



SOUTHEAST ALASKA SUBSISTENCE
REGIONAL ADVISORY COUNCIL
Meeting Materials

*March 19 - 21, 2019
Wrangell*



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On the cover...

The Chilkat Range, east of Glacier Bay, is flanked by Lynn Canal, the northern extension of Chatham Strait, and separates Haines Borough and Glacier Bay National Park and Preserve. The mountains range from 4,000 to 7,500 feet in height.



Photo by DeAnna Perry, USFS

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SOUTHEAST ALASKA SUBSISTENCE REGIONAL ADVISORY COUNCIL

Nolan Center
Wrangell

March 19-21, 2019
convening at 1:00 p.m. on March 19 and at 9:00 a.m. on March 20-21

TELECONFERENCE: call the toll free number: **1-866-560-5984** , then when prompted enter the passcode: **12960066**

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

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

AGENDA

*Asterisk identifies action item.

- 1. Invocation**
- 2. Call to Order** (*Chair*)
- 3. Roll Call and Establish Quorum** (*Secretary*)..... 3
- 4. Welcome and Introductions** (*Chair*)
- 5. Review and Adopt Agenda*** (*Chair*) 1
- 6. Election of Officers**
 - Chair (*DFO*)
 - Vice-Chair (*New Chair*)
 - Secretary (*New Chair*)
- 7. Review and Approve Previous Meeting Minutes*** (*Chair*) 4
- 8. Reports**
 - Council Member Reports
 - Chair’s Report
 - Working Group Reports
- 9. Public and Tribal Comment on Non-Agenda Items** (*available each morning*)
- 10. Old Business** (*Chair*)
 - a. State Proposal #43 – Board of Game De-Brief (*Mike Douville, Terry Suminski*) 18

11. New Business (Chair)

- a. Call for Federal Wildlife Proposals* 21
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12. Agency Reports

(Time limit of 15 minutes unless approved in advance)

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USFS

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ADF&G

OSM

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- Confirm fall 2019 meeting date and location (*Oct. 8-10, 2019, Petersburg*) 42
- Select winter 2019 meeting date and location 43

14. Closing Comments

15. Adjourn (Chair)

To teleconference into the meeting, call the toll free number: **1-866-560-5984**, then when prompted enter the passcode: **12960066**.

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 DeAnna Perry, 907-586-7918, dlperry@fs.fed.us, or 800-877-8339 (TTY), by close of business on March 11, 2019.

REGION 1
Southeast Alaska Subsistence Regional Advisory Council

Seat	Year Appointed <i>Term Expires</i>	Member Name and Community
1	2019	VACANT
2	2004 2019	Frank G. Wright Jr. Hoonah
3	1993 2019	Patricia A. Phillips Pelican
4	2000 2019	Michael A. Douville Craig
5	2002 2019	Harvey Kitka Sitka Secretary
6	2013 2020	Robert F. Schroeder Juneau
7	2014 2020	Albert H. Howard Angoon
8	2002 2020	Donald C. Hernandez Point Baker Chair
9	2021	VACANT
10	2021	VACANT
11	2010 2020	John A. Yeager Wrangell
12	2021	VACANT
13	2009 2021	Cathy A. Needham Juneau Vice Chair

SOUTHEAST ALASKA SUBSISTENCE REGIONAL ADVISORY COUNCIL

October 16-18, 2019

Sitka Tribal Community House
Sitka, Alaska

Meeting Minutes

Council Coordinator DeAnna Perry provided housekeeping announcements and then introduced Council member, Ray Sensmeier, who gave the invocation before the meeting. The winter 2018 meeting of the Southeast Alaska Subsistence Regional Advisory Council (RAC) was then officially called to order on October 16 at approximately 8:40 a.m.

Roll Call

Secretary Harvey Kitka took roll call and a quorum was established with the following Council members present for all three days: Frank Wright, Michael Allen Douville, Albert Howard, Robert Schroeder, Donald Carlson Hernandez, John Yeager, and Cathy Needham. Patricia Phillips and Steve Reifentstahl were excused from this meeting. Harvey Kitka and Raymond Sensmeier were present for the first two days of the meeting and were excused for the last day. (Kenneth Jackson resigned previously, and Mike Bangs passed away shortly after the last meeting).

Welcome and Introductions

The following persons attended some portion of the meeting, either in person or by teleconference:

<i>Carl Johnson</i>	<i>Anchorage</i>	<i>Office of Subsistence Management (OSM)</i>
<i>Wayne Owen</i>	<i>Juneau</i>	<i>U.S. Forest Service (USFS) (for Regional Forester)</i>
<i>Tom Whitford</i>	<i>Anchorage</i>	<i>USFS</i>
<i>DeAnna Perry</i>	<i>Juneau</i>	<i>USFS</i>
<i>Brie Darr</i>	<i>Sitka</i>	<i>USFS</i>
<i>Perry Edwards</i>	<i>Sitka</i>	<i>USFS</i>
<i>Terry Suminski</i>	<i>Sitka</i>	<i>USFS</i>
<i>Nicole Grewe</i>	<i>Juneau</i>	<i>USFS</i>
<i>Susan Oehlers</i>	<i>Yakutat</i>	<i>USFS</i>
<i>Jeff Reeves</i>	<i>Craig</i>	<i>USFS</i>
<i>Luke Decker</i>	<i>Craig</i>	<i>USFS</i>
<i>Jake Musslewhite</i>	<i>Juneau</i>	<i>USFS</i>
<i>Ryan Scott</i>	<i>Juneau</i>	<i>Alaska Department of Fish & Game (ADF&G)</i>
<i>Lauren Sill</i>	<i>Juneau</i>	<i>ADF&G</i>
<i>Mark Burch</i>	<i>Anchorage</i>	<i>ADF&G</i>
<i>Troy Thynes</i>	<i>Anchorage</i>	<i>ADF&G</i>
<i>Dan Teske</i>	<i>Anchorage</i>	<i>ADF&G</i>
<i>Dave Love</i>	<i>Anchorage</i>	<i>ADF&G</i>

<i>David Harris</i>	<i>Anchorage</i>	<i>ADF&G</i>
<i>Steve Bethune</i>	<i>Anchorage</i>	<i>ADF&G</i>
<i>Clarence Summers</i>	<i>Anchorage</i>	<i>National park Service (NPS)</i>
<i>Barbara Cellarius</i>	<i>Anchorage</i>	<i>NPS</i>
<i>Glenn Chen</i>	<i>Anchorage</i>	<i>Bureau of Indian Affairs (BIA)</i>
<i>Dan Sharp</i>	<i>Anchorage</i>	<i>Bureau of Land Management (BLM)</i>
<i>Kathy Hope Erikson</i>	<i>Sitka</i>	<i>Sitka Tribe (Chairman)</i>
<i>Naomi Palosaari</i>	<i>Sitka</i>	<i>Sitka Tribe (tribal attorney)</i>
<i>Gary Paxton</i>	<i>Sitka</i>	<i>Sitka Mayor</i>
<i>Katie Riley</i>	<i>Sitka</i>	<i>Sitka Conservation Society</i>
<i>Jason Mears</i>	<i>Sitka</i>	<i>Sitka Tribe</i>
<i>Leo Jimmy</i>	<i>Sitka</i>	<i>Sitka Tribe</i>
<i>Cate Brady</i>		<i>by phone</i>
<i>Tina Hile</i>	<i>Anchorage</i>	<i>Court Reporter</i>
<i>Heather Bauscher</i>	<i>Sitka</i>	<i>Univ. of Alaska Southeast (UAS) & Sitka Conservation Society</i>
<i>Laila Itta-Tomas</i>	<i>Utqiagvik</i>	<i>Mt. Edgecumbe High School student</i>
<i>Gabriel Klishken</i>	<i>Yakutat</i>	<i>Mt. Edgecumbe High School student</i>
<i>Andrew Martin</i>	<i>Sitka</i>	<i>Mt. Edgecumbe High School student</i>
<i>Gracie Rome Wright</i>	<i>Hydaburg</i>	<i>Mt. Edgecumbe High School student</i>
<i>Jaylynn Martinez</i>	<i>Tuluksak</i>	<i>Mt. Edgecumbe High School student</i>
<i>Blake LaPerriere</i>	<i>Sitka</i>	<i>Home school student</i>
<i>Angela Young</i>	<i>Sitka</i>	<i>Pacific High School</i>

Sitka Chairman, Kathy Hope Erickson, welcomed the Council and those in attendance to Sheet'ka Kwaan Naa Kahidi (Sitka Community House) and the Mayor of Sitka, Gary Paxton, provided a welcome to the town of Sitka. Wayne Owen, Director in the USFS Regional Office, welcomed those present to the Tongass National Forest.

Heather Bauscher from the University of Alaska introduced her policy and procedures practicum class, who were present throughout the three-day meeting. The five students represented Mt. Edgumbe High School, Pacific High School, and home schooling.

Local USFS representatives addressed the Council on the third day: Sitka District Ranger, Perry Edwards, addressed the Council and thanked them for their service on the Council. People do value all the time and effort, interest, and passion of the Council. Brie Darr, Tongass National Forest Staff Officer, echoed this sentiment and recognized the workload of the Council and the importance of the decisions of the Council for many Southeast Alaskans.

Service Award

Wayne Owen honored two of the Council members for their lengths of service to the Council. Patty Phillips has served as a Council member since the inception of regional advisory councils – 25 years! Robert Schroeder was acknowledged for 5 years of service as a Council member, and was recognized as having served the Council in other capacities before becoming a member (previous USFS employee and Council Coordinator).

Adoption of Agenda

The Council unanimously supported a motion made by Harvey Kitka, seconded by Cathy Needham, to adopt the agenda as a guide.

Special Election of Vice-Chair

Council Coordinator DeAnna Perry opened the floor for nominations for the position of Vice-Chair for the Council, as the previous Vice-Chair became the Chair upon the passing of Michael Bangs. The Council unanimously elected Cathy Needham for Vice-Chair, as nominated by Michael Douville.

Approval of Previous Meeting Minutes

Motion made by Cathy Needham, seconded by Mike Douville, to approve the minutes for the Council's previous winter meeting as written. Passed unanimously.

Council Member Reports – Summary of Comments

Harvey Kitka (Sitka)

The herring spawn this year was the smallest he's ever seen and was the worst for people gathering herring eggs. Herring continues to be a concern in his community as subsistence needs are not being met. The Commercial industry interrupted the pattern of herring spawning. King salmon are a concern for commercial fisherman. Sockeye good within Redoubt but not in some of the other streams.

Frank Wright (Hoonah)

It was an unusual summer: lots of sunshine, increase in slugs and caterpillars, dry forest, fish couldn't travel without water. Peace ceremony in Hoonah this summer as a result of the National Park Service working with Hoonah Tribe. He expressed concerns about fishing. As a commercial fishermen he's worried about his crew – purse seining was the worst he's ever seen; things planned for his community regarding tourism, such as docks, will make a difference in how he fishes. He is concerned that sea otters will affect Dungeness crab harvests, similar to what has happened in Cordova.

Robert Schroeder (Juneau)

Juneau was hurting for a number of harvests: no berries, shrimp/king crab/King salmon have effectively been closed, Coho harvest was lousy. The United Nations passed its latest version of the climate change report recently and it is pretty dire. He proposed that the Council consider forming a climate change working group to bring information about global warming to the Council for discussion on how it is affecting subsistence resources.

Albert Howard (Angoon)

He expressed concern about the King salmon closing in spring, noting there were no communications from the State with Angoon and no assessment of the impact it would have on the community. The halibut harvest was nonexistent. Subsistence has become a word they like

to use on TV – “these are real issues that feed our people in our communities, not a catch phrase.” The local Tribe has created a Traditional Foods Council. Angoon does not have the same options for food security. He noted salmon are unable to get up streams and it is important to ensure salmon return. He shared examples of consequences of actions such as harvesting of bear and leaving much of it floating in Chatham Strait, people pulling others’ crab pots, and that more people are coming into Chatham to deer hunt affecting resource.

John Yeager (Wrangell)

Also experiencing many of the issues mentioned by other Council members, and that these effects are region-wide, if not state-wide. Lack of rain impacted salmon and salmon streams. There are a lot of questions about management of King salmon, especially with the drastic restrictions. Commercial fishermen are worried and sport fishing was down. From experience with his clients, he believed there was a great understanding for King salmon restrictions. His community would like the Council to stay engaged on issue of Transboundary Mining. He noted increased predation of salmon by seals, sea lions and whales. Lot of commercial boats for sale – businesses may be giving up due to anticipated future impacts on fishing. Hunting difficult in Wrangell area; probably less than 15 moose taken on river this hunting season.

Cathy Needham (Juneau)

Ms. Needham expressed the challenges of participating in a meeting over the phone. She recognized federal staff participating by phone have challenges and that it is challenging for the council to interact with them. Most of the faces the Council has seen in the past that have helped with rulemaking decisions aren’t here; want to make sure this issue stays to light. Warm weather affecting fish coming back to creeks, berry crops later than normal. Southeast Alaska changes in weather patterns are definitely having an effect on resource availability. She noted she has had numerous conversations about the Prince of Wales Island wolf situation and that 231 wolves is too many for POW. May be a good project to go through past transcripts for comments on climate change – how traditional knowledge has come from the Council in discussing shifts in harvest patterns and observations and determine how climate change has been impacting subsistence resources over time.

Ray Sensmeier (Yakutat)

It was a long hot summer, with streams drying up and preventing a lot of fish from going any farther than mouths of rivers. There was a limited harvest of King salmon and Sockeyes. The State didn’t open commercial season at all, then closed for subsistence; closed sports fishing for sockeye. Cruise-ships plow through ice, washing seal pups into water resulting in higher mortality rate, so population of seals is a lot lower. Concerns for sea lions seen in new locations and bears starving for fish. The harvest quota on moose was met.

Mr. Sensmeier then advised the Council that he needed to leave for another meeting after the first day. As this was his last meeting, he asked to make some additional remarks before he left. He offered some observations and insight about land management, Native culture and traditions, and urged people to work for the good of their communities while bearing in mind their responsibility to the next generation. Chairman Hernandez thanked Mr. Sensmeier for his years of service and advice to the Council.

Michael Douville (Craig)

He encouraged the students in attendance to engage with Council members throughout the meeting. Title VIII says the Council will be provided with proper support services and he doesn't think this is happening; agrees with Councilwoman Needham that biologists being restricted to participation by phone is not the same as having them in the room, this is different than before and it should change. He is very troubled by the State wanting to overturn the roadless rule and it is important that the Council have a voice in that rulemaking process. The Council should have been able to provide comments on the scoping period but the period closed the day before this Council meeting. Habitat is affecting deer and wolf, which is affecting subsistence users.

Donald Hernandez (Pt. Baker)

He echoed other Council members' concerns on fish issues and changing climate conditions and how those effect a community that is very dependent on commercial fishing and subsistence activities. Mr. Hernandez thanked USFS for public meetings in Pt. Baker on Prince of Wales for the Landscape Level Analysis and the new proposed roadless rule. He has noticed an infestation of caterpillars eating spruce needles in north end of Prince of Wales and has never seen that before. Climate change is affecting the forest; he noted dry forest conditions, concern about fires, and concern for the health of trees. Forest looks different; there are factors involved in the ecosystem that we don't realize and these could have large scale impacts.

Chair's Report

The Chair noted that he attended the Federal Subsistence Board (Board) meeting in April on wildlife regulatory proposals and noted that it went well for Southeast issues. The Board adopted three of the four Southeast proposals – the wolf proposal was not adopted, but the issue continues to evolve. The work that this Council does is exceptional – the Council's thorough work made it easy for him to present Council's arguments to the Board. He appreciated the Council's efforts.

Public and Tribal comments on Non-Agenda Items

John Duncan, speaker of Clay House, Kiks.adi Clan, provided a welcome to the Kiks.adi traditional land. He then spoke to the Council regarding his concern about the State's actions, such as King salmon closure and the decline of subsistence areas, particularly with herring. There is concern that commercial people can engage in certain harvest activities but subsistence users are restricted. He stated that organizations such as the regional advisory councils have to stick up for Native people. Mr. Duncan answered numerous questions from the Council.

Larry Edwards of Sitka addressed the Council regarding his observations on climate change. He advised that he was surprised to find that 22% of the State's carbon dioxide emissions come from aviation, according to the greenhouse gas inventory for Alaska. Also, studies that suggest 70% of the aviation emissions come from about 15% of the aircraft. Mr. Edwards also testified on the wolf issue to provide information to the Council to assist in its drafting of its letter to the Board of Game. He reported information contained in the previously-filed ESA petition for the Alexander Archipelago wolf and commented on the proposed wolf management plan to harvest

to a population objective, sharing some thoughts around the numeric objective and difference between spring and autumn populations, along with other information.

Jeff Feldpausch, resource protection director for the Sitka Tribe of Alaska and subsistence representative for the Sitka Fish and Game Advisory Council, informed the Council of the effect of the State's emergency action for shrimp stocks on local subsistence harvesters. He identified two concerns: (1) there is no Amount Necessary for Subsistence established for shrimp in 13A, B, or C; and (2) restrictions were based on anecdotal information and violate Alaska subsistence statute. Reallocation of the resource went away from subsistence harvesters to the commercial industry.

Cal Casipit of Gustavus commented on two fish proposals. He voiced his support for FP19-17. He also stated that he thought the staff analysis on his own proposal, FP19-19, lined out the concerns with Neva Creek situation and he supports the preliminary conclusion.

Harvey Kitka, speaking on behalf of the Sitka Kaagwaantaan, told the Council of the attempts over the past decades to persuade the State of Alaska to be more conservative with the management of herring in the Sitka Sound. This past year was the worst he's ever seen and it is affecting subsistence. All the fish in the ocean are going to suffer because of the loss of the herring, as it is a central species. The commercial herring harvest has affected almost everything they eat in Southeast. He advised that Sitka Kaagwaantaan is going to be asking the Federal government to take over subsistence management of herring and asked for help in filing a petition for extraterritorial jurisdiction.

