



WESTERN INTERIOR ALASKA
SUBSISTENCE REGIONAL
ADVISORY COUNCIL
Meeting Materials

*February 20 - 21, 2018
Anchorage*



What's Inside

Page

1	Agenda
4	Roster
5	Draft Fall 2017 Council Meeting Minutes
21	How to Submit a Proposal to Change Federal Subsistence Regulations
24	How to Submit Proposals to Change Nonrural Determinations
26	Federal Subsistence Board Policy on Nonrural Determination
47	Local Environmental Observer Network (LEO) as a Tool for Documenting Environmental Change
48	Fall 2018 Council Meeting Calendar
49	Winter 2019 Council Meeting Calendar
50	Region 6 Western Interior Alaska Map
51	Council Charter

On the cover...

The cross fox is sprawling out on the snowy tundra. Red foxes are mesopredators. Mesopredators are medium-sized predators that are prolific and can exist at high densities. Their opportunistic and flexible diets allow them to prosper in all kinds of situations.



USFWS photo by Roman Dugan

This page intentionally left blank

WESTERN INTERIOR ALASKA SUBSISTENCE REGIONAL ADVISORY COUNCIL

Dimond Center Hotel
Anchorage

February 20-21, 2018
9:00 a.m. to 5:00 p.m. daily

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

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

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

AGENDA

*Asterisk identifies action item.

- 1. Invocation**
- 2. Call to Order** (*Chair*)
- 3. Roll Call and Establish Quorum** (*Secretary*)..... 4
- 4. Welcome and Introductions** (*Chair*)
- 5. Review and Adopt Agenda*** (*Chair*) 1
- 6. Election of Officers**
 - a. Chair (*Designated Federal Officer*)
 - b. Vice-Chair (*New Chair*)
 - c. Secretary (*New Chair*)
- 7. Review and Approve Previous Meeting Minutes*** (*Chair*) 5
- 8. Reports**
 - a. Council Member Reports
 - b. Chair’s Report
 - c. Designated Federal Officer’s Report
- 9. Public and Tribal Comment on Non-Agenda Items** (available each morning)
- 10. New Business** (*Chair*)

- a. Yukon-River Preseason Management Review (*Federal and State Yukon River Fisheries Management Staff*)
- b. Kuskokwim Preseason Management Review (*Federal and State Yukon River Fisheries Management Staff*)
- c. Call for Federal Fisheries Proposals21
- d. Call for Nonrural Determination Proposals24
- e. Fisheries Resource Monitoring Program Updates and DiscussionSupplemental
- f. Approve Draft FY2017 Annual Report*Supplemental

11. Agency Reports

(Time limit of 15 minutes unless approved in advance)

Tribal Governments

Native Organizations

- a. Tanana Chiefs Conference (*Nicole Farnham*)

North Pacific Fisheries Management Council (*Steve A. MacLean and Dr. Diana Stram*)

- a. Update on Bering Sea and Aleutian Islands (BSAI) salmon bycatch

U.S. Fish and Wildlife Service

- a. Koyukuk, Nowitna, and Innoko National Wildlife Refuges (*Jeremy Havener*)
- b. Kanuti, Arctic, and Yukon Flats National Wildlife Refuges
- c. Yukon Delta National Wildlife Refuge

Yukon River Drainage Fisheries Association (*Wayne Jenkins*)

- a. Programmatic update

Bureau of Land Management (*Bruce Seppi*)

- a. Status update on the Central Yukon Resource Management Plan /Environmental Impact Statement
- b. Status update on the Ambler Access Project
- c. Status update on the Bering Sea-Western Interior Resource Management Plan / Environmental Impact Statement

National Park Service (*Marcy Okada*)

- a. Gates of the Arctic National Park and Preserve Subsistence Update

Northern Alaska Environmental Center (*Julia Mickley*)

- a. Status update on outreach regarding the Ambler Access Project and opportunities for involvement

Pew Charitable Trusts (*Suzanne Little*)

- a. Overview of a tool kit for increasing local participation in Federal rulemaking.

Alaska Native Tribal Health Consortium (*Erica Mitchell*)

- a. Demonstration of the Local Environmental Observer (LEO) Network47

Office of Subsistence Management

13. Future Meeting Dates*

- Confirm Fall 2018 meeting date and location48
- Select Winter 2019 meeting date and location49

14. Closing Comments

15. Adjourn (*Chair*)

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

Reasonable Accommodations

The Federal Subsistence Board is committed to providing access to this meeting for all participants. Please direct all requests for sign language interpreting services, closed captioning, or other accommodation needs to Zach Stevenson, 907-786-3674, zachary_stevenson@fws.gov, or 800-877-8339 (TTY), by close of business on February 13, 2018.

REGION 6
Western Interior Subsistence Regional Advisory Council

Seat	Year Appointed <i>Term Expires</i>	Member Name and Community
1	2016 2019	Shirley J. Clark Grayling
2	2004 2019	Donald V. Honea Jr. Ruby
3	1993 2019	Pollock Simon Sr. Allakaket
4	1993 2020	Raymond L. Collins McGrath Vice-Chair
5	1993 2020	Jack L. Reakoff Wiseman Chair
6	2017 2020	Tommy Kriska Koyukuk
7	2008 2020	Timothy P. Gervais Ruby
8	2015 2018	Dennis R. Thomas, Sr. Crooked Creek
9	2006 2018	Jenny K. Pelkola Galena Secretary
10	2015 2018	Fred W. Alexie Kaltag

WESTERN INTERIOR ALASKA SUBSISTENCE REGIONAL ADVISORY COUNCIL
Pike's Waterfront Lodge, Fairbanks
October 10-11, 2017

Meeting Minutes

Call to Order

The fall meeting of the Western Interior Alaska Subsistence Regional Advisory Council (Council) was called to order on October 10-11, 2017 at 9:00 AM.

Roll Call

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

Name, Title (Where applicable)	Location	Stakeholder Representation
Jack L. Reakoff, Chair	Wiseman, AK	Subsistence
Fred W. Alexie	Kaltag, AK	Subsistence
Shirley J. Clark*	Grayling, AK	Subsistence
Raymond L. Collins	McGrath, AK	Subsistence
Timothy P. Gervais	Ruby, AK	Commercial/Sport
Don Victor Honea, Jr.	Ruby, AK	Subsistence
Jenny K. Pelkola, Secretary	Galena, AK	Subsistence
Pollock Simon, Sr.	Allakaket, AK	Subsistence
Dennis R. Thomas, Sr.	Crooked Creek, AK	Subsistence
Darrel M. Vent, Sr. , Vice-Chair	Huslia, AK	Subsistence

*Participated in a portion of the meeting telephonically due to a winter storm-related flight cancellation.

Welcome and Introductions

The Chair welcomed other participants and invited them to introduce themselves. The other participants are listed in the table below organized by Affiliation (State agency, Federal agency, Native Organization, or Non-Governmental Organization); Name, Title (Where applicable); Location; and Agency. An asterisk symbol "*" signifies an individual who participated in a portion of the meeting telephonically. Additionally the following abbreviations are used including Alaska Department of Fish and Game (AD&FG); Bureau of Indian Affairs (BIA); Bureau of Land Management (BLM); National Park Service (NPS); United States Fish and Wildlife Service (USFWS); Tanana Chiefs Conference (TCC); Northern Alaska Environmental Center (NAEC); Pew Charitable Trusts (PEW); Yukon River Drainage Fisheries Association (YRDFA); Alaskans for Wildlife (AFW); and Computer Matrix, LLC (CMLLC).

