



NORTH SLOPE  
SUBSISTENCE REGIONAL  
ADVISORY COUNCIL  
Meeting Materials

*April 3 - 4, 2019  
Utqiagvik*





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*On the cover...*

The Western Arctic Herd caribou charging ahead.



NPS photo by Kyle Joly

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**NORTH SLOPE SUBSISTENCE REGIONAL ADVISORY COUNCIL**

Inupiat Heritage Center  
Utqiagvik

April 3 - 4, 2019  
convening at 9:00 am daily

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

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

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

**AGENDA**

\*Asterisk identifies action item.

- 1. Invocation**
- 2. Call to Order** (*Chair*)
- 3. Roll Call and Establish Quorum** (*Secretary*)..... 4
- 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*) ..... 5
- 8. Reports**
  - Council Member Reports
  - Chair’s Report
- 9. Public and Tribal Comment on Non-Agenda Items** (available each morning)

**10. Old Business (Chair)**

**11. New Business (Chair)**

- a. Wildlife Closure Review: WCR18-31 (Unit 26B and C moose) \* ..... 19
  - b. Call for Federal Wildlife Proposals\* ..... 32
- Note: The Council will receive caribou and other wildlife updates prior to discussion on potential proposals*
- c. Council Charter Review\* ..... 61
  - d. Approve FY2018 Annual Report\* ..... 41

**12. Agency Reports**

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

Tribal Governments

Native Organizations

US Fish and Wildlife Service

Arctic National Wildlife Refuge

Barrow Field Office

Bureau of Land Management NPR-A

Gates of the Arctic National Park and Preserve

Alaska Department of Fish and Game

Fisheries Resource Monitoring Program – North Slope Region project reports

North Slope Borough, Department of Wildlife Management

Special Action Updates (if any)

Office of Subsistence Management

a. General Update

b. Fisheries Program Updates

**13. Future Meeting Dates\***

Confirm fall 2019 meeting date and location ..... 47

Select winter 2020 meeting date and location ..... 48

**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](mailto:eva_patton@fws.gov), or 800-877-8339 (TTY), by close of business on March 26, 2019.

**REGION 10**  
**North Slope Subsistence Regional Advisory Council**

<b>Seat</b>	<b>Year Appointed <i>Term Expires</i></b>	<b>Member Name and Community</b>
<b>1</b>	1998 <b>2020</b>	<b>Gordon R. Brower</b> Utqiagvik <span style="float: right;"><b>Chair</b></span>
<b>2</b>	2011 <b>2019</b>	<b>Robert V. Shears</b> Utqiagvik
<b>3</b>	2016 <b>2019</b>	<b>Wanda T. Kippi</b> Atqasuk <span style="float: right;"><b>Secretary</b></span>
<b>4</b>	2015 <b>2019</b>	<b>Steve A. Oomittuk</b> Point Hope
<b>5</b>	2017 <b>2020</b>	<b>Fredrick Neakok</b> Utqiagvik
<b>6</b>	2018 <b>2020</b>	<b>Edward J. Rexford, Sr.</b> Kaktovik
<b>7</b>	2018 <b>2020</b>	<b>Martha Itta</b> Nuiqsut
<b>8</b>	2018 <b>2021</b>	<b><i>Tad M. Reich</i></b> Utqiagvik
<b>9</b>	2018 <b>2021</b>	<b><i>William C. Hopson</i></b> Utqiagvik
<b>10</b>	<b>2021</b>	<b><i>VACANT</i></b>



## NORTH SLOPE SUBSISTENCE REGIONAL ADVISORY COUNCIL

**Inupiat Heritage Center  
Utqiagvik, Alaska**

**August 22-23, 2018**

### **MEETING MINUTES**

#### **Call to Order**

The meeting was called to order at 9:05 a.m.

#### **Roll Call**

Members present: Gordon Brower, Robert Shears, Esther Hugo, Wanda Kippi. Rosemary Ahtuanguak and Steve Oomittuk participating via teleconference because their flights were canceled due to weather. Lee Kayotuk excused absence. Jerry Sikvayugak absent. Seven of nine current Council members present. Quorum was established.

#### **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. The following individuals were identified as participating:

Eva Patton, Council Coordinator, Office of Subsistence Management (OSM)  
Karen Hyer, Fisheries Biologist, OSM  
Joshua Ream, Anthropologist, OSM  
Robbin La Vine, Anthropologist, OSM  
Marcy Okada, Subsistence Coordinator, Gates of the Arctic National Park and Preserve (GAAR NPP)  
Randy Brown, Fishery Biologist, US Fish and Wildlife Service (USFWS), Fairbanks  
Tim Vosburgh, Wildlife Biologist, Bureau of Land Management (BLM), Arctic Field Office, Fairbanks  
Phillip Perry, Regional Management Coordinator for Alaska Department of Fish and Game (ADF&G), Bethel.  
Carmen Daggett, Wildlife Biologist, ADF&G, Utqiagvik  
Pat Petrivelli, Interagency Staff Committee, Subsistence Branch Chief, Bureau of Indian Affairs (BIA)  
Geoff Carroll, Utqiagvik  
Van Edwardson, Utqiagvik  
Vera Williams, Inupiat Heritage Center, Utqiagvik  
Joe Leavitt, Wildlife Director, Native Village of Barrow, Utqiagvik  
Charlie Brower, Federal Subsistence Board Member, Utqiagvik

#### *Via teleconference:*

Tom Evans, Wildlife Biologist, OSM

Jarred Stone, Fisheries Biologist, OSM  
Orville Lind, Native Liaison, OSM  
Vince Mathews, Subsistence Coordinator for Arctic, Kanuti and Yukon Flats National Wildlife Refuges (NWR)  
Kyle Jolly, Wildlife Biologist, GAAR NPP  
Jason Caikoski, Wildlife Biologist, ADF&G, Fairbanks  
Brendon Scanlon, Fisheries Research Biologist, ADF&G, Fairbanks  
Carol Damberg, USFWS, Interagency Staff Committee  
Dan Sharp, BLM, Interagency Staff Committee  
Clarence Summers, National Park Service (NPS), Interagency Staff Committee  
Jobe Chakuchin, NPS, Subsistence support for regional office, Anchorage  
Hannah Atkinson, Anthropologist, NPS, Kotzebue  
Mark Burch, Area Management Biologist, ADF&G, Palmer  
Jill Klein, Special Assistant to the Commissioner, ADF&G  
Brian Person, Biologist, North Slope Borough, Department of Wildlife Management, Utqiagvik

### **Review and Adopt Agenda**

Agenda approved with some revisions to order to take care of all action items first and accommodate guest speakers timing needs for presenting.

### **Review and Approve Previous Meeting Minutes**

The Council unanimously approved the meeting minutes for the February 14-15, 2018 meeting and June 8 follow up teleconference meeting. No corrections were noted.

### **Council Member Reports**

#### **Gordon Brower (Utqiagvik)**

Gordon reported that he had attended the recent Inuit Circumpolar Council (ICC) meeting that was hosted in Utqiagvik. Food security is a major issue for Arctic indigenous communities across the globe and was one of the primary topics discussed at the ICC meeting. Gordon wondered how the Council can be involved in a meaningful way for communities that depend on fish and wildlife for subsistence and their way of life. He noted the challenges of helping the community of Anaktuvuk Pass meet its caribou needs through either the State or Federal process, such as harvest timing and closures to protect the herd's migration and not disturb subsistence hunting activities. The ICC is looking to develop food security networks that might be helpful in addressing these issues. Some communities had pursued MOU's with the Department of Interior and perhaps this might be an option for North Slope communities to further address subsistence concerns. This might be an avenue for communities to have a greater role in trying to manage resources for themselves and ensure a rural subsistence priority. Gordon opined that when a herd decreases by 50%, even with evidence of improvement, this should trigger rural subsistence priority and preference for villages most dependent on the resource. There have been ongoing problems with monitoring air traffic and trespass on private lands and lack of law enforcement in the area. Fines issued to violators should help fund law enforcement efforts.

**Robert Shears (Utqiagvik/Wainwright)**

Bob noted that while he currently lives in Utqiagvik he still has ties in Wainwright and tries to provide updates from that community. However, he stressed that it is imperative to have a new representative from Wainwright on the Council and recognized the need for expanded outreach and encouraging new applicants to serve on the Subsistence Regional Advisory Council. The Council had made a request to meet in Wainwright to help build these connections. Bob expressed that he understands that people are very busy in the villages and that it is difficult to put aside time to attend functions such as these meetings when real life, day-to-day concerns of food, shelter, transportation and energy costs confront everyone living a subsistence way of life. Having lived a subsistence lifestyle in Wainwright for many years, he understands that there's probably no job more demanding on your pocketbook and your physical well-being than subsisting. There is a lot more to it than just hunting and harvesting. With fuel prices going back up, and other increased costs, it is harder to conduct subsistence activities. It is a struggle to pay for gas and maintain equipment, and that the opportunity to purchase new equipment is very limited. There are a lot of people who are not able to engage in subsistence themselves, so sharing networks are very strong in Wainwright.

Bob reported that this has been an unusual year for Barrow but normal year in Wainwright. Mosquitos hatched June 15, right on track, and people began traveling up river by July 1. July is pretty quiet besides setting salmon nets which isn't a huge subsistence priority in the North Slope region. The big fishing season for Cisco and Grayling kicks off around Labor Day. At this time, there are a lot of caribou upriver but moving quickly for the middle of August. They are usually broken up and scattered but now they are picking up speed and hitting the river crossing hard, which he noted is not a typical migration for the Western Arctic Caribou Herd. Rainfall was typical this year.

**Esther Hugo (Anaktuvuk Pass)**

Esther noted that it has been a wet and cold July and August. There have been several bears in the area, including some coming in town, and they fear for the kids. There is a need to teach the youth how to prepare and take meat from the field so they grow up learning how to hunt and prepare subsistence foods. There have been far fewer hunting guides and private airplane traffic this year and this has been a huge relief for the community of Anaktuvuk Pass. The quiet has given them a sense of peace.

Esther relayed that she is not happy about the Federal Subsistence Board's decision on WP18-57 and feels they need to look at modifying the proposal to make it specific to the Anaktuvuk Pass area. They have so many hunters, hikers, and skiers and they all go through the land around Anaktuvuk Pass. Esther felt even if a closure was just for a short time when caribou are starting to migrate, that would be helpful to keep the caribou migrating through the area without disturbance. They have been trying and waiting 40 years to resolve this issue.

**Steve Oomittuk (Point Hope)**

Steve relayed the people of the North Slope have lived in a cycle with their environment and always knew when the animals were coming; but migration patterns have changed over the last ten years. The people of Point Hope mainly hunt in the ocean, but there was always caribou too, which usually come through the Point Hope area in July. Recently the caribou have been coming

around later in August. Freeze-up is also coming later and later each year. This year the icepack didn't form until January, and there were a lot of unusual east winds, which keeps the ice from forming to the shore. The ice usually brings animals like seal and walrus but now they are seeing changes in species abundance. While the seal and walrus have declined in the area there are more King Salmon and the abundance of Char has been good. Steve expressed concern about the opening of the Northwest Passage for contaminants and sewage from the ship traffic and potential for marine accidents that could cause oil spills. He stressed that the ocean is very delicate and they rely on it for their whole way of life.

Steve talked about how the whale is the center of everything for the people of Point Hope. Whale meat is stored in ice cellars and the whale's tail is fermented for special occasions. He reported that this year the ice was late in forming and the whale's tail wasn't taken out until Thanksgiving; normally it is consumed in early October. Steve also reported that they usually gather bird eggs at the end of June and first part of July, but eggging has become dangerous because of permafrost thaw and erosion causing the cliffs to slide off around Cape Thompson where they gather eggs.

Since the closure for the harvest of caribou to nonresidents on Federal lands in Unit 23, they've seen an abundance of caribou coming back in their natural migration routes. The caribou was plentiful this year compared to the last ten years. The migration might have been a little late, especially around the Kotzebue area, and the migration patterns are changing because of the weather. People have seen a lot of changes in the area, and while multiple generations have lived off the land and all rely on this cycle of life, current residents have seen more changes than any other generations past. Warmer temperatures, late ice freeze-up, coastal erosion, and open water in the winter has more than doubled in the last ten years. Point Hope has been occupied continuously for thousands of years. Anthropologists have identified some 300 historic house structures with the doors facing the west and wondered now with this increasing east wind if they saw this kind of weather before.

#### **Rosemary Ahtuanguaruak (Nuiqsut)**

Rosemary reported that this year has been colder, and thus more normal, than recent warm years. Nuiqsut has had some concerns about birds because they are seeing fewer pairs with hatchlings. People in the community have harvested some caribou but it was very difficult because the caribou have not been staying around the area like they usually would and hunter success is down. They have been doing education in the community to make sure people are hunting the right animals. There has not been as many people fishing on the Colville River this year but they saw much less of the fungus on the fish that had been a concern for the past couple years.

#### **Fredrick Neakok (Utqiagvik)**

Fredrick introduced himself as a new Council member and shared that he grew up in Barrow most of his life and everyone knows him by his Inupiaq name, Kunniaq. He and his family had a little bit of a late start this spring with the whaling season, but because of the deep snow this year they were able to stay out at their cabin a little bit longer than usual. Some people had to wait a little for the snow to melt to gather eggs this spring. He and his family and their hunting buddies went out hunting caribou on several occasions and were successful. Just the other day he went out hunting with his Dad and they got some caribou just 10 miles outside of Barrow.

Fredrick shared some of the traditional knowledge that he grew up with and learned from his family. He noted that the caribou are on an 80-100 year cycle. Caribou follow their food source, and although they are in the area right now they will eventually go back to the base of the Brooks Range where their food has grown again. His father traveling by dog team back in his day to hunt caribou, and they would have to travel 80 -100 miles and be out for two weeks in order to find caribou. Overall, it was a good year for people in the Barrow area both with harvest of caribou and also getting some good fish for those who set net.