Several students from the University of Alaska Southeast policy and procedures practicum class addressed the Council. Here are some highlights of their comments:

- Laila Itta-Tomas (Utqiagvik) advised of the effects climate change are having in her home community, such as the melting of ice tunnels where meat is stored and how melting icecaps are affecting whaling and harvests.
- Jaylynn Martinez (Tuluksak) stated that King salmon have not been seen much recently, even though last year there was good Chum abundance, so they were unable to put those fish away.
- Grace Rome Wright (Hydaburg) reported wolves sighted on the road system, fish coming in late and sparse berry harvest. He later offered testimony regarding CO₂ levels in the water and the effects of acidic water on shellfish and the formation of algal blooms.
- Gabriel Klushkan (Yakutat) noted his community has concerns about King salmon not returning and that there are issues between subsistence and commercial fishers.
- Blake LaPerriere (Sitka) advised of the various changes in harvest he has experienced and offered comments on the roadless rule, stating that healthy old growth is incredibly valuable for salmon streams and is much more effective at absorbing carbon than a clear-cut forest.

Old Business

Wolves – State Proposals #42 and #43

The Council received a briefing from Ryan Scott, Assistant Director, ADF&G, regarding wolf management in Unit 2 (Prince of Wales Island) and also included a brief presentation on deer population monitoring. A working group was created to discuss substance and language to be included in the Council's letter of support regarding Proposal #43, to be sent to the Board of Game (BOG). The working group met and produced specific language for the letter, explaining why the Council was withdrawing its own proposal (#42) and supporting the State's proposal (#43).

Council Actions:

- The Council elected to **withdraw its proposal (Proposal #42)** submitted to the BOG earlier this year, based on information provided by ADF&G on its proposed wolf management plan and various discussions had between the Council and State and Federal staff.
- The Council unanimously voted to **support ADF&G's Proposal #43** and stated that support in a letter to BOG, as it seemed to move in a favorable direction and generally agrees with the concept of managing for a population objective. The Council believes the State's proposal has a good opportunity to succeed and supports the plan with the proposed numbers presented. The proposal would help alleviate some issues seen in recent years in managing Unit 2 wolves on a quota system. A working group prepared specific reasons for a letter to be sent to the BOG, which the Council approved.
- The Council identified Council members and requested that Council representatives and staff be funded to attend the BOG meeting in January, 2019, as it recognized that Proposal #43 looks to set a precedent and it is important to have someone present to relay the Council's intentions behind its decisions on this matter. The Council suggested Chair, Don Hernandez, and Prince of Wales resident, Mike Douville, to attend the meeting. In the event Mr. Hernandez could not attend, Vice-Chair Cathy Needham was recommended to attend in the Chair's stead.

Eulachon Monitoring Update

Jeff Reeves, Fisheries Biologist, Tongass National Forest, U.S. Forest Service, presented an update on the monitoring of eulachon. He provided background information on the biology of eulachon based on the interest of the Council and public testimony, as noted from recent meetings. He also provided historic harvest information, including data reported from the Unuk River, and then gave a report on monitoring of eulachon this past season.

New Business

Federal Fisheries Proposals

The Council took action on three Federal subsistence fisheries proposals for the Federal Subsistence Board's consideration. Staff analyses, agency comments, and public comments and testimony, were considered during the deliberations.

FP19-17 requested modifying the customary and traditional use determination for all fish in the Southeast Region to include all residents of the Southeast Region. The Council voted to **support** the proposal, stating that this proposal is a culmination of the Council's efforts over many years in reviewing C&T determinations. The Council wanted this process to accurately reflect subsistence uses as they are and as they exist in Southeast Alaska and Yakutat, to take care of unnecessary restrictions on subsistence uses by C&T determinations, and to be in line with the clear intent of ANILCA. The Council felt the C&T analysis from OSM was complete and it could support OSM's preliminary conclusion based on application of the eight C&T factors and the literature cited in the analysis.

FP19-18 requested that the gillnet stretched mesh size for the Stikine River Sockeye and Coho Salmon subsistence fisheries be changed from a maximum of 5.5 inches to a maximum of 6.25 inches. The Council voted to **support this proposal as modified** by OSM in its Preliminary Conclusion.

The modified regulation should read:

§ ____ .27€(13) Southeastern Alaska Area

*(xiii) You may take Chinook, Sockeye, and Coho Salmon in the mainstem of the Stikine River only under the authority of a Federal subsistence fishing permit. Each Stikine River permit will be issued to a household. Only dip nets, spears, gaffs, rod and reel, beach seine, or gillnets not exceeding 15 fathoms in length may be used. ~~The maximum gillnet mesh size is 5 ½ inches, except during the Chinook season when the maximum gillnet mesh size is 8 inches.~~ **The maximum gillnet stretched mesh size is 8 inches during the Chinook Salmon season and 5 ½ inches during the Sockeye Salmon season. There is no maximum mesh size during the Coho Salmon season.***

The Council found that this proposal accurately reflected the Stikine River subsistence fishers' focus primarily on harvesting Sockeye Salmon. The conservation concern of Chinook Salmon early in the season was recognized and the proponent was willing to modify his original proposal to address this concern. Modifying this proposal may better address the proponent's stated intent and result in simplified regulations, while alleviating the possibility of extensive Chinook Salmon incidental catch. Further, the Council found that larger nets will allow for release of fish that are in good shape to release and it believes there is no intent to limit any other fishing that is taking place.

FP19-19 requested that the Federal public waters of Neva Lake, Neva Creek, and South Creek be closed to the harvest of Sockeye Salmon by non-Federally qualified users. The Council voted to **support** this proposal. The Council recognized a conservation concern and noted that the analysis documented user conflict. The Council's recommendation was supported by evidence and also by information and testimony from a Council member with lifelong experience with Neva Creek. The Council values this traditional ecological knowledge along with the biological data for this area. The Council supported this proposal to help ensure that primary access to the resource is by Federally qualified subsistence users. It may also help to reduce the user conflicts. The Council does not believe leaving non-Federally qualified users out of the stream is an

unnecessary restriction. The Federal Subsistence Board may choose to seek concurrence with the Trans Boundary Panel before implementing a change. Staff reported that the Pacific Salmon Treaty had been renegotiated; however, at the time of the Council meeting, the wording had not been publicly released yet as to how the Stikine fishery is addressed in the new treaty language.

2019 Fisheries Resource Monitoring Plan

Terry Suminski, Subsistence Program Lead, Tongass National Forest, U.S. Forest Service, presented background information on the Fisheries Resource Monitoring Program and gave a brief overview of the process. Input and guidance from the Council is critical in developing Priority Information Needs (PINS) by identifying issues of local concern and knowledge gaps related to subsistence fisheries. A working group was developed to consider PINs for the upcoming cycle and provide recommendations to the Council. The Council concurred with the working group's PINs and approved the list:

- Reliable estimates of Sockeye Salmon escapement and in-season estimates of harvest at the following systems: Kanalku, Klawock, Hetta, Falls Lake, Sarkar, Kook, Neva, Karta, Hatchery, Eek, Kah Sheets, Klag, Gut, Kutlaku, Salmon Bay, Sitkoh, Hoktaheen, Alecks Creek, and Lake Leo.
- Escapement indexes for Eulachon at the Unuk River and Yakutat Forelands.
- Population assessment for Eulachon for northern Southeast Alaska.
- Traditional ecological knowledge of how each community distributes harvest between Sockeye Salmon systems available to them.
- Reliable estimates of salmon populations and harvests in the sport and subsistence fisheries at Kah Sheets and Alecks Creek.
- Ethnographic study of the Yakutat subsistence salmon fishery.

Annual Report

Throughout the meeting, the Council identified several subsistence uses and needs to be brought to the attention of the Secretary of Interior and Secretary of Agriculture, through the Federal Subsistence Board (Board). The Council discussed the following topics for its FY 2018 Annual Report to the Board:

- 1) **Concerns about subsistence shrimp:** The Council would like to inform the Board of the recent actions by the State to restrict subsistence harvest of this resource. The reallocation of the resource seems to take away from subsistence harvesting by the commercial industry. The Council is disturbed by these restrictions and the risk of similar actions taking place in other areas of the Southeast.
- 2) **Potential for Extra-Territorial Jurisdiction for Herring in Sitka Sound:** The Council would like to inform the Board that it may soon see a request for extra-territorial jurisdiction (ETJ) regarding herring. If this occurs, the Council looks

- forward to participating in the ETJ process. For several years, this Council has heard public testimony regarding the scarcity of herring, which shows a failure to meet subsistence needs and a causal connection between failure and activities occurring outside of Federal waters.
- 3) **Commenting on Proposed Roadless Rule for Tongass:** The Council wishes to advise the Board that, under its responsibilities under Section 805 of ANILCA, it intends to make its recommendations through the course of whatever opportunities can be pursued, which may include the need for a special meeting in summer, 2019. The Council has specialized knowledge and should have a meaningful role in providing input on any significant restrictions to subsistence uses and information to minimize adverse impacts upon subsistence uses and resources.
 - 4) **State Recognition of Chinook Salmon as an Important Subsistence Resource:** The Council heard testimony regarding the State's closure of the Chinook Salmon fishery near Angoon reflecting that the closure lacked due process. The Board has already recognized the customary and traditional use of Chinook Salmon throughout the Southeast Region; the Council would like to know if the State could recognize the customary and traditional use of Chinook Salmon in its management of this important subsistence resource.
 - 5) **Staff Support Present at Council Meetings:** The Council wishes to revisit this issue with the Board. Based on observations at its last meeting, fewer Federal technical staff are attending the meetings. The relationships and trust that the Council has built with Federal staff over the years are important to fulfill the obligations of the Council. The Council requests that the Board proactively explore ways to improve on-site technical support pursuant to statutory and regulatory obligations.
 - 6) **Council Representation at State Regulatory Meetings:** At the fall meeting, the Council noted the need to send Council representation to attend the January Board of Game meeting to convey the Council's recommendations related to Unit 2 wolf management. The Council will be submitting a request to the Office of Subsistence Management for travel funding and would appreciate the Board's support to send a Council member to directly engage with the Alaska Board of Game on this important wildlife management issue.
 - 7) **Concern about Water Contaminants:** The Council has discussed concerns regarding water contaminants in the waters throughout Southeast Alaska at several of its recent meetings. At its fall meeting, the Council elected to send three letters to address various issues related to water quality and pollution. The letters would address both a conservation and public health concerns, as eating too much seal or salmon may cause bioaccumulation of toxins. If subsistence users are eating less seal or salmon because of the concern over these toxins, it could have a direct impact on the subsistence resources available to the user.
 - 8) **Climate Change:** The effects of change in climate continue to be a unified concern across Southeast Alaska. Council members and their respective communities have observed many abnormalities and unusual trends and would like additional information and data to determine what effect climate change is having on subsistence resources. The Council would like to inform the Board that it has also established a standing working group on climate change. It was created out of a need to be able to regularly discuss and raise issues related to climate change and make

suggestions for future presentations to learn more about what is happening in Southeast Alaska to habitat and subsistence resources.

- 9) **Youth in Council Membership:** The Council has enjoyed recent participation by local youth at its meetings. The Council recognizes the contributions of these young adults and values their input, experiences, and thoughts regarding their use of subsistence resources. The Council would like to continue this engagement and wants to investigate the possibility of facilitating the recruitment of youth in Council membership.

Water Quality Issues Presentation

Guy Archibald, Staff Scientist, Southeast Alaska Conservation Council, made a presentation to the Council on water contaminants, its sources, and amounts in the Southeast. The Council expressed the desire to weigh in on areas of concern and engaged with Mr. Archibald on a number of concerns. This is both a conservation concern and a public health concern, as issues may be caused by eating too much seal or salmon due to bioaccumulation of toxins. Then, if subsistence users are eating less seal or salmon because of the concern over these potential toxins, this could have a direct impact on the subsistence resources available to the user.

Council Actions:

- The Council voted to send a letter to the Forest Service, urging that agency to facilitate the repeat of the 1981 baseline study that looked into the natural levels of certain contaminants in the Hawk Inlet area.
- The Council voted to send a letter to the Alaska Department of Environmental Conservation to comment on the issue of airborne fugitive dust, regarding the lead dust blowing from the Greens Creek mine (which ranks in the top ten on the EPA's Toxic Release Inventory).
- The Council voted to send a letter to the Alaska Department of Environmental Conservation to find out if a previous seal sampling conducted in Hawk Inlet could be replicated.

Agency Reports

USDA Forest Service

- *Delegated Authority:* Tom Whitford, Regional Subsistence Program Leader, provided information regarding the new delegation of authority letters for the Craig and Thorne Bay Ranger Districts. He also provided an overview of the USFS 2019 Subsistence Program Operating Budget and applauded the Tongass staff for the quality and quantity of their work for the program. Lastly, Mr. Whitford advised the Council that he and Terry Suminski have provided information to the roadless rulemaking core team on the concerns that should be addressed in terms of subsistence.
- *Special Actions:* Subsistence Program Manager, Terry Suminski, provided a summary of Federal Special Actions taken in the last calendar year in the Southeastern Alaska and Yakutat areas.

- *Alaska Roadless Rule Updates:* Nicole Grewe, Regional Economist and core member of the Alaska Roadless rulemaking team, gave a presentation on the Alaska Roadless Rule. Ms. Grewe provided background information on the national 2001 Roadless Rule and the proposed rulemaking for Alaska. The Tongass National Forest is primarily the focus of this proposed rule, which would rescind and modify the 2001 rule as applied to Alaska. The Council was very concerned with the possible effects that this new rule could have on subsistence users. There was also a lot of discussion regarding the Section 810 analysis and tribal notification of potential areas. The Council was troubled with its limited opportunities for legitimate involvement in the process, reminding all that it was a Federal Advisory Committee Act (FACA) body, authorized under Title VIII of ANILCA to report, make recommendations on management plans, and policy and regulations affecting subsistence. The Council voiced its disappointment in the public comment process—specifically, that the public comment period on scoping closed the day before the Council meeting and no extensions were given for the public comment period. This action prevented the Council from providing comments during the scoping process. The next public comment period in 2019 is scheduled to occur outside of the Council’s meeting schedule, as well. The Council gave several specific reasons why they should be given the opportunity to provide comments on the potential impacts that the proposed alternatives identified in the Draft Environmental Impact Statement may have on subsistence resources and user groups.

Council Action:

- The Council elected to send a letter to the Forest Service enumerating its concerns on the roadless rulemaking to this point and expressed its disappointment with the process and how it limits their ability to perform a primary function—the ability to provide public comment on impacts to subsistence resources.
 - The Council identified this issue to be brought before the Board in its Annual Report for FY2018.
- *Prince of Wales Landscape Level Analysis (POW LLA) Update:* Matt Anderson, POW District Ranger, provided an overview of the POW LLA project. The LLA effort is designed to integrate projects, maximize efficiencies, and use some of the new farm bill authorities under stewardship. He reported that the common theme in all the subsistence comments regarding this project was access and abundance of resources. The Record of Decision will be finalized in March 2019. Mr. Anderson, along with Tom Whitford, also discussed delegated authority on Prince of Wales Island, specifically regarding Unit 2 wolves, with the Council.
 - *Central Tongass Projects Update:* Carey Case, Tongass National Forest Team Lead, presented an overview of the Central Tongass project and its similarities and differences with POW LLA project. Both Ms. Case and Dave Zimmerman, Acting Petersburg District Ranger, fielded questions from the Council regarding timber harvests, as the Council expressed concern about habitat issues in the areas concerned.

Office of Subsistence Management

Carl Johnson, Supervisory Program Analyst, provided a program update, including staffing changes. He advised that the new wildlife regulations books are in the process of being printed and will be sent out soon.

Alaska Department of Fish and Game

Lauren Sill, Subsistence Resource Specialist, provided a recent publication put out by her agency regarding food security and wild resource harvest in Alaska. It also included examples of activities from around the state to increase food security in communities.

NPS

Clarence Summers, Subsistence Manager, introduced himself to the Council and thanked them for their time and dedication as Council members. He reported that he made notes for future meetings on a number of items to take back to his director on the Council's concerns.

Future Meetings

The winter 2019 Council meeting is set for February 4-6, 2019, in Wrangell.

The fall 2019 Council meeting is set for October 8-10, 2019, in Petersburg.

Closing Comments & Reflections of the Council included:

- Thanking Council member Don Hernandez for stepping up into the Chair position upon the passing of former Chair, Mike Bangs. Mr. Bangs is missed and Don is performing admirably as the Chair, following a tradition of really strong leaders for the Southeast Council
- thanking participants for their attendance and testimony
- acknowledgement of the Sitka Conservation Society playing a role in the meeting by manning the desk. This is a great way to come into a community and contribute and get them involved and educated on what the Council does
- recognition of the participation by the students and encouragement for them to continue participating in the future; thanks to the UAS program

The Council meeting adjourned at approximately 5 p.m. on February 16, 2018.

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

DeAnna Perry, DFO
USFS Subsistence Management Program

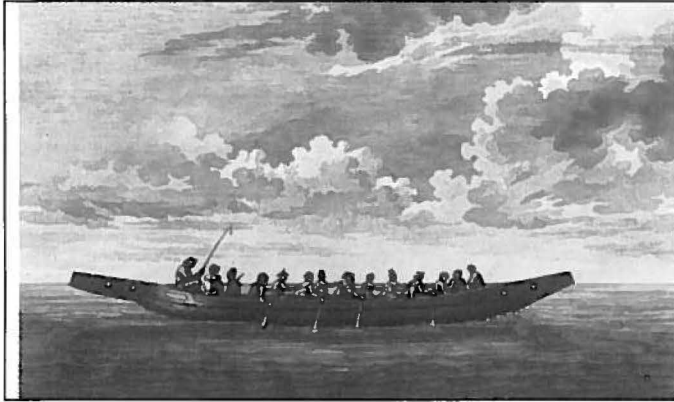
December 10, 2018

December 10, 2018

Donald Hernandez, Chair
Southeast Alaska Subsistence Regional Advisory Council

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

DRAFT



***Southeast Alaska
Subsistence Regional
Advisory Council***

**Don Hernandez, Chairman
1011 E. Tudor Road, MS121
Anchorage, Alaska 99503**

DEC 10 2018

RAC SE18024.DP

Mr. Ted Spraker, Chair
Alaska Board of Game
Alaska Department of Fish and Game
P.O. Box 115526
Juneau, Alaska 99811-5526

Dear Chairman Spraker:

The Southeast Alaska Subsistence Regional Advisory Council (Council) is writing to withdraw its Proposal 42 and endorse Proposal 43, scheduled to be considered by the Alaska Board of Game at its January 11-15, 2019 meeting in Petersburg.

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

At its February 13-15, 2018 public meeting in Juneau, the Council voted to submit a proposal to the Alaska Board of Game to allow harvest up to 30% for wolves in Unit 2. This became Proposal 42. At the time we formulated Proposal 42, the Council preferred to set a management objective for wolves but did not have sufficient information to suggest a specific management objective. Subsequent to that meeting, Council members worked with staff from the Alaska Department of Fish and Game (ADF&G) to develop what is now Proposal 43.

