



NORTHWEST ARCTIC SUBSISTENCE
REGIONAL ADVISORY COUNCIL
Meeting Materials

February 28 - March 1, 2018
Kotzebue



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On the cover...

Fishing for Sheefish on the Kotzebue Sound during the winter.



WEAR, NPS photo



Honoring Raymond Stoney

The Northwest Arctic Subsistence Regional Advisory Council honors the memory of Raymond Stoney who passed this fall. Raymond personified the cultural values of the Iñupiat Ilitqusiat. He was a statesman who showed respect for others and respect for nature through his leadership in advocating for the subsistence way of life. He was a gentleman, known for his hard work, humor, and humility.

Raymond was one of the “charter members” of the Federal Subsistence Regional Advisory Councils – he served with distinction on the Northwest Arctic Subsistence Regional Advisory Council since its inception in 1993. Raymond served as Council Chair as recently as last year. Raymond also served as the Chair of the Western Arctic Caribou Herd Working Group. Additionally, Raymond served on the Northwest Arctic Region Alaska Migratory Bird Co-Management Council.

Raymond’s friendship, knowledge, and public service inspired others and had a positive impact on many people. Raymond’s involvement in the Northwest Arctic Subsistence Regional Advisory Council will be remembered with gratitude.

NORTHWEST ARCTIC SUBSISTENCE REGIONAL ADVISORY COUNCIL

Northwest Arctic Borough Assembly Room
Kotzebue

February 28 – March 1, 2018
9:00 a.m. to 5:00 p.m. daily

TELECONFERENCE: call the toll free number: 1-877-638-8165, then when prompted enter the passcode: 9060609.

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***
 - a) Chair (*DFO*)
 - b) Vice-Chair (*New Chair*)
 - c) Secretary (*New Chair*)
- 7. Review and Approve Previous Meeting Minutes*** (*Chair*) 5
- 8. Reports**
 - a) Council Member Reports
 - b) Chair’s Report
 - c) DFO’s Report
- 9. Public and Tribal Comment on Non-Agenda Items** (available each morning)
- 10. New Business** (*Chair*)

- a. Call for Federal Fisheries Proposals (*OSM*) 18
- b. Call for Nonrural Determination Proposals (*OSM*) 21
- c. Fisheries Resource Monitoring Program Updates and Discussion (*OSM*) Supplemental
- d. Approve Draft FY2017 Annual Report* (*DFO*) Supplemental

12. Agency Reports

(Time limit of 15 minutes unless approved in advance)

- a. Tribal Governments
- b. Native Organizations
 - 1. Alaska Native Tribal Health Consortium – Demonstration of the Local Environmental Observer (LEO) Network
- c. Alaska Wildlife Troopers – Law Enforcement Update
- d. Alaska Department of Fish and Game
- e. U.S. Fish and Wildlife Service
 - 1. Selawik National Wildlife Refuge
- f. Bureau of Land Management
 - 1. Ambler Access Project – Status Update
 - 2. Bering Sea-Western Interior Resources Management Plan/Environmental Impact Statement
- g. National Park Service
 - 1. Western Arctic National Parklands
 - 2. Gates of the Arctic National Park & Preserve
 - 3. Ambler Access Project – Subsistence Study Update
- h. Northern Alaska Environmental Center
- i. Office of Subsistence Management

13. Future Meeting Dates*

- Confirm Fall 2018 meeting dates and location44
- Select Winter 2019 meeting dates and location45

14. Closing Comments

15. Adjourn (*Chair*)

To teleconference into the meeting, call the toll free number: 1-877-638-8165, then when prompted enter the passcode: 9060609.

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 Zach Stevenson, 907-786-3674, zachary_stevenson@fws.gov, or 800-877-8339 (TTY), by close of business on February 22, 2018.

REGION 8

Northwest Arctic Subsistence Regional Advisory Council

Seat	Year Appointed <i>Term Expires</i>	Member Name and Community
1	2019	<i>VACANT</i>
2	2016 2019	Beverly M. Moto Deering
3	2011 2019	Hannah P. Loon Kotzebue
4	2010 2019	Michael C. Kramer Kotzebue Vice-Chair
5	1995 2017	Raymond E. Lee, Jr. Buckland
6	2017	<i>VACANT</i>
7	2017	<i>VACANT</i>
8	1999 2018	Enoch A. Shiedt Sr. Kotzebue Chair
9	2014 2019	Enoch L. Mitchell Noatak
10	2003 2018	Calvin D. Moto, Sr. Deering

NORTHWEST ARCTIC SUBSISTENCE REGIONAL ADVISORY COUNCIL
Northwest Arctic Borough Assembly Room, Kotzebue
October 25-26, 2017

Meeting Minutes

Call to Order

The fall meeting of the Northwest Arctic Subsistence Regional Advisory Council (Council) was called to order on October 25-26, 2017 at 9:00 AM.

Roll Call

Participating Council Members are listed in the table below organized by Name, Title (where applicable); Location; and Stakeholder Representation (Subsistence or Commercial/Sport).

Name, Title (Where applicable)	Location	Stakeholder Representation
Beverly M. Moto	Deering, AK	Subsistence
Michael Chad Kramer, Vice Chair	Kotzebue, AK	Commercial/Sport
Percy C. Ballot, Sr., Secretary*	Buckland, AK	Subsistence
Vern J. Cleveland, Sr.	Noorvik, AK	Subsistence
Louie A. Commack, Jr.	Ambler, AK	Subsistence
Enoch Attamuk Shiedt, Sr., Chair	Kotzebue, AK	Subsistence
Enoch L. Mitchell	Noatak, AK	Subsistence
Calvin D. Moto, Sr.	Deering, AK	Subsistence

*Participated in a portion of the meeting telephonically for medical reasons and to attend a family funeral.

**Hannah Paniyavluk Loon was excused absent for medical reasons.

Welcome and Introductions

The Chair welcomed other participants and invited them to introduce themselves. The other participants are listed in the table below organized by Affiliation (State agency, Federal agency, Tribe, Alaska Native Corporation, Non-Governmental Organization; or Business); Name, Title (where applicable); Location; and Agency. An asterisk symbol “*” signifies an individual who participated in a portion of the meeting telephonically.

Additionally the following abbreviations are used throughout this document: Alaska Department of Fish and Game (ADF&G); Alaska Department of Public Safety (ADPS), Alaska Wildlife Troopers (AWT); Bureau of Indian Affairs (BIA); Bureau of Land Management (BLM); National Park Service (NPS); Cape Krusenstern Subsistence Resource Commission (CK SRC); Kobuk Valley Subsistence Resource Commission (KV SRC); Gates of the Arctic National Park and Preserve Subsistence Resource Commission (GAAR SRC); United States Fish and Wildlife Service (USFWS); Office of Subsistence Management (OSM); NANA Regional Corporation (NRC); Northern Alaska Environmental Center (NAEC); Wildlife Conservation Society (WCS); and Computer Matrix, LLC (CMLLC).