Affiliation	Name, Title (Where applicable)	Location	Agency
State agency	Holly Carroll, Summer Season Yukon Management Area Biologist	Anchorage, AK	AD&FG
	Jeffrey Estensen, Fall Season Yukon Management Area Biologist	Fairbanks, AK	
	Jill Klein, Special Assistant, Commissioners Office*	Juneau, AK	
Federal agency	Dr. Glenn Chen, Fisheries Biologist & Subsistence Branch Chief	Anchorage, AK	BIA
	Patricia Petrivelli, Anthropologist, Bureau of Indian Affairs – Alaska Regional Office and Interagency Staff Committee Member, Office of Subsistence Management		

Federal agency	Bonnie Million, Field Manager, Anchorage Field Office	Anchorage, AK	BLM
	Bruce Seppi, Wildlife Biologist		
	Daniel G. Sharp, Wildlife Biologist*		
	Erin Julianus, Field Biologist, Central Yukon Field Office	Fairbanks, AK	
	Jason Oles, Outdoor Recreation Planner	Fairbanks, AK	
	Karen Mouritsen, Acting State Director, Alaska State Office	Anchorage, AK	
	Michelle Ethun, Supervisory Outdoor Recreation Planner and Project Manager, Central Yukon Resource Management Plan	Fairbanks, AK	
	Timothy LaMarr, Field Manager (Fairbanks, AK)		
Federal agency	Dr. Anette Watson, College of Charleston	Charleston, SC	NPS
	Clarence Summers, Subsistence Manager, Alaska Region	Anchorage, AK	
	Jeffrey Rasic, Chief of Integrated Resources Management, Yukon-Charley Rivers and Gates of the Arctic National Park and Preserve	Fairbanks, AK	
	Gregory Dudgeon, Superintendent, Yukon-Charley Rivers and Gates of the Arctic National Park and Preserve		
	Marcy Okada, Subsistence Coordinator, Yukon-Charley Rivers and Gates of the Arctic National Park and Preserve*		
Federal agency	Carl Johnson, Council Coordination Division Chief, Office of Subsistence Management	Anchorage, AK	USFWS
	Carol Damberg, Regional Subsistence Coordinator and Interagency Staff Committee Member, Office of Subsistence Management		
	Chris McKee, Wildlife Division Chief, Office of Subsistence Management		
	Frank Harris, Fish Biologist, Office of Subsistence Management		
	Fred Bue, Yukon River In-season Manager and Subsistence Fisheries Branch Chief	Fairbanks, AK	
	Gene Peltola, Jr., Assistant Regional Director, Office of Subsistence Management	Anchorage, AK	
	Gerald Maschmann, Fish Biologist, Fairbanks Field Office	Fairbanks, AK	
	Jeremy Havener, Refuge Subsistence Coordinator, Koyukuk/Nowitna/Innoko National Wildlife Refuges	Galena, AK	
	Dr. Joshua Ream, Cultural Anthropologist, Office of Subsistence Management	Anchorage, AK	
	Lisa Maas, Wildlife Biologist, Office of Subsistence Management		
	Robbin La Vine, Anthropologist, Office of Subsistence Management*		
	Megan Klosterman, Wildlife Biologist, Office of Subsistence Management		
	Mike Spindler, Refuge Manager, Kanuti National Wildlife Refuge	Fairbanks, AK	
	Pippa Kenner, Acting Anthropology Division Chief, Office of Subsistence Management*	Anchorage, AK	
	Vince Matthews, Subsistence Coordinator, Kanuti, Arctic, and Yukon Flats National Wildlife Refuges	Fairbanks, AK	
	Zach Stevenson, Designated Federal Officer (DFO) and Subsistence Council Coordinator, Office of Subsistence	Anchorage, AK	

	Management		
Native Organization	Nicole Farnham, Fisheries Biologist	Fairbanks, AK	TCC
	Brian McKenna, Partners Fisheries Biologist		
Non-Governmental Organization	James Kowalski*	Fairbanks, AK	AFW
	Julia Mickley, Clean Water and Mining Coordinator		NAEC
	Suzanne Little, Officer, U.S. Public Lands Conservation	Anchorage, AK	PEW
	Wayne Jenkins, Director, Yukon River Drainage Fisheries Association	Palmer, AK	YRDFA
Business	Nathan Hile, Court Recorder	Anchorage, AK	CMLLC

Adoption of Agenda

The Council adopted the agenda with no additions. There was a revised agenda presented compared to the agenda featured in the meeting book.

Approval of Minutes

Meeting minutes were modified to include more detail on the discussion between Timothy LaMarr, Field Manager Bureau of Land Management and the Council.

Council Member Reports

There were a variety of issues and concerns raised by Council members during their initial reports:

- **Jenny Pelkola** reported good fishing this summer, with good weather and good returns. She later noted that some villages were disappointed about not having the meeting in Galena. The Designated Federal Officer (DFO) noted several attempts were made to contact the Louden (Galena) Tribal Council to confirm the availability of an analog telephone line required by the Court Recorder. The DFO explained a lack of response from the Tribal Council resulted in scheduling the meeting in Fairbanks. Additionally the DFO noted the Tribal Council was notified a future meeting in Galena was possible. Ms. Pelkola added the First Chiefs from Tanana Chiefs Conference met with BLM about hiring practices and employment in the area.
- **Fred W. Alexie** noted the Chinook season was very good, with large fish (40 lbs. or better), which meant people did not have to catch as many fish as they normally do (80 versus 150). He also noted a good commercial summer chum salmon run, which was good because locals usually can only rely on summer fire-fighting season for income. Mr. Alexie noted it was a good moose season, noting that the big moose only came down from the mountains a few days ago – many moose larger than 60 inches, his grandson got his first moose – a 73.5 inch. He also noted the challenges of harvesting moose when it is too warm and wet, causing moose meat to spoil within a day, and observed that we need to deal with climate change.
- **Pollock Simon, Sr.** also noted that there were a lot of chum salmon, but they did not get as much Chinook Salmon. He noted that heavy rains were bringing a lot of debris in the river, which got caught in nets. He added that with recent fishing restrictions, people do not go to fish camp as much. If they can't catch Chinook, they don't fish at all. He also noted the problems that mesh size restrictions caused for catching fish. Mr. Simon also observed how climate change is causing the moose to stay up in the mountains later in the season, emphasizing that moose they will not come down to lower elevation until it gets cooler, and that is happening later in the season. He also observed the recent wet conditions.

- **Darryl M. Vent, Sr.** also discussed fire-fighting, serving on a crew, mentioning that new regulations and increased training requirements has made it difficult to find work on a fire crew. He made some observations about climate change that were mentioned by other members. He also noticed an increase in the number of bears seen in the vicinity of the village. He later added that people in his area rely heavily on summer Chum, not so much on Chinook salmon, and he expressed concerns about impact by commercial fishing on that resource.
- **Raymond L. Collins** reported it was a poor year for berry harvesting, compared to an abundant berry harvest the year before. There should be enough berries to get through the winter. Though there were enough cranberries.

Regarding salmon, especially kings, there were early closures downriver and this made an impact in the headwaters. There is now a weir in the Salmon River, which is one of the most productive streams in the headwaters. Previous estimated escapement was 2,000. The numbers have increased to 6,400 and 6,800. Over the past three years we've seen a real increase. Escapement has nearly increased three times greater than the levels we were getting before. If we continue this approach a few more years, when four and five-year-old fish return from spawning, we should see even greater gains in the area.

However, residents downriver in Bethel have felt the economic effects of the closure, where early season weather is favorable to drying fish. They have had to hold off on harvesting where king salmon were more limited. The actual number of kings returning was lower. So the increase we're seeing is the result of poor years in terms of runs even giving them protection as they come up the river; this is a positive thing.

The fishery was open in the McGrath area and king salmon could be harvested. Fish headed upstream travel past McGrath. Set nets must be used because snags prevent drift fishing by boat. Harvest levels on king salmon were low, because the fish bypass the set nets and swimming through the middle of the river. Downriver fish were caught by drift fishing by boat and the fishery opened early. This will reduce the population again. We're hoping to keep that closure early on.

Regarding moose, the State has made efforts to reduce predation by bears. For five years the area around McGrath was closed and designated an experimental moose management area. There were different terms used for this designation. A permit was required to hunt in the remainder of the area. The area has been reopened. Over the past three years, the population of young cows has increased with a reduction in the mortality of young moose. We're getting calf survival. This is a positive development. Most of the moose harvested are young bulls. Some of the larger bulls don't return until fall downriver and are located in the hills. The area is open until the 25th which helps later in the season. I missed one hunting opportunity but received half a moose. Everyone in McGrath that needed meat did pretty well. I believe the same is true in Nikolai; they did okay. Overall there's been a positive turnaround in moose numbers. There's a good breeding population and bears are increasing in number as a result. We are also getting enough calf survival so that should keep the moose population growing for a little while.