Chairman Spraker

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At its October 16-18, 2018 public meeting in Sitka, the Council voted to withdraw Proposal 42, and hereby communicates that request to withdraw to the Alaska Board of Game. Based on discussions between the Council Unit 2 wolf working group and ADF&G, as well as discussion on the record as a whole Council, the Council voted unanimously to support Proposal 43. This proposal calls for eliminating the 20 percent harvest guideline currently in the codified regulations and establishing a management objective for wolves in Unit 2.

The Council supports Proposal 43 for the following reasons:

1. The current State regulation unnecessarily restricts management of wolves and subsistence harvests of wolves in Unit 2 by specifying a 20% Management Harvest Guideline. This guideline limits management flexibility and unnecessarily restricts subsistence harvests in times of abundance. The Unit 2 guideline limits are much more restrictive than wolf harvest regulations for other management units in Alaska.
2. The Council has found that setting a joint State and Federal harvest quota for wolves has not been working for the following reasons:
 - a. The harvest guideline for wolves has been set according to wolf population estimates based on DNA sampling. While this methodology may come up with a good defensible population estimate for wolves, the estimate is always out of date. The harvest guideline has always been out of date, requiring managers to set a harvest guideline based on one-year old data.
 - b. In times of abundance, the harvest guideline was below what the Unit 2 wolf population could sustain.
 - c. The harvest guideline has required closing the season by emergency order for five years. This creates uncertainty and hardship for subsistence harvests.
3. Subsistence harvest of wolves in Unit 2 is a harvest activity afforded by Title VIII of ANILCA and should not be unduly restricted. Adoption of the proposed regulation (Proposal 43) will allow the continuation of subsistence harvests and the transmission of knowledge to new trappers.
4. This new management approach incorporates the principals of adaptive wildlife management.
5. The Alaska Department of Fish and Game has worked effectively with the Council and assured the Council that it will incorporate tribal and community information on wolf population management in Unit 2. The Alaska Department of Fish and Game has indicated it will also incorporate reports from hunters and trappers on the size of the wolf population based on their experience in the field. It is the Council's understanding that ADF&G will continue to undertake DNA-based population estimates every 2-4 years. The Alaska Department of Fish and Game will use other methods of wolf population estimation, including traditional ecological knowledge (TEK), hunter/trapper reports,

Chairman Spraker

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tribal and community reports, as well as den checks, and examination of the age of harvested wolves.

6. The Council agrees that an appropriate population management objective for Unit 2 wolves is 150 wolves. We support reductions in harvest opportunity if the population drops below this point. This management objective is supported by extensive public testimony and ADF&G analysis.

Finally, the Council appreciates the work of the Alaska Department of Fish and Game in addressing wolf management issues in Unit 2. The Council especially appreciates that ADF&G has consulted meaningfully with Prince of Wales wolf harvesters and that it has worked with the Council in developing this new approach to wolf management in this unit.

Thank you for the opportunity for the Council to voice its concerns over this very important issue affecting subsistence users in the Southeast Region. Any questions regarding this letter can be addressed through our Council Coordinator, DeAnna Perry, at 907-586-7918, or dlperry@fs.fed.us.

Sincerely,



Donald Hernandez
Chair

cc: Federal Subsistence Board

Thomas Doolittle, Acting Assistant Regional Director, Office of Subsistence Management
Jennifer Hardin, PhD, Subsistence Policy Coordinator, Office of Subsistence Management
George Pappas, State Subsistence Liaison, Office of Subsistence Management
Carl Johnson, Supervisory Program Analyst, Office of Subsistence Management
Chris McKee, Wildlife Division Supervisor, Office of Subsistence Management
Pippa Kenner, Acting Anthropology Division Supervisor
Office of Subsistence Management
Thomas Whitford, Regional Subsistence Program Leader, U.S. Forest Service
Kristy Tibbles, Executive Director, Alaska Board of Game
Mark Burch, Special Projects Coordinator, Alaska Department of Fish and Game
Tom Schumacher, Southeast Regional Supervisor, Alaska Department of Fish and Game
Ryan Scott, Assistant Director, Alaska Department of Fish and Game
Interagency Staff Committee
Administrative Record



Federal Subsistence Board News Release



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

Forest Service

For Immediate Release:
January 31, 2019

Contact: Caron McKee
(907) 786-3880 or (800) 478-1456
caron_mckee@fws.gov

Call for Proposals to Change Federal Subsistence Hunting and Trapping Regulations

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

Submit proposals:

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

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

You may call the Office of Subsistence Management at 800-478-1456 or email subsistence@fws.gov with questions.

Additional information on the Federal Subsistence Management Program may be found on the web at www.doi.gov/subsistence or by visiting www.facebook.com/subsistencealaska.

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

-###-

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 #20601312019.



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

G. Protest Activities

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

V. Public Participation and Request for Comments

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

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

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

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

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

List of Subjects in 33 CFR Part 165

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

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

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

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

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

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

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

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

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

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

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

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

Dated: January 23, 2019.

Christopher M. Chase,

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

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

BILLING CODE 9110–04–P

DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Part 242

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 100

[Docket No. FWS–R7–SM–2018–0015; FXFR13350700640–190–FF07J00000; FBMS#4500129154]

RIN 1018–BD11

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

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

ACTION: Proposed rule.

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

DATES:

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

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

ADDRESSES:

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

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

- *Electronically:* Go to the Federal eRulemaking Portal: <http://www.regulations.gov> and search for FWS–R7–SM–2018–0015, which is the docket number for this rulemaking.
- *By hard copy:* U.S. mail or hand-delivery to: USFWS, Office of Subsistence Management, 1011 East Tudor Road, MS 121, Attn: Theo Matuskowitz, Anchorage, AK 99503–6199, or hand delivery to the Designated Federal Official attending any of the Federal Subsistence Regional Advisory Council public meetings. See **SUPPLEMENTARY INFORMATION** for additional information on locations of the public meetings.

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

FOR FURTHER INFORMATION CONTACT:

Chair, Federal Subsistence Board, c/o U.S. Fish and Wildlife Service, Attention: Thomas C.J. Doolittle, Office of Subsistence Management; (907) 786–3888 or subsistence@fws.gov. 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 rural preference for take of fish and wildlife resources for subsistence uses on Federal public lands and waters in Alaska. The Secretaries published temporary regulations to carry out this program in the **Federal Register** on June 29, 1990 (55 FR 27114), and final regulations were published in the **Federal Register** on May 29, 1992 (57 FR 22940). The Program has subsequently amended these regulations a number of times. Because this program is a joint effort between Interior and Agriculture, these regulations are located in two titles of the Code of Federal Regulations (CFR): Title 36, “Parks, Forests, and Public Property,” and Title 50, “Wildlife and Fisheries,” at 36 CFR part 242.1–28 and 50 CFR part 100.1–28, respectively. The regulations contain subparts as follows: Subpart A, General Provisions; Subpart B, Program Structure; Subpart C, Board Determinations; and Subpart D, Subsistence Taking of Fish and Wildlife.

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

- A Chair appointed by the Secretary of the Interior with concurrence of the Secretary of Agriculture;
- The Alaska Regional Director, U.S. Fish and Wildlife Service;

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

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

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

Public Review Process—Comments, Proposals, and Public Meetings

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

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

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

subsequent public comment period, written public comments will be accepted on the distributed proposals. The Board, through the Councils, will hold a second series of public meetings in September through November 2019,

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

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

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

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

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

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

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

d. A statement explaining why each change is necessary;

e. Proposed wording changes; and

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

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

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

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

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

Reasonable Accommodations

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

Tribal Consultation and Comment

As expressed in Executive Order 13175, "Consultation and Coordination with Indian Tribal Governments," the Federal officials that have been delegated authority by the Secretaries are committed to honoring the unique government-to-government political relationship that exists between the Federal Government and federally Recognized Indian Tribes (Tribes) as listed in 79 FR 4748 (January 29, 2014). Consultation with Alaska Native corporations is based on Public Law 108–199, div. H, Sec. 161, Jan. 23, 2004, 118 Stat. 452, as amended by Public Law 108–447, div. H, title V, Sec. 518, Dec. 8, 2004, 118 Stat. 3267, which provides that: "The Director of the Office of Management and Budget and all Federal agencies shall hereafter consult with Alaska Native corporations on the same basis as Indian tribes under Executive Order No. 13175."

The Alaska National Interest Lands Conservation Act does not provide specific rights to Tribes for the subsistence taking of wildlife, fish, and shellfish. However, because tribal members are affected by subsistence fishing, hunting, and trapping regulations, the Secretaries, through the Board, will provide federally recognized Tribes and Alaska Native corporations

an opportunity to consult on this proposed rule.

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

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

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

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

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

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

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

Compliance With Statutory and Regulatory Authorities

National Environmental Policy Act

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

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

Section 810 of ANILCA

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

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

Paperwork Reduction Act (PRA)

This proposed rule does not contain any new collections of information that require Office of Management and Budget (OMB) approval. OMB has reviewed and approved the collections of information associated with the subsistence regulations at 36 CFR part 242 and 50 CFR part 100, and assigned OMB Control Number 1018–0075, which expires June 30, 2019. An agency may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid OMB control number.

Regulatory Planning and Review (Executive Order 12866)

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

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

Regulatory Flexibility Act

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

values cited above, the Departments certify that this rulemaking will not have a significant economic effect on a substantial number of small entities within the meaning of the Regulatory Flexibility Act.

Small Business Regulatory Enforcement Fairness Act

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

Executive Order 12630

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

Unfunded Mandates Reform Act

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

Executive Order 12988

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

Executive Order 13132

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

Executive Order 13175

Title VIII of ANILCA does not provide specific rights to tribes for the subsistence taking of wildlife, fish, and

shellfish. However, as described above under *Tribal Consultation and Comment*, the Secretaries, through the Board, will provide federally recognized Tribes and Alaska Native corporations an opportunity to consult on this proposed rule.

Executive Order 13211

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

Drafting Information

Theo Matuskowitz drafted this proposed rule under the guidance of Thomas C.J. Doolittle, Jr. of the Office of Subsistence Management, Alaska Regional Office, U.S. Fish and Wildlife Service, Anchorage, Alaska. Additional assistance was provided by:

- Daniel Sharp, Alaska State Office, Bureau of Land Management;
- Clarence Summers, Alaska Regional Office, National Park Service;
- Dr. Glenn Chen, Alaska Regional Office, Bureau of Indian Affairs;
- Carol Damberg, Alaska Regional Office, U.S. Fish and Wildlife Service; and
- Thomas Whitford, Alaska Regional Office, USDA—Forest Service.

List of Subjects

36 CFR Part 242

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

50 CFR Part 100

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

Proposed Regulation Promulgation

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

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

Dated: December 21, 2018.

Thomas C.J. Doolittle,

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

Dated: December 21, 2018.

Thomas Whitford,

Subsistence Program Leader, USDA—Forest Service.

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

BILLING CODE 3411–15–4333–15–P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 17

RIN 2900–AQ47

Urgent Care

AGENCY: Department of Veterans Affairs.

ACTION: Proposed rule.

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

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

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

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



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

Federal Subsistence Board Informational Flyer



Forest Service

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

How to Submit a Proposal to Change Federal Subsistence Regulations

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

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

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

What your proposal should contain:

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

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

You may submit your proposals by:

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

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

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

How a proposal to change Federal subsistence regulations is processed:

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

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

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.



***Southeast Alaska Subsistence Regional
Advisory Council***

**Don Hernandez, Chairman
c/o Office of Subsistence Management
1011 E. Tudor Rd., MS 121
Anchorage, AK 99503-6199**

RAC/SE 180125.DP

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

Dear Chairman Christianson:

The Southeast Alaska Subsistence Regional Advisory Council (Council) submits this FY2018 annual report to the Federal Subsistence Board (Board) under Section 805(a)(3)(D) of the Alaska National Interest Lands Conservation Act (ANILCA). At its fall 2018 public meeting in Sitka, the Council identified concerns and recommendations for this report, and approved it at its winter 2019 public meeting in Juneau. The Council wishes to share information and raise a number of concerns dealing with implementation of Title VIII of ANILCA and the continuation of subsistence uses in the Southeast Region.

1. Concerns about subsistence shrimp

The State of Alaska recently enacted restrictions in District 13A, B and C, out of conservation concerns for the shrimp stock in District 13C. The Council received public testimony, including comments from the Sitka Fish and Game Advisory Committee, regarding limits and restrictions placed on subsistence harvesting of shrimp under State regulations. There is a concern that the restrictions were based on anecdotal information and that the restrictions violate the Alaska subsistence statute that provides for a subsistence preference. Instead of enforcing law that prohibits illegal use of subsistence harvest (anecdotal information), additional restrictions were placed on the legitimate or legal subsistence harvesters, making it difficult to meet their subsistence needs. The reallocation of the resource seems to be away from a subsistence harvester to the commercial industry. Tier 2 of the state subsistence regulations provides that if there is not enough resource to meet everyone's needs, elimination/restriction starts with other

user groups before the subsistence harvest is restricted. The State chose to limit the subsistence harvesters to two five-gallon buckets per trip, requiring more trips to try to meet needs—this approach is not cost-effective. Subsistence users are also required to fill out harvest reports with date, location and volume harvested, and there is a concern that this information will be used to establish an Amount Necessary for Subsistence (ANS). Lastly, “personal use” and “subsistence” is lumped into one category, contrary to State law distinguishing those two user groups.

Subsistence users are disturbed by these restrictions and the risk of similar actions taking place in other areas of Southeast Alaska in the future. The Council was informed that the Sitka Advisory Committee is attempting to pursue a review with the Board of Fisheries; however, the next Southeast cycle is another two years away. In the meantime, the Advisory Committee would like to see this matter in front of the public for more comments. It is anticipated that the Council will continue to hear more on the matter in the future, as there is a genuine fear that the increasing popularity of the harvest of shrimp in this area will result in a decline of the shrimp resource because of the commercial fishery. The State should recognize this subsistence resource and take that into consideration when managing it.

2. Potential for Extra-Territorial Jurisdiction for Herring Harvest in Sitka Sound

The Council received public testimony regarding the on-going concern about the lack of herring harvest in the Sitka Sound. A representative of the Sitka Tribe of Alaska, Kaagwaantaan Clan (who is also a Council member), provided the history of the Kaagwaantaan and Kiks.adi Clans’ attempts to present information and persuade the Alaska Board of Fisheries to enact regulations which would protect the herring resource for subsistence use in the Sitka Sound area. As the herring resource continues to decline for subsistence users, the representative conveyed that the Kaagwaantaan Clan would like to request that the Federal government take over management of herring in the Sitka Sound area through extra-territorial jurisdiction (ETJ). The Clan would like to receive staff support from the Federal government. A hard copy and digital copy of the Federal Subsistence Board’s procedure for extra-territorial jurisdiction¹, as well as an example of such a petition, was provided to the representative as an aid to help the Kaagwaantaan Clan and the Sitka Tribe of Alaska move forward with drafting an extra-territorial petition.

For several years, the Council has heard public testimony regarding the scarcity of herring in Sitka Sound. That testimony shows both a failure to meet subsistence needs with this resource and a causal connection between that failure and activities occurring outside of Federal waters. The Council wishes to advise this Board that it may soon see a request for extra-territorial jurisdiction regarding this matter. If this occurs, the Council looks forward to participating in the ETJ process as expressed in the Board’s procedures.

¹ *Federal Subsistence Board Procedures Addressing Petitions for Secretarial Extension of Jurisdiction for the Implementation of a Federal Subsistence Priority*, approved by the Federal Subsistence Board on July 18, 2005.

3. Commenting on Proposed Roadless Rule for Tongass

The Council has received information through hearings conducted by the U.S. Forest Service, as well as a formal presentation to the Council at its fall 2018 meeting, regarding the proposed Alaska Roadless Rule (Proposed Rule). The Proposed Rule has been submitted to replace the national 2001 Roadless Rule as it applies to Alaska. The 2001 rule was adopted to protect the social and ecological values and characteristics of inventoried roadless areas by prohibiting, with some exceptions, road reconstruction and timber harvest on inventoried roadless areas on National Forest System lands nationwide. The Proposed Rule would rescind many of those protections, and Council members have received several comments from their respective communities expressing concerns about impacts of the Proposed Rule to subsistence resources in the Tongass National Forest.

Due to the timing of its scheduled meeting, the Council could not provide public comment on this Proposed Rule. The Council Coordinator was informed that no extensions to the public comment period were being granted so, the Council will not have an opportunity to provide public comment as a Federal Advisory Committee Act (FACA) committee on the scoping portion of the Proposed Rule.

As the Board is aware, this Council has a right and responsibility under Section 805 of ANILCA to comment on policy and management plans affecting subsistence resources in this region. The Council intends to follow that mandate and make its recommendations through the course of whatever opportunities can be pursued and will try to make timely comments, though not necessarily following the timelines given by the Planning Committee for the Proposed Rule.

The proposed timeline for this Proposed Rule was not created with the Council's regular public meeting schedule in mind, and as such may require the Council to call a special meeting to provide comments. The next available public comment period will not occur until after release of the Draft Environmental Impact Statement (EIS) in approximately June 2019. Based on information provided at the fall 2018 meeting, the alternatives and related impacts will not likely be known at the Council's winter meeting. As such, the Council will not have the opportunity to receive information on the proposed alternatives, ask questions, deliberate on the information, and develop formal comments on impacts to subsistence resources from road construction and anticipated timber development that may result from implementing the Proposed Rule. In order to fulfill its Section 805 obligations, the Council will need to call a special meeting to be fully engaged in the issue. As a FACA committee, the Council is extremely concerned with its limited ability to provide substantial and timely input on a matter that may have significant impacts on subsistence uses of Federal public lands in this region. This hindering of our ability to meaningfully participate is a direct result of the agency's unusually-accelerated review under the National Environmental Policy Act.

The Council has received scientific testimony and been presented research from various sources regarding the impacts of timber harvests. Additionally, the Council has heard testimony over the years from subsistence users, imparting local and traditional ecological knowledge. All of these

sources, along with the knowledge and awareness of the Council members themselves, have equipped this Council with a wealth of information for the region which should be included in the analyses conducted on this matter for the Draft Environmental Impact Statement.