Affiliation	Name, Title (Where applicable)	Agency
State agency	Alex Hansen, Western Arctic Caribou Herd Biologist	ADF&G
	Brandon Saito, Area Biologist	
	Carmen Daggett, Biologist*	
	Mark Burch, Regional Supervisor, Division of Wildlife Conservation*	

State agency	Justin McGinnis, Alaska Wildlife Trooper	ADPS
Federal agency	Patricia Petrivelli, Anthropologist, Bureau of Indian Affairs – Alaska Regional Office and Interagency Staff Committee Member	BIA
Federal agency	Bonnie Million, Field Manager, Anchorage District Office	BLM
	Bruce Seppi, Wildlife Biologist*	
	Walker Gusse, Law Enforcement Ranger	
Federal agency		NPS
	Clarence Summers, Subsistence Manager, Alaska Region	
	Hannah Atkinson, Cultural Resource Specialist, Western Arctic National Parklands	
	Hilary Robinson, Chief of Resources, Western Arctic National Parklands	
	Kumi Rattenbury, Ecologist*	
	Maija Lukin, Superintendent, Western Arctic National Parklands	
	Marcy Okada, Subsistence Coordinator, Yukon-Charley Rivers and Gates of the Arctic National Park and Preserve*	
	Nikki Bream, Cultural Anthropologist, Bering Land Bridge National Preserve	
Federal agency	Bill Carter, Fisheries Biologist, Selawik National Wildlife Refuge	USFWS
	Susan Georgette, Refuge Manager, Selawik National Wildlife Refuge	
Federal agency	Chris McKee, Wildlife Division Chief	OSM
	Gene Peltola, Jr., Assistant Regional Director	
	Dr. Joshua Ream, Cultural Anthropologist	
	Lisa Maas, Wildlife Biologist	
	Megan Klosterman, Wildlife Biologist	
	Zach Stevenson, Designated Federal Officer and Subsistence Council Coordinator	
Alaska Native Corporation	John Agnaqluk Lincoln, Vice President of Lands	NRC
Public	Dana Schaeffer	N/A
	Karmen Monigold	
	Lance Kramer	
	Walter Sampson	
Non-Governmental Organization	Julia Mickley, Clean Water and Mining Coordinator	NAEC
	Dr. Anette Watson, College of Charleston*	
	Trevor Haynes, Arctic Beringia Fisheries Ecologist*	WCS
Business	Lynn Hall, Court Recorder	CMLLC

Adoption of Agenda

Some minor changes were made to the agenda to accommodate the availability of guest speakers. The Council voted unanimously to adopt the amended agenda.

Approval of Minutes

The Council voted to approve the previous meeting minutes.

Honoring Raymond Stoney

The Council discussed the passing of Raymond Stoney and his many contributions to the Council. Mr. Stoney’s absence will be felt by all on the Council. Mr. Stoney always advocated for the conservation of wildlife resources. Several Council members spoke about how much they learned from

him. Member Kramer requested that Mr. Stoney's picture be included in the Council booklets for the Northwest Arctic Subsistence Regional Advisory Council for the next few years. Hannah Atkinson read a letter she wrote to Mr. Stoney's family on behalf of the National Park Service recognizing his many contributions to the Subsistence Resource Commission, among other groups. Zach Stevenson shared a letter from the Federal Subsistence Board to Ida Stoney in recognition of Mr. Stoney's contributions to the Federal Subsistence Management Program. Carmen Daggett (ADF&G) noted Mr. Stoney's contributions to both State and Federal entities.

Council Member Reports

There were a variety of issues and concerns raised by Council members during their reports as summarized below.

- **Vern Cleveland, Sr.** said there were no caribou and that he has seen moose killed with just their antlers taken. There is someone going from village to village trying to buy antlers, they may be part of the problem, and nothing is being done about it. Lots of non-Federally qualified subsistence hunters were observed on the river while Federally qualified subsistence users are not harvesting the animals they need and law enforcement isn't doing anything about it. Caribou were late and may be crossing the river in his area now. Member Cleveland is getting nervous about the ability to get meat for the winter.
- **Enoch Mitchell** reported a lot of salmon and berries were harvested in his area along with lots of caribou for shorter periods of time and they were higher up in the mountains instead of being closer to the village. However, lots of people managed to get what they needed. Member Mitchell also noted lots of planes were observed harassing caribou. Member Mitchell is concerned that law enforcement isn't doing anything to deal with this problem.
- **Michael Kramer** reported lots of rain this year. Member Kramer noted there were successful seal hunts this spring and summer salmon runs were strong. Member Kramer reported he did not harvest any caribou and said he heard lots of complaints about planes and non-Federally qualified subsistence hunters. Member Kramer thinks all hunting by non-Federally qualified subsistence users should be closed down or have non-Federally qualified subsistence user hunting permits be very restricted. Additionally, Member Kramer reported that the Kobuk River was higher than he has ever seen. Member Kramer added that caribou were around but not many people were harvesting any. Member Kramer noted lots of aircraft on the Agashashok (Aggie) River flying too low and harassing animals. Member Kramer emphasized that the partial closure of Unit 23 to caribou hunting by non-Federally qualified subsistence users put in place by the Federal Subsistence Board (Board) has caused more conflict than it has resolved and that the Board seems to like conflict. Member Kramer added he has heard lots of complaints about bears and people shooting them and throwing them in the river. Member Kramer said something has to be done about all the bears in the area. Additionally, Member Kramer noted he wants very detailed law enforcement reports from the Federal agencies.
- **Enoch Shiedt, Sr.** noted good fishing, though caribou hunting wasn't very good. Member Shiedt blames the poor caribou hunting on caribou movements and global warming.
- **Beverly Moto** says she's seen lots of wolves and bears in her area. Member Moto notes there are way too many wolves and bears in her opinion.
- **Calvin Moto, Sr.** also noted that there are lots of predators and that they're coming into the villages and children need to be escorted to school for safety. Member Moto, Sr. noted hunters

are encountering lots of bears and that it's causing them to not go out and hunt. Member Moto, Sr. added that less caribou have been in his area this fall. Additionally, Member Moto, Sr. added that ducks and geese left his area early this year and this usually means a cold winter.

- **Louie Commack, Jr.** noted lots of rain this year. Member Commack, Jr. added that caribou were around but didn't stay around very long. Additionally, Member Commack, Jr. noted the early departure of ducks and geese.