- **Timothy P. Gervais** also noted the great abundance and quality of Chinook Salmon this summer, and that some people even expressed concerns about there being too much salmon (that some might not be processed correctly). He also noted appreciation for a visit from ADF&G Commissioner Sam Cotton. He discussed adaptation by fishermen to new methods or techniques that are more efficient, and that managers need to keep an eye on it. He noted that bottom trawler Pollock fishermen are starting to complain about the Chinook bycatch restrictions and that they

may be pushing back. He mentioned that he is closely following the Sturgeon case and that it could affect how hunters operate on National Park Service lands. Mr. Gervais noted that they may be bringing more wood bison into the Ruby area from the Alaska Wildlife Conservation Center. He discussed moose harvest and how some people may be overharvesting, discussed wanton waste from sport hunters, and expressed thanks for State and Federal moose managers for their efforts and the good results with increased moose population. He also commented on warmer, wetter weather and impacting ability to process and preserve meat.

- **Dennis R. Thomas, Sr.** also noted a good Chinook Salmon return, that everyone who wanted some got some. He also noted an exceptionally good Sockeye Salmon return, and a pretty good Chum Salmon return and that they were able to make a lot of strips. There was a good moose season, with everyone getting what they needed. He noted the Federal permit system worked well. But, he noted that it has been a few years since anyone has caught any caribou that they have not been through their area, even though he used to be able to shoot them from his front porch. He also noted the presence of fire-fighting crews in his area, and that they were hiring local people to work on the crews. He also discussed changing economic conditions related to resources (such as commercial fishing) and opportunity related to the development of the Donlin Mine. But he expressed opposition to the Road to Ambler because of concern over the resources.
- **Don Victor Honea, Jr.** observed that it was an excellent fishing season on the Yukon River, that his family caught the Chinook that they needed (30). He noted confusion over what regulatory year it was, thinking it was a fisheries year instead of a wildlife year. He commented on the need for broader representation in the region, appreciating the Kuskokwim community members and their input, but that there is a need for more representation in parts where we are discussing matters like Mulchatna Caribou. He noted his Tribe's proactive involvement with bringing in more wood bison and perhaps developing opportunity related to reindeer herding in order to provide a sustainable food source. Mr. Honea noted that he would like to see more options considered for future meetings on logistical planning. In response to a question from the chair, he noted that the hunting activity was mostly concentrated on the 40 miles or so of road near the village.
- **Jack L. Reakoff** spoke of a lot of illegal harvest of cow caribou in the past, and was pleased with the action by the Board of Game to prohibit cow caribou harvest. He noted the improvement in the census using digital photography. He noted a lack of enumeration of wound-loss rate in the proposal analyses, and that a wildlife biologist noted from ADF&G that the rate could be as high as 30%. He spoke of low productivity of caribou, that they have only one calf per year. He noted a lack of hunting activity in the Dalton Highway corridor and side roads, and that road crews think they have an unlimited hunt in the area. He expressed concerns about budgets and lack of law enforcement for the area, on both the Federal and State side. The snow shoe hare population is high right now, so the wolves are ignoring large game animals and going after the hares. He noted the low Dall sheep population but that it is improving due to land conditions. He briefly discussed the spring meeting of the Gates of the Arctic SRC. He commented on the passing of Greg Rockzicka and his importance in Chinook Salmon management, and expressed a desire to send a letter from the Council to Greg's family and the Yukon-Kuskokwim Delta Subsistence Regional Advisory Council. He also noted the passing of Raymond Stoney on the Northwest Arctic Subsistence Regional Advisory Council, and wanted to have a letter of condolence sent to his family and the Council.

The Council voted to send condolence letters related to the loss of Greg Roczicka of the Yukon-Kuskokwim Delta Subsistence Regional Advisory Council and Raymond Stoney of the Northwest Arctic Subsistence Regional Advisory Council, both to the families and the and their Councils.

Public and Tribal Comments on Non-agenda Items

The following Public and Tribal Comments on Non-agenda Items were addressed.

A report was delivered from the James Kowalksi of Alaskans for Wildlife spoke on a comment letter submitted related to WP18-51. He emphasized the group's opposition to the proposal, particularly regarding the public safety concerns about using human food in bear baiting. There have been some bear-caused fatalities this year, and on the one hand we have ADF&G telling people to not leave out their garbage, but on the other hand allowing human food to be left out for bear baiting. He also noted he was a former subsistence director for the Tanana Chiefs Conference, and that he was very active in the creation of Title VIII of ANILCA. He told those things to the Council so that they could understand his background. He stressed that on Federal public lands, there is a broad interest beyond subsistence, and there is a wide consideration of what is authorized on public lands, and bear baiting is very controversial. Pollock Simon noted that people in his area have been opposed to bear baiting because it would bring bears into the village.

Old Business

The following Old Business items were addressed.

Caribou Working Group – Zach Stevenson provided background on the desire among the Regional Advisory Councils who share the resource of various caribou herds in the northern part of Alaska (Western Arctic, Teshekpuk, Mulchatna, and Central Arctic). He noted the need to have a discussion on the record to authorize the formation of a working group and who would represent the Council at the working group. The Council voted to form two separate working groups – one to address the northern herds and one to address Mulchatna. The northern working group would include membership of the North Slope Subsistence Regional Advisory Council (NSRAC); Northwest Arctic Subsistence Regional Advisory Council (NWARAC); Seward Peninsula Subsistence Regional Advisory Council (SPRAC), and this Council. The Mulchatna working group would include members of the Council, Bristol Bay Subsistence Regional Advisory Council (BBRAC), and Yukon-Kuskokwim Delta Subsistence Regional Advisory Council (YKDRAC). The goal of these working groups would be to provide for coordinated information sharing and coordinated recommendations to take back to their home Councils for actions. This would hopefully provide greater consistency and coordinated action on recommendations for caribou management. Membership on the northern working group will be Jack Reakoff, Darrel Vent, and Pollock Simon. For the Mulchatna working group, the membership would be Dennis Thomas, Raymond Collins and Jack Reakoff.

Kuskokwim Partnership Project – Carol Damberg provided a brief update as to the status on developing the committee, that a draft charter is being worked on and that a Terms of Reference is being developed with the State. Carl Johnson introduced himself as a new member of the team working on developing the committee.

New Business

The following New Business items were addressed.

Federal Wildlife Regulatory Proposals

WP18-21: *Change harvest limit to 2 caribou throughout the Mulchatna caribou herd's range and consolidate hunt areas for caribou in Units 9A, 9B, 9C in the Alagnak drainage, 17A drainages west of Right Hand Point, 17B, 17C east of Wood River, 19A, and 19B.* Lisa Maas presented the analysis on the proposal. The Council voted to **support** the proposal as modified by OSM for the reasons stated in the

OSM justification, and excluded discussion on Unit 9C, as this subunit is outside the Western Interior region.

WP18-22: *Rescind Federal lands closure for caribou on the Nushagak Peninsula in Units 17A, 17C, Nushagak Peninsula.* Lisa Maas presented the analysis on the proposal. The Council voted to **support** the proposal as written. The Council justified support for the proposal, noting the caribou population is healthy and can support the additional harvest. The Council added it would likely be subsistence communities that would take advantage of the additional harvest anyway.

WP18-28: *Addition of winter may-be-announced season for moose in Unit 18, Goodnews.* Lisa Maas presented the analysis on the proposal. The Council voted to **take no action** justifying its position it is highly unlikely that anyone from the region would ever go that far to harvest moose.

WP18-32: *Modify season dates for caribou in Units 21D, 22, 23, 24, 25A (west), 26A, and 26B.* Lisa Maas presented the analysis on the proposal. The Council voted to **oppose** the proposal. The Council noted that the proposal is premature, and may have some viability someday if the herd continues to decline, but there needs to be a longer period to allow recent regulatory actions to take effect and see how it affects the populations. The Council also noted recent changes by the Alaska Board of Game on cow caribou harvest and the known fact that cow caribou lead the migration, so shooting bulls does not affect the caribou migration. The Council also noted that the Board of Game and Federal Subsistence Board need to understand caribou better to overcome misperceptions that drive regulatory and management decisions. The Council further emphasized the need for protecting cow caribou.

WP18-33/36: *Shorten season date to align with State and require State registration permit for moose in Unit 21E.* Lisa Maas presented the analysis on the proposals. The Council voted to **support** WP18-36 with OSM modification and took no action on WP18-33. The Council supported aligning State and Federal seasons and reporting requirements. Council members were supportive of eliminating the August portion of the hunt due to warm weather conditions at that time of the year, as those conditions lead to waste of meat.