### **Wanda Kippi (Atqasuk)**

Wanda reported that the springtime in her area was slow, and thus more normal with the snow staying until July on the banks of the river. They are catching fish on her river, lots of *aanaakliq* (Broad Whitefish) but now they are catching more Silvers (Coho Salmon) and seeing a lot of Chum Salmon as well. Goose hunting was pretty good this year and nearly everyone from Atqasuk did some. The caribou finally came through in July and people started catching them by the end of July, and now in August there are a lot of caribou around Atqasuk. Wanda saw a couple herds and there were lots of young bucks with the females and she felt good to see the caribou all around.

### **805(c) Report from the Federal Subsistence Board action on wildlife proposals**

The Council reviewed the ANILCA Section 805(c) report from the Federal Subsistence Board relation to its actions on wildlife regulatory proposals. The Council discussed at length why the Council's own proposal WP18-57 was not adopted by the Board and possible alternative strategies that could be implemented to protect the caribou migration and ensure rural residents have priority for the harvest of caribou in Unit 26A and B. The Council discussed more targeted approaches that would benefit the community of Anaktuvuk Pass, specifically since they are entirely dependent on caribou for subsistence. The Council also noted that much of the land in question was State lands, so there is a need to work on possible solutions with the Alaska Board of Game as well as the Federal Subsistence Management Program.

The Council discussed the new Federal subsistence regulation requiring the use of a State registration permit and reporting of harvest for caribou in Unit 26A, 23, and 22. The Council supported this regulation in order to have better harvest data to inform management of the Western Arctic and Teshekpuk Caribou herds and more fully understand subsistence needs for caribou. The Council discussed the details of the new permit requirements and provided suggestions for information outreach strategies.

### **Public and Tribal Comments on Non-Agenda Items**

Joe Leavitt, Natural Resources Director for the Native Village of Barrow, reported that people are concerned about sea lions showing up near Barrow. They wonder if these new arrivals will spread disease or compete with other marine mammals in the North Slope. Mr. Leavitt also expressed concerns about the continuing bird die-offs around the state and wondered if it will hit the North Slope area as climates warm. He noted that residents of Savoonga reported they were ice-free around the island all year and were not able to conduct spring subsistence hunts.

## **Old Business**

### **Review Annual Report Reply from the Federal Subsistence Board**

The Council reviewed the Federal Subsistence Board's reply to its Annual Report and discussed some of the topics the Board had responded to in the letter. The Council requested follow up on the multi-Council wildlife working group to share local observations across the range of the Western Arctic Caribou Herd and work on possible conservation approaches with the other northern area Federal Subsistence Regional Advisory Councils. Council members Gordon, Rosemary, and Fredrick expressed interest to be part of those discussions and would like the teleconference to be arranged prior to the winter 2019 Council meeting cycle.

## **New Business**

### **Fisheries Resource Monitoring Program – Priority Information Needs**

Office of Subsistence Management Fisheries Biologist, Karen Hyer, and Anthropologist, Joshua Ream provided a brief update on the Fisheries Resource Monitoring Program (FRMP) and the upcoming notice of research funding opportunity that would be published later in the fall. The Council's priority information needs working group met by teleconference in advance of the meeting to develop subsistence fisheries priority information needs and to also discuss areas of research suggested by area biologists and managers. The Council shared updates on fish observations and feedback from subsistence fishers from communities across the region. The Council discussed ongoing concerns about the health of Broad Whitefish in the Colville River and Ikpikpuk River. Council Chair Gordon Brower also expressed concern about the decline of whitefish in some lakes such as the Tusikvoak Lake, which is 5 or 10 miles long and has always had abundant whitefish. He noted the lake whitefish have a different taste than those caught in the river.

The Council discussed several items of concern: drying and eroding of lakes across the North Slope and how that is affecting whitefish habitat; baseline information on the Inaru River, which used to be used heavily for subsistence and gets a lot of whitefish but has not yet been impacted by any nearby development; and baseline studies of the Ikpikpuk River, which has a lot of healthy whitefish not yet impacted by fungus or development. Council member Wanda Kippi of Atqasuk expressed concerns about plans to mine gravel in the river near where most of the community has their fish camps and what effects it would have on the fish that migrate through that river and to traditional hunting and fishing activities in this area. The Council stressed that subsistence fisheries are very important and new development in the North Slope Region has the potential to impact the health of streams and rivers, leaving many people concerned about contaminants in their subsistence foods. The Council highlighted the need for studies on changing subsistence harvest patterns.

The Council stressed the importance of local partnerships on the research and monitoring projects. Community involvement in the research helps to develop real local ownership by engaging with the community in local hires and contracting with local Tribal governments – not just consultation. They also suggested compiling a list of all the research being conducted in the region so as to not duplicate efforts. Overall, the Council expressed that it is hard to prioritize

subsistence fisheries research in an area as large as the North Slope Region in a way that is equitable and recognizes the unique subsistence needs of each community.

The Council voted to combine and adopt the following priority information needs, especially as they can be studied in proximity to Lake Tusikvoak, Smith Bay, Ikpikpuk River, Kanayut River, Sagavanirktok River, and Colville River and its tributaries:

- Document the nature and frequency of unusual or concerning environmental phenomena concerning whitefish;
- Describe temporal changes in subsistence fish harvest patterns and resource availability of whitefish (Nuiqsut and Utqiagvik identified repeatedly noting changes in subsistence fish harvest but other North Slope communities also of interest);
- Identify spawning locations of whitefish in the central and western North Slope.

### **Notice of Funding Opportunity Partners for Fisheries Monitoring Program**

Joshua Ream and Eva Patton provided the Council with an update on the Partners for Fisheries Monitoring Program and call for funding which will be announced later in the fall. The program provides competitive grants to hire a staff biologist, anthropologist, or educator to work with local rural organizations such as a tribe, local non-profit organization, or school. The program is designed to build partnerships and local capacity for community-based research, monitoring, and education and outreach related to subsistence fisheries and other matters related to subsistence. The Council suggested several possible Partners Program applicants from the North Slope Region, including Native Village of Barrow, Native Village of Point Hope, Inupiat Community of the Arctic Slope (ICAS), and Ilisagvik College.

### **Identify Issues for FY2018 Annual Report**

The Council offered the following topics for inclusion in its FY2018 Annual Report:

- Better communications networks with State, Federal, and local entities to help make the regulatory process less difficult to navigate and facilitate the protection of natural resources and subsistence.
- The use of aircraft in the region as it relates to issues of trespass, harassment of wildlife, and deflection of migrating animals – compliance with elevation and noise standards.
- Ongoing concerns about impacts to subsistence occurring from development permitted on Federal lands which disturb or deflect caribou (and affect several villages' access to the herd), and particularly direct impacts to subsistence activities and traditional camps around Nuiqsut. Identify challenges with an effective process to prevent or mitigate these impacts to subsistence.
- Increased marine traffic using the Northwest Passage and concerns about impacts to crucial marine subsistence resources. Establish call centers that would help to identify, track, and communicate with this traffic and coordination with the U.S. Coast Guard to be able to respond quickly to incidents at sea.

## Agency Reports

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

#### *Western Arctic and Teshekpuk Caribou Herds*

Carmen Daggett, ADF&G regional 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. She provided an overview of the new photo census process which relies first on tracking radio collared caribou and waiting for them to group up when they seek relief from really intense insects which usually occurs in July. They take digital photograph of the clumped groups of caribou, and then count them on a computer program using GIS technology. The new digital photography produces higher resolution images and allows for clear differentiation of adults and calves. However, weather conditions in 2018 were not optimal for conducting an aerial photo census. The latest data is from 2017 using the new digital techniques and the minimum count was 239,055. Other Western Arctic Caribou survey data is not yet available for 2018.

Data collected in 2016-2017 indicated the adult female survival average was 84 percent, and in 2017 the yearling recruitment was pretty high: 22 per 100 adults. October 16 through June 17 the calf survival was pretty high, about 90 percent. In 2017, calf production was also high at 83 percent and in September 2017, body condition of calves was high with good calf weights. In October of 2017 herd composition was 54 bulls per 100 cows, which is good and calves were 57 per 100 cows, which is also good.

Carmen provided a map and overview of the Teshekpuk Caribou herd distribution and areas where they tend to overlap with the Western Arctic Caribou Herd. The most recent population estimate for Teshekpuk Caribou was from the 2017 photo census using the new digital technology, showing a minimum count of 56,255 and a Rivest estimate of 55,614. Carmen noted that during the summer they also conduct parturition surveys to look at the number of calves that cows are having and also to look at indications of them being pregnant; at least 47 percent of those had a calf following them around.

Carmen reported they continue to maintain a certain number of radio collars to track the herd. This year they collared 35 caribou, 20 female yearlings, 4 adult males, with 11 adult females that were recaptured that had been collared before. Adult females are the best predictor of population trend, contributing calves to grow the herd, so they keep regular track of adult female mortality. This year there was a 9 percent adult female mortality in collar year 2017 compared to the long-term adult female mortality of 15 percent, indicating they are doing a little bit better this year than normal.

#### *State Registration Hunt for caribou*

Carmen updated the Council on the recent registration permit to hunt caribou in Unit 23 and 26A (RC907) that was implemented by the Board of Game and put into place July 1, 2017. They have been putting a lot of effort into outreach and permit distribution and have been partnering with others to do this as well. Carmen noted that she had recently traveled to Wainwright and Atkasuk and planned to visit Nuiqsut, Anaktuvuk Pass, and Point Lay in August and September.



She reported that they are still working on setting up local vendors in these communities to help distribute the free registration hunt permits. Carmen highlighted that she recently moved to Utqiagvik and has enjoyed meeting people and encourage visits to her office here or call her with any questions.

The Council discussed that it is very important to participate and be a part of the solution. It is important to know what communities harvest, to address user conflict issues, and be actively involved if the caribou population is declining. Council members also stressed that working closely with communities on this issue is instrumental to ensure the subsistence way of life is supported. The Council discussed concern about the State permit being required for hunters age 10 and up and wanted to ensure that youth were not discouraged from hunting due to this permit requirement. The Council provided suggestions for outreach in the North Slope Region since it is a large area, noting many people in remote communities do not have access to the Internet and it is important to ensure people have access to information. The Council also expressed that there needs to be a local way to easily obtain permits.

#### *Central Arctic and Porcupine Caribou Herds*

Jason Caikosky, ADF&G wildlife biologist for the northeast portion of Alaska, presented an update via teleconference on the Central Arctic and Porcupine Caribou Herds. A summary handout on the two caribou herds was provided to the Council to follow along. Jason reported that they were not able to obtain a photo census for the Central or Porcupine Herd this year. The last photo census for Central Arctic was last summer in 2017. The 2017 census resulted in an abundance estimate of 28,000 caribou, which is slightly above the number in 2016. However, some of this increase was likely due to higher resolution photography. Jason reported that considering the population estimate from last year and this year's demographic metrics like parturition rates and survival estimates they basically consider the Central Arctic Herd to be stable at the 20,000+ range at this point.

Jason reported that the Porcupine Caribou abundance estimate last year was 218,000. He highlighted that number is the highest recorded abundance since the surveys began back in the late 1960's. He also noted that survival, parturition rates, and early summer calf survival have all been excellent in the last few years. Based on this information they anticipate the Porcupine Herd is continuing to grow.

#### **National Park Service**

##### *Gates of the Arctic National Park & Preserve*

Marcy Okada, Subsistence Coordinator, provided updates and an overview of subsistence information for GAAR NPP and referenced reports provided as handouts to the Council. Marcy 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 Gates of the Arctic National Park Subsistence Resource Commission (SRC) met in Allakaket on April 17-18, 2018. Esther Hugo is the Council representative to the SRC from Anaktuvuk Pass. Marcy presented information on proposed wildlife regulations for hunting and trapping in National Preserves that are in the process of being amended.

Marcy reported Dall sheep surveys were conducted July 2-8 of this year in the Itkillik and Anaktuvuk areas by a pilot aided by observers. All transects were completed in the Itkillik and about 80 percent of the transects were completed in the Anaktuvuk areas. Overall, numbers appear to be stable in both areas with no major increase or decrease, but lamb recruitment appears to be low in the Itkillik area. The National Park Service will continue annual sheep surveys in northeastern part of Gates of the Arctic to monitor changes in sheep population demographics.

Marcy reported the National Park Service has been conducting bears surveys. The preliminary population estimate for brown bear in the survey area is 565 bears, with 50 of those bears being cubs. This is the total number for the whole survey area which included Gates of the Arctic National Park and Preserve and surrounding lands in Units 26A and B, 25A, and 24A and B. Marcy also reported that the National Park Service and Alaska Department of Fish and Game conducted salmon stream surveys in Gates of the Arctic and Kobuk Valley National Park from July 23 to August 13. The effort was used to identify undocumented salmon streams and spawning habitat in the Upper Koyukuk and Kobuk Rivers. Lastly, Marcy highlighted that in response to requests from Anaktuvuk Pass residents, Gates of the Arctic was able to staff the ranger station throughout the summer by revolving staff in and out during times the local ranger was away from the station.

Kyle Joly, wildlife research biologist, provided the Council with an overview and updates on caribou research that he has conducted in the region. Kyle reported the National Park Service, in close collaboration with Fish and Game, BLM and Fish and Wildlife Service, started monitoring the Western Arctic Caribou Herd by radio collar in 2009. The GPS collars are fitted to caribou at the Onion Portage crossing, which is in Kobuk Valley National Park on the Kobuk River. Since 2009 they have put out over 200 collars with each of those collars reporting in three times a day. Kyle highlighted that so far they have received about 500,000 locations of caribou in Northwest Alaska area and it is one of the largest caribou databases of its kind in the world. They use this data to track distribution, migration routes, and timing. Kyle provided maps showing this location data across the range of the herd. He also reported he has also been researching caribou browse and diet. He noted that reports are available, if the Council is interested, in more detail on any of these studies.