Congress, through enacting Section 805, and the Secretaries, through appointing the membership of this Council, have recognized that the Council has specialized knowledge and should have a meaningful role in providing input on any significant restrictions of subsistence uses and providing information to minimize adverse impacts upon subsistence uses and resources. As such, the Council feels that it is obligated to make that knowledge known through public comment on this matter. Therefore, the Council has drafted a letter to the U.S. Forest Service regarding the Proposed Rule. This initial comment is based on years of testimony and discussion of development and its impact on subsistence resources. The Council through its letter also conveyed its concern about the process, specifically, the timeline and expedited review. Of great importance and dismay to the Council was that both the scoping and Draft EIS comment periods fell outside the Council's meeting cycles

The Council requests that the Board support any special meeting(s) that need to be held so that the Council can timely respond to anticipated deadlines generated from this most-important process; specifically relating to providing comments to the alternatives that are proposed in the Draft Environmental Impact Statement.

4. State Recognition of Chinook Salmon as Important Subsistence Resource

At its fall meeting, the Council heard testimony regarding the State's closure of the Chinook Salmon fishery near Angoon. The testimony reflected that the procedures employed by the State in enacting the closure lacked due process. The Federal Subsistence Board has already recognized the customary and traditional use of Chinook Salmon throughout the Southeast Region. The Council would like to know of any options available where it could ask the State to recognize this customary and traditional use of Chinook Salmon in its management of this important subsistence resource.

5. Staff support present at Council meetings

In its previous Annual Report, the Council shared its concern regarding funding for consistent technical staff support at Council meetings and provided examples of the impact that this lack of in-person staff had on its work. This Board responded, "The Board agrees with the Council that it is important to have appropriate Federal staff at the Council meetings to work with the Council. While there have been reductions in Federal travel budgets, the Council can expect continuing biological support at its meetings."

Based on observations at its latest meeting, the Council would like to revisit this issue. In particular, the Council continued extensive engagement on Unit 2 wolf management issues, and, despite the issue being on the agenda, the Council lacked Federal staff support to assist in discussion with the working group. This is the second time that Unit 2 wolf discussions were on

the agenda, but Federal biologist support, consistently experienced at higher levels in previous years, was not available. Likewise, the Council was surprised that the Sitka-based Federal fisheries biologist, who wrote one of the analyses, was not present at the meeting. The Council would like to address any disconnects that are preventing Federal staff from attending the Council meetings, in person. The Council relies on this technical expertise, especially during the regulatory decision-making processes.

The Council wants to stress that Title VIII of ANILCA and its implementing regulations require that the Regional Advisory Councils are provided adequate staffing support. Section 805 requires that “adequate qualified staff” are assigned “to the regional advisory councils and [that they] make timely distribution of all available relevant technical and scientific support data” to the Councils. The regulations require the Board specifically to provide “available and appropriate technical assistance to the Regional Councils” 50 C.F.R. §100.10(e)(2); 36 C.F.R. §242. 10(e)(2).

The Council has observed that over time, there are fewer Federal biological staff attending the meetings, resulting in less opportunity for discussions with the biologists who perform the Program’s work. While some Federal staff have been able to participate by phone, communication and understanding between technical staff and Council members has often been difficult when only conducted telephonically. Several Council members have individually commented on the importance of having staff physically present to be available for on-the-spot questions, presentations, and working group activities that occur outside of the public meeting. The relationships and trust that the Council built with various U.S. Forest Service staff over the years are important to fulfill the obligations of the Council.

The Council therefore requests that the Board more proactively explore ways to improve on-site technical support and reverse this recent pattern of declining support. Whether or not such support is provided should be considered in light of statutory and regulatory obligations cited above.

6. Council Representation at State Regulatory Meetings

In its last Annual Report, the Council stressed the importance of having its members attend State regulatory meetings such as the Alaska Board of Game and Board of Fisheries to represent its interests. In reply, the Board noted that such requests for travel funding would be provided budget-dependending and on a case-by-case basis. As a follow up, the Council would like to note that at its fall meeting, it stated on the record the need to send one of its members to attend the January Board of Game meeting in Petersburg to represent the Council on Proposal 43, related to Unit 2 wolf management. The Council submitted a request to the Office of Subsistence Management for travel funding, and was pleased to hear that the funding was approved. The Council would like to express its gratitude for the opportunity to send a Council member to directly engage with the Alaska Board of Game on this very important wildlife management issue.

7. Concern about Water Contaminants

The Council has discussed concerns regarding water contaminants in the waters throughout Southeast Alaska at several of its recent meetings and has weighed in on these areas of concern, from identifying issues in its annual reports to sending correspondence related to Transboundary Mining issues. At its fall meeting, the Council additionally elected to send three letters to address various issues related to water quality and pollution. One letter to the U.S. Forest Service urges that agency to facilitate the repeat of the 1981 baseline study that looked at what the natural levels of certain contaminants were in Hawk Inlet area. A second letter was sent to the Alaska Department of Environmental Conservation to comment on the issue of airborne fugitive dust, regarding the lead dust blowing from the Greens Creek mine (which ranks in the top ten on the EPA's Toxic Release Inventory). A third letter was sent to the Alaska Department of Environmental Conservation to find out if the previous seal sampling done in Hawk Inlet could be replicated.

The Council is charged with commenting and making recommendations on impacts to subsistence resources and, as such, will continue to explore water quality issues as they impact subsistence resources. This is both a conservation concern and a public health concern, because eating too much seal or salmon could bioaccumulate toxins. If subsistence users eat less seal or salmon because of the concern over these potential toxins, this could have a direct impact on the subsistence resources available to the user.

8. Climate Change

The effects of change in climate continue to be a unified concern across Southeast Alaska. Council members and their respective communities have observed many abnormalities and trends and would like additional information and data to determine what effect climate change is having on subsistence resources. Specifically, this Council is requesting information on general climate change effects including melting glaciers, warmer streams for salmon, and habitat changes for fish and wildlife.

The Council would like to inform the Board that it has also established a standing working group on climate change. It was created out of a need to be able to regularly discuss and raise issues related to climate change and make suggestions for future presentations to learn more about what is happening in Southeast Alaska to habitat and subsistence resources. The working group would not make recommendations on how to address climate change, but would develop a body of expertise in the Council and could make recommendations in the future on various rulemaking or NEPA processes that could involve impacts of climate change. The Council voted to have the membership of the working group include Robert Schroeder, Cathy Needham, John Yeager, and Don Hernandez, as well as Blake LaPerriere from the public (Sitka resident).

9. Youth in Council Membership

The Council has enjoyed recent participation by local youth at its meetings. The Council recognizes the contributions of these young adults and values their input, experiences, and thoughts regarding their use of subsistence resources. The Council would like to continue this engagement and would like to investigate the possibility of facilitating the recruitment of youth in Council membership.

Title VIII of ANILCA expresses the importance for local and regional participation. Section 805(a)(3)(B) notes one function of the Council is “the provision of a forum for the expression of opinions and recommendations by persons interested in any matter related to the subsistence uses of fish and wildlife within the region.” In addition to providing a forum, the Council would like to know if this expression of opinions could be sought through active participation as a Council member. Acknowledging that years of experience help applicants rank higher in scoring for membership, this Council asks this Board if there are opportunities for less-experienced persons to serve on the Council. The additional input and insight would be valuable in conducting Council business while providing an opportunity for youth or other interested persons to actively learn, participate, and gain valuable experience.

The Southeast Alaska Subsistence Regional Advisory Council appreciates the Board’s attention to these matters and for the opportunity to assist the Federal Subsistence Management Program in meeting its charge of protecting subsistence resources and uses of these resources on Federal public lands and waters. We look forward to continuing discussions about the issues and concerns of subsistence users of the Southeast Region. Please address any questions regarding this letter directly to DeAnna Perry, Council Coordinator, at 907-586-7918 or dlperry@fs.fed.us.

Sincerely,

Don Hernandez
Chair

cc: Federal Subsistence Board

Thomas Doolittle, Acting Assistant Regional Director, Office of Subsistence Management

Jennifer Hardin, PhD, Subsistence Policy Coordinator, Office of Subsistence Management

Chris McKee, Wildlife Division Supervisor, Office of Subsistence Management

Greg Risdahl, Fisheries Division Supervisor, Office of Subsistence Management

Pippa Kenner, Acting Anthropology Division Supervisor

Office of Subsistence Management

Carl Johnson, Supervisory Program Analyst, Office of Subsistence Management

Southeast Alaska Subsistence Regional Advisory Council

Interagency Staff Committee

Administrative Record



Roadless Area Conservation

Issue:

Protection of high value roadless areas on both the Tongass and Chugach National Forests is of local and national importance, particularly for wildlife and biodiversity, recreation, and tourism.

Background:

Inventoried roadless areas in the Alaska Region include 9.2 million acres (55 percent) of the Tongass National Forest and 5.4 million acres (99 percent) of the Chugach National Forest. In addition, congressionally-designated Wilderness makes up 5.8 million acres (34 percent) of the Tongass. The 2002 Chugach Forest Plan decision recommended that 1.4 million of the roadless acres on the Chugach be added to wilderness, but Congress has yet to take action on that recommendation. Within the State of Alaska as a whole, there is an extensive network of federally-protected acres. Federal lands comprise 59 percent of the State, and 40 percent of Federal lands in Alaska are in conservation system units (note: Texas is about 40 percent of the size of Alaska).

Recent History of Roadless Areas:

The Roadless Area Conservation Rule (Roadless Rule) has been the subject of several lawsuits since 2001. Specifically in Alaska, in 2001, the State of Alaska filed a complaint in the United States District Court, District of Alaska, alleging statutory and administrative-law violations related to the U.S. Department of Agriculture's (USDA's) promulgation of the 2001 Roadless Rule and its application in Alaska. USDA and the State of Alaska reached a settlement in 2003, and USDA subsequently issued a rule temporarily exempting the Tongass National Forest from the Roadless Rule. On March 4, 2011, the Alaska District Court set aside the Tongass Exemption and reinstated the Roadless Rule on the Tongass National Forest (*Organized Village of Kake, et al., v. USDA, et al.*, Case No. 1:09-cv-00023). A March 2014 ruling by the Ninth Circuit Court of Appeals reversed that decision (*Organized Village of Kake v. USDA* (No. 11-35517, 9th Cir.)). The Ninth Circuit subsequently granted the plaintiffs' petition for rehearing en banc, held in December 2014 before an eleven judge panel. On July 29, 2015, a six judge majority of the en banc panel found that USDA's justification for the Tongass Exemption was inadequate under the Administrative Procedure Act, holding it did not provide a reasoned explanation for contradicting the findings in the 2001 Record of Decision for the Roadless Rule. The five dissenting judges maintained that USDA was not arbitrary and capricious when it exempted the Tongass National Forest from the Roadless Rule in 2003. The majority of the panel upheld the District Court's reinstatement of the Roadless Rule. Consequently, the Roadless Rule remains in effect in Alaska, and the Forest Service continues to apply the Rule to the Tongass and Chugach National Forests.

On June 16, 2011, the State of Alaska filed a complaint in the U.S. District Court for the District of Columbia, facially challenging the promulgation of the Roadless Rule (*State of Alaska v. USDA, et al.*, Case No. 1:11-cv-01122). On March 25, 2013, the U.S. District Court for the District of Columbia dismissed the State of Alaska's challenge to the Roadless Rule, determining it to be beyond the general six-year statute of limitations for civil actions against the government. In November 2014, the D.C. Circuit reversed and remanded the case to the District Court to hear the merits of the State's challenge to the Roadless Rule. The District Court denied the cross-motions for summary judgment without prejudice, and instructed the parties to re-brief their motions to address the potential res judicata effects of *Organized Village of Kake, et al. v.*

Roadless Area Conservation

USDA, et al., 795 F.3d 965 (9th Cir. 2015). On September 20, 2017, the D.C. District Court again rejected the State’s challenge to the Roadless Rule, finding that the State had failed to show violation of any Federal statute in the USDA’s promulgation of the Roadless Rule. The State of Alaska appealed the District Court’s decision on November 28, 2017, and the case remains pending before the D.C. Circuit Court of Appeals.

The Chief of the Forest Service continues to review certain activities planned in roadless areas to ensure the Forest Service is applying a consistent approach to implementation of the Roadless Rule and doing all it can to protect roadless area characteristics. The Chief’s memo affects only the process by which such activities are authorized. To date, the Alaska Region has requested and received approval for approximately 57 projects within inventoried roadless areas, including, among other things, several energy (hydroelectric) and mineral exploration projects and two intertie projects. These projects have been cleared in a timely manner.

Line officers in the Alaska Region, with appropriate review by the Regional Forester, have the authority to approve timber cutting or removal in certain situations such as emergencies; activities incidental to implementation of an existing special use authorization; or the cutting, sale, or removal of generally small diameter timber for specified purposes, such as wildlife habitat improvement and administrative and personal use. Line officers also have the authority to approve free use to Alaskan settlers, miners, residents and prospectors. Such use should occur in inventoried roadless areas only when needs cannot be met in the roaded land base. When personal use timber is collected from inventoried roadless areas, it shall be done in a manner that maximizes the protection of the roadless character and wildlife habitat, recreation, and other values associated with roadless areas.

Current Situation:

On August 30, 2018, USDA initiated an environmental impact statement (EIS) and public rulemaking process to address the management of inventoried roadless areas on the Tongass National Forest with the publication of a Notice of Intent in the *Federal Register*. This rulemaking is the result of a January 2018 petition submitted by Alaska Governor Bill Walker on behalf of the State of Alaska, pursuant to the Administrative Procedures Act. The petition was accepted by the Secretary of Agriculture in April 2018. The intent is to evaluate the regulatory exemption requested in the petition, as well as other management solutions that address infrastructure, timber, energy, mining, access, and transportation needs to further Alaska’s economic development, while still conserving roadless areas. Public meetings will be held throughout Southeast Alaska in September 2018 to help determine the nature and scope of the environmental, social, and economic issues related to this rulemaking that should be analyzed in depth in the Draft EIS. The Draft EIS is expected in early summer 2019, with a Final EIS in spring 2020 and final rule in June 2020.

More Information:

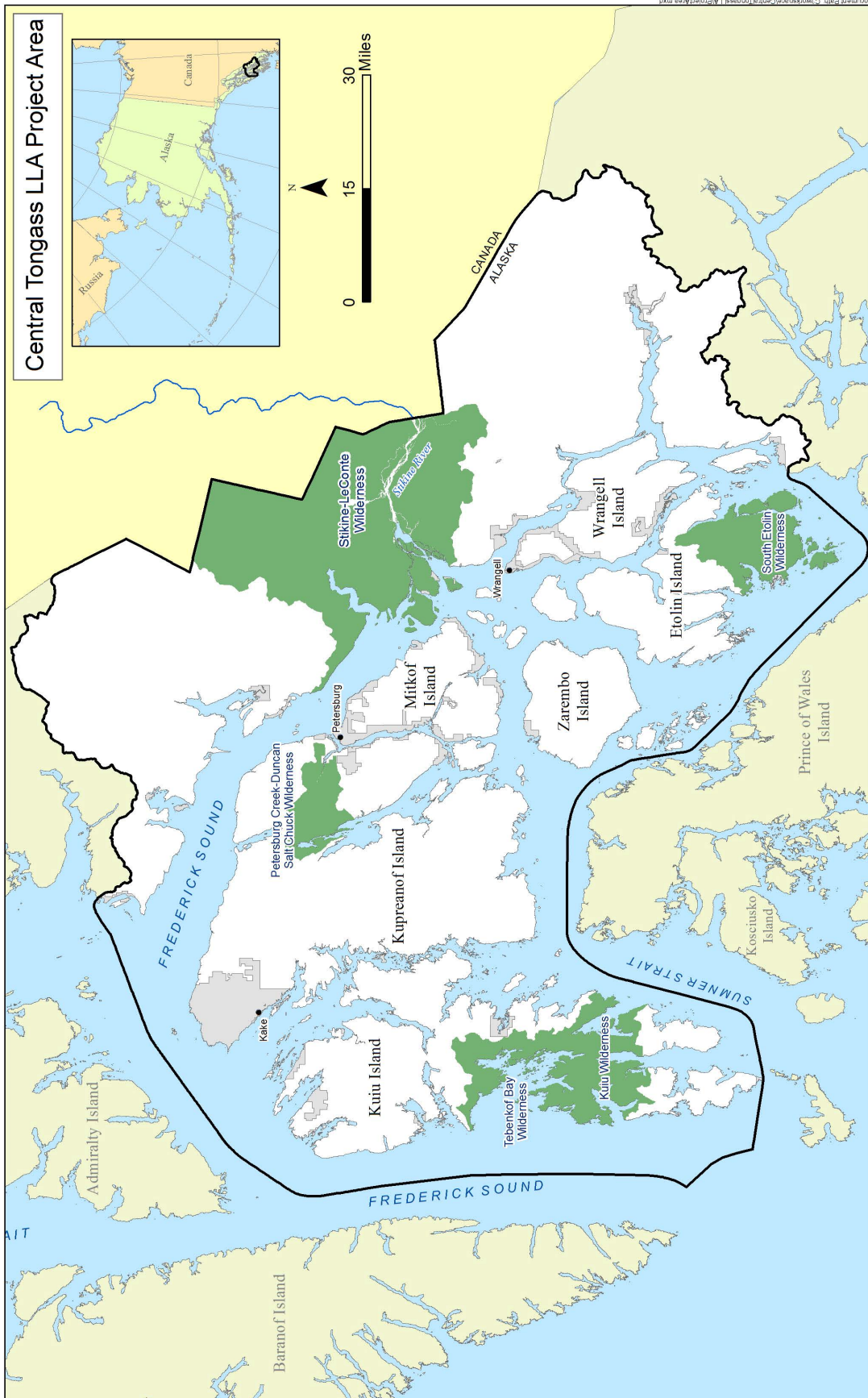
Robin Dale, Alaska Roadless Technical Coordinator, (907) 586-9344