WP18-34: *Extend trapping season by one month for lynx in Unit 24.* Lisa Maas presented the analysis on the proposal. The Council voted to **support** the proposal, reflecting that there would be increased opportunity, there were no conservation concerns, and that the fur is still in good condition in March – in fact, better than the condition of fur in November.

WP18-35: *Align hunt boundaries and season with State, and remove Federal permit requirement for moose in Unit 24B.* Lisa Maas presented the analysis on the proposal. The Council voted to **support** the proposal as written. The Council supported the alignment to simplify regulations for the user and supported the longer winter season to provide opportunity to adapt to ever-changing weather conditions.

WP18-43: *Increase harvest limit and make season year-round for brown bear in Unit 23.* Lisa Maas presented the analysis on the proposal. The Council voted to **support** the modification in the OSM Preliminary Conclusion, which provides for an increase in the limit to 2, not 3 as proposed. It was noted that there does not seem to be a conservation concern for the population.

WP18-44: *Allow sale of skulls/hides and/or skulls for brown bear in Unit 23.* Joshua Ream presented the analysis on the proposal. The Council wondered whether a permitting process would make the proposal more palatable to OSM, but that it was necessary for the Northwest Arctic Council to wade through the issue and deal with the complexity of the issue. The Council voted to **take no action** and deferred to the home region.

WP18-45: *Decrease harvest limit from 5 to 3 caribou per day in Unit 23.* Lisa Maas presented the analysis on the proposal. The Council voted to **take no action** and defer to the home region, justifying the position to take no action, noting the proposal would provide better opportunities for State hunters than for Federally qualified hunters, and that since the State regulations would still provide for a daily limit of 5, the proposal would not change harvest on areas where no closure was in effect. But Council members also supported the notion of reducing the daily limit to 3, but that it would need to also be adopted by the Alaska Board of Game in order to be effective. The Council explained that can be accomplished through submitting an agenda change request. The Council also expressed a desire for coordination among the four affected regions through the caribou working group to develop a strategy for submitting appropriate changes to the State and Federal regulatory process.

WP18-46/47: *Close hunt to non-Federally qualified users for caribou in Unit 23.* Lisa Maas presented the analysis on the proposals. The Council voted to **support** the OSM modification for a targeted closure. Discussion of the proposal seemed to agree with the reasons for the OSM modification.

WP18-48/49: *Establish registration permit hunt for caribou in Units 22, 23, and 26A.* Lisa Maas presented the analysis on the proposals. The Council voted to **support** the OSM Preliminary Conclusion to support WP18-48 and take no action on WP18-49. The Council noted that providing the harvest data through the registration permit ensures that managers have that useful information and helps to protect the allocation of the resource to Federally qualified subsistence users in the future.

WP18-51: *Align bear baiting restrictions with State regulations.* Lisa Maas presented the analysis on the proposal. The Council voted to **support** the proposal as modified by OSM. The Council noted that throughout the Western Interior Region, black and brown bear populations are healthy and harvested below sustained yield levels. The Council noted some interest around Galena has been expressed to use bear bait. The Council recommended providing more clarity as to what is allowed in bear baiting and in the use of scent lures. The Council noted the proposal would not adversely affect subsistence resources and would provide for more subsistence opportunity. The Council also noted support for aligning State and Federal regulations to reduce complexity. The Council reiterated the issue is not whether to allow bear baiting, but to define what sort of bait is allowed.

WP18-57: *Close the caribou hunt to non-Federally qualified users in Units 25A and 26B.* Lisa Maas presented the analysis on the proposal. The Council voted to **oppose** the proposal. The Council noted the low non-local harvest in Unit 26A and the minimal Federal lands in Unit 26B. The Council noted that the proposal would not reduce the number of people hunting the affected herds, just concentrate them in particular areas. The Council also noted that the harvestable surplus is high enough to support non-subsistence hunting while providing a subsistence priority, so adoption would violate Section 815 of ANILCA.

Alaska Board of Game Proposals

Proposals 11 and 12: The Council voted unanimously to oppose the proposals. The use of aircraft in spotting created a high success rate in hunting, but when it was prohibited, it dropped the success rate of guided hunts and has been instrumental in allowing the Dall sheep population, which has been struggling, to recover. The practice of using aircraft in spotting of sheep presents a conservation concern in micro populations. Maintaining the prohibition, and the status as a misdemeanor, is a strong incentive for those

operators who wish to seek Federal permits to operate.

Proposals 14 and 15: The Council voted unanimously to oppose the proposals. Denning of bears is a customary and traditional practice for thousands of years, particularly for the Koyukon people, in the region. Sometimes it may take a couple of days to track down the den, so it would be difficult to turn down the harvest opportunity after all that effort. Sows are not targeted, but if that is the bear that is in the den, the bear will be taken because of that effort. Cubs were taken if present because they would not survive without the sow, but cubs were not targeted. Every part of the animal is used – hide, meat, and fat. The proposal would be detrimental to subsistence uses and would not present a conservation concern, as people only take what they need.

The public comment deadline is October 27 for the November Board of Game meeting in Anchorage.

Alaska Board of Fisheries Agenda Change Requests (ACRs)

ACR13: Drift gillnet in 4B and 4C. The Council discussed the value of using drift gillnet for the subsistence harvest of salmon. The cost of travel to access fish is expensive, it would be better if people could fish closer to their villages. There is no concern for overharvest – people only take what they need. Managers can take appropriate adjustments to mesh size in order to control harvest. The Council voted to support the proposal being considered out of cycle.

ACR14: Repeal prohibition of subsistence fishing on Yukon River Districts 1 and 2 during the first pulse of Chinook salmon. The closure is an important tool in the manager’s toolbox. The early pulses should be protected – it has made a meaningful difference. It is too important of an issue to be handled out of order. It needs to go through the normal proposal schedule and process. The Council voted to oppose this proposal being taken out of cycle, as well as against the underlying proposal itself.

ACR15: If King Salmon escapement goals are likely to be met and subsistence fishing will not be restricted, Department projects that King salmon will meet escapement goals, the Commissioner may open up a fishery whereby incidentally caught King Salmon caught during a commercial Chum fishery may be sold. The Council voted to oppose adding this proposal to the agenda out of cycle. Any opening-up of the commercial sale of incidentally-caught Chinook Salmon would be contrary to conservation efforts that have been enacted to help the recovery of the population.

ACR 16 & 17: Containing identical language provides for additional opportunity to sell incidentally-caught King Salmon. The Council voted to oppose adding these proposals to the agenda out of cycle.

ACR 18: It opens up additional areas, increasing likelihood of Chinook Salmon harvest, and does not fit into the Chinook Salmon conservation efforts that have been taken on the river. It would allow off-shore set-netting that would be detrimental to the Chinook Salmon recovery.

The Board of Fisheries is meeting in a work session next week to determine whether to accept this out-of-cycle and place on the agenda for a future meeting. The Council voted to draft a letter providing comments, and to have the OSM State Liaison hand-deliver the comments to the BOF work session.

Ambler Road

The Council heard a presentation on the status of the Ambler Road project and voted to draft a letter to send to BLM, NPS and ADIA during the scoping period and voice opposition to the road because of how it will affect fish and wildlife resources. Specifically, it was noted that the State plans to keep the road limited to mining use will not prevent access to hunting, as anyone can file a “paper claim” for mining

along the road corridor and then establish a right to use the road, but with the intention to hunt or fish, not engage in mining. Concerns were also expressed about the impact of the road on caribou migration, with Pollock Simon of Allakaket noting that once the Dalton Highway was constructed, caribou stopped migrating through the vicinity of his village. The Council later agreed to include in its letter a suggestion that alternative transportation methods of getting ore to market be considered, such as a rail line to the coast and barging on the Kobuk River.

Kuskokwim Delegation of Authority Letter

Frank Harris provided an overview of the delegation of authority letter to the Yukon Delta NWR manager, and presented the specific changes being made and for which Council input is sought. Concern was expressed over a lack of consultation with the affected Councils prior to drafting the letter. Additionally, it was noted that the Councils should be consulted in connection with the pre-season management process. How will the Refuge Manager consult with the Councils in pre-season management? Otherwise, the Council spoke favorably of the letter and wanted to make sure that Council involvement was clear.

Letters of Appreciation

The Council elected to send a letter of thanks to Mike Spindler for his many years of service, has been very helpful and has been an institution in management.

The Council also voted to draft a letter of appreciation to Raymond Collins for his 24 years of service to the Council.