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

### *Arctic National Wildlife Refuge*

Vince Matthews, Subsistence Coordinator, presented via teleconference and provided the Council with an update and overview of subsistence and community-based work within the Refuge. A detailed written report was provided for the Council meeting book. At the Council's request, Vince provided information on monitoring and law enforcement efforts along the Dalton Highway. There is a State Trooper now stationed in Coldfoot, which would also be assisting with law enforcement efforts along the Dalton Highway corridor. Beginning the first week of August, Fish and Wildlife Service sent one Federal wildlife officer/pilot to patrol the Dalton Highway via airplane and conduct road-based patrols. The officer concentrated on air boat activity in the Happy Valley, Sag River DOT and Galbraith Lake areas along the highway and to the east in the Arctic National Wildlife Refuge. There were no air boat or hunting violations observed on the

Refuge. In addition to road-based patrols, the Fish and Wildlife Service had been conducting law enforcement sheep patrols via airplane in the northern areas of the Arctic. Very little activity has been observed both in the numbers of hunters but also in non-consumptive users. Patrols on the Refuge will continue through the remainder of the hunting season.

Vince reported that the Refuge Manager authorized two permits for subsistence harvest of bull moose in the Kongakut River Drainage. Permits were issued to the residents and one bull was harvested during this program in 2017. Because of the continued low moose population elsewhere on the north side of the Brooks Range, the Refuge recommends that hunting be limited to the Kongakut River Drainage and that no more than two permits per year be issued. The last survey counted 80 adult moose and 14 yearlings. The Refuge is planning on surveying the drainage for moose again in April 2019. Vince reported that Muskox are still scarcely seen on the Refuge.

*Fisheries and Ecological Services, Fairbanks Field Office*

Randy Brown, Fisheries Biologist, provided the Council with a PowerPoint presentation on his recently completed research project on Canning River Dolly Varden Char. This project was funded through the OSM Fisheries Resource Monitoring Program. The intent of the project was to provide baseline information on Dolly Varden Char (locally referred to as Arctic Char) and their habitat in the Coastal Plain of the Arctic National Wildlife Refuge. In this area Dolly Varden Char is a very important subsistence fish for the community of Kaktovik. Randy reported that the Coastal Plain is very water-limited and unlike the lands to the west of the Sagavanirktok River that are full of lakes and rivers used for industrial water use and draw down for creating ice roads. He highlighted the fact that the Canning River is the largest source of water for the entire 1002 Area and there are very few lakes. Only three rivers in this area have large runs of anadromous Dolly Varden Char: the Canning, the Hulahula and the Aichilik on the eastern side of the Coastal Plain.

Randy reported they focused research on the Canning River to better understand Dolly Varden Char spawning habitat, timing of migration, and how the fish use the river. He highlighted that the primary water source that keeps these rivers flowing is actually perennial springs that originate in the Brooks Range. The water originated as rain and snow that fell on the south side of the Brooks Range 600 to 6000 years ago and is referred to as "ancient water." This water flows out at a constant 41 degrees Fahrenheit and is the primary reason that some pools remain liquid in otherwise frozen-over rivers for Char to overwinter in. The fish are very limited to these pools and depend on them for survival. Randy reported they radio tagged the Char so they could track their movements and found that they spend the winter in these pools, and then migrate out as adults when the river thaws enough to allow passage back to sea. Much of the spawning activity they tracked occurred in the areas close to the delta and also in the pool areas on the river. These areas are essential to the survival of Dolly Varden Char and the water is very limited to maintain enough flow for these life function and life cycle. The final report on this project has recently been published and is available for more detailed information.

## **Bureau of Land Management**

### *National Petroleum Reserve-Alaska (NPR-A)*

Tim Vosburgh, Biologist for the Bureau of Land Management Arctic District Office, provided the Council with an overview of the 2017 – 2018 permitting activities and recent updates for ongoing EIS processes within the NPR-A. Tim also provided a brief update on BLM's involvement with the Coastal Plain Environmental Assessment for a proposed seismic survey. The EA was triggered by an application to conduct a seismic 3D survey during winter months for a two-year period, and was expected to be published sometime in September. The proposed seismic exploration would begin this winter and continue in winter 2019-20. BLM is currently working on a Coastal Plain oil and gas leasing EIS to implement the leasing program pursuant to the Tax Act, including the requirement to hold not fewer than two area-wide lease sales. The first lease sale will be within four years of the date the Tax Act was enacted (December 2017). A second lease sale will be within seven years after the enactment. Each lease sale will offer at least 400,000 acres and will include areas that have the highest potential for petroleum development. The Secretary shall authorize up to 2,000 acres of surface development within the Coastal Plain. BLM is continuing its efforts toward development of an EIS for the Coastal Plain leasing program. Following conclusion of the scoping period, a scoping report was prepared to capture the issues to consider for analysis in the EIS identified by all the parties. The scoping report was released June 19 and is available online at the [blm.gov/alaska](http://blm.gov/alaska) web page. BLM is in the process of continuing government-to-government consultations with tribes and consultations with ANCSA corporations, and anticipates a draft EIS will be released this fall.

The Greater Mooses Tooth 1 (GMT1) Record of Decision was signed in 2015 and was the first major development within the NPR-A on BLM-managed lands. Construction began during winter of 2016 and 2017. Seven and a half miles of gravel road, 11.8 acre gravel pad are currently completed. GMT1 will have up to 33 wells drilled on it when it's fully drilled. Construction will continue this season with focus on installation of pipeline on pad facilities.

BLM is in the process of producing the final supplemental environmental impact statement for Greater Mooses Tooth 2 (GMT2) development project. The project would include a drill pad on Federally managed Kuukpik Corporation selected (but not yet conveyed) lands. The project is approximately 16 miles southwest of Nuiqsut. The GMT2 draft SEIS was published this year in March and the public comment period closed in May. BLM is currently in the process of receiving approval to publish the final SEIS and Record of Decision, with an anticipated release date in September. Development is planned for October.

Tim provided an overview of the Willow Prospect Master Development Plan. The project includes construction, operation, maintenance of a central processing facility, infrastructure pad, up to five drill pads and up to 50 wells on each pad, access, in-field roads and airstrip pipelines and gravel mine. BLM initiated a Master Development Plan EIS similar in scope to the Alpine Satellite Development Plan in 2004 to evaluate development of the Willow oil prospect. The notice of intent was published in the Federal Register on August 7, starting a 30-day scoping period for the EIS. Tim provided the Council with meeting dates and locations where BLM is currently holding scoping meetings in North Slope communities, Fairbanks, and Anchorage. The Council asked questions about the development of ice roads and where the near short gravel pad

would be built for this project.

BLM is working on a right-of-way application for an ASTAC broadband internet fiber-optic line that would run between Utqiagvik and Atqasuk, following a commonly-used winter travel route. The Council discussed the pros and cons of elevating the line or nesting the line in the tundra to avoid potential hazard to people who travel by snowmachine along this route.

Tim provided a map of where seismic testing was occurring around the Colville River near Nuiqsut and a map of five wells that were plugged this past winter southwest of Inigok in the foothills of the Brooks Range.

### **Office of Subsistence Management**

Joshua Ream, Anthropologist, provided the Council with programmatic updates including recent staffing changes at OSM. Assistant Regional Director Gene Peltola, Jr. left his position to become the new Regional Director for the Bureau of Indian Affairs in Alaska and now will be serving in that capacity on the Federal Subsistence Board. In the meantime, Tom Doolittle is serving as the Acting Assistant Regional Director until a new ARD is hired. Josh also provided an update on the new Federal subsistence wildlife regulations which will not be enacted until pending publication on the Federal Register.

### **Future Meeting Dates**

The Council reconfirmed February 13 – 14, 2019 for the upcoming winter meeting.

The Council selected October 22 – 23 for the fall 2019 meeting dates.

The Council will meet in Utqiagvik unless the budget to meet in another village at their request is approved. The Council stressed the critical importance of meeting in the villages and engaging directly with people to understand and address subsistence needs and concerns.

The Council shared closing comments prior to adjourning.

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

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Eva Patton, Designated Federal Officer  
USFWS Office of Subsistence Management

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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 2019 public meeting. Any corrections or notations will be incorporated at that meeting.

DRAFT

**FEDERAL WILDLIFE CLOSURE REVIEW  
WCR18-31**

**Closure Location:** Units 26B remainder and 26C—Moose

**Current Federal Regulation**

**Units 26B remainder and 26C—Moose**

*Units 26B, remainder and 26C—1 moose by Federal registration permit by residents of Kaktovik only.* *May be announced*

*Federal public lands are closed to the taking of moose except by a Kaktovik resident holding a Federal registration permit and hunting under these regulations.*

**Closure Dates:** Year-round

**Current State Regulation**

**Units 26B and 26C—Moose**

*Residents and Nonresidents* *No open season*

**Regulatory Year Initiated:** 2004

**Regulatory History**

Federal and State moose seasons in Units 26B and 26C were closed in 1996 due to a low moose population following declines in the early 1990s (Mauer 1997, Lenart 2010). The declines were probably due to a combination of factors, including limited habitat at the northern limits of their range, weather, predation by wolves and brown bears, disease, and possibly insect harassment (Lenart 2008).

The Federal closure was temporarily lifted in 2003, when the Federal Subsistence Board (Board) approved a modification of Special Action WSA03-04 to allow residents of Kaktovik to harvest one moose in the combined Units 26B and 26C for their Thanksgiving feast and one moose for their Christmas feast; however, only one moose was harvested in Unit 26C (OSM 2003).

In 2004, the Board adopted Proposal WP04-86b with modification to allow a total harvest quota of 3 moose (2 bulls and 1 moose of either sex) in Units 26B and 26C with the restrictions that no more than 2

bulls and no cows could be harvested in Unit 26C (OSM 2004a). Proposal WP04-86b also included a request for a Customary and Traditional Use determination to give priority to residents of Kaktovik to harvest moose in Units 26B and 26C but was withdrawn so a more thorough ANILCA Section 804 analysis could be completed (WP04-86a) (OSM 2004b).

Proposals WP06-67a and WP06-67b requested that residents of Unit 25A be added to the customary and traditional use determination for the Firth and Kongakut river drainages of Unit 26C (WP06-67a) and set a harvest quota of two moose per drainage (WP06-67b). Proposal WP06-67a was rejected by the Board because the residents of Arctic Village and the surrounding area did not have a demonstrated pattern of moose harvest in Unit 26C. Proposal WP06-67b was rejected by the Board (FSB 2006) based on conservation concerns (OSM 2006).

In 2007, the Board adopted Proposal WP07-63 with modification to lift the closure of Federal public lands to non-Federally qualified subsistence users in the portion of Unit 26B outside of the Canning River drainage based on increasing moose numbers (FSB 2007). The Board retained the closure of Federal public lands in Unit 26C and areas within the Canning River drainage in Unit 26B (now called Unit 26B remainder), except for residents of Kaktovik (OSM 2007).

Proposal WP08-54 requested a modification of the moose harvest quota in Unit 26C to 5 moose (4 bulls and 1 of either sex) with a shorter harvest season of Jul. 1 - Dec. 31 versus Jul. 1 - Mar. 31 for Kaktovik residents in Unit 26C. The proposal also requested lifting the closure of Federal public lands in Unit 26B remainder (OSM 2008). The Board adopted the proposal with modification to keep the closure in place, except for residents of Kaktovik, but changed the harvest quota from 3 moose (2 bulls and 1 of either sex) to 3 moose (2 antlered bulls and 1 of either sex) (FSB 2008). Changing the harvest limit to antlered bulls was done to protect cows from being harvested later in the season when bulls have typically shed their antlers. The restriction of harvesting a cow accompanied by a calf was retained for Units 26B remainder and 26C and no more than two antlered bulls could be taken from Unit 26C.

In March 2012, the Alaska Board of Game (BOG) adopted Proposal 174A to establish a moose season in a portion of Unit 26C which includes the Firth River, Mancha Creek and the Upper Kongakut River drainages; however, there has been no State hunt because the area consists of Federal public lands that were closed to the harvest of moose, except by residents of Kaktovik.

In March 2013, the BOG, by Emergency Order 03-03-13, authorized a general moose season in Unit 26B, excluding the Canning River drainage, when hunting conditions were favorable for up to 14 days during the period Feb.15–Apr. 15. It was thought that the population of approximately 500 moose in Unit 26B could sustain a harvest quota of 15 bull moose, including the additional 4 that might be harvested under State regulations during the general hunt through the Emergency Order (ADF&G 2013). In Unit 26B State lands are closer to the village of Kaktovik than Federal public lands in Unit 26B remainder, thus making it easier for Kaktovik residents to harvest additional moose close to the village without having to travel long distances to access Federal land.



On April 3, 2013, the Board approved Emergency Special Action WSA12-12 with modification to allow Kaktovik residents to harvest one additional moose in Unit 26B remainder and to extend the season through April 14, 2013 (OSM 2013).

In 2013, ADF&G submitted Proposal WP14-55 which requested the closure to non-Federally qualified users be lifted in the Firth, Mancha, and upper Kongakut river drainages (upstream from and including Drain Creek) for the harvest of moose in Unit 26C (OSM 2014a). The remaining Federal public lands in Unit 26C and Unit 26B remainder would remain closed to the harvest of moose, except by residents of Kaktovik. At its April 2014 meeting, the Board rejected Proposal WP14-55 to allow for additional information to be collected on the population (OSM 2014a, FSB 2014).