Roadless Area Characteristics

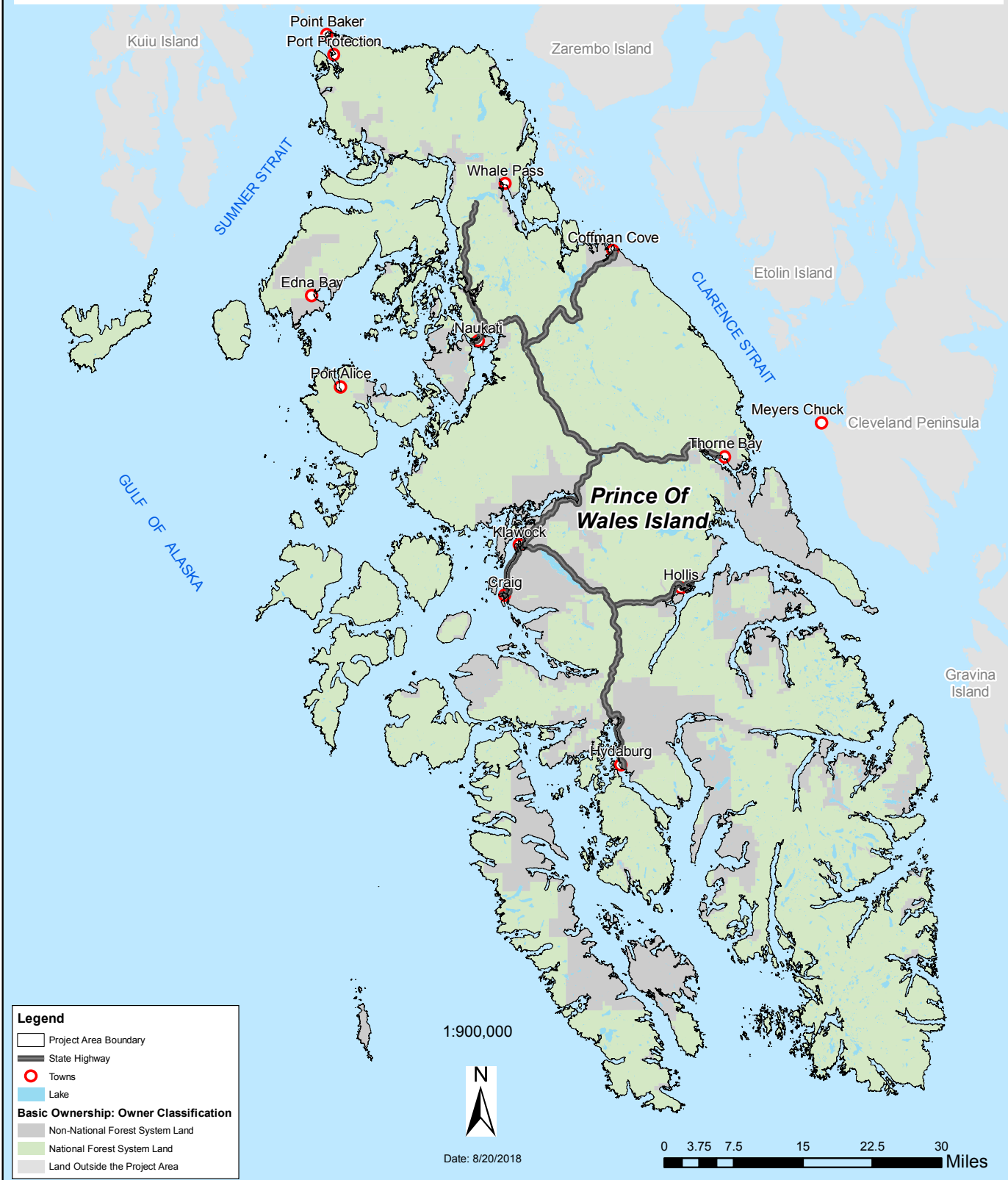
(as defined by the 2001 Roadless Rule)

- **High-quality or undistributed soil, water or air:** These three key resources are the foundation upon which other resource values and outputs depend. Healthy watersheds provide clean water for domestic, agricultural, and industrial uses; help maintain abundant and healthy fish and wildlife populations; and are the basis for many forms of outdoor recreation.
- **Sources of public drinking water:** National forests contain watersheds that are important sources of public drinking water. Careful management of these watersheds is crucial in maintaining the flow of clean water to a growing population.
- **Diversity of plant and animal communities:** Roadless areas are more likely than areas with roads to support greater ecosystem health, including a diversity of native and desired non-native plant and animal communities due to the absence of disturbances caused by roads and accompanying activities. Inventoried roadless areas also conserve native biodiversity by serving as a bulwark against the spread of non-native invasive species.
- **Habitat for threatened, endangered, proposed, candidate, and sensitive species and for those species dependent on large, undisturbed areas of land:** Roadless areas function as biological strongholds and refuges for many species, including terrestrial and aquatic plant and animal species. Many of the nation's species currently listed as threatened, endangered, or proposed for listing under the Endangered Species Act and those listed by the Forest Service as sensitive, have habitat within roadless areas.
- **Primitive, semi-primitive motorized, and semi-primitive non-motorized:** These recreation classes of dispersed recreation often provide outstanding opportunities for hiking, camping, wildlife viewing, hunting, fishing and cross-country skiing. Although areas with these recreation opportunities may have many wilderness-like attributes, they often allow the use of mountain bikes and other mechanized means of travel, in contrast to designate wilderness areas. Primitive, semi-primitive motorized, and semi-primitive non-motorized areas can also take pressure off heavily used wilderness areas by providing additional solitude and dispersed recreation opportunities.
- **Reference landscapes:** The body of knowledge about the effects of management activities over long periods of time and on large landscapes is very limited. Reference landscapes can provide comparison areas for evaluation and monitoring. These areas provide a natural setting that may be useful as a comparison to study the effects of more intensely managed areas.
- **Natural-appearing landscapes with high scenic quality:** High-quality scenery, especially scenery with natural-appearing landscapes, is a primary reason that people choose to recreate. Quality scenery contributes directly to real estate values in neighboring communities and residential areas.
- **Traditional cultural properties and sacred sites:** Roadless areas may contain traditional cultural properties and sacred sites. Traditional cultural properties are places, sites, structures, districts, or objects that are historically significant in the beliefs, customs, and practices of a community. Sacred sites are places that are determined sacred by virtue of their established religious significance to or ceremonial use by an Indian religion. Federal agencies are to accommodate access to and ceremonial use of Indian sacred sites by Indian religious practitioners and are to avoid adversely affecting traditional cultural properties and sacred sites when practicable.





Prince of Wales Landscape Level Analysis Project FEIS - Vicinity Map



Document Path: T:\FS\NFS\Tongass\Project\TBRD\POWLLAEIS\GIS\MapProduct\FEIS\Document\Maps\FEIS81_2x11\Maps_2.mxd

Fall 2019 Regional Advisory Council Meeting Calendar

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

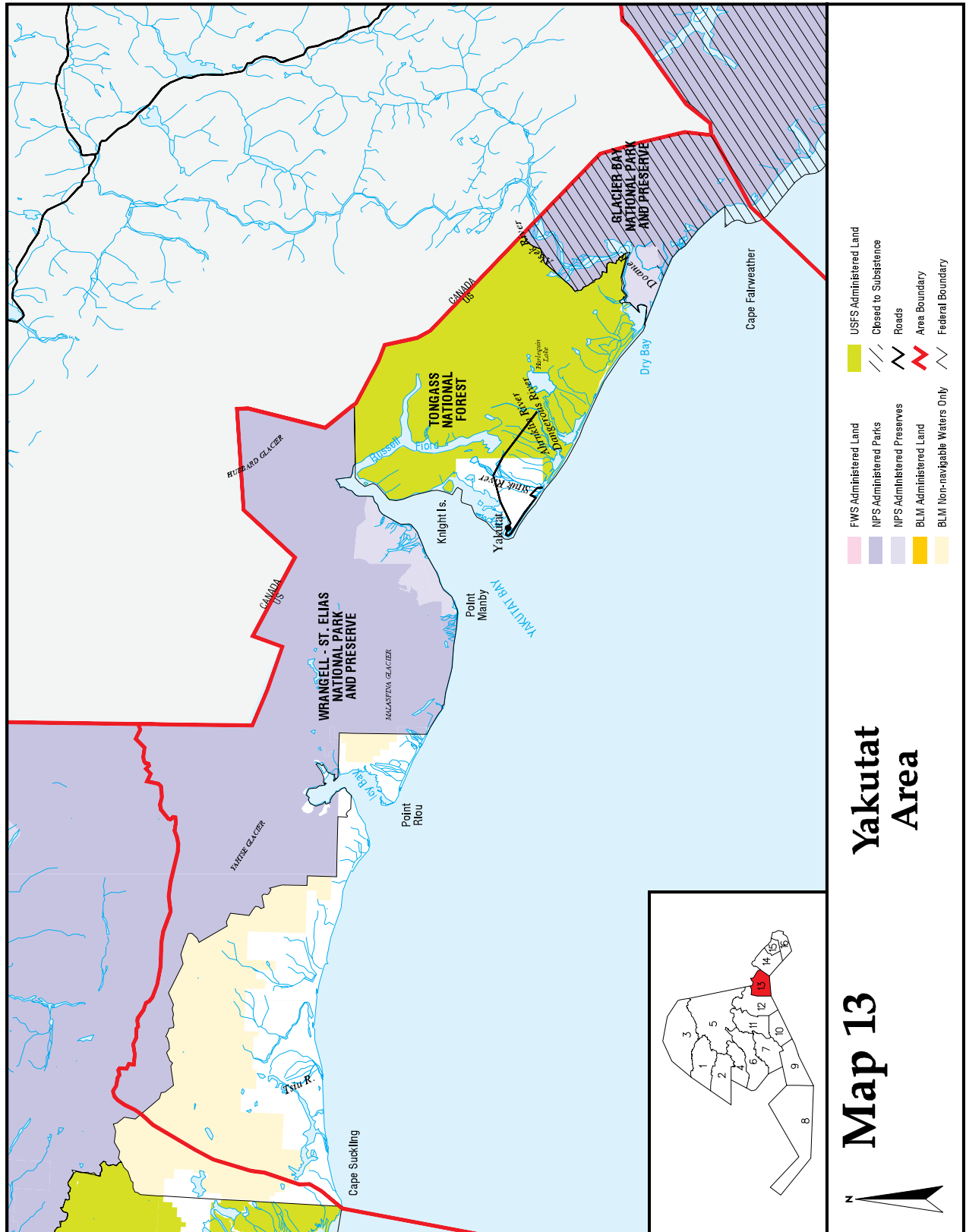
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Aug. 18	Aug. 19	Aug. 20	Aug. 21	Aug. 22	Aug. 23	Aug. 24
Aug. 25	Aug. 26	Aug. 27	Aug. 28	Aug. 29	Aug. 30	Aug. 31
Sept. 1	Sept. 2 LABOR DAY HOLIDAY	Sept. 3	Sept. 4	Sept. 5	Sept. 6	Sept. 7
Sept. 8	Sept. 9	Sept. 10	Sept. 11	Sept. 12	Sept. 13	Sept.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

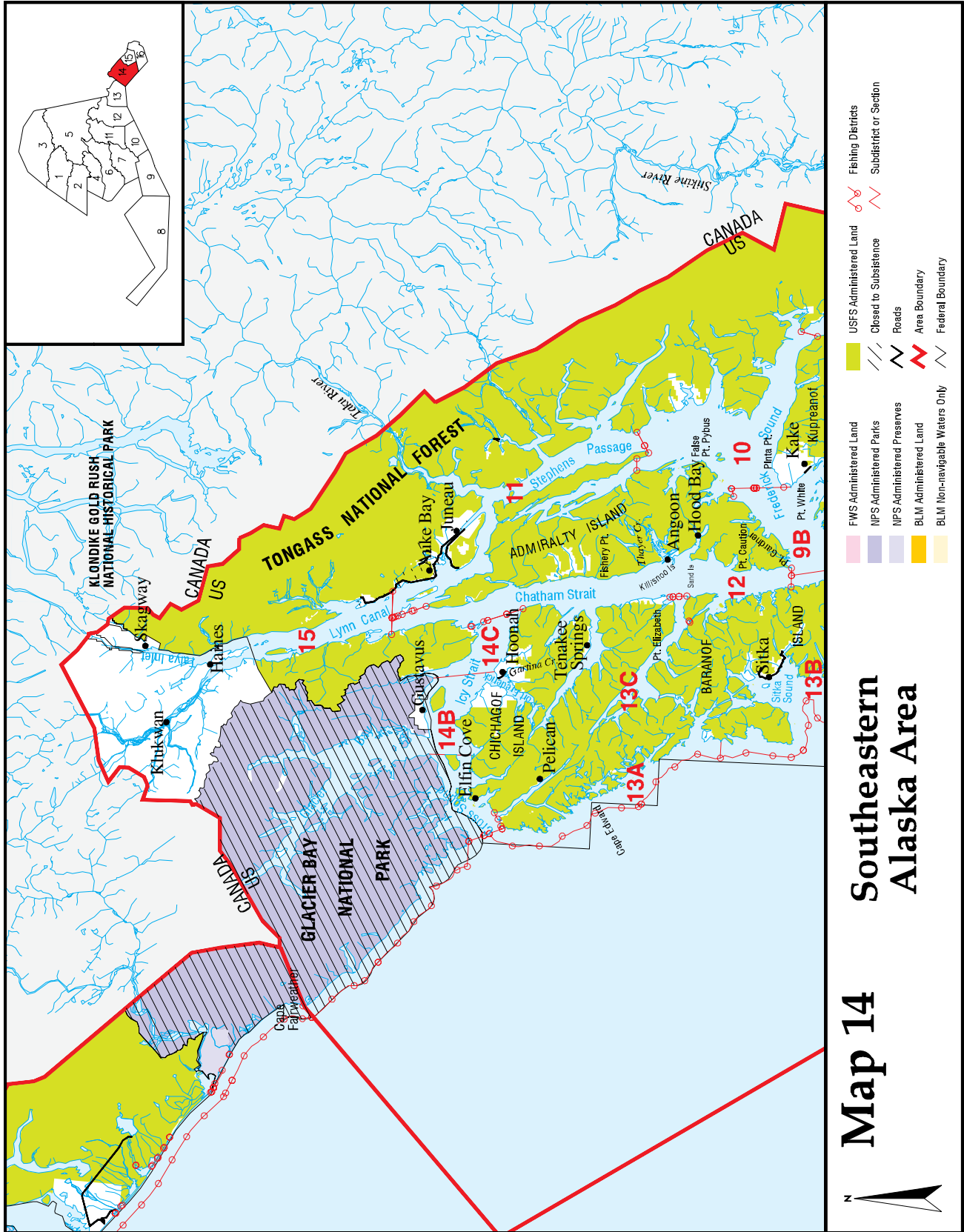
Winter 2020 Regional Advisory Council Meeting Calendar

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

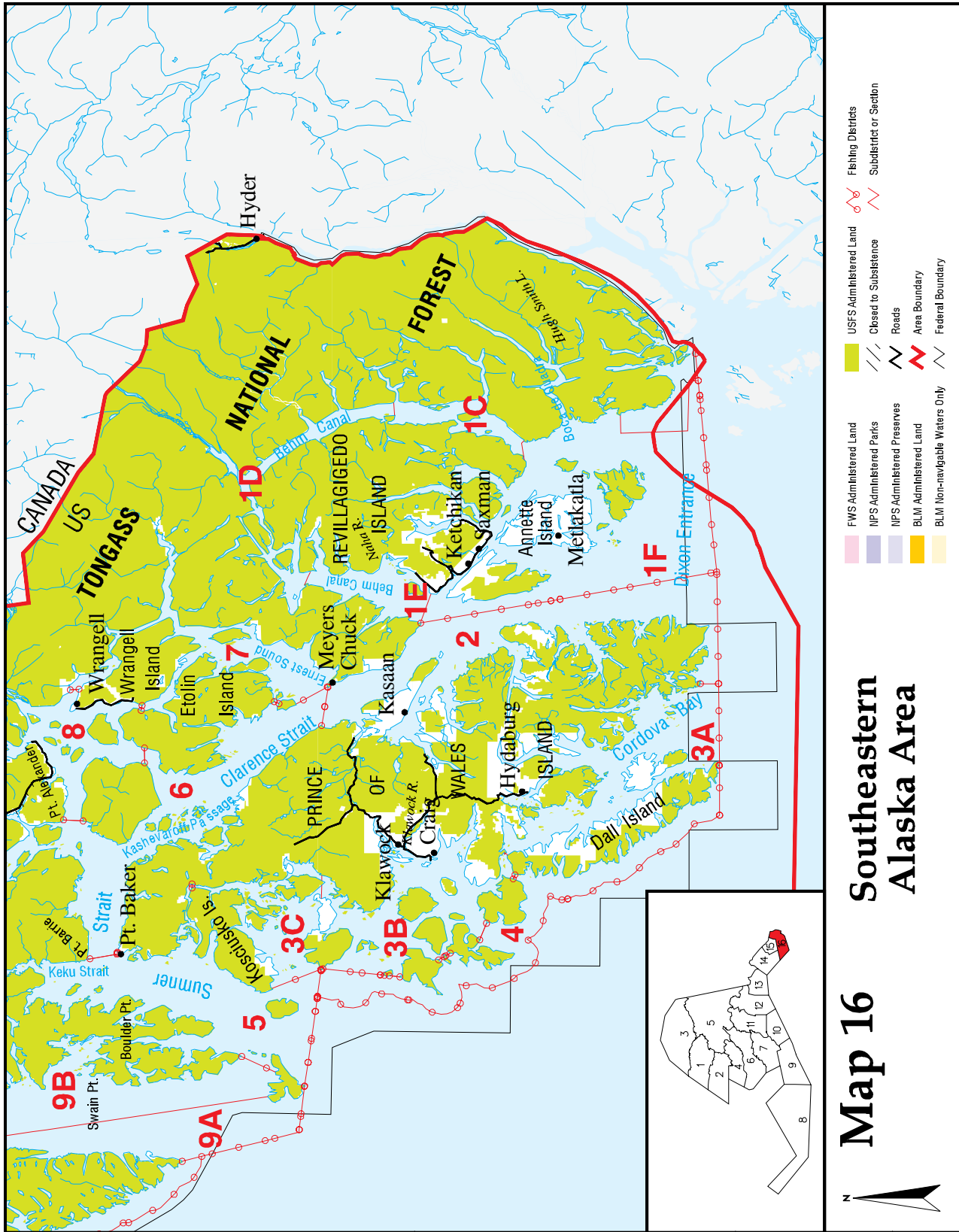
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
<i>Feb. 2</i>	<i>Feb. 3</i> <i>Window Opens</i>	<i>Feb. 4</i>	<i>Feb. 5</i>	<i>Feb. 6</i>	<i>Feb. 7</i>	<i>Feb. 8</i>
<i>Feb. 9</i>	<i>Feb. 10</i>	<i>Feb. 11</i>	<i>Feb. 12</i>	<i>Feb. 13</i>	<i>Feb. 14</i>	<i>Feb. 15</i>
<i>Feb. 16</i>	<i>Feb. 17</i> PRESIDENT'S DAY HOLIDAY	<i>Feb. 18</i>	<i>Feb. 19</i>	<i>Feb. 20</i>	<i>Feb. 21</i>	<i>Feb. 22</i>
<i>Feb. 23</i>	<i>Feb. 24</i>	<i>Feb. 25</i>	<i>Feb. 26</i>	<i>Feb. 27</i>	<i>Feb. 28</i>	<i>Feb. 29</i>
<i>Mar. 1</i>	<i>Mar. 2</i>	<i>Mar. 3</i>	<i>Mar. 4</i>	<i>Mar. 5</i>	<i>Mar. 6</i>	<i>Mar. 7</i>
<i>Mar. 8</i>	<i>Mar. 9</i>	<i>Mar. 10</i>	<i>Mar. 11</i>	<i>Mar. 12</i>	<i>Mar. 13</i> <i>Window Closes</i>	<i>Mar. 14</i>











