stored outside.

Rosemary Ahtuanguak also noted that there was a good harvest of furbearers around Nuiqsut. People harvested caribou that were sick, with open sores and pus, and could not share that caribou. It did not look ill when shot, but the illness was discovered when the animal was opened up. Rosemary stressed it places a burden on the community, when sharing is such an important part of the harvest. Reduced signs of fish with the fish mold compared to previous years. Hunters had to go out more times in order to meet harvest needs of community, but there was success. The rut seemed to occur later this year, with people out harvesting toward the end of October, and yet, the caribou were not yet in rut. Good success in the spring

waterfowl harvest this year. Increasing oil and gas activities on the Colville River is presenting concerns, as some areas are prime waterfowl harvest locations. Rosemary noted significant changes in vegetation near Nuiqsut, with a high occurrence of long grass, which is overtaking normal tundra plants that caribou rely upon for food.

Wanda Kippi noted she saw caribou around Atqasuk this summer with abscesses and green pus and also one with pus all over its neck. Hunting was okay during the summer, with people in Atqasuk catching a lot of caribou. In the fall, people were going farther out to catch caribou and people were coming back with nothing. It seems like the caribou migration has changed since last year. Wanda noted that there were lots of geese this year. Last year, there were a lot of owls in the area, but not this year. A lady visiting from Utqiagvik caught a silver salmon on November 1. She did not see any bears this year, but heard of others who were catching them along the river. Fishing was slow in the fall because the freeze-up started late. In the last week, people started catching more.

Gordon Brower was not able to go out like he normally goes to fish camp due to a lot of things that happened. He keeps his ears wide open, and from what he heard, people were busy in August, catching a lot of tutu, fat ones. He noted that people in Nuiqsut were having lots of luck catching waterfowl and they were trading fish. Gordon highlighted that there is a healthy trading relationship, and he took advantage of trading for fish this year since he was not able to get out himself. Gordon noted that caribou from the Barrow area were infected with tape worms or something else that had infested the muscle, and you could see them moving around inside. He also noted people in Wainwright reported infestations with something moving inside the meat.

Lee Kayotuk noted a bad season of hunting caribou this summer for Kaktovik, only 15 for the whole village. He felt that tourists who follow the Porcupine Caribou herd may be directing the movement of caribou. Lee reported that fishing was good this summer. He noted they had 60 polar bears this fall, and many tourists came through to observe the bears. Currently there are about 15-20 polar bears around the village. They also saw a few brown bears this fall. Lee noted that there were a few private planes flying this summer around Kaktovik.

Some people went up to the Hula Hula River, where there were about 70 caribou, and were successful in catching some caribou there. Otherwise it has been a very difficult year for Kaktovik since the caribou have been so far away, they have to travel very far to hunt and sometimes came back without being able to harvest anything. The lack of snow has made it very difficult to travel far by snow machine. Lee expressed that he is grateful for the opportunity for Kaktovik to get at least one or two moose for the community – that is very important especially when the caribou are scarce.

Esther Hugo reported that there are Tutu near Anaktuvuk Pass right now. The community is relieved and happy that the caribou are coming around now, after so many years without. She noted that there were a lot of snowshoe hares and weasels and that there have been many bears sited even in the village. She also noted the presence of several wolves near the village. Esther noted several people have harvested moose and shared it among the villagers, and they are very grateful for that. The community is looking forward to a good harvest of Tutu this year, because even with all the food shared by others it only goes so far, and they rely on the caribou for their subsistence. Caribou is their primary food, and they cannot live without it. There is not much snow and the rivers are still open, so it is a bit dangerous to go out hunting right now.

Esther also reported on the activities at the recent Gates of the Arctic Subsistence Resource Commission (SRC) meeting. This was her first SRC meeting to attend in person since the Council appointed her to serve.

Steve Oomituk noted it has been a good year for caribou in Point Hope. He reported that the caribou have been hanging around the Point Hope area, and there was even one in town a few weeks ago. Since the closure in Unit 23, it seems like the caribou are coming back. Our hunters do not have to go as far away as they had before. People are filling their freezers. With the economy being low, having that fresh meat is important. Elders are happy, people are happy. The caribou are so in abundance. They look healthy, and there are a lot of calves.

Steve noted that there is a lot of fish, especially Grayling, in the river this year. However, late freeze-up and early thaw is a concern. The weather has been warm and windy. Steve stressed that global warming is really starting to have an effect on the animals and their patterns. The snow did not arrive until late this year.

Public and Tribal Comment on Non-agenda items:

Roy Nageak, Sr. shared some history on the traditional teachings of the elders and what is being passed on to the younger generation now. He noted that they grew up with the freedom to do as they pleased and hunt with the knowledge that they were given, but now regulations create a burden. However, he also noted that the elder had seen starvation in there time depending on where the animals migrated and when. They do not want to go back to that, it is good to go forward. Roy expressed concern about seismic testing and other industrial impacts to subsistence hunting, trapping, and fishing. He noted that seismic testing disturbs trap lines and that important subsistence fish have been wiped out in some lakes and rivers where seismic testing was done. It takes a very long time for fish population to recover. Roy stressed that it was important for the RAC and NPR-A advisory committees to be involved on behalf of communities to advise on subsistence issues. However, he also felt that being advisory the recommendations could be set aside. Roy strongly felt that traditional knowledge was a key and should be considered. He noted that if traditional knowledge was considered fully a lot of mistakes could be prevented with development and resource management in the region.

Roy relayed many observations of changes, he has seen over the years, such as the best time for hunting, when the animals were migrating through, and in their best condition. He described how the sea ice used to be when he was very young and began whaling, but it has changed now. Now there is hardly any ice for much of the year, and it is getting thinner, creates ridges, and is unsafe for travel to hunt. He worries about the future of the seals because there is no ice.

Joseph Leavitt expressed that local and traditional knowledge is critical to sound management and that the public should be listened to and taken seriously. He noted good science is important too, and he will back that up, if the science is sound, but he can also tell based on his own knowledge and experience when they are wrong. Management agencies need to take local knowledge regarding animals into serious consideration. Local knowledge should help create good regulations. Joe referenced the local science department and work of the Eskimo Whaling Commission using good science and traditional knowledge for management. These good practices is the reason why they are still able to continue their culture of whaling.

Joe described the changes to the environment he has been seeing over the years. He noted, that he had done a lot of fishing his whole life, and back in the 1980s the willows only used to be 3 or 4 feet tall. Now the willows are so tall you have to find a little hill to see over them. And now, when fishing in the summertime, people are catching more salmon than whitefish in the area, but they prefer their Aanaakliq (Whitefish), which they are accustomed to. Joe stressed that even the sea ice was changing from when he was a kid. When he was young, the sea ice would be there all the way through August and it was his playground. They would fish for tomcods from the ice. Now the multi-year ice hardly exists anymore.