Service Awards

Chris McKee (OSM) presented a Service award to Calvin D. Moto, Sr., for 5 years of service on the Northwest Arctic Subsistence Regional Advisory Council. Member Moto, Sr. discussed his years of service on a variety of subsistence issues and how subsistence has always been a subject close to his heart. Member Moto, Sr. thanked the Federal Subsistence Board for his award.

Agency Reports (taken out of order to accommodate schedule)

Trooper Justin McGinnis (AWT) discussed law enforcement issues. Trooper McGinnis noted he contacted 348 people during the fall hunting season. Several citations were issued and several investigations are also ongoing. Trooper McGinnis explained that additional personnel were not available so he was very busy. Trooper McGinnis noted that coordination with National Park Service law enforcement was good, adding that he has a meeting scheduled today with the Bureau of Land Management law enforcement to discuss coordination. Trooper McGinnis noted he appreciates all the reporting that local users have given him on issues in the area. Trooper McGinnis added that he's very interested in anything that is causing concern for people. Trooper McGinnis discussed how prompt reporting resulted in the citation of an individual who failed to properly meet all of the Unit 23 salvage requirements for moose. Several Council members had questions about what law enforcement can enforce and what they cannot.

Public and Tribal Comments on Non-agenda Items

Upon invitation by the chair, there were no non-agenda items brought to the Council's attention.

Old Business

Caribou Working Group – Zach Stevenson (OSM) talked about formation of a caribou working group for the 4 affected Councils to discuss issues related to the Western Arctic Caribou Herd (WACH), Central Arctic Caribou Herd (CAH), Mulchatna Caribou Herd (MCH), and Teshekpuk Caribou Herd (TCH). The Western Interior Alaska Subsistence Regional Advisory Council and North Slope Subsistence Regional Advisory Councils have both voted to participate in this group. Member Kramer doesn't think it should be limited to just caribou but that it should be a wildlife working group looking at a variety of subsistence related issues. Alex Hansen (ADF&G) addressed issues related to caribou counts and reasons for mortality in the herd. The Council voted to support participating in the working group and chose Member Kramer and Commack as their representatives.

New Business

Federal Wildlife Proposals

WP 18-32: *Change caribou season dates in Units 21D, 22, 23, 24, 25A (West), 26A, and 26B.* Lisa Maas (OSM) gave an overview of Proposal WP18-32. The Cape Krusenstern Subsistence Resource

Commission (CK SRC) voted to oppose the proposal as they wanted season dates to stay the same. The Kobuk Valley Subsistence Resource Commission (KV SRC) voted to oppose the proposal. The Gates of the Arctic National Park and Preserve Subsistence Resource Commission (GAAR SRC) voted to oppose the proposal as people need to harvest caribou as they come through communities. Lance Kramer (Kotzebue) testified in opposition as it covers too many Game Management Units (GMUs) and it should be up to each region to decide harvest regulations. The Council emphasized that each region should have the discretion to decide harvest regulations for their region, not other units. Additionally, the Council stated cow caribou need to be protected. The Council also expressed opposition to changing the caribou harvest dates in Unit 23, explaining that Federally qualified subsistence users in the region are already having a hard time getting caribou under current regulations. The Council voted to oppose the proposal.

WP 18-41/42: *Modify season dates; sex restrictions; and hunt areas in Unit 23. (WP 18-41). Establish a bull only season and a moose winter registration hunt with a set quota in Unit 23 (WP 18-42).* Megan Klosterman (OSM) gave an overview of Proposal WP18-41/42. Brandon Saito (ADF&G) and Hilary Robinson (NPS) gave an update on the moose population in Unit 23. Abundance estimates show a 47% decline in moose populations between 2012 and 2017 in the lower Kobuk/Squirrel River survey area. Hannah Atkinson (NPS) noted both the KV SRC and CK SRC supported WP18-41 and took no action on WP18-42. Marcy Okada (NPS) stated that the GAAR SRC voted to support WP18-41. Walton Sampson (Kotzebue) testified about concerns for the moose population in Unit 23 and that moose harvest in general has increased in recent years due to the decline in the caribou populations. The Council supported proposal WP18-41 due to the moose decline in Unit 23 and wanted to do their part to conserve this important subsistence resource especially considering that the caribou population is also declining and therefore more Federally qualified subsistence users will need to harvest moose to meet their needs. The Council further justified support for proposal WP18-41, adding that as caribou decline; moose may become even more critical to Federally qualified subsistence users. The Council voted to support WP18-41 as written. The Council took no action on WP18-42.

WP18-43: *Increase harvest limit and make season year-round for brown bear in Unit 23.* Lisa Maas presented the analysis for the proposal. It was noted that the CK SRC voted to support the proposal as modified by OSM and that the Upper Kobuk Advisory Committee voted to support the proposal. The Council believes that there are too many bears out in the country and that it's also a public safety issue. The Council voted to support WP18-43 as written.

WP18-44: *Allow sale of skulls/hides and/or skulls for brown bear in Unit 23.* Dr. Joshua Ream (OSM) presented the analysis for the proposal. Some Council members noted it was not part of local traditional values to sell bear parts, but helps people to put money in their pockets and support their families during times of hardship, prevent conflicts between bears and people, and helps to reduce the bear population. Others on the Council noted that the proposal might encourage some hunters to sell the gall bladder and might lead to illegal trade of animal parts. Dr. Ream discussed the issue of a needed modification to support the proposal to uncouple it from the States subsistence registration hunt along with clarification of customary trade in the regulation (as described on page 93 of the analysis). The Council voted to support the proposal as modified by OSM in the "other alternatives considered" section on page 93 of the analysis.

WP18-45: *Decrease harvest limit from 5 to 3 caribou per day in Unit 23.* Lisa Maas presented the analysis on the proposal. It was noted that both the KV SRC and CK SRC opposed the proposal. The KV SRC and CK SRC felt that further reduction in the harvest limit was sufficient and further reductions were not needed. It was noted that the GAAR SRC supports this proposal as it is needed for conservation reasons. Karmen Monigold (Kotzebue) testified in opposition of the proposal as we still don't know what the latest count is and we should wait to see the results until further restrictions are enacted. The Council

stressed the need to align Federal and State regulations to make it easier for local users to understand. The Council noted three caribou are not enough, as people need to get their quota now, and given the expense and distance needed to access caribou. The Council also noted the proposal would cause hardship on Federally qualified subsistence users by reducing the harvest limit. The Council voted to oppose the proposal.