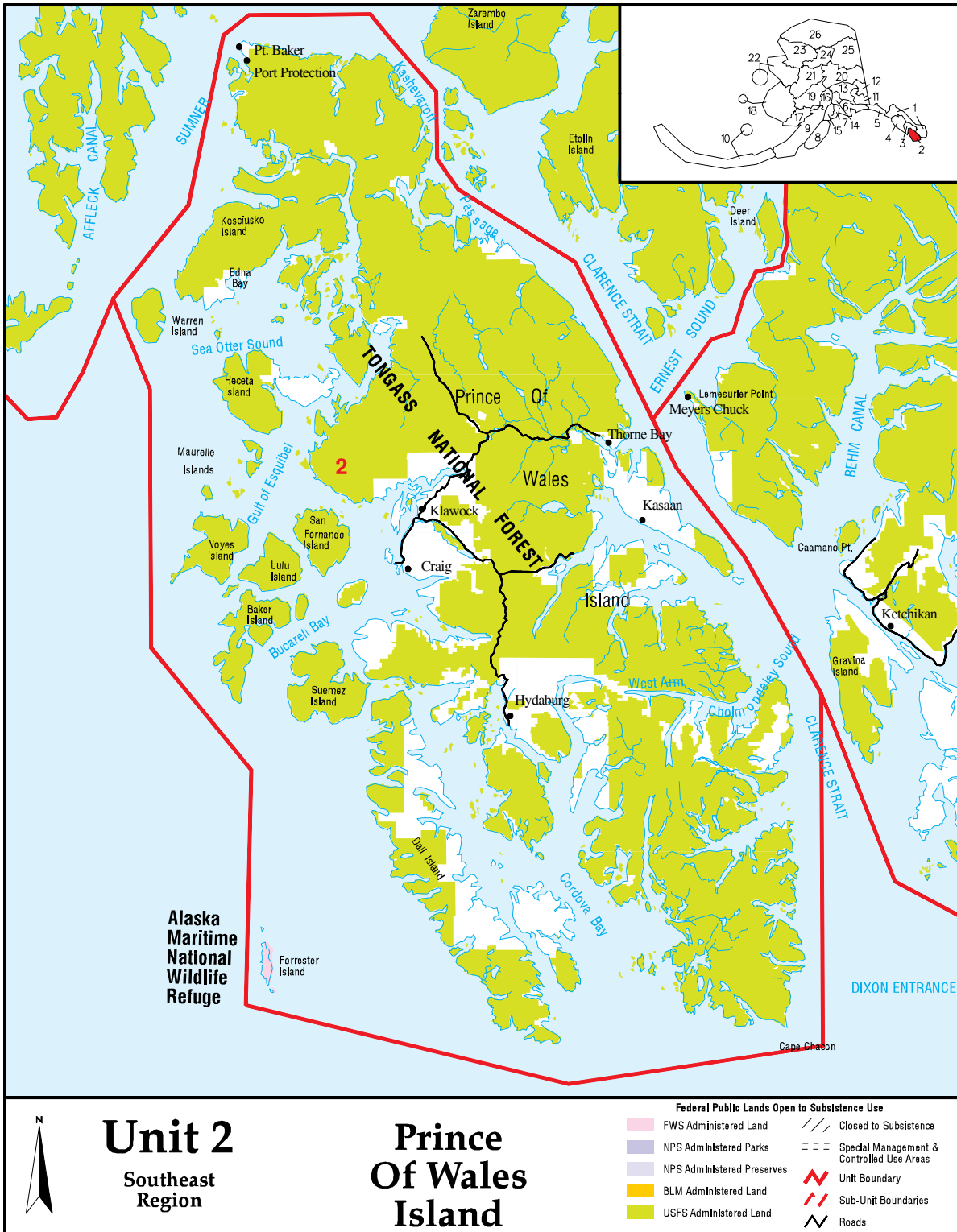
Hunting / Unit I

Southeast Mainland



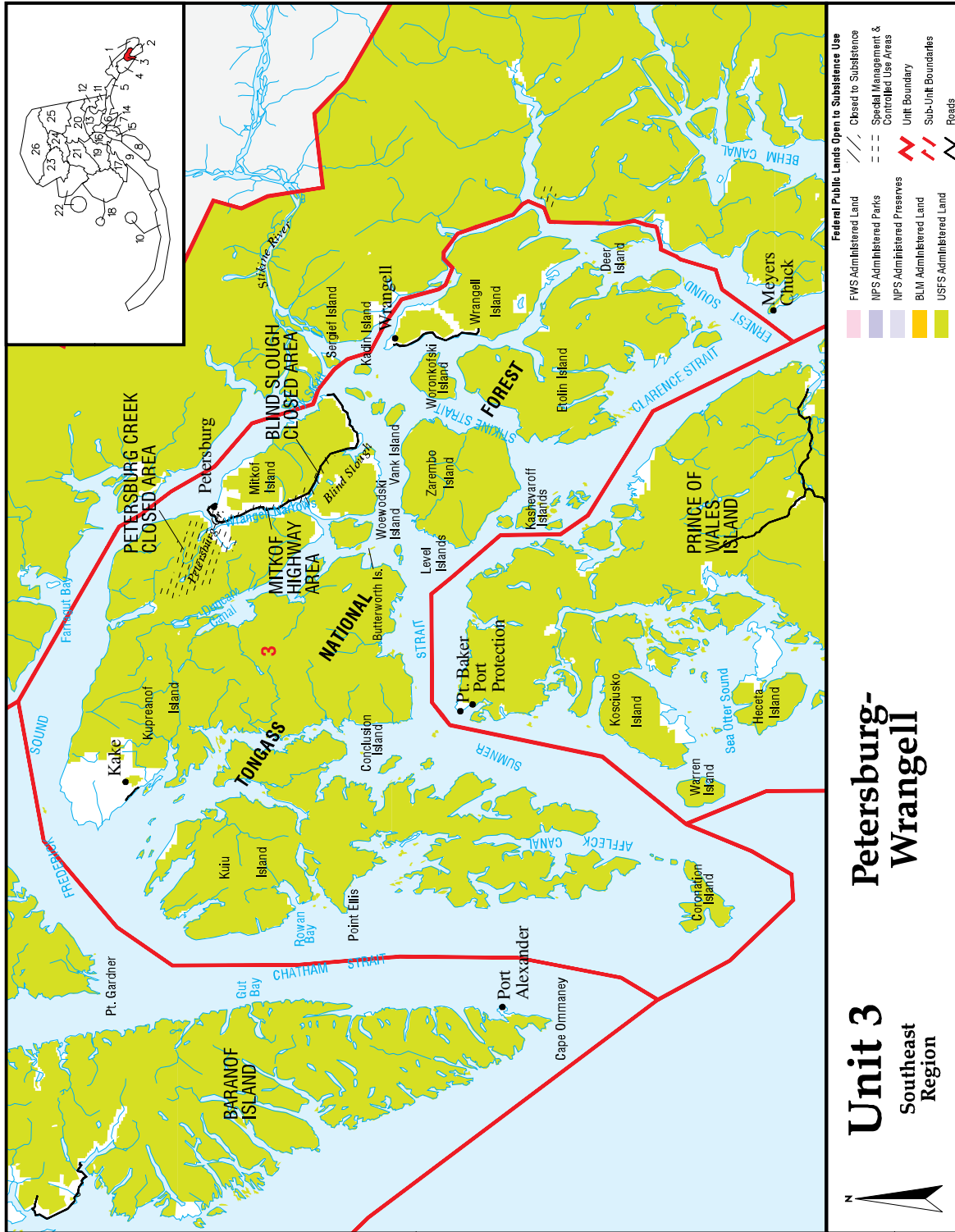
Hunting / Unit 2

Southeast Mainland



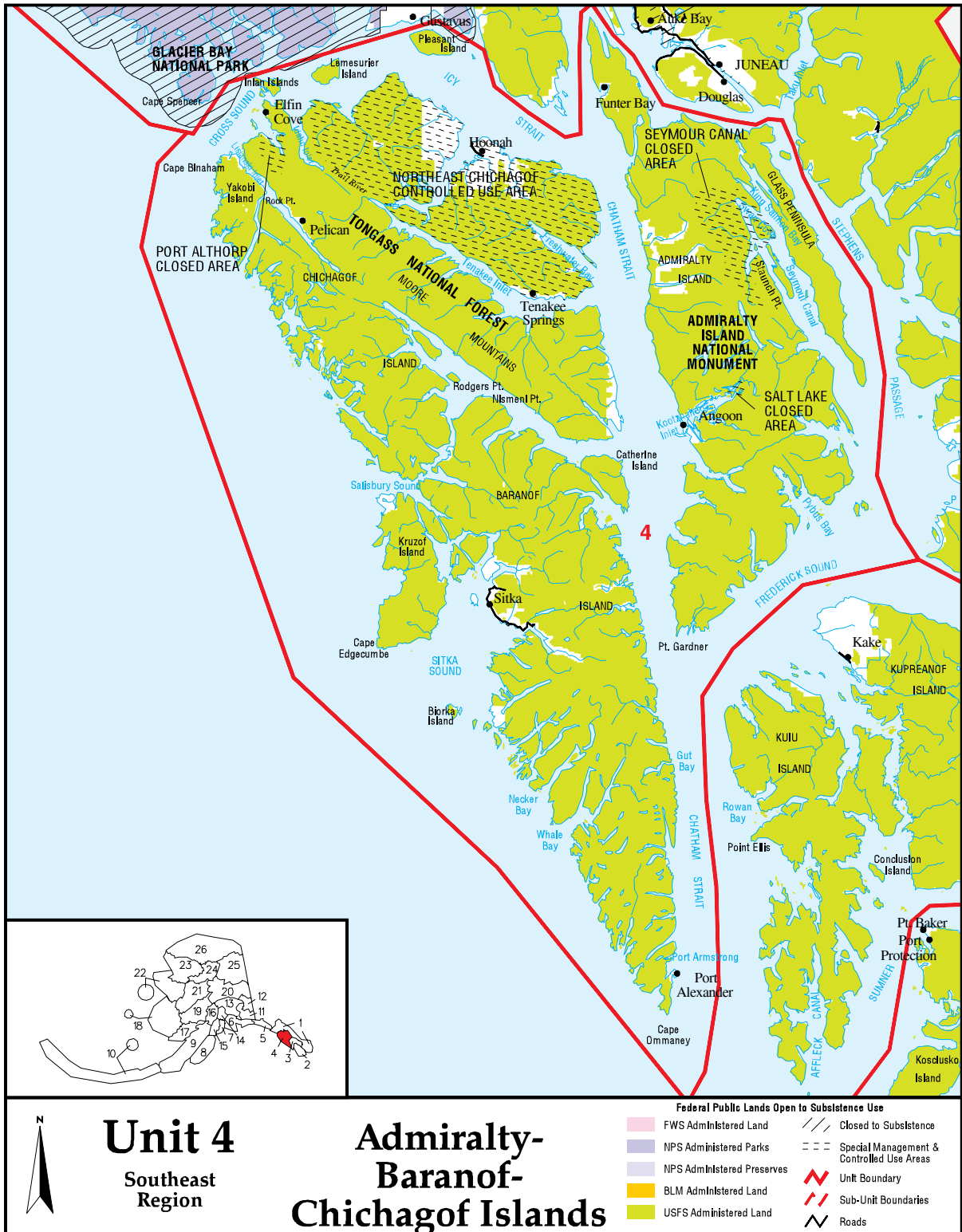
Petersburg-Wrangell

Unit 3 / Hunting



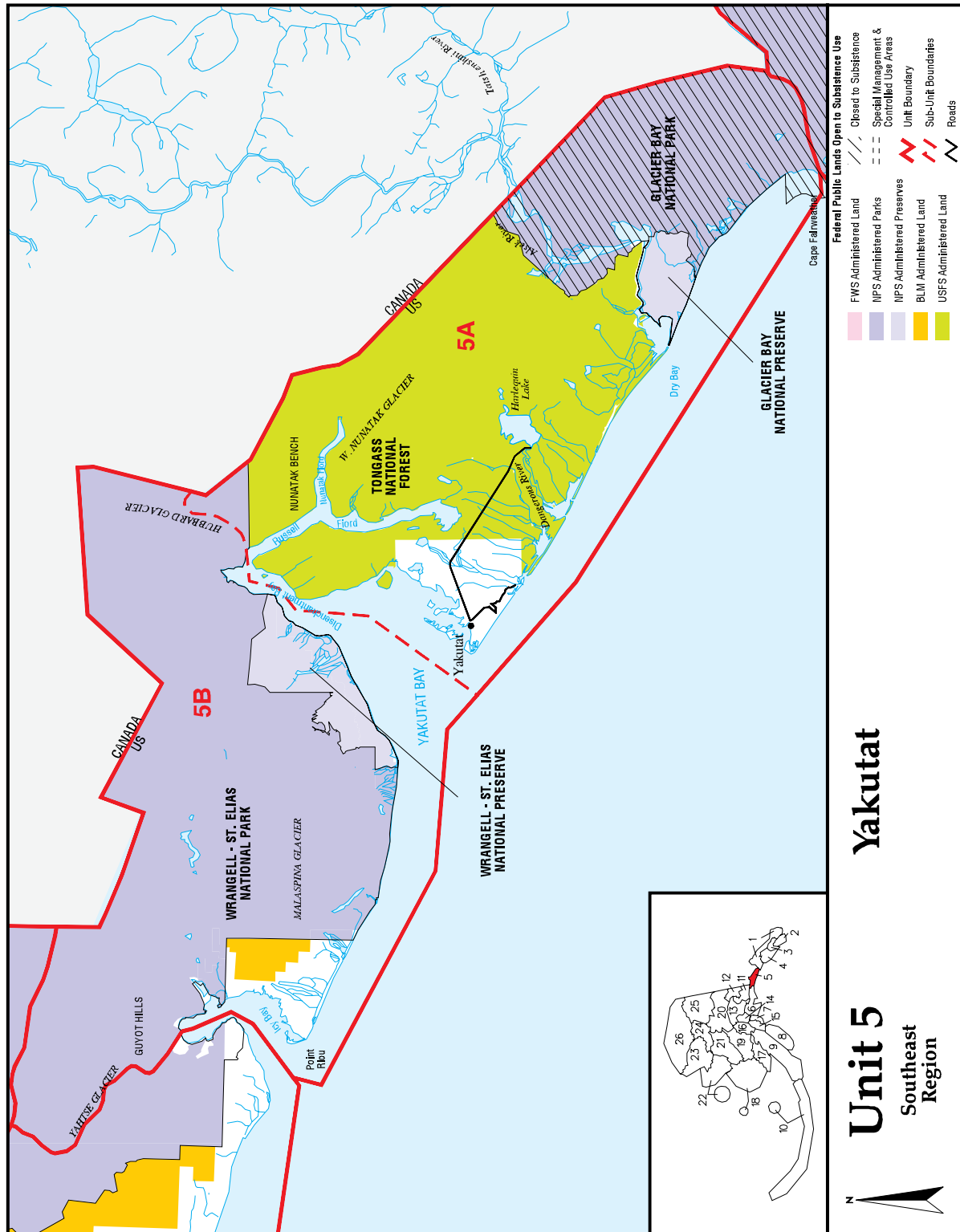
Hunting / Unit 4

Admiralty-Baranof-Chichagof



Yakutat

Unit 5 / Hunting



Subsistence Regional Advisory Council Correspondence Policy

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

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

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

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

Policy

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

6/15/04

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



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Fish and Game

OFFICE OF THE COMMISSIONER
Headquarters Office

1255 West 8th Street
P.O. Box 115526
Juneau, Alaska 99811-5526
Main: 907.465.4100
Fax: 907.465.2332

Date: May 11, 2018

To: Anthony Christensen, Chair
Federal Subsistence Board

From: Sam Cotten, Commissioner
Alaska Department of Fish and Game

Subject: The Alaska Department of Fish and Game is submitting a request for reconsideration of the wildlife proposal 18-01 that was adopted April 10, 2018, at the Federal Subsistence Board meeting.

I. Background Legal Principles

Recently the Federal Subsistence Board (“Board”) adopted wildlife proposal 18-01 to reduce the bag limit for nonfederally qualified users hunting deer on federal public lands in Unit 2. The Alaska Department of Fish and Game (ADF&G) submitted comments explaining why adoption of the proposal would not be appropriate, and the Office of Subsistence Management (OSM) submitted its recommendation opposing the proposal as well.

Alaska has the constitutional and statutory obligation to manage and protect wildlife within its borders, including on federal lands, except to the extent expressly preempted by Congress when acting under U.S. Constitutional grants of authority to the federal agencies.¹ Title VIII of ANILCA provides a subsistence hunting priority for federally qualified users on federal public lands. However, there is nothing in ANILCA that clearly states the authority of the federal government to displace Alaska’s authority to affirmatively authorize and manage hunting by nonfederally qualified users on federal public lands.

In *Alaska v. Federal Subsistence Bd.*, 544 F.3d 1089, 1100 (9th Cir. 2008), the Ninth Circuit ruled that, under ANILCA, the Federal Subsistence Board may regulate subsistence use but is prohibited from limiting nonsubsistence use. A bag limit for non-federally qualified users for deer in Unit 2 is inconsistent with ANILCA under applicable case law on federal preemption.