Agency Reports

The following Agency Reports were addressed.

Tanana Chiefs Conference (TCC)

Nicole Farnham and Brian McKenna provided an update on TCC's summer field work. The update addressed the Henshaw Creek Weir Project; Science and Culture Camp; and recognition of State, Federal, and Tribal partners who assisted with in-season work. Additionally, the update addressed observed trends in Chum Salmon and Chinook Salmon escapement, genetics, and population ecology as detailed in Volume II, pages 274-282 of the Public Meeting Transcripts recorded on Oct. 11, 2017.

Yukon River Drainage Fisheries Association (YRDF)

Wayne Jenkins focused on the Bureau of Land Management's Central Yukon Resource Management Plan process and mentioned paper reports are available to the audience and by calling office staff to obtain programmatic updates on the organization's latest work. Additional details on the YRDF presentation can be found in Volume II, page 283-288 of the Public Meeting Transcripts recorded on Oct. 11, 2017.

Pew Charitable Trusts (PEW)

Suzanne Little addressed the Bureau of Land Management's (BLM) Central Yukon Resource Management Plan, noting the sharing of data requested by the Council from the BLM has not happened yet. A report on BLM priorities under the new administration emphasized a likely shift to the prioritization of mining and access for recreational hunting in the BLM Central Yukon Plan and Bering Sea Plan. The involvement of the Regional Advisory Councils is more important than ever to ensure the considerations of Federally qualified subsistence users are adequately addressed in the planning process.

Additional details on the timing of the BLM planning process and concerns raised by Federally qualified subsistence users during the PEW presentation can be found in Volume II, page 284-285 of the Public Meeting Transcripts recorded on Oct. 11, 2017.

Bureau of Land Management (BLM)

Bruce Seppi addressed a handout regarding the timeline for the BLM Bering Sea-Western Interior Resource Management Plan / Environmental Impact Statement (RMP / EIS). Mr. Seppi noted staff have been working on the plan and related plan alternatives. Mr. Seppi noted upcoming public meeting and opportunities for opportunities for public engagement in the region.

Addressing changes in personnel, Mr. Seppi introduced a new field manager named Bonnie Million, based in Anchorage. Mr. Seppi also announced the planned retirement of Mark Spencer, District Manager.

A report on the Environmental Assessment for the Iditarod Trail was provided. The EA will include permits for portions of the Iditarod Dog Race, Iron Dog Snowmobile Race, and related commercial activities. The existing plan is now a decade old and in need of updates.

Mr. Seppi also reported the BLM Anchorage Field Office is responsible for managing BLM lands in the vicinity of the Squirrel River impacting the Western Arctic Caribou Herd in Unit 23. Mr. Seppi noted the management boundaries of this area have shifted and administration of these lands has moved from the BLM Central Yukon Field Office to the BLM Anchorage Field Office. Consequently a management plan for the BLM is in need of updating. Mr. Seppi noted an accelerated timeframe for updating the plan is underway, with public scoping targeted for February 2018; a draft Environmental Assessment (EA) targeted for March 2018; a draft EA available for public comment in April 2018; and signing the Record of Decision (ROD) targeted for June 2018.

Additionally, Mr. Seppi reported on the Donlin Gold Environmental Impact Statement (EIS), noting BLM staff have been immersed in reviewing the document and the possibility of the U.S. Army Corps of Engineers (USACOE) serving as the lead agency. The EIS is approximately 5,000 pages in-length. Mr. Seppi is responsible for conducting the final Alaska National Interest Lands Conservation Act (ANILCA) Section 810 Analysis (subsistence analysis) targeted for completion in December 2017 and public review in January 2018. Significant public comment is expected. The Regional Advisory Council is encouraged to review the Donlin Gold EIS. The EIS will address six alternatives and others, including rerouting the pipeline. The focus remains on a gas pipeline from Cook Inlet to the Kuskokwim River and barging, and industrial barging on the Kuskokwim River to supply the mine with diesel fuel and freight. Mr. Seppi encouraged the Council to check the United States Army Corps of Engineers for related updates and timeframe. To assist the Council in reviewing the large EIS, Mr. Seppi noted the Council should specifically review and submit comments on the sections addressing health and human impacts and contaminants (mercury and arsenic), emphasizing the project is right in the middle of the region.

Jack L. Reakoff addressed concerns regarding a potential moose poaching incident in the vicinity of the Dalton Highway and Dietrich Camp, emphasizing the need for more BLM law enforcement. Timothy LaMarr noted he was unaware of the incident; that rangers were on extended deployment during hunting season; and some poaching did occur, through a number of instances were caught despite limited law enforcement staffing. Additionally, a new law enforcement officer was hired, to be shared between the BLM Central Yukon Field Office and the BLM Eastern Interior Field Office. Additionally, Jason Oles was recently hired and will oversee and implement the Special Recreation Permit (SRP) hunting program.

Timothy LaMarr introduced Michelle Ethun, who provided a status update on the Central Yukon Resource Management Plan (RMP)/EIS. Ms. Ethun noted 13 public meetings have been held addressing

the preliminary draft alternatives. Input collected from these meetings is now being compiled and meetings with cooperating agencies (i.e. USFWS, State of Alaska, and Village of Allakaket) are being held. Mr. LaMarr noted Bud Cribley is no longer the State Director. Mr. LaMarr also addressed the issue of potentially lifting or modifying PLO-5150 noting the BLM continues to pursue reasonable options for this, adding the State of Alaska remains very interested in this because most of the PLO-5150 lands are top filed for State selection. The State of Alaska is interested in many lands in the Dalton Highway Utility Corridor. Discussion between the BLM and State of Alaska continue to better ascertain which lands are wanted by the State of Alaska and develop a full range of alternatives for the RMP and EIS. Addressing a question from the Chair regarding the process timeline, Mr. LaMarr noted the RMP is anticipated between December or January. The new acting State Director, Karen Mouritsen, has been briefed on this issue. A draft is expected by winter of 2019 and a final Record of Decision (ROD) is expected by summer of 2020. Ms. Ethun explained that with the approval of the range of alternatives, the process of impact analysis will get underway. Usually impact analysis takes a year to complete. If BLM stays on schedule, the agency would like a ROD in summer of 2020. Mr. LaMarr noted the timeline might get extended if more input from the State of Alaska is needed.

Further addressing the BLM Central Yukon RMP/EIS, Ms. Ethun noted the BLM has not yet responded to the request from the Western Interior Alaska Subsistence Regional Advisory Council (WIRAC) for an annotated bibliography with reports documenting subsistence use in the project area, specifically in the vicinity of the Dalton Highway Utility Corridor. Ms. Ethun explained the lack of response from BLM to the Council's request is due, in part, to where the agency is in the Central Yukon RMP/EIS process. Specifically, the BLM is still gathering information they have and will be reaching out to the Council in the next month or two to compare notes.

Responding to a request from the Chair for an BLM update on the Ambler Road project, Mr. LaMarr explained that in November 2015 the BLM, Park Service, Coast Guard, and Corps of Engineers received an application from AIDEA (Alaska Industrial Development and Export Authority), the proponent, for a right-of-way and required authorizations. Mr. LaMarr explained the BLM's role in the project is defined by "FLPMA". Specifically, the BLM is tasked with making a decision whether to grant the right-of-way, and if so, under what conditions. The application was found to be complete in 2016. In February 2017 a notice of intent was issued to conduct an environmental impact statement on the project, triggering a 90-day public scoping period. The BLM saw a need to extend the scoping period, with discussion focused on accommodating subsistence and traditional use seasons. Public scoping was extended through the end of January 2018. A series of public scoping meetings will likely begin in November. So far 10 public meetings are planned. Additional venues may be considered. An independent contractor based in Anchorage, Lori Thorpe, is assisting the BLM with scheduling the public meetings. Preliminary outreach included 75 invitations to tribal governments and Alaska Native corporations soliciting government-to-government consultation and cooperating agency status. Additional work needs to be done to confirm responses. The timeline for the draft EIS is March 2019 with a final in December 2019.

This schedule may change due to new policies coming from the Administration, specifically a Secretarial Order, 3355, mandating a one-year timeframe from the issuance of a notice of intent for an environmental impact statement to come out with the final EIS. This means the BLM is to have a final EIS by next February. The BLM is trying to understand what the Secretarial Order means for the project because a timeline for the project was already set up before the order was issued. Additional details on the BLM presentation can be found in Volume II, page 288-306 of the Public Meeting Transcripts recorded on Oct. 11, 2017.