They have to travel very far out now to hunt seals, and it really affects their ability to hunt and go whaling. The bearded seals provide the skins for their boats.

Nancy Leavitt noted that she grew up and lived all her life in Point Lay, and recently the caribou have not been migrating through there. She expressed concern that in recent years the caribou have been more than 50 miles away from Point Lay and it has been difficult for people to reach the caribou herd to hunt for food. Nancy noted that most people in the community did not harvest any caribou, and their freezers were empty of any meat. She stressed that people don't have the money to buy meat, so the village store is having a hard time stocking any meat. Nancy requested research that would help understand why the caribou are moving away from their regular migration routes. Also she noted that the rivers are not freezing like they used to, so it makes it very difficult to fish. This year they hardly got any fish, because the river thawed out and it was not safe for ice fishing.

Leo Kaleak was born and raised in Utqiagvik and grew up a subsistence lifestyle throughout his life. He noted that he was raised out on the land fishing and hunting with his father, but now is seeing a lot of changes with Mother Nature. He relayed a story about going to the Meade River in July-August to fish and hunt with his older brother, when he came across a lot of dead whitefish on either side of the river near his camp. It was concerning enough that he did not want to set his nets to catch fish there. He relayed his observations to ADF&G at the time but would like to see research done on the whitefish populations in the area.

Abel Akpik relayed that he is true blood Inupiaq from Utqiagvik, and that paper regulations with units and numbers are not the Inupiaq way. He asked what the word *subsistence* means as defined by the State and the Federal government. He shared that he worked as an electrician for 33 years, but that fishing and hunting were still central to his life and getting food. Abel relayed that there were times when he spent up to five months at his camp on his Native allotment, and anything that he could hunt and fish is what he subsisted on. He also noted the importance of trading, so that he could get a few gallons of gas and this was part of subsistence. Able suggested that people passing regulations should spend time out on the land and at a camp to really understand what subsistence is. He expressed that the all the passed laws and papers could be used for firewood to keep warm.

George Edwardson, President, Inupiat Community of the Arctic Slope (ICAS) expressed grave concern about the military dump and Distant Early Warning Line (DEW line) contaminants that are eroding into the Coleville River and the impacts to subsistence resources, especially fish that are affected by such contaminants as Polychlorinated biphenyl (PCB). George asked the Federal agencies to do something about these old military dumps, since it is federal nexus, and conveyed just how grave the problem becomes as permafrost thaws and bank erosion is leaching the waste right into the Colville River, which is vital to subsistence, especially the community of Nuiqsut.

New Business

Call for Regional Advisory Council Applications and Nominations for 2018

The call for 2018 applications to serve on the Federal Subsistence Regional Advisory Council is currently open and will close in February. The Council discussed the current vacancies on the Council and the need for further outreach to encourage applications from communities not currently represented on the Council, such as Wainwright and Point Lay. The Council also talked about a need for additional applicants from other communities in the region to ensure broad representation on the Council. A couple vacant seats are expected to be filled with the Secretarial appointments to the Council for this year in December 2017.

The Council discussed Title VIII of ANILCA with OSM staff and the guidance it provides to the role and authority of the Federal Subsistence Regional Advisory Councils. Carl Johnson, Council Coordination Division Chief, highlighted the importance of the Councils recommendations to the Federal Subsistence Board (Board) and that approximately 90% of RAC recommendations are adopted by the Board.

Review of Wildlife Special Actions

Tom Evans, Wildlife Biologist for OSM, provided a brief summary of the Board action and justification on several Wildlife Special Actions that occurred in past year. WSA17-02 and 17-03 were submitted by the Northwest Arctic Subsistence Regional Advisory Council for Unit 23. WSA 17-04 was submitted by the North Slope Subsistence Regional Advisory Council, and is the same as wildlife proposal WP18-57. The Board rejected Temporary Special Action Request WSA17-04, which asked for Federal public lands in Unit 26A and Unit 26B to be closed to caribou hunting by non-Federally qualified users during the July 1, 2017 – June 30, 2018 regulatory year.

The Board concluded that recently enacted conservation actions by the Alaska Board of Game (BOG) and the Board for the Western Arctic, Teshekpuk, and Central Arctic Caribou herds need to in place for a while to determine if they are effective in reducing the caribou harvest and in slowing down or reversing the population declines in these caribou herds before additional closures are enacted. Closure of Federal public lands to non-Federally qualified users would not likely have as much of an effect as recent Alaska BOG actions that protect cows and reduce the overall caribou harvest. Much of the non-Federally qualified user harvest occurs on State lands, and a closure runs the risk of concentrating hunters onto State lands, which are adjacent to some villages, thereby increasing impacts to these communities.

The number of caribou harvested by non-Federally qualified users is not biologically significant for the Western Arctic and Teshekpuk Caribou Herds in Unit 26A. The potentially significant impact of non-Federally qualified user harvest from the Central Arctic Caribou Herd in Unit 26B has now been addressed by newly enacted State regulations for the 2017-2018 regulatory year. The Board recommends that these changes take effect in lieu of enacting additional regulations at this time.

The Council discussed continuing concerns for the caribou decline and hunting activities that may cause stress to the caribou herd and deflect them from their usual migratory pathways. The Council remains deeply concerned about local communities not meeting their subsistence needs and the hardship faced, especially by Anaktuvuk Pass, since it had been several years that the caribou herd did not migrated along their usual route. The Council stressed the need to find a way to elevate subsistence priority and opportunity on Federal lands in these times of caribou herd decline and food shortage in the North Slope region.

Federal Wildlife Regulatory Proposals

Office of subsistence management staff biologists Tom Evans and Meghan Klosterman and anthropologist Joshua Ream provided the Council with an overview and analysis of all wildlife proposals relevant to the North Slope region. The Council herd State and Federal agency comments, recommendations from other Councils, Advisory Committees, and Subsistence Resource Commissions where relevant and also listened to public and Tribal comment before taking action on each proposal.

Regional Proposals:

WP18-32: *Modify season dates to align with State for caribou in Units 21D, 22, 23, 24, 25A (west), 26A, and 26B.*

Council Action: Oppose. Vote: For: 0; Against: 6; Abstain: 0; Absent: 1

Discussion/Justification: The Council raised concerns that the wide range of the herds made some of the dates unrealistic for the North Slope region, and that uniformity of harvest season across the range of the herd was not appropriate due to differences in timing of the migration of the herd across the entire region. Some of the dates proposed would take away opportunity to harvest when subsistence hunters in the North Slope region communities would normally be harvesting. The Council stressed that each community and region within the range of the Western Arctic Caribou Herd (WACH) knows the best time when the caribou are good to harvest based on local and traditional knowledge.

The Council also noted that overall the proposal is premature, since more time is needed to see what happens with new regulations and other proposals that have been put forward regarding conservation of the WACH. Those measures should be given time to address the conservation concern. There is a lack of evidence on the record to suggest that this proposal would be warranted due to the varying dates across the range of the herds, as to calving, migration, and timing of the fall rut.