In April 2014 the Board adopted Proposal WP14-54 to increase to the harvest quota from 3 to 5 moose, to allow for the harvest of cows and cows with calves in Unit 26C, and to lengthen the season in Units 26B remainder and 26C from Jul. 1–Mar. 31 to a year-round season (Jul.1 – June 30) (OSM 2014b).

In May 2014, the BOG reduced harvest limits and season dates for resident moose hunts in Unit 26A and 26B in response to low population numbers and poor recruitment. An Emergency Order (05-05-14) closed the general season hunt in Unit 26B and closed drawing permits for moose by residents and nonresidents in Unit 26A and 26B for the 2014/2015 regulatory year (ADF&G 2014a). The seasons were closed to allow for population recovery.

In 2014/2015, due to the population decline on the North Slope, the Board closed the moose season on Federal public lands in Units 26B remainder and 26C by Temporary Special Action WSA14-02 (OSM 2014c).

In 2015, the Board approved Temporary Special Action WSA15-08 to close the moose season in Units 26B remainder and 26C for 2015/2016 regulatory year. This request, submitted by the Arctic National Wildlife Refuge, was in response to the continued low moose numbers along the coastal plain of Unit 26C and 26B remainder (OSM 2015). Surveys conducted in April 2014 by the Arctic National Wildlife Refuge and ADF&G indicated that the North Slope moose populations in the affected area had declined by approximately 50% since 2011 (Wald 2014).

In 2016, the Board adopted Proposal WP16-65 with modification to create a “*May-be –announced*” season; remove regulatory language referencing harvest quotas and delegate authority to the Arctic National Wildlife Refuge to determine annual quotas, set opening and closing season dates, and the number of Federal permits to be issued via a delegation of authority letter only (OSM 2016).

In April 2017, in response to the recent increase in moose abundance, the Arctic National Wildlife Refuge (ANWR) Manager authorized two Federal Registration permits for the harvest of two bull moose in the Kongakut River drainage. Permits were issued to Kaktovik residents only and one moose was harvested (ANWR 2017a).

Federal public lands comprise approximately 98% of the lands in Unit 26C and consist of 100% U.S. Fish and Wildlife (FWS) managed lands (**Map 1**).

Federal public lands comprise approximately 29% of the lands in Unit 26B and consist of 23% FWS managed lands, 4% Bureau of Land Management (BLM) managed lands, and 3% National Park Service (NPS) managed lands (**Map 1**).

**Closure Last Reviewed:** 2012 – WCR12-31

**Justification for Original Closure (ANILCA Section 815 (3) criteria):**

*Nothing in this title shall be construed as – (3) authorizing a restriction on the taking of fish and wildlife for nonsubsistence uses on public lands (other than national parks and monuments) unless necessary for the conservation of healthy populations of fish and wildlife, for the reasons set forth in section 816, to continue subsistence uses of such populations, or pursuant to other applicable law...*

The combination of low moose numbers and low recruitment were direct indicators of a continuing conservation concern. The analysis for Proposal WP04-86 (OSM 2004a, b) also considered ANILCA Section 804 issues (restricting subsistence use by implementing a priority of a limited resource such as moose) limiting the moose season, with a small quota, to only the residents of Kaktovik.

**Council Recommendation for Original Closure:**

The North Slope Subsistence Regional Advisory Council supported Proposal WP04-86b as submitted by the City of Kaktovik to allow only residents of Kaktovik to harvest moose because of the limited availability of moose within Unit 26C.

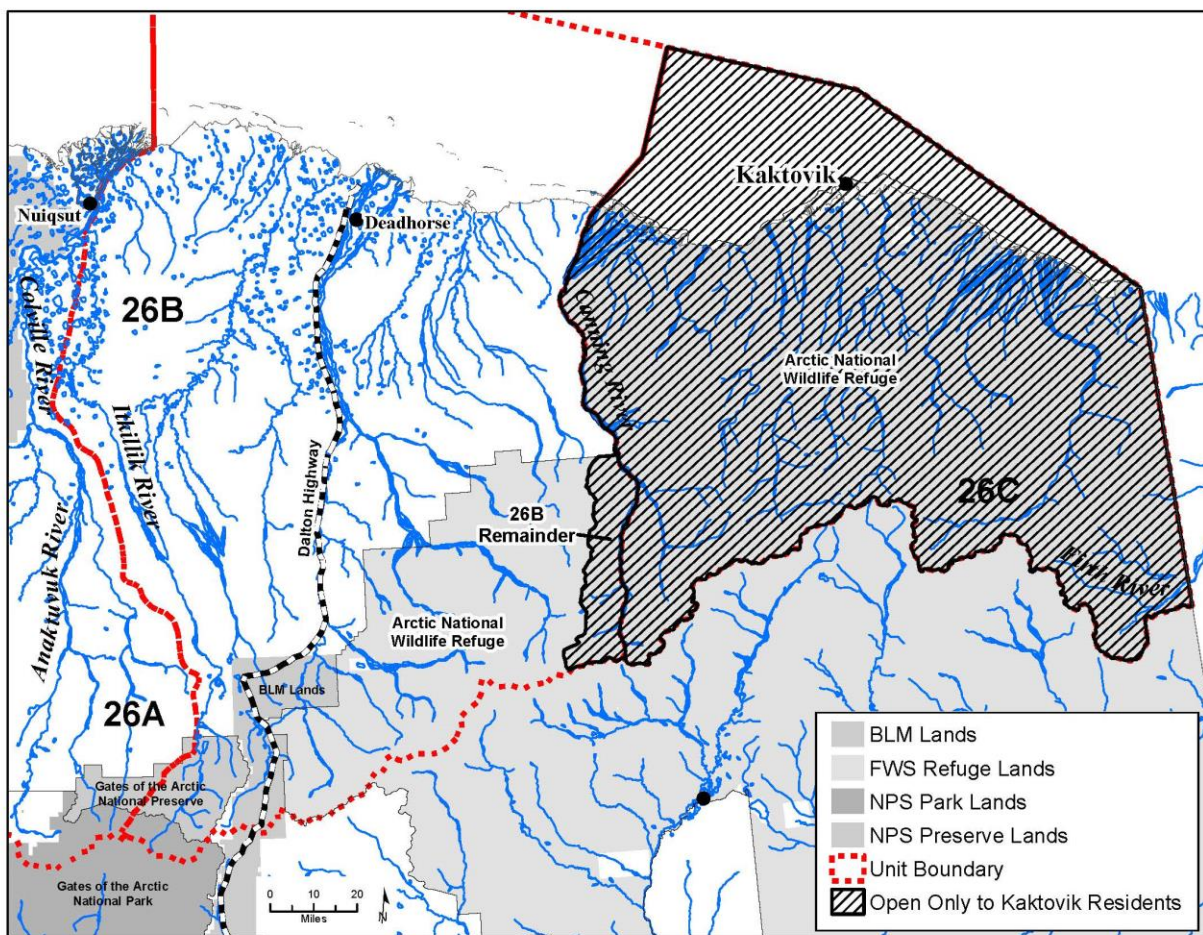
**State Recommendation for Original Closure:**

The State did not support Proposal WP04-86b due to conservation concerns regarding the Unit 26C moose population and the requested harvest quota of 5 moose (OSM 2004b). However, they did support a harvest of up to two moose in Unit 26C.

**Biological Background**

Unit 26C contains at least two distinct moose populations. The first population occurs on the coastal plain and foothills in the North Slope portion of Unit 26C (North Slope population), and the other population occurs in the Firth, Mancha, and Upper Kongakut river drainages (Old Crow Flats population) (**Map 1**) (Mauer 1998). A portion of the moose population in the eastern portion of Unit 26C, calves and spends the summer in Old Crow Flats in the Yukon and migrates to the Firth, Mancha, and Upper Kongakut river drainages in Unit 26C, and the Sheenjek, and Coleen river drainages in Unit 25A during the fall and winter. Some moose in the Old Crow Flats population move between drainages during the fall or spring migration (Mauer 1998, Cooley 2013, pers. comm.). The focus of this analysis is on the North Slope population in Unit 26C.

Moose in Unit 26B remainder and Unit 26C are at the northern limits of their range in Alaska. The lack of quality habitat severely limits the potential size of moose populations. Moose are generally associated with narrow strips of shrub communities along drainages, except during calving and summer when some seasonal movement occurs away from riparian habitat (Lenart 2010). In winter, moose are limited almost entirely to the riparian shrub habitat. During surveys in the 1970s and 1980s, small numbers of moose were observed in the Sadlerochit, Hulahula, Okpilak, Okerokovik, Jago, Aichilik and Egaksrak river drainages and larger concentrations of moose were found on the Canning River and between the Sagavanirktok and Kavik rivers, west of the Canning River. The moose population in Units 26B and 26C peaked during the late 1980s at approximately 1,400 moose (Mauer and Akaran 1991; Lenart 2004, 2008), then declined in the early 1990s, and remained at approximately 700 animals throughout the remainder of the decade (Mauer 1998, Lenart 2008).



**Map 1.** Location of Federal public lands in Units 26B and 26C and lands open to Kaktovik residents.

Data from surveys conducted by the Alaska Department of Fish and Game (ADF&G) and the U.S. Fish and Wildlife Service (FWS) suggested that a significant decline in moose populations north of the Brooks Range occurred between 2012 and 2014. Survey results indicated that there had been approximately a 50% reduction of moose since 2011 in Unit 26A and in Unit 26B. The number of moose counted declined from approximately 400 moose in 2013 to 104 in 2015 in Unit 26A (ADF&G 2014b, Lenart

2015, pers. comm). Although Unit 26A is west of the area affected by this Wildlife Closure Review, it documents widespread declines in moose populations throughout the North Slope. In Unit 26B remainder the number of moose counted declined from 176 in 2013 to 57 in 2014 (no short yearlings – 10 to 11 month old calves) (Lenart 2012b). From 2014 to 2018 the moose population in Unit 26C increased to 94 moose, which is the largest number seen since 1984 (Churchwell 2018).

The migratory behavior of the North Slope moose population makes it difficult to estimate the total population size. The 2018 population count suggests that the population is slowly increasing but surveys in previous years may not have captured animals when they were at their peak in the survey area.

State management goals for moose in Units 26B and 26C are to maintain viable populations throughout their historic range in the region, to provide sustained moose harvest opportunity, and provide an opportunity for moose photography and viewing (Lenart 2010). Specific State management objectives for Unit 26B and Unit 26C are as follows (Lenart 2012a, b):

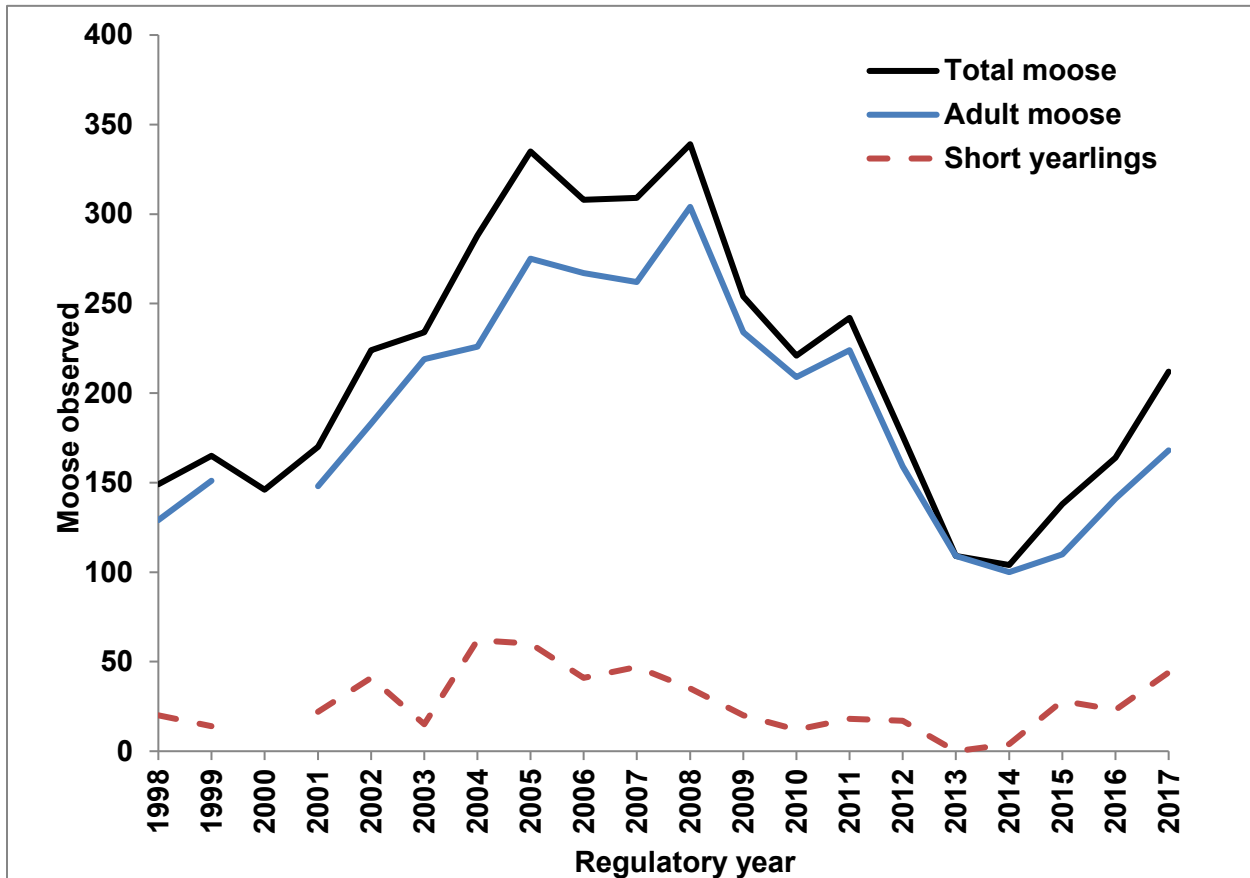
- Unit 26B – maintain a population of at least 300 moose with short yearlings (10 to 11 month old calves) comprising at least 15% (3-year average) of the population.
- Unit 26C – maintain a population of at least 150 moose with short yearlings comprising at least 15% (3-year average) of the population.
- Maintain bull:cow ratios of at least 35 bulls:100 cows when hunting seasons are open for Unit 26B and Unit 26C.