WP18-46/47: *Close hunt to non-Federally qualified users for caribou in Unit 23.* Lisa Maas presented the analysis for the proposals. Hannah Atkinson gave an overview of the CK SRC which voted to support the proposals as modified by OSM. The KV SRC supported the closure language in the last temporary special action. Marcy Okada stated that the GAAR SRC was confused why WP18-46/47 was needed when WP18-45 was requesting a reduction in the harvest limit for caribou. Karmen Monigold (Kotzebue) testified that the partial closure might push the problem to her area instead of solving most user conflicts and she supports it as written (full closure). The Council expressed support for WP18-46, emphasizing the people of Noatak continue to experience longstanding conflicts with outside hunters, and this closure is a way to fix these conflicts. The Council also expressed concern about partial closures moving the problem to somewhere else and making it difficult for other rural users. The Council also wants to conserve caribou for generations to come and to see the region's caribou populations stabilize for the long term. The Council voted to support WP 18-46. The Council took no action on WP 18-47.

WP18-48/49: *Establish registration permit hunt for caribou in Units 22, 23, and 26A.* Lisa Maas presented the analysis for the proposals. It was noted that the CK SRC supported WP18-48 and took no action on WP18-49. The KV SRC supported the proposal as there should be accurate harvest information available to managers. The GAAR SRC opposed WP18-48/49 as local harvest surveys would be more accurate and reliable than using a registration permit system. Lance Kramer (Kotzebue) testified on his own behalf in opposition. Mr. Kramer noted there are not a lot of vendors in his village and people might not be able to get the permits, making them criminals. Mr. Kramer emphasized that the State should get harvest data by community harvest surveys. Mr. Kramer added that this burden be the responsibility of resource managers and should not fall onto the hunters' shoulders to report. The Council justified opposition to the proposal, noting concerns regarding the potential burden on Federally qualified subsistence users and the feasibility for implementing the proposal. The Council noted the potential for Federally qualified subsistence users to experience difficulty in obtaining hunting registration permits. The Council requested an update from the agencies on how communities would get permits and report their harvests. The Council also emphasized concern about Federally qualified subsistence users getting in trouble if they don't have the correct permit. The Council voted to support WP 18-48. The Council took no action on WP 18-49.

Statewide Proposal

WP18-51: *Align bear baiting restrictions with State regulations.* Lisa Maas presented the analysis for the proposal. It was noted that Federal regulations do not currently provide for bear baiting in Unit 23. The National Park Service (NPS) noted that bear baiting is not allowed on NPS lands. The ADF&G supported the proposal as it reduced regulatory complexity and allows for consistent rules between the State and Federal regulations. Member Kramer thinks it should be supported as modified by OSM to align regulations and alleviate user confusion. Member Shiedt is opposed since the NPS does not allow it on their lands. The Council noted the proposal would align Federal and State regulations and alleviate user confusion. The Council voted to support the proposal as modified by OSM.

2018 Fisheries Resource Monitoring Program

Dr. Joshua Ream (OSM) delivered a slide presentation addressing the 2018 Fisheries Resource

Monitoring Program. Dr. Ream's presentation included a description of the Monitoring Program's accomplishments-to-date. He reviewed the funding process; provided a regional overview; and requested Council comments on the proposed 2018 Fisheries Resource Monitoring Program in the Northern Alaska region which includes the Seward Peninsula, the Northwest Arctic, and the North Slope. Dr. Ream explained that the Monitoring Program is a multidisciplinary, collaborative effort that enhances subsistence fisheries research and provides necessary information for the management of subsistence fisheries on Federal public lands in Alaska. He noted that the Monitoring Program encourages partnerships between Tribes, rural organizations, universities and Federal and State agencies. Dr. Ream added that the program encourages interdisciplinary approaches to conducting research and to addressing fisheries issues. He also noted the Monitoring Program is administered through the Office of Subsistence Management, with funds allocated to six regions in accordance with guidelines to ensure quality projects.

Dr. Ream added that since its inception in 2000 the program has funded 452 projects statewide, with a total allocation of close to \$117 million. Dr. Ream explained that input and guidance from Councils are used to develop priority information needs by identifying issues of local concern and knowledge gaps related to subsistence fisheries. He added that ideally, principal investigators work closely with Councils to develop strong project proposals that are responsive to local needs. Dr. Ream noted the Monitoring Program requests new projects every two years and project submissions must be complete and meet specific criteria. He noted that a Technical Review Committee composed of senior technical experts rates all projects. Dr. Ream added that a draft monitoring program is developed and brought back to the Council for input and comments. Additional input and comments are received from the Interagency Staff Committee and Federal Subsistence Board.

Dr. Ream explained that in northern Alaska, 49 projects have been undertaken for approximately \$12 million in funding to date. Dr. Ream noted the projects leads mainly involved the State of Alaska and Department of the Interior, along with Alaska rural organizations and other research partners. He explained that the Monitoring Program is at the fourth step of the funding process, specifically seeking input from the Council reviewing the projects and their alignment with the priority information needs developed by the Council. A brief document was provided to the Council. Zach Stevenson explained the document features a table describing the subsistence fisheries monitoring project; the corresponding priority information need addressed by each project that the Council put forward; the project location (geographic scope); and the species affected in each project. Mr. Stevenson explained that this document was shared to help illustrate the various projects received and how the projects align with the priorities that the Council specified. The Council was asked for questions. The Council expressed appreciation for the clarity of the information presented and had no further comments.

Issues for FY2017 Annual Report

The following items were identified by the Council for inclusion in its 2017 Annual Report to the Federal Subsistence Board.

1. Member Shiedt asked the National Park Service to do a study to see how much impact transporters and outfitters are having on our subsistence way of life. Member Shiedt emphasized this study is needed because it will help to reduce user conflicts in the region.
2. Member Cleveland requested an update on salmon harvest by residents of Kiana. In response, Bill Carter (Selawik National Wildlife Refuge) reported this information addressed commercial catch and escapement of Chum Salmon and is an ADF&G project. Mr. Carter noted that the Selawik National Wildlife Refuge gets Sheefish otoliths from the same project and compares the Kobuk population to the Selawik population of Sheefish. The Project is run by the ADF&G, Commercial

Fisheries Division in Nome. Mr. Carter added that a report on the Chum Salmon escapement in Kiana can probably be found on their website.

Zach Stevenson responded to the request from Member Cleveland, noting the availability of an ADF&G document online entitled 2017 Kotzebue Sound Management Plan. Mr. Stevenson explained that the document describes a project measuring in-season escapement using test fisheries in the Kobuk River, possible limited test fishing in the Noatak, and reports from subsistence fishermen. Mr. Stevenson noted that the test fishing project on the Kobuk River in the vicinity of Kiana will provide an in-season index of Chum Salmon passage and there's significant information and figures to accompany that. Mr. Stevenson noted that he will send the report to the Council.

3. Member Kramer noted that low flying aircraft disturbed hunters in Noatak and asked about how local hunters can report these incidents.
4. Member Commack noted concerns regarding the Ambler Road and the possibility of impacts from the road on the communities of the Kobuk River and the people of Kotzebue. Member Commack noted there are many questions about the road. Over the past two years, people had difficulty harvesting caribou. Member Commack explained that people had to travel as far as Buckland, in the middle of the winter, to harvest caribou. He further explained that facing this hardship, people are depending more on fish and berries.