WP18-48/49: *Establish registration permit hunt for caribou in Units 22, 23 and 26.*

Action: Support WP18-48, and take no action on WP18-49. Vote: For: 4; Against: 1; Abstain: 0; Absent: 2

Discussion/Justification: Overall the Council voted to support a registration permit in order to gain more data and insight into caribou harvest, which will aid conservation management efforts. It was recognized that the Federal government could use more information for informed management and that a State registration permit hunt for caribou was recently enacted, but there was still a reluctance to give up local control of the process of information gathering related to harvest. The Council expressed concern over duplication of effort in harvest data collection and the additional imposition placed upon users. It was noted that the DWM NSB and Inupiat Community of the Arctic Slope have already been involved in subsistence harvest data collection with communities in the region.

There was a bit of discussion expressing concern about impact on younger hunters, but it was made clear that those under 10 can hunt with an adult, and that starting at 10 a hunter could get their own permit and hunt without a license until 18. However, the permit is at no cost and hopefully it will provide good information to managers regarding caribou herds and subsistence needs. In particular, there was an interest in better understanding of community harvest needs and what the harvest is in low years, when the caribou are not around. The Council requested that informational outreach and support be provided to communities to assist with the new permitting process and stressed that this is a critical part of supporting this proposal.

Concern was also expressed for communities like Wainwright, specifically that have “super hunters,” individuals that hunt to provide for many families in the community and for those that are not able to hunt, such as widows and elders. A permit system would undermine these traditional ways of hunting and those few hunters that provide for much of the community in this case.

WP18-57: *Close the harvest to non-Federally qualified users for caribou in Units 26A and 26B.*

Action: Support as written. Vote: For: 7 Against:0 Abstain:0 Absent:0

Discussion/Justification: The Council expressed concerns over the decline of the Western Arctic and Teshekpuk caribou herds and especially the recent dramatic decline of the Central Arctic caribou herd.

The council noted that even though there was a small “sliver” of Federal land in Unit 26B, perhaps it was important to have the closure, if even for a small area of land in order to provide protection of the herd in that area, which is critical to the migration of the herd. Subsistence communities in the area have been impacted by hunting activity and access off the Dalton Highway. The Council stressed the importance of the rural subsistence priority and that a closure to non-federally qualified subsistence users (NFQU) was not taken lightly, but warranted at this time, when subsistence needs were not being met. Communities in the region have already taken efforts to support conservation of the caribou herd by reducing their own subsistence harvest, and now the only tool left available was to close Federal lands to non-federally qualified hunters.

Council members expressed grave concern about the continuing viability of the herds in the area and noted that evidence on the record (a drop from 490,000 to 200,000 for the WACH) shows that there is a conservation concern. The Council noted that the special action closure in Unit 23 has shown positive results, providing for more subsistence opportunities for people in that area, and thus felt this measure could also be beneficial in Unit 26A and B. Additionally, the Council felt that if there was a shift of hunters from Federal lands in Unit 23 to Unit 26 that a follow up closure to NFQU in Unit 26 would help support communities in the North Slope region.

While it is anticipated that perhaps the WACH count may be stabilizing, there still needs to be a conservative action. Despite the overall low number of NFQU hunters in Unit 26, the Council stressed that each one of those hunters represents aircraft activity that contributes to the diversion of the herd. It is not the number of hunters, but how they access the herd that causes problems. The Council feels that reduction of NFQU harvest will have overall beneficial outcome in support of subsistence opportunity. The Council dismissed the argument that it would concentrate hunters onto State lands near the local communities, noting that there are extensive State lands accessible along the Dalton Highway.

The Council also noted that the issue ends up being a competition between people, who can afford planes and a guide to be guided to the front of the herd, and people in a rural, economically-depressed areas, where caribou is an integral part of their community, culture, and food security and who need the caribou to survive. The restriction of other users *is* necessary at this time. Deference should be given to the people in the community, who rely on the resource for food security.

Crossover Proposals

WP18-41/42: Modify season dates, sex restrictions, hunt areas, establish bull hunt and winter hunt for moose in Unit 23.

Council Action: Support WP18-41 and take no action on WP18-42. Vote: For: 5; Against: 0; Abstain: 0; Absent: 2

Discussion/Justification: The Council noted they wanted to support the Northwest Arctic RAC and Gates of the Arctic SRC on their proposal recommendations, as well as to provide opportunity for the people of Point Hope. Council member Steve Oomituk of Point Hope noted that moose sometimes move up to the Point Hope area when displaced by fires but that does not often occur during the open season for moose harvest, however, they still support increased opportunity for others in the region.

WP18-43: Increase harvest limit and make season year-round for brown bear in Unit 23.

Council Action: Support as written. Vote: For: 5; Against: 0; Abstain: 0; Absent: 2

Discussion/Justification: Council member Oomituk of Point Hope noted that there is an abundance of brown bears in his area (in Unit 23), which seems ample for additional harvest opportunity. The Council recognized the support of the Northwest Arctic RAC in the proposal as written, noting that the views and recommendations of the Council and people in the Unit 23 region had weight in their consideration and that the locals are most knowledgeable based on their experience and observations.

WP18-44: *Allow sale of brown bear hides and skulls in Unit 23.*

Council Action: **Support as modified** on page 295 of the meeting book under *Other Alternatives Considered*. **Vote:** For: 4; Against: 2; Abstain: 0; Absent: 1.

Discussion/Justification: The Council voted to support as modified on page 295 of the meeting book under *Other Alternatives Considered*. This alternative would be to adopt this proposal with modification to create a general season for brown bears with 1 bear by Federal registration permit and specific detail regarding customary trade.

The Council wanted to support the users of the region, the RAC, and the SRC most directly affected by the proposal. The Council noted that the additional economic opportunity for subsistence hunters in this region would be beneficial since the high price of gas and other essentials has been a hardship for many rural residents. Member Shears, as one of the two nay votes, noted that brown bear meat can be an important supplemental meat source, the hide and skin are very useful and used frequently for blankets, tents, and whaling, and the claws are ornamental and used in traditional handicrafts. Members Shears noted that customary trade, barter, and gifting of bear skins was very important especially for whaling captains. However, he expressed concerns about commercialization of the product and negative views it may place on subsistence. Member Hugo also expressed concerns about commercialization and thought it might bring more hunters to the Anaktuvuk Pass region to hunt bear, which would be a stress to the community.