Section 815 of ANILCA authorizes federal restrictions on nonsubsistence uses on the public lands only if “necessary for the conservation of healthy populations of fish and wildlife” or if necessary to “continue subsistence uses.” Neither of these reasons applies here.

II. Discussion

¹ *Hughes v. Oklahoma*, 441 U.S. 322 (1979); *Kleppe v. New Mexico*, 426 U.S. 529, 545 (1976); *Geer v. Connecticut*, 161 U.S. 519, 528 (1896), *overruled on other grounds by Hughes*, 441 U.S. at 322; 43 C.F.R. § 24.3(a).

A. Information not previously considered by the Board

The Board did not consider statutes and court decisions determining it does not have the legal authority to adopt a bag limit for deer for nonfederally qualified users in Unit 2.

Assuming the Board did have such authority, which it lacks under ANILCA and Ninth Circuit precedent, the Board did not consider how the regulation would be noticed to the affected hunters, how the proposed changes in bag limit would be enforced, or the impacts of creating more regulatory confusion where state and private lands are found throughout the Game Management Unit.

If there was an actual conservation concern, the Board should have considered other alternatives within its authority, such as not allowing the harvest of one doe as currently allowed in the 5-deer bag limit or closing federal lands to hunting. Similarly, if there are not enough deer to meet all uses, the restricting the take of does would increase the number of males available for harvest. This was not considered or discussed.

The decision appears to be based on comments from local individuals who simply want to exclude “outsiders.” This is not a valid reason for making subsistence management decisions. It is difficult to identify any federal lands in Alaska where the local federally qualified users would not prefer more restrictive seasons and bag limits be placed on nonfederally qualified users. This will eventually result in a third tier of regulations. Regulatory complexity is a well-known barrier to participation in hunting, trapping and fishing. Another well-known barrier is hunt area boundaries that are difficult to identify. These unintended consequences were not considered by the Board and are not consistent with other purposes of the federal lands in question.

B. The information used by the Board is incorrect

The biological data shared by the Alaska Department of Fish and Game was not used correctly. A one-year decline in estimated harvest is not justification for permanent regulatory decision making to reduce bag limits. The Federal Subsistence Board should rely on recommendations by the state of Alaska, as the sovereign trustee for fish and wildlife, in making decisions to modify or reject proposals based on conservation issues and impacts on the state’s sustainable management of fish and wildlife. If the Board is going to disregard the ADF&G’s assessment of species conservation status and sustainable harvest levels, it should clearly state on the record where and how it finds the ADF&G’s analysis to be flawed.

Public testimony indicated the deer population had declined and asserted that subsistence needs were not being met. Based on harvest data, current harvest levels are only slightly below (~112 deer) the average harvest over the previous 10 years (2007-2016). Numbers of federally qualified and non-federally qualified hunters hunting in Unit 2 peaked in 2015, and both declined in 2016. That decline in hunter effort could explain the decline in number of deer harvested in 2016 compared to 2015. The 3.3 days of hunting effort required for a federally qualified hunter to harvest a Unit 2 deer in 2016 remained comparatively low and was statistically similar to the 10-year average of 3.4 days. These data do not suggest a declining deer population or a conservation concern. Further, deer in alpine areas on northern and central Prince of Wales Island were

surveyed by air during summer 2017. Based on deer seen per hour surveyed, the central portion of Prince of Wales Island (POW) had the second highest counts in the region, trailing only southern Admiralty Island where deer are most abundant. Counts on northern POW were higher than most areas surveyed in Unit 3 and similar to northeastern Chichagof Island in Unit 4 where deer are also considered abundant.

We have reason to believe the actual number of deer harvested in some Unit 2 communities is far higher than harvest estimated by ADF&G's Division of Wildlife Conservation (DWC). Those estimates are the only regularly collected unbiased source of information on deer harvest in Unit 2. DWC estimated annual total deer harvest through RY2010 using a deer hunter survey mailed to one third of hunters in each community. Since RY2011, harvest estimates have been derived from mandatory harvest ticket reports. The magnitude of harvest estimated using the survey and harvest ticket reports did not change, so DWC believes they produce similar results.

Although reporting is mandatory, RY2016 reporting rates in the Unit 2 communities of Craig, Klawock, and Hydaburg were 46%, 36%, and 30%, respectively. Other Unit 2 communities reported at higher rates, and statewide about 70% of deer hunters submitted reports. Low reporting rates by individual communities add uncertainty and potentially bias, to DWC's total deer harvest estimates for those communities.

Investigating potential bias in DWC's harvest estimates for those three communities required finding another unbiased source of deer harvest information. Only one source could be found. In 1997 the ADF&G, Division of Subsistence completed a wide-ranging survey of subsistence resources used by residents of Craig, Klawock, and Hydaburg including deer. DWC compared estimated total harvest derived from the 1997 household subsistence surveys to estimated total harvest derived from 1997 deer hunter surveys. Harvest estimated using the household subsistence surveys was generally 2 to 4 times higher than harvest estimated using deer hunter survey data. A 2012 household survey in Hydaburg and more recent anecdotal information support the contention that actual harvest remains far higher than reported in those communities.

The OSM analysis prepared by Forest Service subsistence biologists relied on ADF&G data. Both OSM and the ADF&G found no biological concern or reason to adopt proposal WP18-01. In adopting ANILCA, Congress stated its intent that "recognized scientific principles" would govern decisions. *See* Section 802(1). The Board is authorized under ANILCA to restrict uses other than federally qualified subsistence uses only if necessary to address a conservation concern or if a restriction is needed to continue subsistence uses. Evidence in the record does not support a biological concern or a need to restrict deer hunting by nonfederally qualified users.

- C. The Board's interpretation of information, applicable law, or regulation is in error or contrary to existing law

The Board does not have the authority to unnecessarily restrict state of Alaska subsistence or other uses. ANILCA Section 1314 affirms the state of Alaska's sovereign responsibility and authority for management of fish and wildlife on all lands "*except as may be provided in title VIII.*" Numerous sections in Title VIII specifically recognize the state of Alaska's role in providing the priority for customary and traditional subsistence uses of fish and wildlife on

federal public lands. Consultation is necessary to evaluate whether proposed federal regulatory actions are “*consistent with management of fish and wildlife in accordance with recognized scientific principles*” and “*assure the continued viability of a fish or wildlife population,*” which Congress recognized is the purview of the state. The extent and consistency of directions in ANILCA Title VIII confirm that Congress intended for the state of Alaska to continue to manage fish and wildlife in accordance with established scientific principles, to continue to regulate harvests and other uses, and to be involved in implementation of the federal subsistence priority. The state of Alaska, and not the Board, is authorized to establish methods and means and to establish seasons for nonfederally qualified users.

Furthermore, the Board’s bag limit restriction is unnecessary and unjustified in these circumstances and this is the first known occurrence of the Board reducing state of Alaska bag limits. As directed by Congress in Section 802 of ANILCA, subsistence uses of wildlife shall be the priority consumptive use on federal public lands “when it is necessary to restrict taking in order to assure the continued viability of a fish or wildlife population or the continuation of subsistence uses of such population.” Section 815 of ANILCA provides that a restriction on taking wildlife for non-federally qualified hunters is only authorized if “necessary for the conservation of healthy populations of fish and wildlife, for the reasons in Section 816, to continue subsistence uses of such populations, or pursuant to other applicable law.” None of those reasons apply. There is no conservation concern for the deer population. The deer population continues to be viable, as explained in section B above and as indicated by the generous bag limits for federally qualified users (5 deer, 1 of which may be a doe) and a lengthy hunting season (July 24-January 31); this season length represents 54 additional days of hunting opportunity compared to hunters hunting under state regulations. No restrictions are needed to continue subsistence uses of deer. There is no credible argument that restricting nonfederally qualified hunters to two bucks instead of 4 is necessary to continue subsistence uses. The effect is likely to be very marginal and any benefit will not be quantifiable.

No other applicable laws support the proposed restrictions. The Board had no justification or legal authorization to adopt this proposal.

Assuming the Board was authorized to change the bag limit, the Board did not clearly delineate the conditions under which state management would resume. This lack of consideration and clear criteria make it almost impossible for the state of Alaska to regain management once the Board has superseded state of Alaska regulations. For example, the Board should consider how many days per deer harvest would allow state bag limits to again apply on federal lands for nonfederally qualified users or how many deer reported to be harvested by federally qualified users would be sufficient? Without such criteria and quantified reasons for superseding state of Alaska authority, these actions essentially become permanent. We consider this a major shortcoming of the federal subsistence management program.

III. Conclusion

The Board should reconsider adoption of 18-01 because it did not have the legal authority to take such action. Even if the Board had such authority, its adoption of this proposal was arbitrary and contrary to the science and recommendations provided by staff, did not fully discuss the nuances of the status of the deer population and harvest trends on an annual basis, and it lacked

consideration of who would administer and enforce this unwarranted rule. The board should reconsider its decision.

Matt Allen



Regulation WP18-01, April 2018

How I will be adversely affected

As a resident of Revillagigedo I will be adversely affected by WP18-01. Since 2004 I have conducted annual deer hunts on Prince of Wales. I have been fortunate enough to harvest two or more deer multiple times and those deer have been an important part of my diet as well as the diet of family and friends who I have the opportunity to share with. I have shared the hunting experience with friends and have introduced family to hunting through the opportunities POW offers.

I have put in my time and due diligence hunting Revillagigedo, specifically Neets Bay as I lived there from 2004-2015. I often times filled many of my tags at Neets, however, since moving to Ketchikan proper in 2015 I have only had the opportunity to harvest one buck despite frequent hunts each season. Prince of Wales and the pursuit of its blacktail has taken on greater significance and I now depend on the opportunity it provides. This new regulation will have immediate and direct negative effects on my life and lifestyle.

I am also disturbed to know my purchase of a hunting license and the science and Department it supports can so easily be ignored.

Information not previously considered or that is incorrect

It is evident from the Federal Subsistence Board April 2018 public materials that the Advisory Council is making its decision based on public testimony and potentially personal bias, not on the available science. This regulation is defined as a pre-emptive measure according to the Council which further indicates this is currently a perceived issue and not a current biological one. The decision making process on this regulation is disturbing because it indicates a shift from science based management and the recommendation of the State of Alaska as well as the Office of Subsistence Management. If this precedent is made then I would fully expect to see additional non-science based proposals and regulations in the future. I would like to know the Boards reasoning for approving this regulation despite the available science.

This regulation does not take into account the "ANS" or the Amount reasonably Necessary for Subsistence as defined by the State. The State's data indicates that for federally qualified subsistence hunters they have been harvesting deer at similar or greater historical levels and in less time .

The regulation does not indicate how the blacktail population will be monitored and managed going forward to allow for a reversal of this regulation. This is particularly disturbing because once a regulation is imposed it is significantly harder to eliminate especially when the decision is not based on science in the first place. Is the Council going to hold a meeting in Craig annually and ask federally qualified subsistence utilizers if they are harvesting the deer they need (how is this determined) and if so, would they support an amendment to the regulations. If the reasoning behind this regulation is perceived rather than based in fact and sound science then any reversal will be made on people's relative success any given year in harvesting deer.

Changes to the Regulation

I would prefer the regulation be rescinded.

If not removed, I would like to see an amendment that would make it mandatory for all federally qualified and non-qualified hunters of Unit 2 to submit detailed hunt and harvest report, regardless if they hunt or not. If our management decisions are not going to be made with the available science then we had better mine the information that is available but underreported. If utilizers of this resource can not or will not report completely and truthfully their pursuit of this resource, they should not be allowed to hunt period.

I would also like to see a detailed plan of management . A plan to be acted upon, to evaluate the population, the population monitoring techniques as well as more thoroughly investigate predator prey relations/utilization(human, wolf, bear vs. deer). I would also like to see an evaluation concerning subsistence deer hunting and whether there should be limits based on need(how is need determined) and not want. The recent difficulties in harvest either perceived or factually based should be investigated to better understand and define what is occurring with this resource and whether a management action as drastic as this is warranted. To not do our due diligence is disrespectful to the resource, those charged with its management and those who pursue or depend on that resource, whether directly or indirectly. Just because this resource is available and individuals have a subsistence claim to harvest does not guarantee it should be easy or guarantee a certain amount of harvest.

I would hope this regulation will be reconsidered and rescinded based on the science.

Thank you for your time and the opportunity to share my comments and concerns.

Sincerely,
Matt W. Allen



Mckinney, Kayla <kayla_mckinney@fws.gov>

Fwd: [EXTERNAL] Illegal action by federal subsistence board prince of whales island with deer harvest reductions

2 messages

AK Subsistence, FW7 <subsistence@fws.gov> Fri, Apr 27, 2018 at 1:00 PM
 To: Gene Peltola <gene_peltola@fws.gov>, Thomas Doolittle <thomas_doolittle@fws.gov>, Jennifer Hardin <jennifer_hardin@fws.gov>, Kayla Mckinney <kayla_mckinney@fws.gov>

----- Forwarded message -----

From: **Chas Edwardson** [REDACTED]
 Date: Wed, Apr 25, 2018 at 6:10 AM
 Subject: [EXTERNAL] Illegal action by federal subsistence board prince of whales island with deer harvest reductions
 To: "subsistence@fws.gov" <subsistence@fws.gov>

I am writing regarding a recent action taken by the federal subsistence board limiting access to federal land to non rural residents of Alaska. I have a house in Coffman cove and I grew up fishing on the west coast of POW, my grandparents first language was haida and were well established on prince of whales island , I know the history and economics of POW .

This action is misguided , unwise , misleading , based on false statements by members of the subsistence board, and goes against all OSM , ADFG, recommendations and is based not on science but inflammatory rhetoric and a false narrative generated by prince of whales island "residents " . Many of those residents are residents of prince of whales for fewer years than my 5 year old grandson.

Here are a few facts that will be coming to public attention in the years to follow,

1. If this was framed as a traditional use issue for indigenous people of prince of whales you were sold a false narrative. The recently migrated people to haidaburg from Canada come from an island in British Columbia that is now called haida Gwii there were no deer native to the island were we came from and the chairman of the subsistence board knows that ,as his maternal grandmother who is also my maternal grandmother thus his entire family came from haida gwii . There are no songs, historical reference to,or totems with deer as a subject until recently after we arrived on Prince of Whales island so we need to stop with the "native traditional narrative. Further the natives that hunted on the island for deer hunted in very specific spots and rarely traveled over land or great distances for the deer they did harvest the calories from a deer you get versus the calories you burn did not make it feasible for indigenous people to expend much effort on deer , there diet was and is mainly high calorie low effort fish. To insinuate that the rural residents need an entire multi million acre island to hunt is ludicrous, even with a federally funded and maintained super highway linking virtually all towns on pow rarely do you see a resident from haidaburg up in Coffman , or thorn bay. So to insinuate that traditionally we used the whole island is simply false, untrue, misleading etc,etc.

2. Prince of whales island resident poach more deer than all of Ketchikan and any and all visitors to that island combined. Many residents do not get hunting licenses and take as many as 10-15 deer this is well known by everyone including the federal subsistence board, ADFG.

3. The federal subsistence board based their decision on the single fact that it was hard to get deer , no science no facts just that it was hard to get deer for the last few years.

4. This whole problem of deer being harder to get was generated by the prince of whales island residents themselves, by supporting water barring hundreds of miles of roads in an effort to stop people from coming to an island that they some how view as "there " island . This was another shortsighted hillbilly mentality move that only did one thing which was the forced concentration of hunting on fewer roads .

4. The population of deer island wide is healthy and growing , the focused attention that is spent hunting on the few remaining roads has thinned out a population of deer we reference to as road deer " the dumshit deer" which the residents on prince of whales had become accustomed to , most residents on the island road hunt exclusively and do not view it as a sport as well as a supplement to their freezer. Very few of the loudest complainers actually get off the he road system and hunt deer the " traditional "way that The majority of us hunters do.

5. The economic ramifications will further hinder an already depressed economy , but again the loudest complainers usually are sporadic workers and do not own business in the visitor industry.

6. This action taken by the federal subsistence board did not even consider an economic impact study which was negligent , and extremely short sighted once again and could very well have a significant and serious financial ramifications for many island residents.

7. Many fuel company's ,grocery stores , sporting good stores , etc,etc, have come to rely on the seasonal uptick that visitors on the island generate in revenue, when they visit the island primarily to hunt, and fish.

8. The negligent part of this whole thing and possible criminality of negative impacts on a whole economy of prince of whales is that this action of limiting non rural residents to two deer is not based on science, goes against the OSM (office of subsistence management) and the ADF&G Alaska Department of Fish and game recommendations in effect causing a negative economic impact on residents of prince of whales island who did not support the action taken by the federal subsistence board .

Best regards
Charles Edwardson

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]



AK Subsistence, FW7 <subsistence@fws.gov>

[EXTERNAL] RFR for WP-18-01

Jeff Hendrickson [REDACTED]
To: subsistence@fws.gov

Tue, May 1, 2018 at 8:59 AM

TO: The Office of Subsistence Management

Attn: Subsistence Policy Coordinator

1011 East Tudor Road, Mail Stop 121

Anchorage, Alaska 99503-6199

Inre: WP 18-01 – Request for Reconsideration

Good day,

I am writing this letter as a request for reconsideration of the actions taken by the Federal Subsistence Board on WP 18-01, regarding the deer harvest on Prince of Wales Island (POW). The action taken by the board was based on testimony from groups of people who have been attempting to get this action in place for over 20 years, not due to declining deer populations, but due to not wanting competition from Ketchikan hunters. The actions went against the recommendations of the game biologists who testified that deer populations have not been declining. I have been hunting POW since the 1980s, twice per year for most of those years. In that time, I have seen the population of the deer “on the road system” go up and down many times. It all depends on predation and traffic on the road system. The one constant I have always found, including last year (2017), is that if you are willing to get out of your vehicle and walk a little bit the deer are there.

I hunt deer to provide for my family. We do not eat beef as it is pumped full of hormones, is very expensive, and is not as healthy for my family and I. My doctor has confirmed this dietary choice as well stating the same. This is a choice we have made and one that I was raised with by my dad and my grandpa before him. We have always subsisted on deer meat. This action is going to have a direct effect on our traditional and historically based provision for our family.

Below is some of the comparison data for Revilla Gigedo Island vs. Prince of Wales:

Revilla Gigedo Island

- Access to deer hunting is very limited without having a boat to get out away from the road system, and even with a boat in the few areas that one can go around Ketchikan with an anchorage to leave a boat unattended.
- Hunting from the Revilla Island road system is almost non-existent due to the sheer amount of pressure that is generated by having less than 50 miles of road to spread out and hunt.
- Revilla Gigedo island is 61 square miles and has an approximate population of 13000 people.
- Ketchikan (Unit 1A) is only allowed to hunt from August 1 to November 30.