Agency Reports

National Park Service (NPS)

Clarence Summers introduced the topic of Subsistence Resource Commission (SRC) appointments to Cape Krusenstern National Monument and Kobuk Valley National Park. Mr. Summers noted that the memberships are up or for reappointment. Mr. Summers addressed the role of the Council in this process, explaining this is the opportunity for the Council to consider reappointing or at least letting the Park Service know that the membership wants to continue to serve. Mr. Summers noted many Council members serve on the SRC and introduced Hannah Atkinson (NPS) who provided an update on the status of the SRCs.

Hannah Atkinson gave an overview of the SRC appointments. The Council voted to reappoint Enoch Shiedt and Alex Whiting to the Cape Krusenstern SRC and Murphy Custer, Louie Commack and Rosa Horner to the Upper Kobuk Valley SRC. The GAAR SRC wanted the Council to reappoint Louie Commack to the GAAR SRC. The Council did so unanimously. Mr. Summers introduced Marcy Okada (NPS) to provide an update for the Gates of the Arctic Subsistence Resource Commission (SRC).

Marcy Okada (NPS) noted a request for the reappointment of Louie Commack to the Gates of the Arctic SRC. The Council voted unanimously to reappoint Member Commack to the Gates of the Arctic SRC.

Annette Watson (NPS) reported on her ethnographic work that she did on land use by communities on the Kobuk and Koyukuk Rivers. Living in centralized villages has made access to game more difficult. Increases in food-insecurity are being reported by people. Subsistence uses take place all over the region proposed by the Ambler Road system and this uses will likely be impacted by such a development. The Council voted to write a letter to the agencies describing their objections to the Ambler Mine Road.

NANA Regional Corporation

John Agnaqluk Lincoln provided an update to the Council noting his appreciation to listen and learn more about the wildlife proposals. Mr. Lincoln thanked the agencies for their research, adding that he was impressed by and thankful for the quantity and quality of the data provided. Mr. Lincoln added his intention to share some thoughts on the Trespass Program and Ambler Access Road.

The Trespass Program involves local representatives who patrol NANA lands and rivers during the fall caribou hunting season. These individuals help provide hunter education and perform patrols to help ensure compliance with hunting regulations and report any improper use of NANA lands. Mr. Lincoln noted the NANA Trespass Program recently completed seasonal work on October 13 and is now completing an in-depth report for the Northwest Arctic Borough (Borough) Assembly. Mr. Lincoln explained that the Trespass Program is a partnership between the Borough and NANA. The Borough helps provides funding, while NANA, through its subsidiary, NANA Management Services, oversees day-to-day operations of the program. The program involves 12 officers, with one officer located in each of the Borough's communities, except Deering and Kobuk. Mr. Lincoln clarified that no applications were received from Deering and Kobuk to participate in the Trespass Program. Mr. Lincoln also noted the goal of deepening partnerships in the region, and thanked the National Park Service, U.S. Fish and Wildlife Service, Kiana Elders Council, Maniilaq Association, and tribal governments for their participation.

Mr. Lincoln addressed the Ambler Project, noting its serious implications for the region. Mr. Lincoln noted that NANA owns a significant amount of land on the proposed route. Mr. Lincoln added that NANA has not taken a position on the proposed route and is neither in favor nor opposed to the route at this time. Mr. Lincoln noted support for the EIS process undertaken by the BLM. Mr. Lincoln noted concern for the point addressed by Member Commack, regarding prospect of the Ambler Access Road being a public road, adding that everyone encountered so far has been opposed to this. Mr. Lincoln added that concern for the Ambler Access Road being a public road was raised when the project was included in a list of priorities submitted by the Governor's Office to the Federal government earlier this year. Mr. Lincoln explained that many were alarmed and thought this was an attempt to seek funding for the project, but were quickly assured they were seeking permitting support, and not funding, as noted by Member Commack, that would cause the road to eventually become public. Mr. Lincoln also encouraged everyone to participate in the EIS scoping and public meetings organized by the BLM.

Wildlife Conservation Society (WCS)

Trevor Haynes addressed the Council and introduced the work of the Wildlife Conservation Society (WCS). Mr. Haynes explained WCS is a science-based non-governmental organization with much of their work in the Arctic Beringia region done in partnership with Alaska Native organizations, like the Native Village of Kotzebue and Federal agencies like the National Park Service. Mr. Haynes explained this work is growing and will include projects looking at the full open water season impacting lagoons on the Arctic coastline. Mr. Haynes explained that WCS has worked in the region with the National Park Service since 2011 on lagoon research and research on wolverines, migratory birds, and muskox. Mr. Haynes explained that he will focus on fisheries research on the coastline.

Mr. Haynes explained this fisheries research has involved the National Park Service and the Native Village of Kotzebue, and focused on coastal lagoons in the Kotzebue Sound region, including Cape Krusenstern and Bering Land Bridge. Mr. Haynes explained that additional fund have been secured to expand this work, in partnership with the Native Village of Kotzebue, to examine areas between Kotzebue and Kivalina. This research will help to better understand the status and distribution of Dolly Varden, an important subsistence resource in the region.

Mr. Haynes also noted similar research focused on the overwintering habitat for whitefish involving Cyrus Harris and Bob Schaeffer of Kotzebue and Susan Georgette of the Selawik National Wildlife Refuge. This research has also looked at measuring contaminants and fish growth to better understand important subsistence fisheries in near shore waters around the lagoons. Some of this research has also involved laboratory support from the University of Alaska Fairbanks and the National Oceanic and Atmospheric Administration (NOAA) in Juneau. Mr. Haynes thanked everyone who participated in their work and expressed the desire to do more research in 2018.

Member Commack noted the Inuit Circumpolar Council has a large project focused on food security. Zach Stevenson offered to follow-up with Member Commack to get some contacts at ICC if that's of interest to Member Commack.

Selawik National Wildlife Refuge (USFWS)

Susan Georgette, Refuge Manager, addressed the Council, expressing her appreciation for the Council's involvement in reviewing the wildlife proposals. Ms. Georgette referenced a report circulated to the Council, and provided a staffing update for the Selawik National Wildlife Refuge, noting there are eight staff, six of which are based in Kotzebue and two are based in Selawik (Nicole Hanshaw and Frank Berry, Jr.). Ms. Georgette noted that Chester Ballot retired in June and that he is missed. Ms. Georgette then provided a project update.