WP18-45: *Decrease harvest limit from 5 to 3 caribou in Unit 23.*

Council Action: **Oppose**. **Vote:** For: 0 Against: 7 Abstain: 0 Absent:0

Discussion/Justification: Council member Oomituk of Point Hope noted that with the alarming decline of the WACH, it was possible that people in his area could get by on a harvest limit of 3 caribou per day if necessary to help recovery. He noted that many hunters in Point Hope now go out for just a day at a time by snow machine and return to the village and might support harvesting just 3 caribou since that is plenty to carry in a single trip. However, the Council felt overall that there does not seem to be a substantial evidence in support of this proposal. They felt that the desire to be good stewards is a good thing, but substantial reductions to subsistence harvest had just been made in the last wildlife cycle and those conservation efforts need to be evaluated before any further subsistence restrictions are made at this time. The Council also stressed that the proposal was rejected by the Council that proposed it for their region.

WP18-46/47: *Close harvest of caribou to non-Federally qualified users in Unit 23.*

Council Action: **Support WP18-46 as written. Vote:** For: 5; Against: 2; Abstain: 0; Absent: 0. **Take no action on WP18-47.** **Vote:** For: 7; Against: 0; Abstain: 0; Absent: 0.

Discussion/Justification: As with comments on Proposal WP18-57, it was noted that the impact from aircrafts used to bring in non-local hunters affects the animal migration routes and ability of locals to hunt. The Council feels aircraft operators desire to place paying clients in the path of caribou are diverting caribou and preventing local communities from being able to get caribou. The Council stressed that even

though closure may deflect non-federally qualified subsistence users to State lands, it is important to take steps to provide an opportunity for subsistence users on Federal lands. The Council noted that this conflict has been ongoing in this area for many years, but it seems up until this point the transporters and guides have not shown any inclination to self-regulate and to work with local users to resolve the conflict. It was noted that the WACH Working Group represents a broad variety of communities and user groups and that this proposal is the voice of the people from the region. As such, the Council supports this request.

The Council recognized the work that went into evaluating the areas of most importance to local communities for harvest of caribou and that are the site of the most intense user conflicts in this area, but did not support the OSM modification, because the full closure is the more dramatic effort needed in order to maximize subsistence opportunity. The Council feels that the local harvest is already consuming the harvestable surplus, communities are growing, and that perhaps it is time to go into preservation mode. It was noted, however, that it appeared that the OSM modification reflected that those areas were the real “problem area” for user conflicts. Chair Gordon Brower commended the work that went into identifying the area that is most critical for local subsistence hunters and that it has been at the heart of the user conflicts in the region for many years. He recognized the effort to find a solution that could be supported by all.

WP18-56: *Open the Arctic Village Sheep Management Area to the harvest of Dall Sheep by non-Federally qualified users.*

Council Action: **Oppose.** Vote: For: 5; Against: 0; Abstain: 0; Absent: 2.

Discussion/Justification: The Council finds alarming to take away a very important subsistence priority on Federal lands that encompass an area, which is while fairly small in size, has been vital to the community of Arctic Village for generations and is very important to the other rural communities in the region that are recognized for their cultural and traditional (C&T) use of sheep in this area. The Council stressed that it would be detrimental to subsistence users to open up the area to non-Federally qualified user (NFQU) hunting and it is necessary to restrict these other uses in order to provide for community needs. The Council highlighted that there is a considerable amount of historical discussion and the importance of this area to the local communities is well supported by facts. There is need for stability and for food security in these communities. The importance of protecting the subsistence opportunity in this area is well documented and recognized even through repeated proposal analyses. The historic and contemporary hunting patterns exist to provide food security to the community and the closure has allowed for the continued traditional harvest of sheep. The Council also stressed that the concern is not only the harvest of sheep by NFQU, but also the deflection of the sheep with the non-resident hunting activity and plane access pushing sheep further and higher up into the mountains, displacing them away from the local community. The Council has heard from Arctic Village as well as testimony from Kaktovik in the past. It was noted that hunters from Kaktovik do go and hunt in this area when other animals are not available, and it is an important area because sheep can be reliably found around the natural mineral formations there.

Council members spoke to the cultural importance of this area and that the sheep do not only provide important subsistence food but are also considered medicinal, providing minerals and special nourishment for elders and helpful for recovery from illness. It was noted that sheep become much more important for survival food when the caribou do not come around the community, and even if harvest is low in some years it is critical to maintain the population for food security when they need to shift harvest to more sheep in low caribou years.

The Council stressed that the population needs to be at a higher level in order to provide for opening up the hunt and currently the census data is incomplete and unreliable. It was noted that even though NFQU hunters would be required to take a full-curl ram, the pressure of numerous hunters traveling into the area to harvest those rams would displace animals that locals would otherwise be able to hunt. Additionally, the breeding impact of that lone, full-curl ram is important in a sheep population that is struggling and when there are concerns about recruitment and stabilizing the population.

Statewide

WP18-51: Modify bear baiting restrictions on definition of bait to align with State regulations.

Action: Support as written. Vote: For: 5; Against: 0; Abstain: 0; Absent: 2.

Discussion/Justification: The Council supported the increased opportunity and spoke favorably of aligning State and Federal regulations in this case. This proposal is less restrictive than existing regulations, and the Council stressed that is a move in the right direction. While the proposal as modified by OSM is less restrictive than current regulations, the proposal as written is even less restrictive than that, so that is preferred.

Various “statewide” proposals due to lack of C&T. The Council was provided information on ten proposals that involve species where no C&T use determination has been made, and thus all rural residents are eligible.

Action: Take no action/Defer to home region. Vote: For: 7; Against: 0; Abstain: 0; Absent: 0.

Discussion/Justification: The Council elected to defer these proposals to the home regions since they had not impact on the North Slope region. However, the Council appreciated being kept apprised, noting that it was still important to be aware of these proposals to determine if they may affect the region.

Fisheries Resource Monitoring Program (FRMP): The Council reviewed the FRMP proposals for the Northern Region and made a comments for the Board’s consideration. First, the Council noted the importance of all the projects, but felt that the Colville River grayling study should receive a higher level of importance and recognition of the timeliness since baseline information on this very important subsistence fishery was critical at this juncture before planned development in the area proceeds. The Council noted that the movement patterns of grayling are very elusive and getting baseline information on both the population size and movement patterns is critical. While Dolly Varden char is also important, other studies on this species have been conducted in the region, and this would be the first grayling study to shed light on this important subsistence food. If it is not done now, the species may be impacted by future industrial development planned in the area.

Second, the Council recognized that the Broad Whitefish proposal study was not ranked higher because technical merit of the proposal was lacking. However, the Council wanted to stress the critical importance of this fishery to subsistence throughout the region and that any support that could be provided to help increase the capacity of local research and the NSB or encourage other research partnership in order to address these Broad Whitefish concerns is a paramount.