A comprehensive moose survey has not been conducted for Units 26B and 26C; however, smaller scale minimum counts have been conducted in areas where moose concentrate to assess population trends. These trend counts account for a large percentage of the moose in the units as habitat is limited in the region (Lenart 2012a).

The moose population in the eastern portion of Unit 26B, including the Canning River, rebounded from low levels of approximately 150 in 1998–2000 to 335 moose in 2005 (**Figure 1**). During that period, harvest was limited in Unit 26B due to State and Federal harvest closures enacted in 1996. A limited season for Kaktovik residents was opened under Federal regulations in 2004. The harvest closure on Federal public lands in Unit 26B was lifted in 2007, except for the Canning River drainage which remained open only to Kaktovik residents. The moose population in eastern Unit 26B has subsequently declined to 104 moose in 2015 following peak counts in 2005–2008 (**Figure 1**). Since 2016 the population has been increasing slowly (**Figure 1**). The estimated total population observed in 2016, 2017, and 2018 was 138, 164, and 212 moose respectively (Lenart 2015, pers. comm., Lenart 2018, pers. comm.). The composition of short yearlings, which represents a measure of recruitment in the population, averaged 16% from 2005 to 2008, 9% from 2009 to 2012, 0% in 2014, 4% in 2015, 20% in 2016, 14% in 2017, and 21% in 2018 (Lenart 2015, pers. comm., Lenart 2018, pers. comm.).

The North Slope population in Unit 26C was surveyed every two years between 2003 and 2018 by Arctic National Wildlife Refuge staff (Wald 2014, ANWR 2017a, b). This population occurs on the Coastal

Plain from the Canadian border to the Canning River and from the Beaufort Sea coast to the foothills of the Brooks Range. Moose are usually concentrated in the drainages of the Sadlerochit, Hulahula, Okpilak, Okpirourak, Jago, Aichilik, Egaksrak, Ekaluakat, and the lower part of the Kongakut rivers (Wald 2014) (**Map 2**). Twenty three adults and no short-yearlings were observed during surveys conducted in April, 2014. In 2015, 36 moose were observed; 28 in the Kongakut drainage, 3 in the

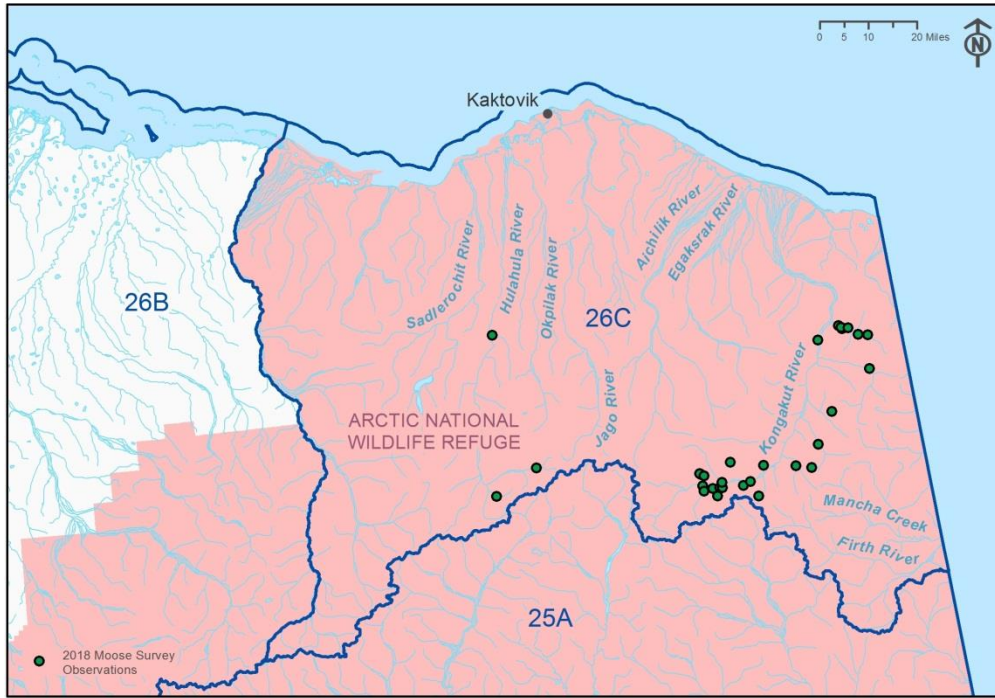


**Figure 1.** Aerial composition survey counts of moose in Unit 26B, east of the Sagavanirktok River and including the Canning River. Surveys were conducted in regulatory years 1998/1999 to 2013/2014 and moose presented as adults or short yearlings (11-month olds) (Lenart 2012a).

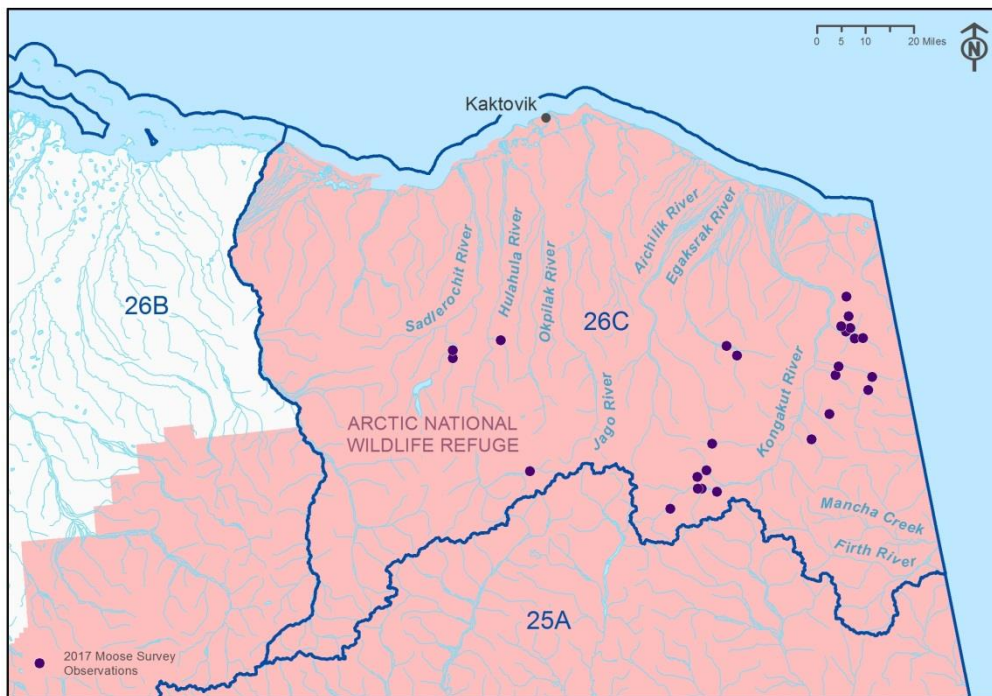
Egaksrak drainage, 3 in the Sadlerochit drainage, and 2 in the Hulahula drainage (Wald 2015, pers. comm.). In 2017, 49 moose were seen in the Kongakut River drainage, five in the Sadlerochit River dariange, five in the Hulahula River drainage, and two in the Egaksrak River drainage (ANWR 2017b).

The calf or short-yearling survival has increased from 0 in 2014, to 5 in 2015, to 9 in 2017. Based on trend counts between 2003 and 2017, the North Slope population reached a low of 23 in 2014 and has since has increased to 61 in 2017, which was the population prior to the decline from 2011 to 2014 (**Figure 2**). During April 2017, FWS conducted a moose survey of the North Slope Population in Unit 26C (**Map2**) and found 61 adult moose, including nine short yearlings (11 month olds), which is above the 10-year average of 48 since 2003 (Wald 2014, ANWR 2017b). During April 2018, FWS conducted a moose survey of the North Slope Population in in Unit 26C (**Map3**) and found 80 adult moose, including

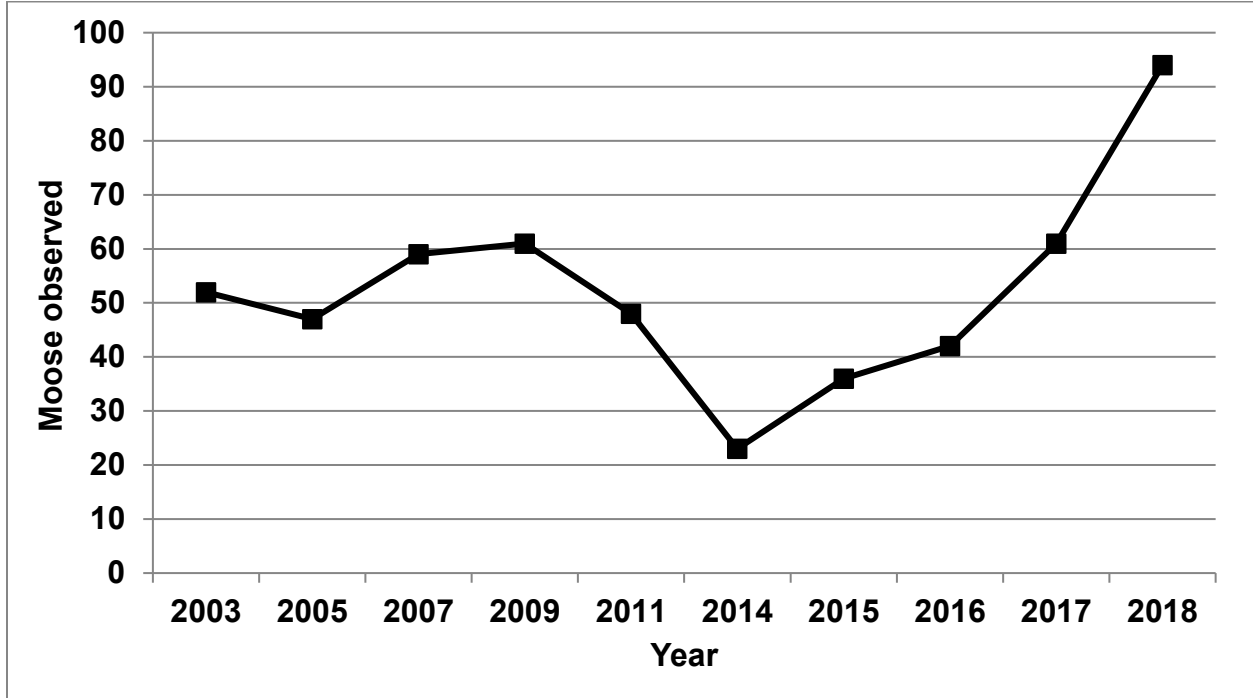
14 short yearlings (11 month olds) (Churchwell 2018). Similar to 2017 most of the moose were in the Kongakut drainage (Wald 2017, pers.comm.; Churchwell 2018).



**Map 2.** Moose survey observations Unit 26C, April 2017 (Arthur 2018, pers. comm.).



**Map 3.** Moose survey observations Unit 26C, April 2018 (Arthur 2018, pers. comm.).



**Figure 2.** Moose observed during aerial surveys of trend count areas, conducted every other year by the U.S. Fish and Wildlife Service, for the North Slope Population in Unit 26C, 2003–2018 (Wald 2011, 2014, ANWR 2017a, b).

### Harvest History

Harvest quotas for North Slope moose populations are currently determined using a 3% harvest rate (Lenart 2017, pers. comm., Wald 2013, pers. comm.). Moose harvest on the affected Federal public lands in Units 26B and 26C has been limited to residents of Kaktovik since 2004, with up to three permits issued annually and a combined harvest quota for Units 26B remainder and 26C of 3 moose. Since 2004, 9 bull moose have been reported harvested, with an average of 1 moose harvested per year (**Table 1**). No additional moose were taken by Kaktovik residents in Unit 26B remainder during the two week extension under Emergency Special Action WSA12-12. No moose were taken from 2013 to 2016. Two permits for bull moose in the Kongakut River Drainage were issued by the Arctic National Wildlife Refuge in 2017 and one bull moose was harvested.

**Table 1.** Federal moose registration permits issued to Kaktovik residents and harvest for Units 26B and 26C from 2004 to 2017 (Twitchell 2013, pers. comm., Wald 2015, ANWR 2017a, b).

Year	Permits issued	Permits used	Harvest
2004/2005	3	1	1
2005/2006	3	2	2
2006/2007	3	2	2
2007/2008	3	- <sup>a</sup>	- <sup>a</sup>

Year	Permits issued	Permits used	Harvest
2008/2009	3	2	1
2009/2010	3	2	- <sup>a</sup>
2010/2011	2	1	1
2011/2012	3	2	0
2012/2013	2	2	2
2013/2014	2	0	0
2014/2015	- <sup>a</sup>	- <sup>a</sup>	- <sup>a</sup>
2015/2016	0	0	0
2016/2017	2	1	1

<sup>a</sup> Data not available for the report.

**OSM CONCLUSION:**

- maintain status quo**
- initiate proposal to modify or eliminate the closure**
- other recommendation**

**Justification**

The North Slope moose population in Unit 26C has increased in recent years and is now above 50 animals, which has been the long-term average for this marginal population. Most of the population increase has been in the Kongakut River drainage and remains low elsewhere in the Arctic coastal plain. As of 2015, moose population and recruitment in Unit 26B continues to be low. The current regulations allow management flexibility by the Refuge Manager of the Arctic National Wildlife Refuge to determine sustainable harvest levels based on the status and health of the small moose populations north of the Brooks Range in Units 26B and 26C. Continuing to limit the moose hunt to Federally qualified users in Kaktovik only is recommended given the small North Slope population.