Kanuti National Wildlife Refuge (USFWS)

Vince Matthews delivered an update on the Kanuti National Wildlife Refuge. A printed summary report was circulated to Council Members. Mr. Matthews asked whether there are any specific issues pertaining

to the Kanuti National Wildlife Refuge that the WIRAC would like addressed at the next meeting to please let him know and the delivery of this information would be subject to time frames. The Chair responded, stating the Council's desire for an update from the Kanuti National Wildlife Refuge at the Council's next meeting. The Chair noted Mike Spindler's upcoming retirement from the Refuge and asked whether someone would be acting or is someone has been selected as his replacement. Mr. Matthews responded he did not have any information on that subject, though there should be some direction available by the next WIRAC meeting. Mr. Matthews emphasized that despite Mr. Spindler's retirement, remaining Refuge personnel are well, informed, and engaged on Refuge issues and will keep moving forward. Mr. Matthews also noted handouts are available with summary updates for the Arctic and Yukon Flats National Wildlife Refuges. Refuge postcards were also circulated. Additional details on the Kanuti National Wildlife Refuge presentation can be found in Volume II, page 306-308 of the Public Meeting Transcripts recorded on Oct. 11, 2017.

Koyukuk, Nowitna, and Innoko National Wildlife Refuges (USFWS)

Vince Matthews delivered an update on the Koyukuk, Nowitna, and Innoko National Wildlife Refuges. Mr. Havener provided a staffing update, noting the frequency of concerns voiced on this matter. Mr. Havener noted the position in McGrath remains vacant and this is the highest priority position to hire. This job was originally classified as a Resource Information Technician (RIT), the position will be switched to a Park Ranger to better reflect additional job related duties. Mr. Havener added that the Refuges are on a hiring freeze and wants to do a local hire in McGrath as soon as permission to hire is received. Shandara Swatling was hired for the RIT position in Huslia in January/February and will be focused on outreach and education. Ms. Swatling will be working part time. Additionally a new administrative officer, Marie Cleaver, has been hired from Ruby.

Addressing subsistence, Mr. Havener noted his recent return from the Nowitna check station and reported there were 101 hunters and 43 moose harvested this year. Mr. Havener added there was just a handful of large (50-inch and 60-inch) class bulls, though there were a lot of 35 and 40-inch class bulls. Regarding the Federal moose hunt (September 26th through October 1st) six permits were issued, reflecting preliminary data, and so far one (1) moose was harvested. Further review of harvest reports is ongoing.

The 21E winter moose hunt (February 15th through March 15th) in Game Management Unit (GMU) 21E, had had five (5) permits issued on the FM2104, for the Piamiut Slough area and south.

Four (4) moose were harvested for this area and all were bulls. In the 2105 area, north of Piamiut Slough, 19 permits were issues and 8 moose were harvested. The moose harvest composition for the Piamiut Slough reflects two bulls harvested and six cows harvested.

Mr. Havener noted the upcoming Alaska Migratory Bird Co-Management Council (AMBCC) bird harvest survey will be completed again this year. The survey will involve RITS and include four (4) communities (Koyukuk, Huslia, McGrath, and Anvik). Efforts are underway to get resolutions in place and complete the surveys before January. Reports from the biology programs will be shared with the Council at the Winter 2018 WIRAC Meeting. Additional details on the Koyukuk, Nowitna, and Innoko National Wildlife Refuges' presentation can be found in Volume II, page 309-311 of the Public Meeting Transcripts recorded on Oct. 11, 2017.

Yukon River Season Overview – Alaska Department of Fish and Game (AD&FG) and United States Fish and Wildlife Service

Holly Carroll deferred to Fred Bue and Gerald Maschmann to provide the summary and indicated she was available to answer additional questions. Gerald Maschmann directed the Council's attention to two

handouts; one handout addresses the Federal season overview and the second handout addresses the Alaska Department of Fish and Game preliminary Yukon River summer season summary. Mr. Maschmann provided an overview of Chinook Salmon and Chum Salmon population status; harvest levels; and fishery management strategies, by location covering the time period of 2012 to 2017. Additional details on the Yukon River Season Overview can be found in Volume II, page 311-321 of the Public Meeting Transcripts recorded on Oct. 11, 2017.

National Park Service (NPS)

Gregory Dudgeon and Marcy Okada presented an update on behalf of the Gates of the Arctic National Park and Preserve. Ms. Okada provided four handouts to the Council and focused on the topic of the Ambler Mining District. Ms. Okada noted the timing of the National Park Service (NPS) process for permitting the right-of-way through the Park runs parallel to the timing for the BLM EIS process. Ms. Okada noted that unlike the BLM, the NPS is required to issue a permit by ANILCA. Major items for consideration include impacts to subsistence resources; subsistence opportunities; clean water; and other issues. Ms. Okada emphasized a major focus of the NPS has been deliberately conducting government-to-government consultation, reaching 60 entities in Northern and Western Alaska. Ms. Okada noted the public comment period began in October and remains open through January 15, 2018.

Ms. Okada noted that in addition to the background studies conducted by AIDEA, the NPS has conducted their own background studies for project addressing subsistence, economies and a variety of subsistence resources, including caribou. Ms. Okada noted the NPS will produce an environmental and economic analysis (EEA) to explain impacts, options, and decision-making on route and terms and conditions for the 50-year right-of-way. The proposal reflects a single route from the Dalton Highway to the Ambler Mining District with two minor variations through Park Service lands. Jeffrey Rasic addressed the importance of government-to-government consultation. Dr. Annette Watson summarized the results of research conducted to document lifetime subsistence use (where people hunt, fish, and gather) in the vicinity of the proposed Ambler Road project area using interviews and maps.

Additional details on the NPS presentation can be found in Volume II, pages 322-336 of the Public Meeting Transcripts recorded on Oct. 11, 2017.

Alaska Department of Fish and Game (AD&FG)

Jill Klein delivered an update on behalf of the Alaska Department of Fish and Game (AD&FG). Responding to a request from the Council, Ms. Klein addressed the Salmon Plan Update. Ms. Klein clarified the title, noting the document is known as the Comprehensive Salmon Plan, also titled the Yukon River Comprehensive Salmon Restoration, Rehabilitation and Enhancement Plan. Ms. Klein noted the participating members of the planning team including residents of the Yukon River; members of the YRDFA Board from different districts; ADF&G representatives; two ADF&G Commercial Fisheries Division staff; one ADF&G Division representative; one ADF&G Sportfish Division representative; three representatives from Tribal organizations or the United States Fish and Wildlife Service.

Ms. Klein summarized the meeting of the regional plan team, held on October 4-5, 2017 in Fairbanks. Prior to the October 2017 meeting the regional plan team, the group had convened in April 2017. Ms. Klein summarized the summer village outreach meetings, including gatherings hosted by the Bering Sea Fishermen's Association (BSFA), ADF&G, and a representative of the regional planning team (RPT) in Alakanuk, St. Mary's, Hooper Bay, and Russian Mission on the Lower River in May. Ms. Klein added that in June gatherings were held on the middle and Upper River in Allakaket, Fort Yukon, Galena, Nenana, and Minto. The purpose of the meetings was to share information with communities on the Yukon River about the comprehensive salmon plan and to invite participation in the planning process.

Ms. Klein noted the plan includes chapters on Alaska salmon enhancement programs; information on the authorities; purpose and historical perspective; historical status information; and specific information for the Yukon River commercial, subsistence, and sport fisheries. The plan also includes a description of the coverage area with maps of the Yukon River. The Phase II section of the plan includes a mission statement, goals, and strategies for implementation. Additionally there is information on planning; permitting and reporting regulations; policies; public benefits of fishery enhancement; and an overview of current and historical Yukon River fishery restoration and enhancement projects at various spatial scales.

Ms. Klein noted that much of the RPT's efforts so far have focused on Chapters 4 (addressing Yukon River harvest goals) and Chapter 6 (identifying the river systems by district and then looking at historical run assessment projects and then what might be some potential projects by district) respectively. Projects are then ranked where rehabilitation of habitat and wild stocks comes first; enhancing habitat comes second; enhancing common property fisheries comes third; and lastly, creating new common property fisheries through enhancement (developing a hatchery or egg incubation projects) comes as the fourth priority. The plan places emphasis on the protection of wild salmon stocks.