Agency Reports:

U.S. Fish and Wildlife Service, Barrow Field Office. Ernest Nageak, Native Affairs Specialist introduce himself in Inupiaq, because he felt it was important to vitalize the language and share about his family and history. Ernest discussed his role with the US Fish and Wildlife Service as building relations

and understanding with managers and the community. He reported on the Native Relations training workshops that he helped to teach along with regional Native Affairs Specialist Crystal Leonetti and others. He announced that this training was now required for all USFWS employees in Alaska to help build awareness and better understanding and announced that they would be hosting a larger workshop in January to open it up to other Federal agency staff in Alaska.

Ernest shared information about the many education and outreach projects they organize for students through the Barrow Field Office. This year they hired ten student interns to work on numerous environmental projects and monitoring of bird species such as the yellow-billed loon and eiders. Every year they host a couple "Open House" events for the community to share about their education programs and a chance for discussion with the community. He noted the fox trapping program was discontinued, because of community concerns that it was teaching the youth to trap when the furs were not good in the summertime and could not be utilized. Also the program was not quite proving to be effective at controlling predation on birds in the area.

Arctic National Wildlife Refuge. Hollis Twitchell, Assistant Manager for Arctic National Wildlife Refuge presented the Council with an update and overview of subsistence and community based work within the Refuge and also provided a detailed written report for the Council.

Hollis reported that the Refuge conducted a moose survey on the north side of the Brooks Range in Unit 26C again this year. The river corridors were flown in areas of available moose habitat, including all the drainages from the Sadlerochits all the way over to Canada and especially the Kongakut River drainage. These population trend surveys have been conducted in the same manner for many years so they can be compared. Maps were provided that illustrated the current status of the moose population in Unit 26C. A total of 61 moose were observed in this survey area, with nine short yearlings and most of the moose were again observed in the upper tributaries of the Kongakut River Drainage.

Hollis reported that in response to the request from Council member Lee Kayotuk there be at least some minimal opportunities to harvest moose for Kaktovik. The Refuge manager met with Native Village of Kaktovik (NVK) to discuss providing some Kongakut River Drainage harvest opportunities. Last year they agreed upon two bull moose out of the Kongakut River Drainage. That hunt activity was conducted in partnership with the NVK that managed the drawing and issuing of the permits. Hollis reported that he had conversations with the Refuge biologist, ADF&G biologist Beth Lenart, and the First Chief of NVK, and they felt comfortable with a hunt of two bull moose in the Kongakut River Drainage again. The Refuge intends to initiate a special action for this harvest opportunity this year.

Council member Lee Kayotuk expressed great appreciation for this opportunity to get a moose for the community, noting it is very important meat especially when the caribou are scarce. They had to travel very far up the Kongakut River Drainage where they saw a lot of moose tracks, but snow conditions were poor, which made it hard to travel any further. Lee also discussed the caribou observations with Hollis, and they noted many similarities to what the community was seeing with the caribou movements and what the biologists documented via aerial surveys and radio collar data.

Hollis provided the Council with updates on the Porcupine Caribou herd and the work of the Porcupine Caribou Board, which is an international board that the Refuge works with. The Board is an advisory body to the different managing agencies on both the Canadian and Alaska sides of the caribou herds range and involves many representatives including two Alaska community representatives. The Porcupine Caribou Board meets twice per year, and this year they met in Venetie in order to experience a community that relies heavily on the Porcupine Caribou Herd. Hollis noted that one of the Porcupine Caribou Board's recommendations a couple of years ago was that they would like to see the Alaska

utilize a community harvest reporting system in the villages, similar to the programs that they have going over in Canada as part of monitoring the herd.

Hollis highlighted that Joe Titlitchi, a longtime Gwich'in member of the Board, from Canada has offered to come over to the Alaska communities of Kaktovik, Arctic Village, Venetie, and Fort Yukon and describe to them how they were able to organize and successfully implement their community harvest monitoring programs if they are interested.

Gates of the Arctic National Park and Preserve. Marcy Okada, Subsistence Coordinator, provided updates and an overview of subsistence information for the Gates of the Arctic National Park and Preserve and referenced reports provided in the meeting book. The Park Service issued 13 fall subsistence sheep hunting permits to residents in the community of Wiseman and no permits were issued in Bettles or Evansville. Additionally, the Park Service continues to work with the community of Anaktuvuk Pass to collect sheep harvest information by just talking to the local hunters within the community.

Marcy noted that the Gates of the Arctic Subsistence Resource Commission (SRC) met earlier this week. Ester Hugo is the newly-appointed North Slope Council member appointed to the commission, and this was the first meeting she attended. The SRC covered issues such as park management and also shared wildlife research and monitoring activities, as well as updates on the Ambler Mining District Road. The comment period for the Ambler Mining District Road project has started and will be open until the end of January. Tribal consultations and ANCSA Corporation consultation started in March. Marcy reported that so far Tribal consultations have occurred in the North Slope region with Point Hope in person and teleconference Tribal consultation meetings occurred with Nuiqsut, Wainwright, Anaktuvuk, and ICAS.

The Park Service conducted distance sampling surveys for Dall sheep from July 5th to July 14th at the Itkillik and the Anaktuvuk areas, which is in the northeastern portion of the Gates of the Arctic. These surveys have been conducted annually in the Itkillik area from 2009 to 2017. And in the Anaktuvuk area surveys were conducted in 2009, 2010, and 2015 through 2017. Preliminary results from the 2017 survey indicate continued low numbers of adult sheep in both areas, adjusting that there have been little recruitment of lambs into the population since the 2013 and 2014 decline. A similar trend was seen in the Noatak National Preserve, which was surveyed in the same manner at the same time in this past summer.

Marcy reported that Park Service staff also conducted field work to collect sheep pellets in these same areas to be analyzed for sheep genetics, diet, and health conditions. A university led study is also researching vegetation and snow condition changes to Dall sheep habitat across Alaska. Marcy also highlighted that local hunters donated lung and liver samples to be screened at a laboratory for minerals and general health indicators to help understand factors that may be affecting the Dall sheep population in the area.

Alaska Department of Fish and Game

Western Arctic Caribou Herd. Ryan Klimstra, ADF&G wildlife biologist, provided the Council with an overview of the current status of the Western Arctic and Teshekpuk caribou herds and answered questions for the Council. Images of the range of each herd based on years of VHF and satellite radio collar data were provided for visual overview. They were able to get a photo census for the Western Arctic Caribou herd this year and employ the new digital photo system that increases the resolution and accuracy of the count. Ryan shared some examples of the new color photo detail and GIS computer tools to zoom in to tell the difference between adult and calf caribou. The last count of approximately 200,000 was from several years ago so they are hoping to be able to update this soon with the data from the recent photo census. They are still in the process of counting these photos but hope to have final numbers in time for the Western Arctic Caribou Herd meeting in December this year. Ryan noted that calf recruitment has

been higher than cow mortality in recent years and this is a positive trend. They recently started a new project in June 2017 and collared about 78 calves to better understand causes of mortality.