**LITERATURE CITED**

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## Federal Subsistence Board News Release



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

Forest Service

**For Immediate Release:**  
January 31, 2019

**Contact:** Caron McKee  
(907) 786-3880 or (800) 478-1456  
caron\_mckee@fws.gov

### Call for Proposals to Change Federal Subsistence Hunting and Trapping Regulations

The Federal Subsistence Board (Board) is accepting proposals through March 27, 2019 to change Federal regulations for the subsistence harvest of wildlife on Federal public lands for the July 1, 2020–June 30, 2022 regulatory years. The Board will consider proposals to change Federal subsistence hunting and trapping seasons, harvest limits, methods of harvest, and customary and traditional use determinations.

#### Submit proposals:

- **By mail or hand delivery**  
Federal Subsistence Board  
Office of Subsistence Management – Attn: Theo Matuskowitz  
1011 East Tudor Road, MS-121  
Anchorage, AK 99503-6199
- **Online at <https://www.regulations.gov>**  
Search for docket number FWS-R7-SM-2018-0015.
- **At any Federal Subsistence Regional Advisory Council meeting**  
A current list of meeting dates and locations can be found at <https://www.doi.gov/subsistence/regions> or by contacting the Office of Subsistence Management at the phone number or email address below. Due to the recent lapse in funding for the Federal government budget, some of the meeting dates published in the proposed rule (84 FR 623; January 31, 2019) have been changed. Revised meeting dates and locations will be announced in subsequent news releases as they become available.

The proposed rule, *Subsistence Management Regulations for Public Lands in Alaska—2020–21 and 2021–22, Subsistence Taking of Wildlife Regulations*, published in the Federal Register on January 31, 2019 (84 FR 623).

You may call the Office of Subsistence Management at 800-478-1456 or email [subsistence@fws.gov](mailto:subsistence@fws.gov) with questions.

Additional information on the Federal Subsistence Management Program may be found on the web at [www.doi.gov/subsistence](http://www.doi.gov/subsistence) or by visiting [www.facebook.com/subsistencealaska](https://www.facebook.com/subsistencealaska).

**Missing out on the latest Federal subsistence issues?** If you'd like to receive emails and notifications on the Federal Subsistence Management Program you may subscribe for regular updates by emailing [fws-fsb-subsistence-request@lists.fws.gov](mailto:fws-fsb-subsistence-request@lists.fws.gov).

-###-

1011 East Tudor Road MS-121 • Anchorage, Alaska 99503-6199 • [subsistence@fws.gov](mailto:subsistence@fws.gov) • (800) 478-1456 / (907) 786-3888  
This document has been cleared for public release #20601312019.



U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This proposed rule involves a safety zone lasting for 2 hours that will prohibit entry within 100-yards of swim participants. Normally such actions are categorically excluded from further review under paragraph L63(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 01. A preliminary Record of Environmental Consideration supporting this determination is available in the docket where indicated under ADDRESSES. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

#### G. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places, or vessels.

#### V. Public Participation and Request for Comments

We view public participation as essential to effective rulemaking, and will consider all comments and material received during the comment period. Your comment can help shape the outcome of this rulemaking. If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation.

We encourage you to submit comments through the Federal eRulemaking Portal at <http://www.regulations.gov>. If your material cannot be submitted using <http://www.regulations.gov>, contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

We accept anonymous comments. All comments received will be posted without change to <https://www.regulations.gov> and will include any personal information you have provided. For more about privacy and the docket, visit <https://www.regulations.gov/privacyNotice>.

Documents mentioned in this NPRM as being available in the docket, and all public comments, will be in our online docket at <https://www.regulations.gov>

and can be viewed by following that website's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted or when a final rule is published.

#### List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard is proposing to amend 33 CFR part 165 as follows:

#### PART 165—SAFETY ZONE; TANAPAG HARBOR, SAIPAN, CNMI

- 1. The authority citation for part 165 continues to read as follows:

**Authority:** 46 U.S.C. 70034 (previously codified in 33 U.S.C. 1231); 46 U.S.C. 70051 (previously codified in 50 U.S.C. 191); 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 0170.1.

- 2. Add § 165.T14–0020 to read as follows:

#### 165. T14–0020 Safety Zone; Tanapag Harbor, Saipan, CNMI.

(a) *Location.* The following area, within the Guam Captain of the Port (COTP) Zone (See 33 CFR 3.70–15), all navigable waters within a 100-yard radius of race participants in Tanapag Harbor, Saipan. Race participants, chase boats and organizers of the event will be exempt from the safety zone.

(b) *Effective Dates.* This rule is effective from 6:30 a.m. to 8:30 a.m. on March 31, 2019.

(c) *Enforcement.* Any Coast Guard commissioned, warrant, or petty officer, and any other COTP representative permitted by law, may enforce this temporary safety zone.

(d) *Waiver.* The COTP may waive any of the requirements of this rule for any person, vessel, or class of vessel upon finding that application of the safety zone is unnecessary or impractical for the purpose of maritime security.

(e) *Penalties.* Vessels or persons violating this rule are subject to the penalties set forth in 46 U.S.C. 70036 (previously codified in 33 U.S.C. 1232) and 46 U.S.C. 70052 (previously codified in 50 U.S.C. 192).

Dated: January 23, 2019.

**Christopher M. Chase,**

*Captain, U.S. Coast Guard, Captain of the Port, Guam.*

[FR Doc. 2019–00563 Filed 1–30–19; 8:45 am]

**BILLING CODE 9110–04–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–2018–0015; FXFR13350700640–190–FF07J00000; FBMS#4500129154]

RIN 1018–BD11

#### Subsistence Management Regulations for Public Lands in Alaska—2020–21 and 2021–22 Subsistence Taking of Wildlife Regulations

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

**ACTION:** Proposed rule.

**SUMMARY:** This proposed rule would establish regulations for hunting and trapping seasons, harvest limits, and methods and means related to taking of wildlife for subsistence uses during the 2020–21 and 2021–22 regulatory years. The Federal Subsistence Board is on a schedule of completing the process of revising subsistence taking of wildlife regulations in even-numbered years and subsistence taking of fish and shellfish regulations in odd-numbered years; public proposal and review processes take place during the preceding year. The Board also addresses customary and traditional use determinations during the applicable cycle. When final, the resulting rulemaking will replace the existing subsistence wildlife taking regulations. This rule would also amend the general regulations on subsistence taking of fish and wildlife.

#### DATES:

*Public meetings:* The Federal Subsistence Regional Advisory Councils will hold public meetings to receive comments and make proposals to change this proposed rule on several dates between February 5 and March 12, 2019, and then will hold another round of public meetings to discuss and receive comments on the proposals, and make recommendations on the proposals to the Federal Subsistence Board, on several dates between September 19 and November 5, 2019. The Board will discuss and evaluate proposed regulatory changes during a public meeting in Anchorage, AK, in April 2020. See **SUPPLEMENTARY INFORMATION** for specific information on dates and locations of the public meetings.

**Public comments:** Comments and proposals to change this proposed rule must be received or postmarked by March 27, 2019.

**ADDRESSES:**

**Public meetings:** The Federal Subsistence Board and the Federal Subsistence Regional Advisory Councils' public meetings will be held at various locations in Alaska. See **SUPPLEMENTARY INFORMATION** for specific information on dates and locations of the public meetings.

**Public comments:** 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–2018–0015, 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, or hand delivery to the Designated Federal Official attending any of the Federal Subsistence Regional Advisory Council public meetings. See **SUPPLEMENTARY INFORMATION** for additional information on locations of the public meetings.

We will post all comments on <http://www.regulations.gov>. This generally means that we will post any personal information you provide us (see the Public Review Process section below for more information).

**FOR FURTHER INFORMATION CONTACT:**

Chair, Federal Subsistence Board, c/o U.S. Fish and Wildlife Service, Attention: Thomas C.J. Doolittle, Office of Subsistence Management; (907) 786–3888 or [subsistence@fws.gov](mailto:subsistence@fws.gov). For questions specific to National Forest System lands, contact Thomas Whitford, Regional Subsistence Program Leader,

USDA–Forest Service, Alaska Region; (907) 743–9461 or [twhitford@fs.fed.us](mailto:twhitford@fs.fed.us).

**SUPPLEMENTARY INFORMATION:**

**Background**

Under Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) (16 U.S.C. 3111–3126), the Secretary of the Interior and the Secretary of Agriculture (Secretaries) jointly implement the Federal Subsistence Management Program. This program provides a rural 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 final regulations were published in the **Federal Register** on May 29, 1992 (57 FR 22940). The Program has subsequently amended these regulations 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 part 242.1–28 and 50 CFR part 100.1–28, 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, National Park Service;
- The Alaska State Director, Bureau of Land Management;
- The Alaska Regional Director, Bureau of Indian Affairs;
- The Alaska Regional Forester, USDA–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 public 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 Federal Subsistence Regional Advisory Council (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. Members are appointed by the Secretary of the Interior with the concurrence of the Secretary of Agriculture.

**Public Review Process—Comments, Proposals, and Public Meetings**

The Councils have a substantial role in reviewing this proposed rule and making recommendations for the final rule. The Federal Subsistence Board, through the Councils, will hold public meetings on this proposed rule at the following locations in Alaska, on the following dates:

Region 1—Southeast Regional Council .....	Wrangell .....	February 12, 2019.
Region 2—Southcentral Regional Council .....	Anchorage .....	February 26, 2019.
Region 3—Kodiak/Aleutians Regional Council .....	Kodiak .....	February 21, 2019.
Region 4—Bristol Bay Regional Council .....	Naknek .....	February 12, 2019.
Region 5—Yukon–Kuskokwim Delta Regional Council .....	Bethel .....	March 12, 2019.
Region 6—Western Interior Regional Council .....	Anchorage .....	February 20, 2019.
Region 7—Seward Peninsula Regional Council .....	Nome .....	March 5, 2019.
Region 8—Northwest Arctic Regional Council .....	Kotzebue .....	February 27, 2019.
Region 9—Eastern Interior Regional Council .....	Fairbanks .....	March 5, 2019.
Region 10—North Slope Regional Council .....	Utqiagvik .....	February 13, 2019.

During April 2019, the written proposals to change the subpart D, take of wildlife regulations, and subpart C, customary and traditional use determinations, will be compiled and distributed for public review. During a

subsequent public comment period, written public comments will be accepted on the distributed proposals.

The Board, through the Councils, will hold a second series of public meetings in September through November 2019,

to receive comments on specific proposals and to develop recommendations to the Board at the following locations in Alaska, on the following dates:

Region 1—Southeast Regional Council .....	Petersburg .....	October 8, 2019.
Region 2—Southcentral Regional Council .....	Seward .....	October 2, 2019.

Region 3—Kodiak/Aleutians Regional Council .....	Kodiak .....	September 19, 2019.
Region 4—Bristol Bay Regional Council .....	Dillingham .....	November 5, 2019.
Region 5—Yukon-Kuskokwim Delta Regional Council .....	Bethel .....	October 12, 2019.
Region 6—Western Interior Regional Council .....	Aniak .....	October 8, 2019.
Region 7—Seward Peninsula Regional Council .....	Nome .....	October 22, 2019.
Region 8—Northwest Arctic Regional Council .....	Kotzebue .....	October 28, 2019.
Region 9—Eastern Interior Regional Council .....	Fairbanks .....	October 15, 2019.
Region 10—North Slope Regional Council .....	Utqiagvik .....	October 22, 2019.

Prior to both series of meetings, notices will be published of specific dates, times, and meeting locations in local and statewide newspapers, along with announcements on radio, television and social media sites. Locations and dates may change based on weather or local circumstances. The amount of work on each Council's agenda determines the length of each Council meeting, but typically the meetings are scheduled to last 2 days. Occasionally a Council will lack information necessary during a scheduled meeting to make a recommendation to the Board or to provide comments on other matters affecting subsistence in the region. If this situation occurs, the Council may announce on the record a later teleconference to address the specific issue when the requested information or data is available. These teleconferences are open to the public, along with opportunities for public comment; the date and time will be announced during the scheduled meeting and that same information will be announced through news releases and local radio, television, and social media ads.

The Board will discuss and evaluate proposed changes to the subsistence management regulations during a public meeting scheduled to be held in Anchorage, Alaska, in April 2020. The Council Chairs, or their designated representatives, will present their respective Councils' recommendations at the Board meeting. Additional oral testimony may be provided on specific proposals before the Board at that time. At that public meeting, the Board will deliberate and take final action on proposals received that request changes to this proposed rule.

Proposals to the Board to modify the general fish and wildlife regulations, wildlife harvest regulations, and customary and traditional use determinations must include the following information:

- a. Name, address, and telephone number of the requestor;
- b. Each section and/or paragraph designation in this proposed rule for which changes are suggested, if applicable;
- c. A description of the regulatory change(s) desired;

d. A statement explaining why each change is necessary;

e. Proposed wording changes; and

f. Any additional information that you believe will help the Board in evaluating the proposed change.

The Board immediately rejects proposals that fail to include the above information, or proposals that are beyond the scope of authorities in § \_\_\_\_\_.24, subpart C (the regulations governing customary and traditional use determinations), and §§ \_\_\_\_\_.25 and \_\_\_\_\_.26, subpart D (the general and specific regulations governing the subsistence take of wildlife). If a proposal needs clarification, prior to being distributed for public review, the proponent may be contacted, and the proposal could be revised based on their input. Once distributed for public review, no additional changes may be made as part of the original submission. During the April 2020 meeting, the Board may defer review and action on some proposals to allow time for cooperative planning efforts, or to acquire additional needed information. The Board may elect to defer taking action on any given proposal if the workload of staff, Councils, or the Board becomes excessive. These deferrals may be based on recommendations by the affected Council(s) or staff members, or on the basis of the Board's intention to do least harm to the subsistence user and the resource involved. A proponent of a proposal may withdraw the proposal provided it has not been considered, and a recommendation has not been made, by a Council. After that, the Board must approve withdrawal of a proposal. The Board may consider and act on alternatives that address the intent of a proposal while differing in approach.