Ms. Klein addressed the process, noting there will likely be two more meetings and another round of village meetings with a targeted completion timeframe of May 2018. Another meeting is scheduled in Anchorage for mid-November focused on the public review of and comment on the draft plan. The public is then provided with a 30, 60, or 90-day public notice to review the draft plan and targetting completion by the winter holidays. An additional meeting will be held to review public comments, where additional comments are added to the draft plan as an appendix or evaluated to see if they influence the draft plan. The draft plan is then sent to the Commissioner of the Alaska Department of Fish and Game for review and final approval. Additional details on the ADF&G presentation can be found in Volume II, page 321, 336-339 of the Public Meeting Transcripts recorded on Oct. 11, 2017.

Office of Subsistence Management (OSM)

Carl Johnson delivered an update on staffing changes. Mr. Johnson explained that Jennifer Hardin, the previous OSM Anthropology Division Chief has accepted the position of Subsistence Policy Coordinator. Additionally, Mr. Johnson noted the retirement of two OSM staff including Palma Ingles and Don Rivard. Mr. Johnson explained there are no replacements sought for these three positions due to challenges with hiring certain level positions. Additionally, Mr. Johnson explained that OSM lost an administrative assistant, Sabrina Schmidt, who provided support to coordinators and staff, noting that hopefully this position will be filled soon.

Dr. Joshua Ream provided an update on two special actions including Wildlife Special Action (WSA) 17-03 and Wildlife Special Action (WSA) 17-04. Dr. Ream explained WSA 17-03 was a request from the Northwest Arctic Subsistence Regional Advisory Council to close Federal public lands in Unit 23 to caribou hunting by non-Federally qualified users for the 2017-2018 regulatory year. The Board adopted this request with modification to close some Federal lands in Unit 23. The Federal Subsistence Board (Board) indicated that the targeted closure for subsistence users is warranted and that it prefers to leave the question of a closure of all Federal public lands to be addressed through the 2018/2020 regulatory cycle.

Addressing WSA 17-04, Dr. Ream noted it was a request by the North Slope Subsistence Regional Advisory Council to close Federal public lands in Units 26A and 26B to caribou hunting by non-Federally qualified users for the 2017/2018 regulatory year. The Board rejected the request and concluded that the recently enacted conservation actions undertaken by the Alaska Board of Game and the Board for the Western Arctic/Teshkepkuk and Central Arctic Caribou Herds need to be given time to determine if they are effective in reducing the caribou harvest and in slowing down or reversing the population declines in these

herds before additional closures are enacted. The Board also recognized that much of the non-Federally qualified user harvest occurs on State lands and a closure runs the risk of concentrating hunters on to State lands, which are adjacent to some of the villages thereby increasing impacts to those communities.

Additional details on the OSM presentation can be found in Volume II, page 339-342 of the Public Meeting Transcripts recorded on Oct. 11, 2017.

Annual Report Items

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

1. Ambler Road. Significant concerns about the road's impacts to resources and associated Federal lands. The impacts will have wide-reach effects at least to 50 miles on either side of the road, and perhaps even hundreds of miles. Alternatives to the road need to be considered, such as having a rail line to deliver ore to market via the coast or float on barges down the Kobuk River.
2. Need to evaluate harvest and mortality rates on Chinook Salmon related to new gear types on the lower Yukon River; for example, beach seining.
3. Caribou population decline. Concerned about cow harvest and need to watch the recovery of those populations that have dropped more than 50% in population. Inform Board about formation of caribou working groups and request support to help those working groups be effective.

Future Meeting Dates

The Council specified the following future meeting dates. The Council confirmed its winter meeting of February 20-21 in Anchorage. The Council selected dates of October 10-11 and a location of Galena for its fall 2018 meeting. A desire was expressed for a Kuskokwim meeting location, but not Aniak because of bad acoustics at the gym. It was suggested that the Sackett Building in Aniak could be a good venue.

Adjourn

The meeting adjourned at 7:00 PM on Oct. 11, 2017.

#####

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

Zach Stevenson, Designated Federal Official, OSM

Date

Jack Reakoff, Chair

Date

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



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

Federal Subsistence Board Informational Flyer



Forest Service

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

How to Submit a Proposal to Change Federal Subsistence Regulations

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

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

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

What your proposal should contain:

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

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

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

You may submit your proposals by:

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

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

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

How a proposal to change Federal subsistence regulations is processed:

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

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

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

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

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



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

Federal Subsistence Board Informational Flyer



Forest Service

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

How to Submit Proposals to Change Nonrural Determinations

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

Your proposal must contain:

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

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

You may submit your proposals by:

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

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

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

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

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

POLICY ON NONRURAL DETERMINATIONS

FEDERAL SUBSISTENCE BOARD

Adopted January 2017

PURPOSE

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

INTRODUCTION

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

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

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

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

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

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

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

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

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

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

BOARD AUTHORITIES

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

POLICY

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

SECTION A: Submitting a Proposal

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

SECTION B: Requirements for Proposals

Making a Nonrural Determination

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

Basic Requirements

All proposals must contain the following information:

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

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

Threshold Requirements

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

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

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

Limitation on Submission of Proposals Seeking Nonrural Determinations

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

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

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

Rescinding a Nonrural Determination

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

Basic Requirements

All proposals must contain the following information:

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

Threshold Requirements

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

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

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

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

SECTION C: Decision Making

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

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

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

Regional Advisory Council Recommendations

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

SECTION D: Process Schedule

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

SECTION E: General Process Timeline

Outlined in Table 1 and Table 2

Table 1. General Process Timeline


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

Table 2. General Process Timeline Comparison with other Cycles

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

SIGNATORIES

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



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


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

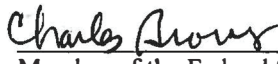

Regional Forester
USDA Forest Service
Date: 11/12/17


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


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


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


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


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

Appendix A – Final Rule – Rural Determination Process

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

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

RIN 1018-BA62

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

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

ACTION: Final rule.

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

DATES: This rule is effective November 4, 2015.

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

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

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

SUPPLEMENTARY INFORMATION:**Background**

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

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

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

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

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

Prior Rulemaking

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

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

Secretarial Review

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

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

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

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

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

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

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

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

between members of the Board and Alaska Native Corporations.

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

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

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

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

Public Review and Comment

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Major comments from all sources are addressed below:

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

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

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

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

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

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

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

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

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

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

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

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

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

wildlife populations or if there is a closure.

Rule Promulgation Process and Related Rulemaking

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

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

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

Conformance With Statutory and Regulatory Authorities

Administrative Procedure Act Compliance

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

National Environmental Policy Act Compliance

A Draft Environmental Impact Statement that described four

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

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

Section 810 of ANILCA

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

Paperwork Reduction Act

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

Regulatory Planning and Review (Executive Orders 12866 and 13563)

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

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

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

Regulatory Flexibility Act

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

Small Business Regulatory Enforcement Fairness Act

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

Executive Order 12630

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

Unfunded Mandates Reform Act

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

Executive Order 12988

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

Executive Order 13132

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

Executive Order 13175

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

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

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

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

Executive Order 13211

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

Drafting Information

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

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

Authority

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

List of Subjects**36 CFR Part 242**

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

50 CFR Part 100

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

Regulation Promulgation

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

PART —SUBSISTENCE MANAGEMENT REGULATIONS FOR PUBLIC LANDS IN ALASKA

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

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

Subpart B—Program Structure

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

§ ___.15 Rural determination process.

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

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

Dated: Oct. 28, 2015.

Sally Jewell,

Secretary of the Interior.

Dated: Sept. 30, 2015.

Beth G. Pendleton,

Regional Forester, USDA—Forest Service.

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

BILLING CODE 3410–11–4333–15–P

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

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

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

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

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

Appendix B – Direct Final Rule – Nonrural List

Need for Correction

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

Correction of Publication

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

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

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

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

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

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

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

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

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

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

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

Martin V. Franks,

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

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

BILLING CODE 4830-01-P

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

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

RIN 1018-BA82

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

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

ACTION: Direct final rule.