Teshkepuk Caribou Herd. Ryan showed maps of the Teshkepuk Herd seasonal range with the traditional core calving grounds right around Teshkepuk Lake and summer range on the North Slope coast. He noted in the winter time the herd never seems to do the same thing twice. It could be near Atkasuk or around Utqiagvik or down in the Brooks Range. Counts for the Teshkepuk Herd are also underway using the new photo census system as well. There were 26 separate groups of the Teshkepuk herd, but each was easy to photograph because they were tightly grouped due to the hot weather producing lots of insects this summer. Ryan reported that since 2016 the Teshkepuk Herd radio collar data indicated approximately 90% adult female survival, which is really good. Yearling recruitment is around the 15%, which the long term average. Calving surveys indicated that calf production was high again this year at 71%, which is also encouraging.

State Registration Hunt for caribou. Ryan updated the Council on the recent registration permit to hunt caribou in Unit 23 and 26A (RC907) that was implemented by the BOG and put into place July 1 this year. He noted that they are only six months into the regulatory year and at 570 permits distributed so far in game management Unit 23 and 26A. Ryan highlighted that about 94% of those permits were in Unit 23 and 6% in Unit 26A. They have been putting a lot of effort into outreach and permit distribution and have been partnering with others to do this as well.

Central Arctic Caribou Herd. Beth Lenart, ADF&G wildlife biologist for the northeast portion of Alaska, provided an update on the Central Arctic and Porcupine Caribou herds. The Central Arctic Herd declined from a high of 68,000 caribou in 2010 to 23,000 in 2016. The North Slope Regional Advisory Council received a presentation last March 2017 about the decline. Part of that decline occurred in 2013 when it was a very late spring that year and caribou were still migrating to the calving grounds, and they noted a fairly high mortality in yearlings and adult females that spring. ADF&G conducted a photo census this summer using new digital cameras and preliminary data indicates that the number is similar to last year; however, a complete photo count is still underway. They plan to do another photo census next summer to see if the herd is stabilizing.

ADF&G recognized the decline of the Central Arctic caribou, and the BOG enacted new State regulations following the decline in 2016. Because of this decline, the BOG significantly reduced hunting opportunity in most of Unit 26B where transporters hunt and where a lot of the Haul Road hunters are. The bag limit was reduced from five caribou a year to two bulls a year for resident hunters. And then from five caribou a year to one bull per year for non-resident hunters from August 1 to September 15. ADF&G implemented three percent harvest rate, and harvest of cows was eliminated. Beth also noted the estimated harvestable surplus to be 680 caribou. In response to this, the BOG significantly reduced hunting opportunity in Unit 26B in the geographical area where non-local Alaska residents and non-residents most often hunt and allowed the season to remain liberal in the area where residents of Nuiqsut hunt. Regulations remain liberal in the geographic area around Nuiqsut so that the local community can still harvest the caribou they need.

Porcupine Caribou Herd. Beth reported that the Porcupine Caribou Herd has grown substantially since 2000. A photo census was completed in 2013 and estimated the herd at 197,000 caribou. Another photo census was completed the summer of 2017, and they are still counting photos, but anticipate numbers will likely be high. Beth noted that calving this year was spread out across the coastal plain and also spread out throughout a pretty long period of time this year. It looked like calf survival was pretty high.

Beth highlighted that they also noticed that caribou distribution during calving and post-calving was off the coast and more in the foothills, similar to what Lee Kayotuk reported his observations to be during

Council member reports. She noted that the biologists are seeing the same things that residents of Kaktovik were seeing.

Alaska Native Science and Engineering Students: OSM Fisheries Biologist Karen Hyer introduced two Alaska Native Science and Engineering Students that have been working with the USFWS on subsistence research and monitoring projects. UAF Juneau student Ilya Turchaninov worked on the Chandler Lake Fisheries Resource Monitoring Projects and Kaelyn Stalker from Kiana is a summer bridge student that spent a month long internship with USFS this summer between graduating from high school and entering college. Karen encourage the Council and public to reach in their communities to encourage students to apply to the ANSEP program because it provides a lot of support through high school and university both with mentorship in the sciences, paid internship opportunities and college scholarships. The Council was very encouraged by these young students and inspired that local students from the area have an opportunity to pursue science degrees and come back to work in the home community or region as biologists or managers who know the area and subsistence best.

Chandler Lake Fisheries Resource Monitoring Program Project, Alaska Department of Fish and Game Sport Fish Division, Fairbanks. Alaska Native Science and Engineering Student (ANSEP) student Ilya Turchaninov reported on his internship work at Chandler Lake with principle investigator Corey Schwanke, ADF&G Fisheries Research Biologist. The Chandler Lake system is approximately 26 miles north of Anaktuvuk Pass and is a very important subsistence fishing area for lake trout for the community. The project was funded for two years by the Office of Subsistence Management to investigate the population of lake trout through a mark recapture project. Ilya provided the Council with a power point presentation that had many pictures to illustrate how the research was conducted and what the area looks like. The lake trout were captured in July of 2017, measured, weighed, condition of fish and location caught was noted, and then fishes were marked with small coded tags called floy tags and released. The study time was chosen to make sure the caribou migration was not disturbed by the research activity. A base camp was established at the lake and small inflatable zodiac boats were used to troll for the trout. After tagging this year the fish will have a year to re-mingle and they will recapture them in July of 2018 to in order to get an estimate of abundance based on the proportion of tags they get in this second capture event. The Lake Trout abundance estimate will help to understand how much annual harvest these lakes can sustain. Corey Schwanke noted that they plan to organize a meeting in Anaktuvuk Pass to provide a project report to the community. The Council had many questions and enjoyed the presentation and discussion.

ANSEP Summer Bridging Program. Kaelyn Stalker introduced herself as Inupiaq from Kiana and provided the Council with a video she produced during her ANSEP Summer Bridging internship. This semester Kaelyn is a college freshman at UAA studying biology. This past summer her internship was a biological sciences aid for the USFWS. She attended a two weeks of safety training to prepare for field work and then came to Utqiagvik to work with the USFWS Barrow Field Office on migratory bird research. She noted they worked long days on the tundra, sometimes walking up to ten miles a day. They worked on a project to test nest protectors to protect eider nests from predators. They plotted the nests with GPS units, checked for eggs, and affixed camouflage nest covers over the nest so the mother bird could get in and out but the nest still would be hidden from predators. Kaelyn noted she was very happy to be back in Utqiagvik to present to the Council and participate in the community open house to share her story.

Kaelyn also shared a slide show of her work as a Fisheries Weir Technician on a weir that is managed by the Tanana Chiefs Conference to monitor subsistence fisheries on the Yukon River. Highlights included helping out with a student science camp program that was based at the Fish Weir Camp. Kaelyn expressed that she had a lot of fun, learned a lot, got meet a lot of great people, and also had an opportunity to share about her own culture and knowledge. The Council had many questions and enjoyed

the presentation and discussion. The Council expressed how inspired they were by Kaelyn's enthusiasm and that a local Inupiaq student from the region could come back to work as the biologist in the region and contribute her traditional knowledge.