You may submit written comments and materials concerning this proposed rule by one of the methods listed in **ADDRESSES**. If you submit a comment via <http://www.regulations.gov>, your entire comment, including any personal identifying information, will be posted on the website. If you submit a hardcopy comment that includes personal identifying information, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so.

We will post all hardcopy comments on <http://www.regulations.gov>.

Comments and materials we receive, as well as supporting documentation we used in preparing this proposed rule, will be available for public inspection on <http://www.regulations.gov>, or by appointment, between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays, at: USFWS, Office of Subsistence Management, 1011 East Tudor Road, Anchorage, AK 99503.

*Reasonable Accommodations*

The Federal Subsistence Board is committed to providing access to these meetings for all participants. Please direct all requests for sign language interpreting services, closed captioning, or other accommodation needs to the Office of Subsistence Management, 907-786-3888, [subsistence@fws.gov](mailto:subsistence@fws.gov), or 800-877-8339 (TTY), at least 7 business days prior to the meeting you would like to attend.

*Tribal Consultation and Comment*

As expressed in Executive Order 13175, "Consultation and Coordination with Indian Tribal Governments," the Federal officials that have been delegated authority by the Secretaries are committed to honoring the unique government-to-government political relationship that exists between the Federal Government and federally Recognized Indian Tribes (Tribes) as listed in 79 FR 4748 (January 29, 2014). Consultation with Alaska Native corporations is 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 Alaska National Interest Lands Conservation Act does not provide specific rights to Tribes for the subsistence taking of wildlife, fish, and shellfish. However, because tribal members are affected by subsistence fishing, hunting, and trapping regulations, the Secretaries, through the Board, will provide federally recognized Tribes and Alaska Native corporations

an opportunity to consult on this proposed rule.

The Board will engage in outreach efforts for this proposed rule, including a notification letter, to ensure that Tribes and Alaska Native corporations are advised of the mechanisms by which they can participate. The Board provides a variety of opportunities for consultation: Proposing changes to the existing rule; commenting on proposed changes to the existing rule; engaging in dialogue at 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. The Board commits to efficiently and adequately providing an opportunity to Tribes and Alaska Native corporations for consultation in regard to subsistence rulemaking.

The Board will consider Tribes' and Alaska Native corporations' information, input, and recommendations, and address their concerns as much as practicable.

#### Developing the 2020–21 and 2021–22 Wildlife Seasons and Harvest Limit Regulations

Subpart C and D regulations are subject to periodic review and revision. The Federal Subsistence Board currently completes the process of revising subsistence take of wildlife regulations in even-numbered years and fish and shellfish regulations in odd-numbered years; public proposal and review processes take place during the preceding year. The Board also addresses customary and traditional use determinations during the applicable cycle.

The current subsistence program regulations form the starting point for consideration during each new rulemaking cycle. The regulations at § \_\_\_\_\_.24 pertain to customary and traditional use determinations; the regulations at § \_\_\_\_\_.25 pertain to general provisions governing the subsistence take of wildlife, fish, and shellfish; and the regulations at § \_\_\_\_\_.26 pertain to specific provisions governing the subsistence take of wildlife.

The text of the proposed amendments to 36 CFR parts 242.24, 242.25, and 242.26 and 50 CFR parts 100.24, 100.25, and 100.26 is the final rule for the 2018–2020 regulatory period for wildlife (83 FR 50758; October 9, 2018).

These regulations will remain in effect until subsequent Board action changes elements as a result of the public review process outlined above in this document.

#### Compliance With Statutory and Regulatory Authorities

##### *National Environmental Policy Act*

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 § 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 § 810 analysis determination appeared in the April 6, 1992, ROD and concluded that the Federal Subsistence Management 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 rulemaking process was conducted in accordance with § 810. That evaluation also supported the Secretaries' determination that these rules will not reach the "may significantly restrict" threshold that would require notice and hearings under ANILCA § 810(a).

##### *Paperwork Reduction Act (PRA)*

This proposed rule does not contain any new collections of information that require Office of Management and Budget (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 June 30, 2019. 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 OMB control number.

##### *Regulatory Planning and Review (Executive Order 12866)*

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 proposed 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 proposed 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 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 proposed rule is not a major rule. It will 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 will 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 for rural Alaskan residents on public lands. The scope of this program is limited by definition to certain public lands. Likewise, these proposed 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 §§ 3(a) and 3(b)(2) of Executive Order 12988, regarding civil justice reform.

*Executive Order 13132*

In accordance with Executive Order 13132, the proposed rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment. 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, as described above under *Tribal Consultation and Comment*, the Secretaries, through the Board, will provide federally recognized Tribes and Alaska Native corporations an opportunity to consult on this proposed rule.

*Executive Order 13211*

Executive Order 13211 requires agencies to prepare Statements of Energy Effects when undertaking certain actions. However, this proposed 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 this proposed rule under the guidance of Thomas C.J. Doolittle, 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;
- Clarence Summers, Alaska Regional Office, National Park Service;
- Dr. Glenn Chen, Alaska Regional Office, Bureau of Indian Affairs;
- Carol Damberg, Alaska Regional Office, U.S. Fish and Wildlife Service; and
- Thomas Whitford, Alaska Regional Office, USDA—Forest Service.

**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.

**Proposed Regulation Promulgation**

For the reasons set out in the preamble, the Federal Subsistence Board proposes to amend 36 CFR part 242 and 50 CFR part 100 for the 2020–21 and 2021–22 regulatory years.

- The text of the proposed amendments to 36 CFR 242.24, 242.25, and 242.26 and 50 CFR 100.24, 100.25, and 100.26 is the final rule for the 2018–2020 regulatory periods for wildlife (83 FR 50759; October 9, 2018).

Dated: December 21, 2018.

**Thomas C.J. Doolittle,**

*Acting Assistant Regional Director, U.S. Fish and Wildlife Service.*

Dated: December 21, 2018.

**Thomas Whitford,**

*Subsistence Program Leader, USDA—Forest Service.*

[FR Doc. 2019–00424 Filed 1–30–19; 8:45 am]

**BILLING CODE 3411–15–4333–15–P**

**DEPARTMENT OF VETERANS AFFAIRS**

**38 CFR Part 17**

**RIN 2900–AQ47**

**Urgent Care**

**AGENCY:** Department of Veterans Affairs.

**ACTION:** Proposed rule.

**SUMMARY:** The Department of Veterans Affairs (VA) is proposing to amend its regulations that govern VA health care. This rule would grant eligible veterans access to urgent care from qualifying non-VA entities or providers without prior approval from VA. This rulemaking would implement the mandates of the VA MISSION Act of 2018 and increase veterans' access to health care in the community.

**DATES:** Comments must be received on or before March 4, 2019.

**ADDRESSES:** Written comments may be submitted through <http://www.Regulations.gov>; by mail or hand-delivery to: Director, Regulation Policy and Management (00REG), Department of Veterans Affairs, 810 Vermont Avenue, North West, Room 1063B, Washington, DC 20420; or by fax to (202) 273–9026. (This is not a toll-free telephone number.) Comments should indicate that they are submitted in response to “RIN 2900–AQ47 Urgent Care.” Copies of comments received will be available for public inspection in the Office of Regulation Policy and Management, Room 1063B, between the hours of 8 a.m. and 4:30 p.m., Monday through Friday (except holidays). Please call (202) 461–4902 for an appointment. (This is not a toll-free telephone number.) In addition, during the comment period, comments may be viewed online through the Federal Docket Management System (FDMS) at <http://www.Regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:** Joseph Duran, Director of Policy and Planning, 3773 Cherry Creek North Drive, Denver, CO 80209. [Joseph.Duran2@va.gov](mailto:Joseph.Duran2@va.gov). (303) 370–1637. (This is not a toll-free number.)



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

## Federal Subsistence Board Informational Flyer



Forest Service

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

### How to Submit a Proposal to Change Federal Subsistence Regulations

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

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

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

#### **What your proposal should contain:**

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

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

**You may submit your proposals by:**

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

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

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

**How a proposal to change Federal subsistence regulations is processed:**

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

**A step-by-step guide to submitting your proposal on [www.regulations.gov](http://www.regulations.gov):**

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

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

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

**North Slope Subsistence Regional Advisory Council**  
c/o Office of Subsistence Management  
1011 East Tudor Road, MS 121  
Anchorage, Alaska 99503-6199  
Phone: (907) 787-3888, Fax: (907) 786-3898  
Toll Free: 1-800-478-1456

RAC/NS 18028.EP

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

Dear Chairman Christianson:

The North Slope Subsistence Regional Advisory Council (Council) submits this FY2018 annual report to the Federal Subsistence Board (Board) under the provisions of Section 805(a)(3)(D) of the Alaska National Interest Lands Conservation Act (ANILCA). At its public meetings in Utqiagvik on February 14-15 and August 22-23, 2018, the Council identified concerns and recommendations for this report, *then approved it at its April 3-4, 2019 public meeting in Utqiagvik*. The Council wishes to share information and raise a number of concerns dealing with implementation of Title VIII of ANILCA and the continuation of subsistence uses in the North Slope Region.

**1. Development impacts to caribou and access to healthy subsistence resources**

The Council has had extensive discussion about the importance of caribou for communities across the North Slope and expressed concern about development impacts to caribou habitat and migration. The Council is especially concerned about the increasing development surrounding Nuiqsut, such as the current proposed changes to the Willow Project, and further industrial development to come with future leasing activities. Specifically, the Council is very concerned about the Alaska National Interest Lands Conservation Act (ANILCA) Section 810 Analysis submitted by the Bureau of Land Management (BLM) to the Council on June 21, 2018 (enclosed) regarding the Alpine Satellite development plan for the Greater Moose's Tooth 2 Project. The finding in this analysis indicated that three of the proposed alternatives in the Draft Environmental Impact Statement "may significantly restrict subsistence use for the community of Nuiqsut" and also found that "the cumulative effects may significantly restrict subsistence uses for the communities of Anaktuvuk Pass, Atkasuk, Nuiqsut, and Utqiagvik." The Council is very concerned about these ongoing and increasing impacts to communities' subsistence resources and subsistence way of life. The community of Nuiqsut in particular has been working very hard in various ways to create protections for subsistence resources and activities, and

ensuring continued access to traditional areas used for subsistence. However, there is now development to the north, east and west sides of Nuiqsut, with only the south side free of such development. The south side is vital to the subsistence needs of the community and extremely important for sharing and exchange of subsistence foods and access to hunting areas for the people of Anaktuvuk Pass.

The Council has repeatedly asked the Federal Subsistence Board for assistance and support in ensuring the continuation of subsistence opportunities when development activities on Federal public lands are deflecting or impacting subsistence resources and interfering with subsistence activities. The Council has been willing to facilitate discussions on possible strategies for mitigating impacts to subsistence and on suggestions for staggered development that would help to maintain access to healthy subsistence resources. The community of Nuiqsut is very concerned for its future if it becomes completely cut off by the industrial development encircling its traditional hunting, fishing, and gathering areas. The Council requests assistance from the Board to ensure that subsistence opportunities on Federal public lands continue into the future.

## **2. Effective communication networks and navigating the complex regulatory process**

The Council sees a need to increase communication networks in support of the Federal subsistence regulatory process. Changing policies and overlapping Federal and State management make it difficult for communities to navigate the regulatory process. Many communities in the region are stretched very thin and beleaguered by the sheer volume of meetings and issues they must remain engaged with in order to protect subsistence resources and their way of life. The Council asks for support for communities to develop Federal subsistence proposals that will protect subsistence resources and ensure subsistence opportunity into the future.

## **3. Concern about recent muskox fatalities**

The Council received a report at its winter 2018 meeting about the death of seven muskox as a result of vehicle collisions on the Dalton Highway. The Council was saddened to hear this news, such a blow to lose so many muskox from this very small population. Muskox is a special subsistence resource but has not been accessible for a long time due to a hunting moratorium put in place to allow the population to recover. Not only are muskoxen important for food security, but muskox hides are used for traditional crafts and as blankets for snow machine sleds. People in Nuiqsut also use muskox skin and fur for mask-making.

The Council wishes to avoid senseless loss of vital resource in the future. To that end, the Council will be sending a letter to the appropriate State office to initiate a roadkill recovery and distribution program for the Dalton Highway, similar to that in operation around Anchorage, Fairbanks and the Mat-Su Valley for moose. The goal is to distribute the carcasses to North Slope villages to continue customary and traditional uses of muskox lost from highway collisions. The villages would share the resource within the community. The Council will keep the Board apprised of its efforts.

#### **4. Ongoing concerns about aircraft harassing and deflecting wildlife**

The Council remains very concerned about ongoing observations from subsistence hunters that aircraft use in the North Slope region has harassed wildlife, caused deflection of migrating animals, and disturbed subsistence activities. The Council has expressed this concern for years and yet the issue has not been addressed.

The Council recognizes that aircraft control is beyond the direct authority of the Federal Subsistence Board; however, impacts to subsistence remain and we respectfully request that the Board elevate the problem of aircraft harassment of wildlife via low level flights and intentional cruising of animals to the Federal Aviation Administration (FAA). The Council wants to highlight that the North Slope Borough and the Bureau of Land Management have established some guidelines for industrial flights for permitted projects in the region to help mitigate noise and disturbance. However, other air traffic is only required by FAA to maintain 500 feet above ground level and are not required to throttle noise or prop speed at lower elevations. The Council would like to ensure that research flights, commercial guides, and private planes also adhere to local guidelines for avoiding disturbance of wildlife and subsistence activities.