Prince of Wales Island

- POW in contrast has approximately 2800 miles of road, some of which are only accessible on foot, for everyone to spread out and be able to have access to the areas in which to hunt.
- There are 2230 square miles of land on POW with a population base of roughly 4000 people.
- POW residents have been given part of July and the months of December and January in which to hunt where only rural hunters can participate.
- POW/Rural residents are allowed 5 deer compared to 4 for non-rural persons.
- POW/Rural residents are allowed to shoot a doe from October 15 to the end of the season.
- The Alaska Fish and Wildlife protection officers have stated that 70% + of the deer harvest on POW are by POW locals and that 95% of tickets written for poaching, wanton waste, shooting from a drivable surface, and other violations are by POW residents.

The action that was taken by the board has limited hunters from non-rural areas to 2 deer on POW. There are several problems with this scenario. The first being, if I am lucky enough to shoot a deer in the Ketchikan area, the number of deer I get prior to hunting on POW is limited by that same number. If I shoot 1 deer in Unit 1A I can only shoot 1 on POW. If I shoot 2 deer in Unit 1A I cannot hunt POW at all. This is, in essence, ensuring that I will not be able to provide for my family and will create great hardship on my family. I have never shot more than 2 deer in Unit 1A in my 40+ years of hunting the Ketchikan area. I have always been able to supplement what I have been unable to get in Unit 1A with deer from Unit 2. You are now taking away my ability to subsist in the manner that I have traditionally, historically, and customarily done for 40 + years by making it to

where I can only use tags 1 and 2 on POW. I have severe arthritis in both knees and my hip and just had one hip replaced so August hunts climbing to the Alpine are not an easy option for me. This is part of the reason I hunt the POW in November. I do not have to walk as far to get a deer.

It is my understanding that the State of Alaska game biologists do not support this action, nor do most of the residents of Alaska. The fish and game of Alaska belong to all peoples of Alaska not just a few who have been very vocal in attempting to shut down the hunting, fishing, logging, and other areas of Alaska for over 20 years that I know of. I remember vividly the attempt to shut everything down by utilizing the Alexander Archipelago Gray Wolf as the reason for the protections and shutdowns. This was when the protections began to be put in place for the wolf and created the wolf population explosion that we saw last fall. In my 35+ years of hunting POW I saw more wolves and wolf sign than all the other 34 years combined. There were wolves literally everywhere that I hunted last November. This is a problem that definitely needs to be rectified.

In the 35+ years I have hunted POW the north end of the island was hunted mostly by people from Ketchikan. Prior to the paved highway running most of the way up the island it was a 6 hour drive on rough roads to get up there and the locals of POW did not drive that far to hunt. For them to claim this as their traditional hunting area is not true. The Haidas and other tribes migrated from Canada in approximately 1830. This was never their traditional lands or hunting areas. I know many people from Hydaburg, Craig, and Klawock and the one thing all of them have told me is that that was always too far to go for a day hunt and they didn't see the need to go up there.

One last thing to consider that has been overlooked in this entire process is the economic impact this action will have on the businesses of POW, the IFA Ferry, the air taxi services to the island, grocery stores, gas stations, restaurants, bed & breakfasts, cabin rentals, etc. Hunters from Ketchikan contribute a lot of money to the communities across the island and there will be a tremendous impact on all of those businesses. I already have had confirmation of land owners on POW that were developing their properties for cabin rentals and other businesses that are now cancelling their plans. That is a really sad side effect of this action that has been taken by the subsistence board.

Thank you for your time. Please reconsider your actions carefully and look at all of the options before accepting an action that is so wrought in controversy and false information. Please base it on the science and the information from the biologists who track the deer populations instead of on the verbal desires of a few groups of people who are just trying to eliminate the competition. This action does not need to be a knee jerk reaction but must be well researched and thought out, looking at all aspects before coming to a determination such as the one you have already begun to accept.

Sincerely,

Jeffrey A. Hendrickson

[REDACTED]

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AK Subsistence, FW7 <subsistence@fws.gov>

[EXTERNAL] Request for reconsideration to the federal subsistence board. Unit 2 non-rural bag limit reduction.

Drew Mathews [REDACTED]
 To: subsistence@fws.gov

Mon, Apr 23, 2018 at 8:07 PM

Andy Mathews
 [REDACTED]

Regulation: Change of unit 2 non-rural annual bag limit of deer on Federal lands from 4 bucks to 2 bucks. I have not seen a Federal Register publication yet.

This action directly impacts my family in that we typically need 4-7 deer a year to eat depending upon other hunting species harvested.

The Subsistence board has continually chipped away at our ability to hunt in Unit 2 and increased the ability for Rural hunters to harvested deer in unit 2.

This process began during a period of high deer numbers some years ago. First non-rural hunters were not able to hunt federal lands, on Prince of Wales Island, between August 1-15, with the exception of those lands south of Chomendely Sound and on those lands that drain into Clarence Strait. The surrounding Island, within unit 2, were not affected by this reduced season.

This action alone stopped us from hunting federal lands except those accessible only by boat or plane. This action was not completed due to a biological concern at the time. It was done to limit the hunting pressure so rural residents could get a chance to harvest deer before anyone else could. The rural season also grew by a week or so to start in July when the State of Alaska season began August 1. Rural residents were then allowed to harvest one doe per year and were given a 5th deer tag for federal lands. A doe tag and an extra tag are not indicators that there is a biological concern and like I said, this was done when deer numbers were high. Did I mention that a subsistence hunter can proxy hunt for others in their family or others. Basically deer hunting for Rural residents has no true limits. A family of five could have one hunter that shoots 25 deer in unit two. Fair enough, if they are going to eat them so be it. Non-rural do not have that ability. I was able to harvest 4 deer for my family or I could harvest a couple and the other family members could harvest some so we could meet our needs. Now we all know that not every member has the ability to harvest as many deer as they can eat. Kids are too small or are in school much of the season and that restriction cut 15 days of August hunting, the exact time when kids are out of school and could hunt. Now kids basically have a 8 day hunting season in unit 2 and a weekend here and there if the weather agrees with boat travel the rest of the year. Basically I have had to provide for my family by shooting 3-4 deer each year and my family members getting 1-2 a year. We only need about 2 deer per person, maybe less if we get some big ones and that is what we take 4-6 deer a year.

The next thing that occurred was Rural residents got an extended season into January. This increased the season to just over 6 months. Another action that indicates that deer population is not an issue.

So now the non-rural hunters will be limited to 2 deer on federal lands of unit 2. There were no exceptions. All of unit 2, even the little area on the Southeast side of POW and all of the islands. Now that is a big change. This was done again for the rural residents to more easily harvest their deer, or more correctly lest say it was to reduce competition for deer and create nearly a private hunting reserve. The USFS report and ADF&G both opposed this regulation change and had a long write up on why. One of the comments, among many was that they saw no need for a reduced bag limit. It showed that the historical average number of deer harvested per hunter was about 2 per year and about 2 days hunted per deer. Now harvesting 2 deer in 4 days of hunting is a very good harvest rate when one is hunting any species of big game. It was even slightly better than that for rural hunters if memory serves. Basically the average hunter is able to and has been able to for many years, been able to harvest at this rate. Yes some people are better than the average hunter and some are worse.

So the deer limit is being lowered for non-rural only. If there was a true biological concern all user groups would be taking a deduction as on average non-rural hunters only harvest 2 deer per year from unit 2 (including those harvested from state lands) This action will have little to no impact on the number of deer harvested from unit 2. What it will do is change how non-rural hunters will have to hunt and where they can hunt. If there is a biological concern many other steps would have to occur correct a declining population. Those would have to include reversing some of the black bear hunting regulations that were put in place a few years ago (non-resident drawings) as bears eat a high number of fawns and some adult deer. Effectively manage wolf populations unit wide. Wolf numbers and hunting pressure varies widely across unit 2. Stable wolf populations, not too high and not too low, are better in the long run. Knee jerk changes to those regulations had created a quick upward trend in wolf populations island wide.

And the monster in the closet is rural deer harvests would have to decrease along with non-rural harvests. I have never seen a biologist that would suggest continuing doe harvests if deer populations were in severe decline. That is the first thing to go. It did not occur. The next thing would be reduced hunting days. That did occur for Non-rural uses but the rural users have seen hunting days extended earlier and later. Does this suggest there is a biological concern? No! Next would be reduced bag limits. That is now occurring for non-rural. Oh but rural was given a 5th deer tag years ago and that remains. Next would be changes to proxy regulations to limit how many deer one person could harvest, as we all know some people are just better at it. That has not occurred.

I am not even going to delve deep into habitat concerns along the road system. Yikes what a mess. I am all for the timber industry but deer need old growth to survive harsh winters. 2nd growth is nearly void of deer when it gets to a certain age. Want to make a difference, good habitat solves many problems.

Basically this new regulation was not proposed due to a biological concern. Are there areas on the island that are down a bit in population, probably. Are all areas in Unit 2 down or in poor shape? Not a chance as hunting was as good as I have seen in years where I hunted unit 2. 2 hunters, 2 deer each in 2 days and we let over 20 bucks walk as we only need 2 each at the time.

I hear rural residents say it is getting harder to get there deer. Fact is last report I saw (2016) it was about the same as past years. They say to many young bucks are shot by non-rural hunters. If a deer is legal it is the hunters choice to harvest it or not. They say non-rural hunters are only trophy hunters. That is not the case. Hunters like big bucks because they have big steaks. This goes for rural and non-rural hunters. Small deer are tender and easy to pack. Deer along the road, easy deer, are hunted by some people both rural and non-rural. If it is legal to do so then shoot them if you so desire. The entire purpose of this regulation was not biological. It is to restrict non-rural hunters more and allow rural residents to have more.

The board I am sure listed to testimony and took a lot into consideration. What they failed to seriously take into consideration was the fact that the USFS biologist report and recommendation. This was not followed by even the USFS person on the board. The board did not follow the recommendations of ADF&G either. Not even one member voted against this proposal. The Supreme Court is not even that United.

If there is a biological concern lets deal with it at all levels, State and Federal. That is not being done as there is not a biological concern based upon the actions that have occurred . This is one user group asking for it all and getting it one small piece at a time and one group that will now have to depend on crappy meat from a store instead of healthy deer meat from a nice hard hunt that provides heart pumping exercise.

When ADF&G reduced bag limits in parts of 1A and season days in 1A there was a true concern. Nobody really complained. The issue in unit 2 is different. One group is taking a hard hit while the other group continues to receive more. This is wrong. It is wrong that I will have to pack a map every where I go not only for open areas August 1-15 but for areas that I can hunt after I harvest 2 deer as I still need the same amount of meat to feed my family, one way or the other, and for all hunters that strive to be totally legal that is going to be more difficult now.

My boy just asked what I was doing and I explained. He did not ask why, which is what I figured he would asked. He asked how are they going to be able to enforce that. Dang good question. Probably the same way they enforce the Aug. 1-15 closure, which is nearly unenforceable. Even the USFS LEO took a hunter out once and had him shoot a subsistence doe only to find that it was shot on state land and not legal. Oh and did I mention the USFS LEO that shot a wolf only to find out wolf was not open for non-subsistence users. That there should be enough to make regulators hesitate about confusing the regulatory issues in this unit.

This being said I know this letter does not follow the guidelines laid out in 36 CFR 242.20 and 50 CFR 100.20 as I don't have the Federal Register info and have not had a chance nor the time to do research to mount a legal defense for non-rural hunters nor should one have to fight to hunt in our great state within our great nation on public lands. As such my concerns will probably be disregarded again but I am not alone in this. Hunters should be together in using our resources and protecting them. ANILCA makes a lot of things legal to do but some things just are not right.

PS it took longer to write this than it did to find and pass up 2 three point bucks on opening day in unit two this year and shoot a nice buck shortly after that. And we went by boat and hunted on foot.

Respectfully,

Andy Mathews





AK Subsistence, FW7 <subsistence@fws.gov>

[EXTERNAL] Reconsideration for (2) deer hunting limit in unit two

3 messages

Bill M

Mon, Apr 23, 2018 at 11:06 AM

To: "subsistence@fws.gov" <subsistence@fws.gov>

My name is William Meck. I am a Ketchikan resident and have lived here since 1978. My family has been utilizing Prince of Wales Island to harvest deer since 1981. My family doesn't live in a mansions and we don't drive around in high dollar vehicles. I'm self employed and I work hard to survive the Alaska lifestyle. I feel that I am personally and directly being discriminated against because of my zip code. The ADF&G states that the islands deer population is on the rise and as anyone who spends time on this island knows the wolf population is out of control and has been mismanaged for a number of years from either or both a lack of people willing to participate in control or skewed numbers by private interest groups.

The people of unit one traveling to the island spend nearly a half a million dollars while over and that has a very high impact on the island in a positive way. I don't take vacations to extravagant places because that doesn't feed my wife, mother, daughter and grandson. Instead my hunting partner and myself save our money to go hunting for food. I generally try to take 3 deer per year by getting one on revillagigedo or gravina islands and then one or two on prince of Wales. That 120 pounds of meat goes a long way in my family. I don't hunt from a truck and last year I hiked almost 150 miles in 9 days. Prince of Wales affords me the ability to spread out away from other hunters whereas Ketchikan only having about 30 miles of road all together puts hunters in too tight of quarters to hunt black tail effectively and safely. With ground beef topping \$9 per pound and no king salmon This season things are going to get very tight in the winter of 2018 for many families.

The worst case scenario is that you change your imposition that the first two tags in unit one would tag you out in unit two.

You might also want to ban hunting for doe's for a couple years by the locals if they are truly concerned about the deer population

Please take this letter into consideration to reverse the boards prior decision

William H Meck



Name: Matthew Robus, on behalf of the Territorial Sportsmen, Inc.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Organization: Territorial Sportsmen, Inc.

Regulation to be reconsidered: Adoption at the April Federal Subsistence Board (FSB) meeting of a modified version of WP18-011, Berners Bay moose drawing permit hunt. The adopted regulation would award one quarter of allowable harvest to federally qualified hunters through a federal drawing. Publication in the Federal Register has apparently not happened as of this date.

How we are affected: Hunters who reside in Juneau, who have customarily dominated permit applications for this hunt, will lose 25% of their opportunity to hunt in Berners Bay. Juneau hunters participated in the introduction of the Berners Bay moose herd (via TSI funding) and have provided the majority of the “customary use” of this herd since hunting has been allowed. It is also likely that a larger portion of the allowable take will be granted to federally qualified users in the future, so the effect on non-federally qualified hunters could well expand if this decision is allowed to stand. The FSB’s action has shifted hunting opportunity away from non-federally qualified users towards hunters from federally designated communities without the ANILCA- required conditions being satisfied.

How the FSB’s action is in error or contrary to existing law: ANILCA states that exclusion of non-federally qualified hunters can occur only if there is a conservation issue or if necessary to preserve existing customary and traditional uses. Although the limited production of this small, introduced moose herd needs to be carefully managed, there is not a conservation problem associated with this population. Since this hunt requires that a hunter spend extra resources to access the area and to pass up easier moose hunts in the area, and in view of the fact that the customary users of this introduced moose herd are strongly weighted towards urban Juneau users, there is no justification for shifting this hunt towards rural users who have tended not to participate in the past. The fact that the Berners Bay moose herd occurs primarily on federal land does not in itself justify shifting hunting opportunity away from urban hunters towards rural residents.

How we would like the regulation changed: The FSB should reverse its decision and allow the pre-existing state drawing hunt to continue without change. The existing state permit system gives a fair chance to all hunters who wish to expend the extra resources necessary to successfully complete a Berners Bay hunt.

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

Southeast Alaska Subsistence Regional Advisory Council

Charter

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

- (3) A recommended strategy for the management of fish and wildlife populations within the Region to accommodate such subsistence uses and needs; and
 - (4) Recommendations concerning policies, standards, guidelines, and regulations to implement the strategy.
- e. Appoint one member to the Wrangell-St. Elias National Park Subsistence Resource Commission in accordance with Section 808 of the ANILCA.
- f. Make recommendations on determinations of customary and traditional use of subsistence resources.
- g. Make recommendations on determinations of rural status.
- h. Provide recommendations on the establishment and membership of Federal local advisory committees.
- i. Provide recommendations for implementation of Secretary's Order 3347: Conservation Stewardship and Outdoor Recreation, and Secretary's Order 3356: Hunting, Fishing, Recreational Shooting, and Wildlife Conservation Opportunities and Coordination with States, Tribes, and Territories. Recommendations shall include, but are not limited to:
 - (1) Assessing and quantifying implementation of the Secretary's Orders, and recommendations to enhance and expand their implementation as identified;
 - (2) Policies and programs that:
 - (a) increase outdoor recreation opportunities for all Americans, with a focus on engaging youth, veterans, minorities, and other communities that traditionally have low participation in outdoor recreation;
 - (b) expand access for hunting and fishing on Bureau of Land Management, U.S. Fish and Wildlife Service, and National Park Service lands in a manner that respects the rights and privacy of the owners of non-public lands;
 - (c) increase energy, transmission, infrastructure, or other relevant projects while avoiding or minimizing potential negative impacts on wildlife; and
 - (d) create greater collaboration with states, tribes, and/or territories.
- j. Provide recommendations for implementation of the regulatory reform initiatives and policies specified in section 2 of Executive Order 13777: Reducing

Regulation and Controlling Regulatory Costs; Executive Order 12866: Regulatory Planning and Review, as amended; and section 6 of Executive Order 13563: Improving Regulation and Regulatory Review. Recommendations shall include, but are not limited to:

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

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

At the conclusion of each meeting or shortly thereafter, provide a detailed recommendation meeting report, including meeting minutes, to the Designated Federal Officer (DFO).

5. **Agency or Official to Whom the Council Reports.** The Council reports to the Federal Subsistence Board Chair, who is appointed by the Secretary of the Interior with the concurrence of the Secretary of Agriculture.
6. **Support.** The U.S. Fish and Wildlife Service will provide administrative support for the activities of the Council through the Office of Subsistence Management.
7. **Estimated Annual Operating Costs and Staff Years.** The annual operating costs associated with supporting the Council's functions are estimated to be \$195,000, including all direct and indirect expenses and 1.15 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:

Thirteen 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 nine of the members (70 percent) represent subsistence interests within the region and four 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 or 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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