Bureau of Land Management, NPR-A. Roy Nageak, BLM NPR-A, Barrow Office, provided the Council with some brief updates for BLM NPR-A. It was noted that Debra Nigro will be replacing biologist Dave Yokel. She had planned to present to the Council at this meeting but was unable to make it due to unexpected circumstances.

Office of Subsistence Management. Carl Johnson, Council Coordination Division Chief for the Office of Subsistence Management, provide the Council with programmatic updates including recent staffing changes at OSM. He also provided updates on some of the Federal Subsistence regulatory processes waiting posting in the Federal Register.

Annual Report Items

The Council discussed the Federal Subsistence Board reply to their FY2016 annual report and elected to include the following issues in their FY2017 annual report to the Board:

1. The Council expressed the desire to receive reports on the activities of the interagency working group the FSB formed to resolve management issues between State and Federal over Unit 23 caribou. It was also noted that the Board should consider the issue of an "area of influence" for particular communities in future caribou management decisions.
2. The Council expressed a desire to remain engaged on issues such as food security and potential impacts to subsistence resources due to increased shipping activity in the Beaufort and Chukchi Sea with the decline of sea ice.
3. The Council wanted more information on what "deference" means regarding Council recommendations and what has been done to expand that deference pursuant to the Secretarial Review.
4. Enactment and effectiveness of the State's registration permit hunt for caribou on the North Slope. Communities are opposed to it because it is contrary to customary and traditional hunting practices. Such management decisions are being made without regard for traditional knowledge.
5. Research and support for Anaktuvuk Pass to identify why caribou are not migrating through. Documentation of the critical importance of caribou as the central subsistence resource to the community of Anaktuvuk Pass. Assistance with identify options and avenues that can help support the community of Anaktuvuk Pass access the caribou herds to hunt or other avenues to help ensure the herds are not deflected in the critical migrations pathways near Anaktuvuk Pass.
6. Documentation and recognition of the shifts that occur within subsistence resources, as when one key resource is not available or is diminished then other resources become more important, such as increased harvest of certain fish or a shift to more sheep harvest when the caribou are not present. The importance of managing subsistence resources so that these resources are healthy and available when needed is critical to food security.
7. Contaminants in the Colville River due to old military dumps slumping into the river with bank erosion. Subsistence fisheries in the Colville River are critical to the community of Nuiqsut and also traded with other subsistence communities throughout the region. Community concerns for PCB's and other contaminants in their important subsistence foods such as broad whitefish, cisco, grayling, and other fish eaten in large quantity.

Future Meeting Dates

The Council elected to keep February 13-14 as its winter 2018 meeting dates and Utqiagvik as its meeting location. It then selected to conduct its fall 2018 meeting on August 21-22 at Point Hope, pending approval.

The Council shared closing comments prior to adjourning.

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

Eva Patton, Designated Federal Officer
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 2018 public meeting. Any corrections or notations will be incorporated at 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 to the applicable Councils and the Alaska Department of Fish and Game (ADF&G) and the Interagency Staff Committee (ISC) for review. The period during which comments are accepted is no less than 45 calendar days. Comments must be submitted within this time frame.
3. The lead analyst works with appropriate agencies and proponents to develop an analysis on the proposal.
4. The analysis is sent to the Councils, ADF&G and the ISC for comments and recommendations to the Board. The public is welcome and encouraged to provide comments directly to the Councils and the Board at their meetings. The final analysis contains all of the comments and recommendations received by interested/affected parties. This packet of information is then presented to the Board for action.
5. The decision to adopt, adopt with modification, defer or reject the proposal is then made by the Board. The public is provided the opportunity to provide comment directly to the Board prior to the Board's final decision.
6. The final rule is published in the Federal Register and a public regulations booklet is created and distributed statewide and on the Program's website.

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

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

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

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



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

Federal Subsistence Board Informational Flyer



Forest Service

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

How to Submit Proposals to Change Nonrural Determinations

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

Your proposal must contain:

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

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

You may submit your proposals by:

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

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

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

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

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.

POLICY ON NONRURAL DETERMINATIONS

FEDERAL SUBSISTENCE BOARD

Adopted January 2017

PURPOSE

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

INTRODUCTION

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

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

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

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

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

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

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

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

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

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

BOARD AUTHORITIES

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

POLICY

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

SECTION A: Submitting a Proposal

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

SECTION B: Requirements for Proposals

Making a Nonrural Determination

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

Basic Requirements

All proposals must contain the following information:

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

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

Threshold Requirements

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

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

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

Limitation on Submission of Proposals Seeking Nonrural Determinations

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

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

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

Rescinding a Nonrural Determination

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

Basic Requirements

All proposals must contain the following information:

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

Threshold Requirements

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

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

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

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

SECTION C: Decision Making

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

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

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

Regional Advisory Council Recommendations

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

SECTION D: Process Schedule

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

SECTION E: General Process Timeline

Outlined in Table 1 and Table 2

Table 1. General Process Timeline


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

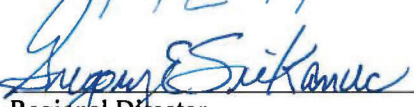
Table 2. General Process Timeline Comparison with other Cycles


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

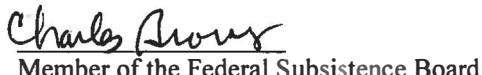

Regional Forester
USDA Forest Service
Date: 1/12/17


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


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


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


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


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

Appendix A – Final Rule – Rural Determination Process

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

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

RIN 1018–BA62

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

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

ACTION: Final rule.

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

DATES: This rule is effective November 4, 2015.

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

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

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

SUPPLEMENTARY INFORMATION:**Background**

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

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

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

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

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

Prior Rulemaking

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

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

Secretarial Review

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

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

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

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

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

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

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

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

between members of the Board and Alaska Native Corporations.

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

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

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

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

Public Review and Comment

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Major comments from all sources are addressed below:

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

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

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

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

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

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

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

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

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

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

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

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

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

wildlife populations or if there is a closure.

Rule Promulgation Process and Related Rulemaking

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

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

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

Conformance With Statutory and Regulatory Authorities

Administrative Procedure Act Compliance

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

National Environmental Policy Act Compliance

A Draft Environmental Impact Statement that described four

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

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

Section 810 of ANILCA

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

Paperwork Reduction Act

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

Regulatory Planning and Review (Executive Orders 12866 and 13563)

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

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

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

Regulatory Flexibility Act

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

Small Business Regulatory Enforcement Fairness Act

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

Executive Order 12630

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

Unfunded Mandates Reform Act

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

Executive Order 12988

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

Executive Order 13132

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

Executive Order 13175

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

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

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

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

Executive Order 13211

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

Drafting Information

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

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

Authority

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

List of Subjects**36 CFR Part 242**

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

50 CFR Part 100

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

Regulation Promulgation

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

PART —SUBSISTENCE MANAGEMENT REGULATIONS FOR PUBLIC LANDS IN ALASKA

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

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

Subpart B—Program Structure

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

§ .15 Rural determination process.