We appreciate the assistance from the Federal Subsistence Board to elevate these ongoing issues of concern to the FAA and other agencies that can implement solutions. At a minimum, local information that could aid in the avoidance of aircraft disturbance to wildlife and subsistence activities could be conveyed to agencies that conduct research in the region, such as the U.S. Fish and Wildlife Service, U.S. Geological Survey, and other agencies.

#### **5. Information on emergency preparedness and prevention to address increased marine shipping traffic through the Northwest Passage.**

The Council appreciates the Federal Subsistence Board's reply to our 2017 Annual Report addressing the increased shipping traffic due to declining sea ice in the Beaufort and Chukchi Seas. The Council is alarmed at the volume of shipping traffic passing by our shores and potential impacts to critical subsistence resources our communities depend on. The Council would appreciate more information on the work of the Arctic Waterways Safety Committee and will request that our Council Coordinator arrange for a presentation from the U.S. Coast Guard at our next Council meeting to further discuss marine shipping safety and emergency response preparedness for our communities. The Council is not asking the Board for any action at this time, other than the continued administrative and technical support provided by staff at the Office of Subsistence Management to arrange for such presentations.

Thank you for the opportunity for this Council to assist the Federal Subsistence Management Program to meet its charge of protecting subsistence resources and uses of these resources on Federal Public lands and waters. We look forward to continuing discussions about the issues and concerns of subsistence users of the North Slope Region. If you have any questions regarding

Chairman Christianson

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this correspondence, please contact Eva Patton, Subsistence Council Coordinator, with the Office of Subsistence Management at [eva\\_patton@fws.gov](mailto:eva_patton@fws.gov), or 1-800-478-1456 or (907) 786-3358.

Sincerely,

Gordon Brower  
Chair

Enclosure

cc Federal Subsistence Board  
Thomas Doolittle, Acting Assistant Regional Director, Office of Subsistence Management  
Orville Lind, Acting Deputy Assistant Regional Director  
Office of Subsistence Management  
Jennifer Hardin, PhD, Subsistence Policy Coordinator, Office of Subsistence Management  
Greg Risdahl, Fisheries Division Supervisor, Office of Subsistence Management  
Chris McKee, Wildlife Division Supervisor, Office of Subsistence Management  
Carl Johnson, Supervisory Program Analyst, Office of Subsistence Management  
Eva Patton, Subsistence Council Coordinator, Office of Subsistence Management  
Mark Burch, Special Projects Coordinator, Alaska Department of Fish and Game  
North Slope Subsistence Regional Advisory Council  
Interagency Staff Committee  
Administrative Record





## United States Department of the Interior



BUREAU OF LAND MANAGEMENT  
Arctic District Office  
222 University Avenue  
Fairbanks, Alaska 99709-3816  
[www.blm.gov/alaska](http://www.blm.gov/alaska)

In Reply Refer to:  
8160 (LLAKF010)

Gordon Brower, North Slope Subsistence Regional Advisory Council Chair  
C/o Eva Patton  
U.S. Fish & Wildlife Service  
Office of Subsistence Management  
1011 East Tudor Road, MS 121  
Anchorage, AK 99503-6199

Dear North Slope Regional Advisory Council Chair Brower and Members:

The Bureau of Land Management's (BLM) *Draft Supplemental Environmental Impact Statement for the Alpine Satellite Development Plan for the Proposed Greater Mooses Tooth Two Development Project* was announced in the *Federal Register* with a Notice of Availability published on March 29, 2018. The Notice of Availability also served to announce the findings of the Alaska National Interest Lands Conservation Act (ANILCA) Section 810 analysis.

This analysis found that three of the proposed Alternatives as presented within the Draft EIS may significantly restrict subsistence use for the community of Nuiqsut. The analysis also found that the cumulative effects may significantly restrict subsistence use for the communities of Anaktuvuk Pass, Atqasuk, Nuiqsut, and Utqiagvik. This finding is due to the potential that reasonably foreseeable future actions (i.e., planned onshore and offshore activities oil development), when considered together with the GMT2 project and other existing development, could result in a significant alteration in the distribution of resources, and a significant restriction on access by subsistence users.

As a result of this finding, the BLM held ANILCA 810 hearings in the communities of: Anaktuvuk Pass, Atqasuk, Nuiqsut, and Utqiagvik. The BLM is currently incorporating input received from these hearings into our analysis, and will use the information to inform the final determinations required by ANILCA 810(a)(3).

If you have questions about the ANILCA 810 analysis or the NEPA process, please call Stephanie Rice, BLM-Alaska Project Lead at (907) 271-3202.

Sincerely,



Sarah LaMarr  
Assistant Arctic District Manager

cc: Eva Patton, Coordinator  
Gordon Brower Jr., Chair  
Wanda Kippi  
Rosemary Ahtuanguak  
Robert V. Shears  
Esther S. Hugo  
Steve Oomituk  
Lee Kayotuk  
Frederick Neakok  
Jerry Sikvayugak

# Fall 2019 Regional Advisory Council Meeting Calendar

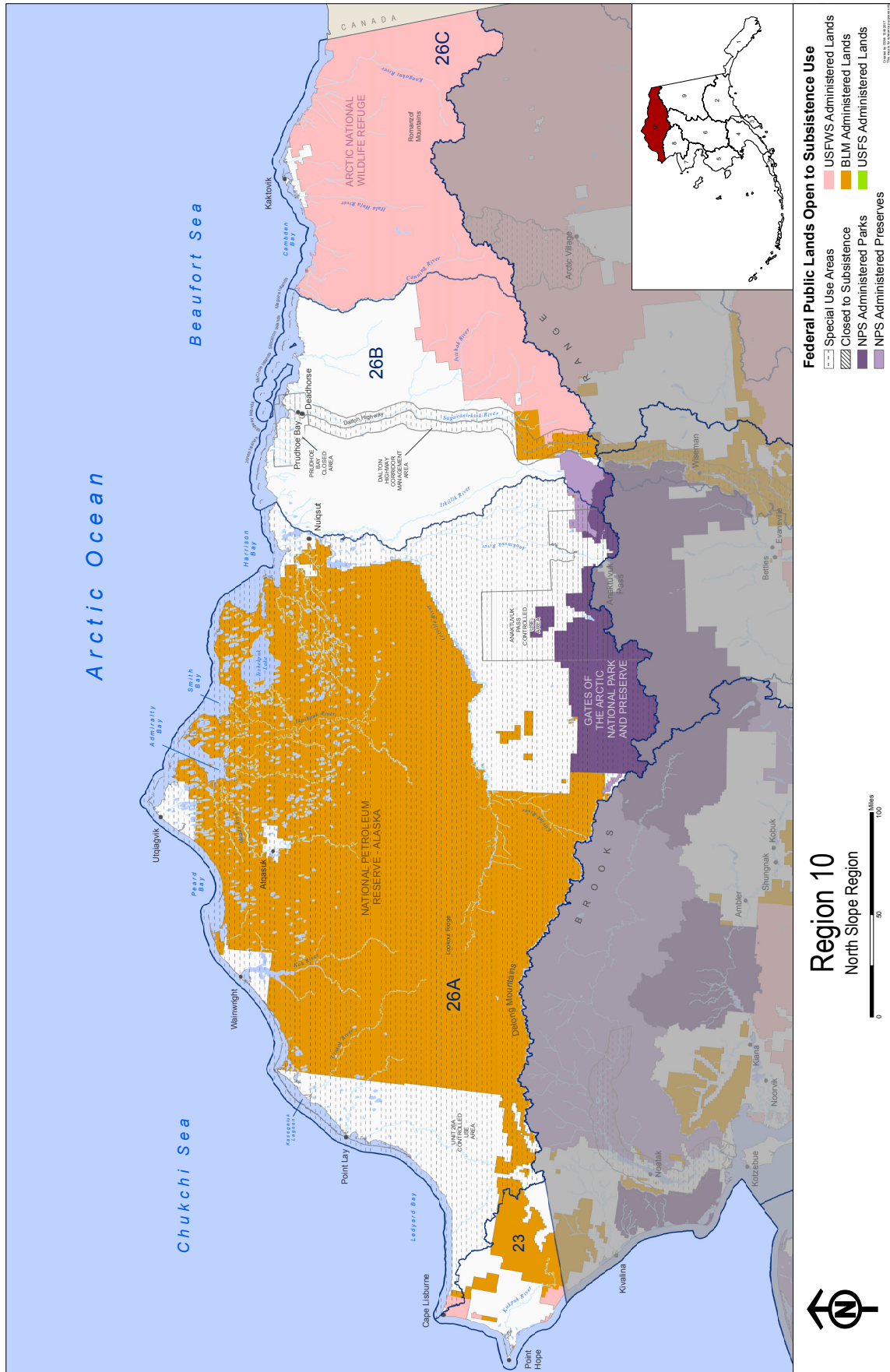
Due to travel budget limitations placed by Department of the Interior on the U.S. Fish and Wildlife Service and the Office of Subsistence Management, the dates and locations of these meetings will be subject to change.

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Aug. 18	Aug. 19	Aug. 20	Aug. 21	Aug. 22	Aug. 23	Aug. 24
Aug. 25	Aug. 26	Aug. 27	Aug. 28	Aug. 29	Aug. 30	Aug. 31
Sept. 1	Sept. 2 <b>LABOR DAY HOLIDAY</b>	Sept. 3	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	Sept. 19 <b>K/A — Cold Bay</b>	Sept. 20	Sept. 21
Sept. 22	Sept. 23	Sept. 24	Sept. 25	Sept. 26	Sept. 27	Sept. 28
Sept. 29	Sept. 30	Oct. 1	Oct. 2 <b>SC — Seward</b>	Oct. 3	Oct. 4	Oct. 5
Oct. 6	Oct. 7	Oct. 8 <b>WI — Aniak</b>	Oct. 9 <b>SE — Petersburg</b>	Oct. 10	Oct. 11	Oct. 12
Oct. 13	Oct. 14 <b>COLUMBUS DAY HOLIDAY</b>	Oct. 15 <b>EI — Fairbanks</b>	Oct. 16	Oct. 17 <b>AFN — Fairbanks</b>	Oct. 18	Oct. 19
Oct. 20	Oct. 21	Oct. 22 <b>NS — Utqiagvik</b>	Oct. 23 <b>SP — Nome</b>	Oct. 24	Oct. 25	Oct. 26
Oct. 27	Oct. 28 <b>NW — Noatak</b>	Oct. 29	Oct. 30	Oct. 31	Nov. 1	Nov. 2
Nov. 3	Nov. 4	Nov. 5 <b>YKD — Bethel</b>	Nov. 6 <b>BB — Dillingham</b>	Nov. 7	Nov. 8	Nov. 9

## Winter 2020 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. 2</i>	<i>Feb. 3</i> <i>Window Opens</i>	<i>Feb. 4</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> <b>PRESIDENT'S DAY HOLIDAY</b>	<i>Feb. 18</i>	<i>Feb. 19</i>	<i>Feb. 20</i>	<i>Feb. 21</i>	<i>Feb. 22</i>
<i>Feb. 23</i>	<i>Feb. 24</i>	<i>Feb. 25</i>	<i>Feb. 26</i>	<i>Feb. 27</i>	<i>Feb. 28</i>	<i>Feb. 29</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>Window Closes</i>	<i>Mar. 14</i>



## **INTRODUCTION TO ANILCA**

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

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

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

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

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

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

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

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

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

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

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

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

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

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## **Title VIII of ANILCA**

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### **TITLE VIII—SUBSISTENCE MANAGEMENT AND USE**

#### **FINDINGS**

SEC. 801. Findings.

SEC. 802. Policy.

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

## **FINDINGS**

**SEC. 801.** The Congress finds and declares that

(1) the continuation of the opportunity for subsistence uses by rural residents of Alaska, including both Natives and non-Natives, on the public lands and by Alaska Natives on Native lands is essential to Native physical, economic, traditional, and cultural existence and to non-Native physical, economic, traditional, and social existence;

(2) the situation in Alaska is unique in that, in most cases, no practical alternative means are available to replace the food supplies and other items gathered from fish and wildlife which supply rural residents dependent on subsistence uses;

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

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

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

## **POLICY**

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



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

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

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

## **DEFINITIONS**

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

- (1) “**family**” means all persons related by blood, marriage, or adoption, or any person living within the household on a permanent basis; and
- (2) “**barter**” means the exchange of fish or wildlife or their parts, taken for subsistence uses—
  - (A) for other fish or game or their parts; or
  - (B) for other food or for nonedible items other than money if the exchange is of a limited and noncommercial nature.

## **PREFERENCE FOR SUBSISTENCE USE**

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

- (1) customary and direct dependence upon the populations as the mainstay of livelihood;
- (2) local residency; and
- (3) the availability of alternative resources.

## **LOCAL AND REGIONAL PARTICIPATION**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **FEDERAL MONITORING**

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

## **JUDICIAL ENFORCEMENT**

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

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

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

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

## **PARK AND PARK MONUMENT SUBSISTENCE RESOURCE COMMISSIONS**

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

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

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

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

## **COOPERATIVE AGREEMENTS**

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

## **SUBSISTENCE AND LAND USE DECISIONS**

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

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

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

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

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

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

## **ACCESS**

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

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

## **RESEARCH**

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

## **PERIODIC REPORTS**

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

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

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

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

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

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

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

(7) such other recommendations the Secretary deems appropriate.

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

## **REGULATIONS**

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

## **LIMITATIONS, SAVINGS CLAUSES**

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

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

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

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

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

## **CLOSURE TO SUBSISTENCE USES**

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

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



**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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