Ms. Georgette addressed a multi-year Sheefish study looking at where Sheefish spawn in the Selawik River and how a large mud slide that occurred 10 years ago impacted Sheefish spawning. She explained that the project involves Selawik residents including Frank Berry, Jr., Ingram Clark, and Patrick Foster and Bill Carter, a fisheries biologist from the Selawik National Wildlife Refuge. Ms. Georgette reported that she observed 200 male Sheefish caught to examine their ear bones, used for determining the age of the fish. The fish were cut and partially dried and used for food by local residents.

Mr. Carter described the thaw slump research on the Selawik River. Mr. Carter specifically addressed the age that Sheefish return to start spawning. Mr. Carter noted that in the area where the thaw slump occurred, male Sheefish don't start returning to spawn until they're 10 years old, and females take a bit longer to mature. Mr. Carter noted that while the thaw slump occurred in 2004, research began in 2011, with funding provided by the Office of Subsistence Management. A final report is expected in 2018. The research examines differences between spawning area affect and rearing area affect because other studies have shown these fish all go out to Selawik Lake, Kobuk Lake, and Kotzebue Sound to rear and then at age 10, start moving back. Mr. Carter noted that research indicates there is a minor difference between the two populations with fewer young fish coming into the Selawik population, though two more years of data are needed to confirm the results. Additionally, the fish are living a long time, one fish was 41 years old, suggesting that they spawn many times over their lifetime so long as they are not impacted by mud slides.

Ms. Georgette noted strong local attendance in outreach events in Selawik and Noorvik addressing hunting regulations. Ms. Georgette noted ongoing cooperation with the National Park Service to address concerns regarding local observations and study of the impact of beavers. Ms. Georgette reported that at this time, information is not available on guides and transporters. There are four transporters that have permits for the refuge and one guide, though the State closed nonresident moose hunting and most are non-Alaskans. Ms. Georgette noted that she suspects fewer used the Refuge than in previous years and additional information will be available in the spring. Ms. Georgette also reported in the Youth Conservation Corps Program involving the hire of four Selawik teenagers. The program has focused on habitat cleanup, maintenance projects, hunter interviews, and oral history documentation.

Alaska Department of Fish and Game (ADF&G)

Alex Hansen provided an update on the population status of the Western Arctic Caribou Herd. Mr. Hansen noted that the 2016 census estimated the caribou population at 201,000 animals. Mr. Hansen noted that the last census, conducted in 2017, occurred in less than desirable weather conditions. Mr. Hansen added that preparations are underway to conduct an updated photo census using a high-resolution digital camera that should provide more accurate data.

Mr. Hansen also reported the adult female caribou survival is high and that yearling recruitment is high. Surveys indicate that more young caribou are joining the herd. ADF&G has also been working on calf survival studies and studying calf production and caribou body condition. Reports from hunters at Onion Portage indicate caribou body condition at Onion Portage looks good. Mr. Hansen noted the recent completion of the fall caribou composition to determine bull-to-cow ratios and calf-to-cow ratios. Mr. Hansen noted there are a lot of younger bulls in the population than when the fall compositions were done. Mr. Hansen noted that last year the cow-to-calf ratio was 54 to 100 and this year is 55 to 100, marking a little increase.

Bureau of Land Management (BLM)

Bruce Seppi addressed the Council, noting several personnel changes. Mr. Seppi introduced Bonnie Million, a new field manager from Oregon. Mr. Seppi also noted the addition of Walker Gusse, a pilot and law enforcement ranger. Mr. Gusse will coordinate with the State Wildlife Trooper. Mr. Seppi noted that the hope is to have law enforcement on the ground during the fall caribou migration next year. Mr. Seppi also noted the process of filling the Anchorage district manager position is underway per the pending retirement of Mark Spencer at the end of October. Mr. Seppi noted that in the interim, Callie Webber will be acting in that position. Mr. Seppi also noted that Bud Cribley, State Director, accepted a position with the United States Fish and Wildlife Service in Washington, D.C. In the interim, this position is filled by Karen Mouritsen, who serves as the Acting State Director.

Providing a programmatic update, Mr. Seppi noted work is being conducted on several land use plans including the Bering Sea Western Interior, which includes the south side of the Northwest Arctic region. Mr. Seppi explained that he has addressed this issue before and that it does not deal with caribou in this unit, though they are adjacent and the BLM is in the process of finishing alternatives reviewed which should be available in early 2019. The alternatives will be available for public review and the Council will be updated on this as it becomes available. Mr. Seppi also noted the BLM has an update on the Squirrel River Plan. Mr. Seppi then recognized Bonnie Million, who addressed the Ambler Road issue.

Ms. Million noted that she requested a list of public scoping meetings from Lori Thorpe. Ms. Million noted that tentative dates for the public scoping meetings in different communities would be available shortly. Following up on the previous discussion addressing the Ambler Road, Ms. Million asked if there were follow-up questions and noted this topic is a significant issue. Member Commack asked how much land is between Ambler and Fairbanks. Ms. Million noted she does not have this information, but will be able to find out quickly. Mr. Seppi explained that the entire road length is 211 miles, of which 60 percent is on State land and the rest is on National Park Service, BLM, and Alaska Native Corporation land.

Ms. Million then addressed the Squirrel River Plan. The Squirrel River Plan is being done by the BLM Central Yukon Field Office. Ms. Million explained that this effort began in 2011 and included public scoping meetings to better understand concerns and conflicts in the area. Changes in land boundaries stalled this process which is now underway again. The goal is reconvene public scoping meetings in

February or March to hear what the conflicts are in the area and how to best manage the recreation uses that occur on BLM lands in the Squirrel River Special Recreation Management Area. Ms. Million noted that Tom Sparks, based in Nome, will be leading this project and is available to answer questions.

Mr. Seppi concluded, noted the upcoming Western Arctic Caribou Herd Working Group meeting is scheduled for December 12-14 in Anchorage and the venue, likely the Marriot, would be confirmed shortly. Ms. Million concluded by noting the date, time, and location of the Ambler Road public scoping meetings.

Member Cleveland asked if BLM put their fire equipment out early this year due to climate change. Ms. Million explained that this year BLM was fully staffed and sent some resources down south (to the contiguous United States) when fire activity intensified in Idaho and Oregon. Member Cleveland noted that a fire occurred last year and was reported near Noorvik, though all the fire equipment was down in California. Mr. Cleveland asked whether any research was done in the event climate changes and how to better respond to fire activity near a community. Ms. Million noted the Alaska Fire Service has done fire research and modeling with the University of Alaska, Fairbanks, and some joint fire science projects have been funded nationally. Ms. Million noted they've worked with NANA on modeling and other long term climate data sets with the hope of better preparing for fire seasons in the future.