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

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

Dated: Oct. 28, 2015.

Sally Jewell,

Secretary of the Interior.

Dated: Sept. 30, 2015.

Beth G. Pendleton,

Regional Forester, USDA—Forest Service.

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

BILLING CODE 3410–11–4333–15–P

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

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

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

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

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

Appendix B – Direct Final Rule – Nonrural List

Need for Correction

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

Correction of Publication

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

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

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

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

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

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

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

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

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

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

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

Martin V. Franks,

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

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

BILLING CODE 4830-01-P

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

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

RIN 1018-BA82

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

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

ACTION: Direct final rule.

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

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

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

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

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:**Background**

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

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

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

Related Rulemaking

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

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

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

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

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

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

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

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

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

Direct Final Rule

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

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

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

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

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

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

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

Conformance With Statutory and Regulatory Authorities

Administrative Procedure Act Compliance

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

National Environmental Policy Act Compliance

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

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

Section 810 of ANILCA

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

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

Paperwork Reduction Act

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

Regulatory Planning and Review (Executive Orders 12866 and 13563)

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

Executive Order 13563 reaffirms the principles of E.O. 12866 while calling for improvements in the nation's regulatory system to promote predictability, to reduce uncertainty, and to use the best, most innovative, and least burdensome tools for achieving regulatory ends. The executive order directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public

where these approaches are relevant, feasible, and consistent with regulatory objectives. E.O. 13563 emphasizes further that regulations must be based on the best available science and that the rulemaking process must allow for public participation and an open exchange of ideas. We have developed this rule in a manner consistent with these requirements.

Regulatory Flexibility Act

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

Small Business Regulatory Enforcement Fairness Act

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

Executive Order 12630

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

Unfunded Mandates Reform Act

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

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

Executive Order 12988

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

Executive Order 13132

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

Executive Order 13175

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

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

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

Executive Order 13211

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

Drafting Information

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

- 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 Bodenbergt Butte.

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

Dated: September 30, 2015.

Eugene R. Peltola, Jr.,

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

Dated: September 30, 2015.

Thomas Whitford,

Subsistence Program Leader, USDA—Forest Service.

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

BILLING CODE 3410–11–4333–15–P

Fall 2018 Regional Advisory Council Meeting Calendar

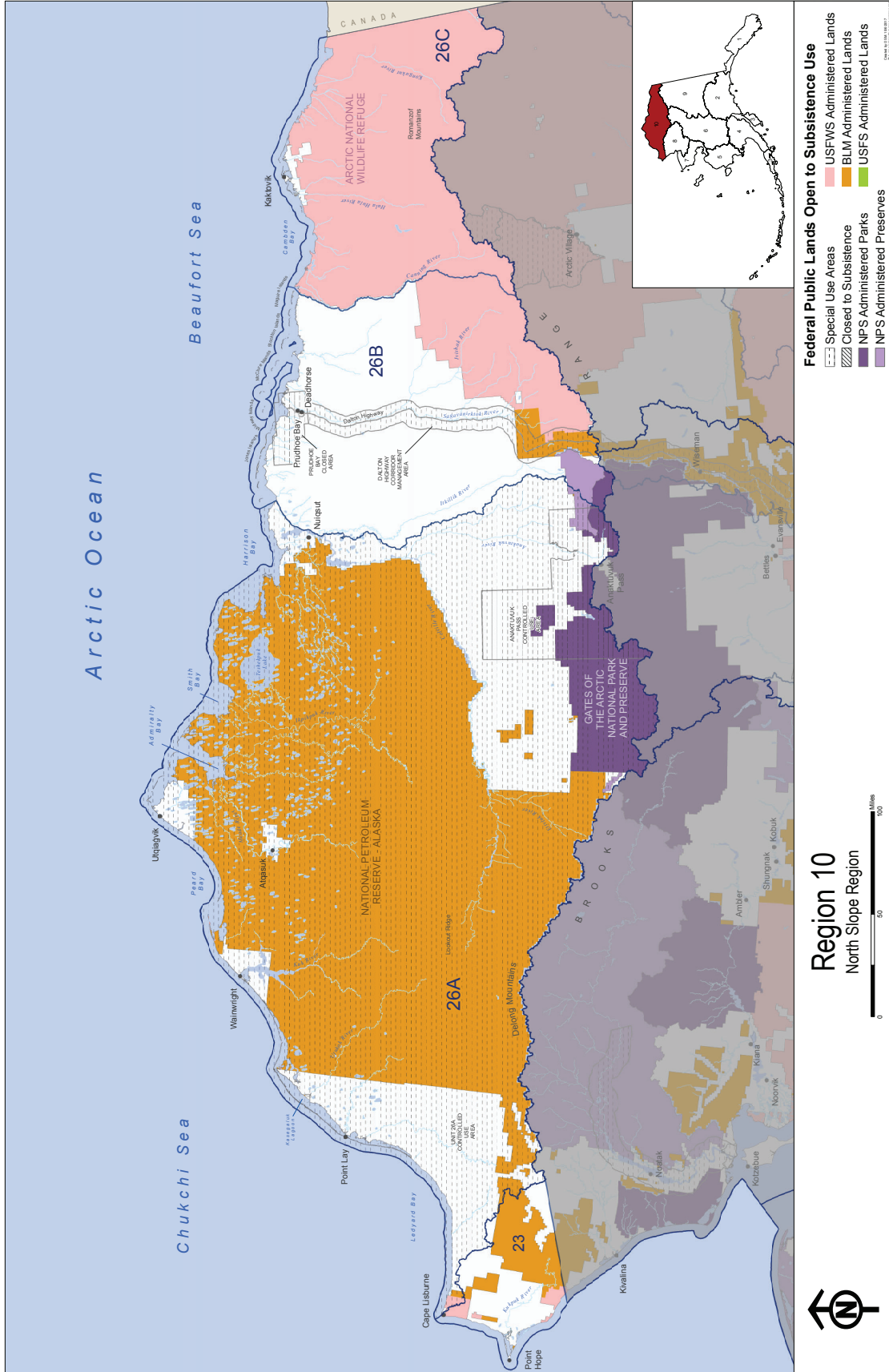
Due to travel budget limitations placed by Department of the Interior on the U.S. Fish and Wildlife Service and the Office of Subsistence Management, the dates and locations of these meetings will be subject to change.

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

Winter 2019 Regional Advisory Council Meeting Calendar

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

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



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

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 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. 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.

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 \$160,000, 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.

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 0 1 2017

Date Signed

DEC 0 4 2017

Date Filed

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