Member Cleveland also asked whether BLM allows four-wheelers (all-terrain vehicles) in Squirrel River. Mr. Seppi responded, noting that they are allowed in some areas and that some of the guides in that area use four-wheelers, though this activity is limited to existing trails. Ms. Seppi referred back to Ms. Million to confirm this with the land use plan. Member Cleveland asked how this area is managed and what is done if four-wheelers are on BLM lands. Ms. Million explained that BLM has been without law enforcement for six years. Ms. Million added recent hire of Mr. Gusse as a pilot ranger will hopefully help address local concerns regarding the off-highway vehicle (OHV) use in the Squirrel River area.

Member Kramer asked about the external costs associated with guides, transporters, and how many animals cross that area, the (Squirrel River) recreation area. Mr. Seppi responded, noting guides and transporters are required to respond back in January, so this information is not available yet. He explained that six are permitted now, and there are six guides and four transporters, of which only two operated in the Squirrel River and the Squirrel River is currently closed to caribou hunting by non-Federally qualified subsistence users. Mr. Seppi noted that none of the transporters operated this year and that activity is greatly reduced due to the closure.

Office of Subsistence Management (OSM)

Chris McKee addressing the Council, noting some personnel changes at the Office of Subsistence Management. He noted that the retirement of Don Rivard, Fisheries Biologist and Palma Ingles, Anthropologist. Mr. McKee also noted Jennifer Hardin, previously with the OSM Anthropology Division, is now the OSM Policy Coordinator. Additionally, he noted Thomas Doolittle has joined OSM as the Deputy Assistant Regional Director. Additionally, Mr. McKee noted delays in the hiring of senior level positions.

Future Meeting Dates

The Council specified the following future meeting dates. The Council confirmed its winter meeting on Feb. 28 – Mar. 1, 2018 in Kotzebue. The Council selected their fall meeting dates and location for Oct. 24-25, 2018 in Anchorage.

Adjourn

The meeting adjourned at 3:43 PM on Oct. 26, 2017.

####

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

Zach Stevenson, Designated Federal Official, OSM *Date*

Enoch Attamuk Shiedt, Sr., Chair *Date*

These minutes will be formally considered by the Northwest Arctic Subsistence Regional Advisory Council at its winter 2018 public meeting, and any corrections or notations will be incorporated in the minutes of that meeting.

DRAFT



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

Federal Subsistence Board Informational Flyer



Forest Service

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

How to Submit a Proposal to Change Federal Subsistence Regulations

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

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

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

What your proposal should contain:

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

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

1011 East Tudor Road MS-121 • Anchorage, Alaska 99503-6199 • subsistence@fws.gov • (800) 478-1456 / (907) 786-3888
This document has been cleared for public release #0605132015.

You may submit your proposals by:

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

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

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

How a proposal to change Federal subsistence regulations is processed:

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

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

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

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

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



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

Federal Subsistence Board Informational Flyer



Forest Service

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

How to Submit Proposals to Change Nonrural Determinations

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

Your proposal must contain:

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

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

You may submit your proposals by:

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

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

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

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

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POLICY ON NONRURAL DETERMINATIONS

FEDERAL SUBSISTENCE BOARD

Adopted January 2017

PURPOSE

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

INTRODUCTION

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

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

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

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

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

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

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

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

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

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

BOARD AUTHORITIES

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

POLICY

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

SECTION A: Submitting a Proposal

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

SECTION B: Requirements for Proposals

Making a Nonrural Determination

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

Basic Requirements

All proposals must contain the following information:

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

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

Threshold Requirements

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

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

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

Limitation on Submission of Proposals Seeking Nonrural Determinations

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

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

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

Rescinding a Nonrural Determination

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

Basic Requirements

All proposals must contain the following information:

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

Threshold Requirements

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

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

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

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

SECTION C: Decision Making

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

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

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

Regional Advisory Council Recommendations

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

SECTION D: Process Schedule

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

SECTION E: General Process Timeline

Outlined in Table 1 and Table 2

Table 1. General Process Timeline


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

Table 2. General Process Timeline Comparison with other Cycles

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

SIGNATORIES

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


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


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

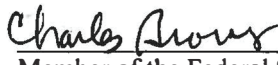

Regional Forester
USDA Forest Service
Date: 11/12/17


Regional Director
National Park Service
Date: 11/12/17


State Director
Bureau of Land Management
Date: 11/12/17


Regional Director
Bureau of Indian Affairs
Date: 11/12/2017


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


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

Appendix A – Final Rule – Rural Determination Process

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

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

RIN 1018-BA62

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

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

ACTION: Final rule.

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

DATES: This rule is effective November 4, 2015.

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

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

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

SUPPLEMENTARY INFORMATION:**Background**

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

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

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

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

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

Prior Rulemaking

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

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

Secretarial Review

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

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

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

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

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

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

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

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

between members of the Board and Alaska Native Corporations.

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

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

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

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

Public Review and Comment

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Major comments from all sources are addressed below:

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

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

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

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

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

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

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

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

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

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

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

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

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

wildlife populations or if there is a closure.

Rule Promulgation Process and Related Rulemaking

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

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

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

Conformance With Statutory and Regulatory Authorities

Administrative Procedure Act Compliance

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

National Environmental Policy Act Compliance

A Draft Environmental Impact Statement that described four

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

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

Section 810 of ANILCA

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

Paperwork Reduction Act

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

Regulatory Planning and Review (Executive Orders 12866 and 13563)

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

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

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

Regulatory Flexibility Act

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

Small Business Regulatory Enforcement Fairness Act

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

Executive Order 12630

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

Unfunded Mandates Reform Act

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

Executive Order 12988

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

Executive Order 13132

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

Executive Order 13175

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

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

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

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

Executive Order 13211

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

Drafting Information

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

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

Authority

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

List of Subjects**36 CFR Part 242**

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

50 CFR Part 100

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

Regulation Promulgation

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

PART —SUBSISTENCE MANAGEMENT REGULATIONS FOR PUBLIC LANDS IN ALASKA

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

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

Subpart B—Program Structure

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

§ ___.15 Rural determination process.

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

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

Dated: Oct. 28, 2015.

Sally Jewell,

Secretary of the Interior.

Dated: Sept. 30, 2015.

Beth G. Pendleton,

Regional Forester, USDA—Forest Service.

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

BILLING CODE 3410–11–4333–15–P

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

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

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

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

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

Appendix B – Direct Final Rule – Nonrural List

Need for Correction

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

Correction of Publication

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

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

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

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

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

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

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

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

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

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

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

Martin V. Franks,

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

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

BILLING CODE 4830-01-P

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

[Docket No. FWS-R7-SM-2015-0156;
FXRS12610700000-156-FF07J00000;
FBMS#4500086366]

RIN 1018-BA82

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

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

ACTION: Direct final rule.

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

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

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

- *Electronically:* Go to the Federal eRulemaking Portal: <http://www.regulations.gov> and search for FWS-R7-SM-2015-0156, which is the docket number for this rulemaking.

- *By hard copy:* U.S. mail or hand-delivery to: USFWS, Office of Subsistence Management, 1011 East Tudor Road, MS 121, Attn: Theo Matuskowitz, Anchorage, AK 99503-6199

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:**Background**

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

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

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

Related Rulemaking

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

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

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

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

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

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

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

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

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

Direct Final Rule

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

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

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

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

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

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

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

Conformance With Statutory and Regulatory Authorities

Administrative Procedure Act Compliance

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

National Environmental Policy Act Compliance

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

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

Section 810 of ANILCA

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

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

Paperwork Reduction Act

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

Regulatory Planning and Review (Executive Orders 12866 and 13563)

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

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

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

Regulatory Flexibility Act

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

Small Business Regulatory Enforcement Fairness Act

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

Executive Order 12630

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

Unfunded Mandates Reform Act

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

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

Executive Order 12988

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

Executive Order 13132

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

Executive Order 13175

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

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

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

Executive Order 13211

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

Drafting Information

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

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

Authority

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

List of Subjects

36 CFR Part 242

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

50 CFR Part 100

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

Regulation Promulgation

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

PART—SUBSISTENCE MANAGEMENT REGULATIONS FOR PUBLIC LANDS IN ALASKA

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

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

Subpart C—Board Determinations

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

§ __.23 Rural determinations.

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

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

Dated: September 30, 2015.

Eugene R. Peltola, Jr.,

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

Dated: September 30, 2015.

Thomas Whitford,

Subsistence Program Leader, USDA—Forest Service.

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

BILLING CODE 3410–11–4333–15–P

Fall 2018 Regional Advisory Council Meeting Calendar

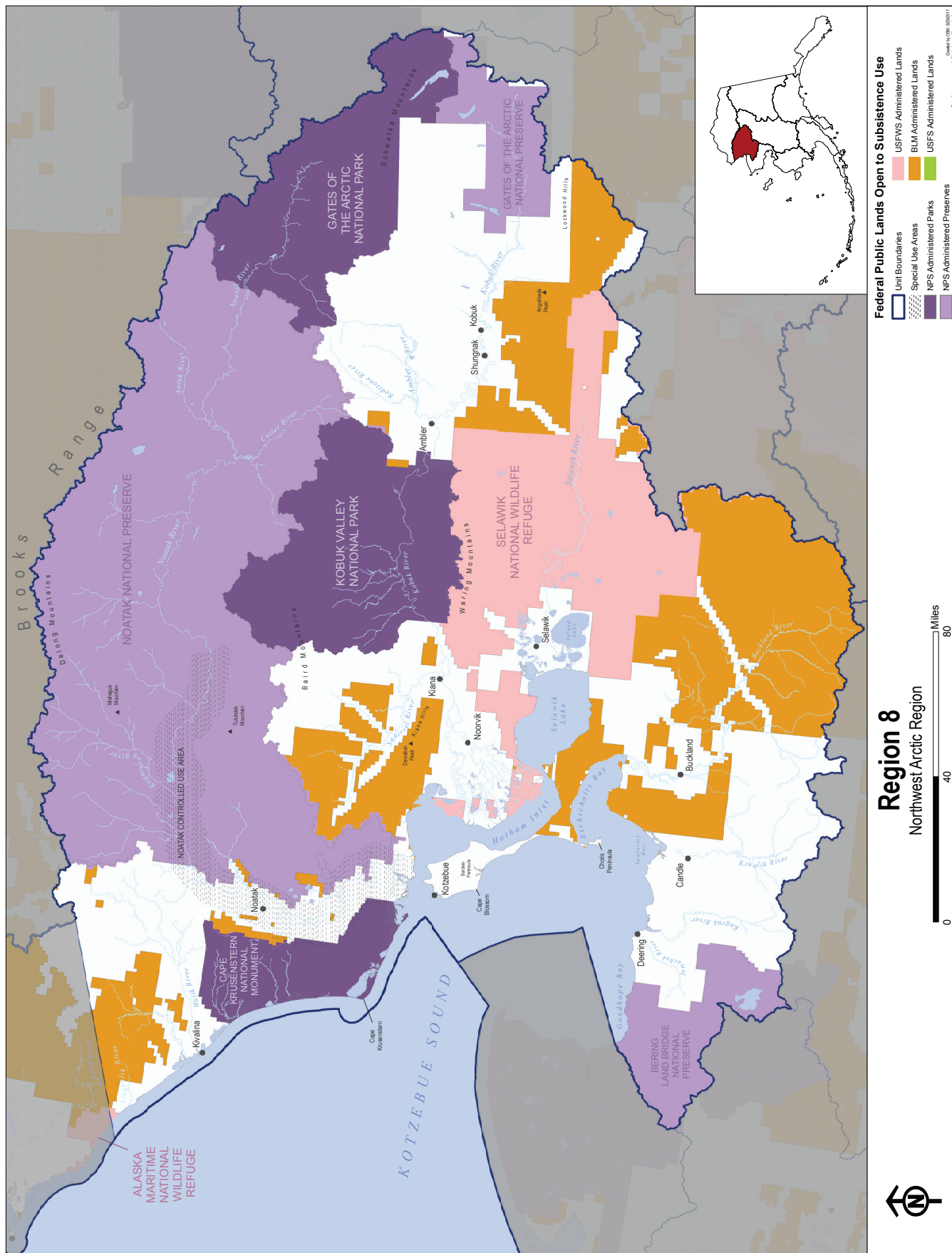
Due to travel budget limitations placed by Department of the Interior on the U.S. Fish and Wildlife Service and the Office of Subsistence Management, the dates and locations of these meetings will be subject to change.

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

Winter 2019 Regional Advisory Council Meeting Calendar

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

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



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

Northwest Arctic Subsistence Regional Advisory Council

Charter

1. **Committee's Official Designation.** The Council's official designation is the Northwest Arctic 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 three members to each of the Cape Krusenstern National Monument and the Kobuk Valley National Park Subsistence Resource Commissions and one member to the Gates of the Arctic National Park Subsistence Resource Commission in accordance with Section 808 of 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 \$150,000, 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.

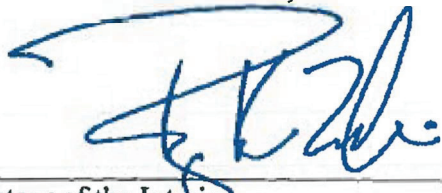
The Secretary of the Interior will appoint members based on the recommendations from the Federal Subsistence Board and with the concurrence of the Secretary of Agriculture.

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 01 2017

Date Signed

DEC 04 2017

Date Filed

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