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

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

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

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

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:**Background**

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

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

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

Related Rulemaking

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

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

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

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

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

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

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

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

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

Direct Final Rule

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

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

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

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

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

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

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

Conformance With Statutory and Regulatory Authorities

Administrative Procedure Act Compliance

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

National Environmental Policy Act Compliance

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

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

Section 810 of ANILCA

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

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

Paperwork Reduction Act

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

Regulatory Planning and Review (Executive Orders 12866 and 13563)

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

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

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

Regulatory Flexibility Act

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

Small Business Regulatory Enforcement Fairness Act

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

Executive Order 12630

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

Unfunded Mandates Reform Act

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

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

Executive Order 12988

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

Executive Order 13132

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

Executive Order 13175

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

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

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

Executive Order 13211

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

Drafting Information

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

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

Authority

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

List of Subjects

36 CFR Part 242

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

50 CFR Part 100

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

Regulation Promulgation

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

PART—SUBSISTENCE MANAGEMENT REGULATIONS FOR PUBLIC LANDS IN ALASKA

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

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

Subpart C—Board Determinations

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

§ __.23 Rural determinations.

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

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

Dated: September 30, 2015.

Eugene R. Peltola, Jr.,

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

Dated: September 30, 2015.

Thomas Whitford,

Subsistence Program Leader, USDA—Forest Service.

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

BILLING CODE 3410–11–4333–15–P

LEO as a Tool for Documenting Environmental Change

Mitchell, Erica

Alaska Native Tribal Health Consortium, 4000 Ambassador Drive, Anchorage, AK 99508,
enmitchell@anthc.org

The Local Environmental Observer Network (LEO) is a network of local observers and topic experts who share knowledge about unusual animal, environment, and weather events. With LEO, local observers can connect with others in their community, share observations, raise awareness, and find answers about significant environmental events. Observers can also engage with topic experts in many different organizations, through individual observations or contribution to a LEO Project.

LEO can be used to better understand changes in distribution, abundance, and health of subsistence species through local observations, and through interaction with collections of observations, termed “LEO Projects.” In coordination with the Alaska Department of Fish and Game, and the University of Alaska Fairbanks, LEO maintains several projects focused on access to subsistence use areas, as well as the health of subsistence resources.

This presentation will discuss the past uses of LEO to communicate subsistence related issues, ways for organizations to engage with local observers, and potential applications for LEO in species monitoring efforts within Alaska.

Erica Mitchell is the Local Environmental Observers (LEO) Network Coordinator at the Alaska Native Tribal Health Consortium, focusing on outreach and education. Prior to coming on board with ANTHC, Erica collected harvest information as a Graduate Intern for the Division of Subsistence at the Alaska Department of Fish and Game. Erica is in the process of finishing her master’s degree in applied cultural anthropology at the University of Alaska Anchorage.
Email: enmitchell@anthc.org

Fall 2018 Regional Advisory Council Meeting Calendar

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

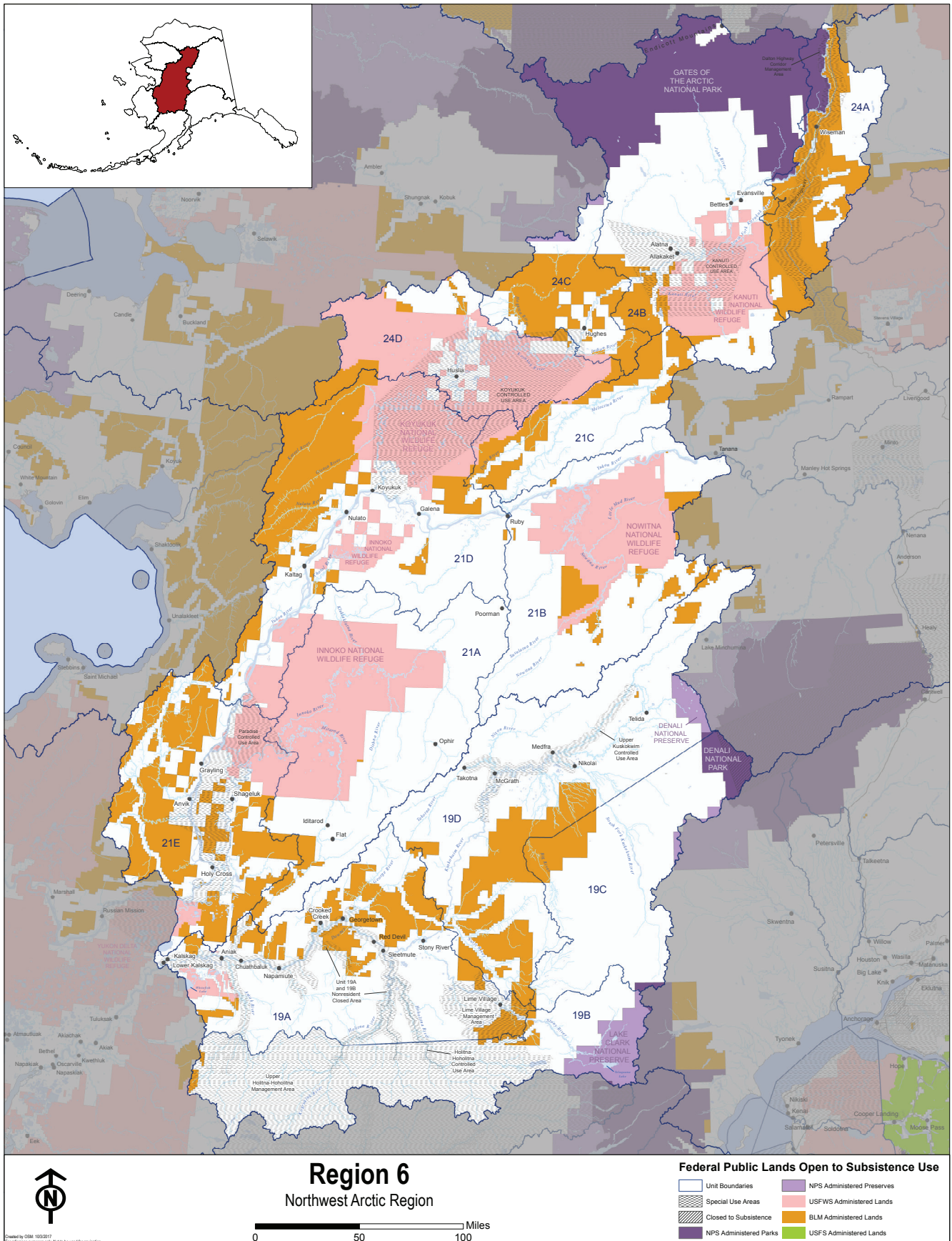
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Aug. 19	Aug. 20	Aug. 21 NS — Point Hope	Aug. 22	Aug. 23	Aug. 24	Aug. 25
Aug. 26	Aug. 27	Aug. 28	Aug. 29	Aug. 30	Aug. 31	Sept. 1
Sept. 2	Sept. 3 LABOR DAY HOLIDAY	Sept. 4	Sept. 5	Sept. 6	Sept. 7	Sept. 8
Sept. 9	Sept. 10	Sept. 11	Sept. 12	Sept. 13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

Winter 2019 Regional Advisory Council Meeting Calendar

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

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

Region 6 Western Interior Alaska Map



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

Western Interior Alaska Subsistence Regional Advisory Council

Charter

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

- (3) A recommended strategy for the management of fish and wildlife populations within the Region to accommodate such subsistence uses and needs.
 - (4) Recommendations concerning policies, standards, guidelines, and regulations to implement the strategy.
- e. Appoint one member to the Gates of the Arctic National Park Subsistence Resource Commission in accordance with Section 808 of 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 \$180,000, 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:

Ten members who are knowledgeable and experienced in matters relating to subsistence uses of fish and wildlife and who are residents of the Region represented by the Council.

To ensure that each Council represents a diversity of interests, the Federal Subsistence Board in their nomination recommendations to the Secretary will strive to ensure that seven of the members (70 percent) represent subsistence interests within the Region and three of the members (30 percent) represent commercial and sport interests within the Region. The portion of membership representing commercial and sport interests must include, where possible, at least one representative from the sport community and one representative from the commercial community.

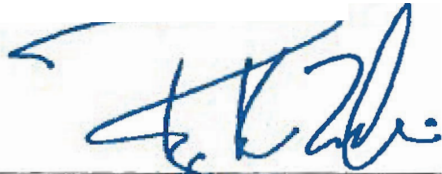
The Secretary of the Interior will appoint members based on the recommendations from the Federal Subsistence Board and with the concurrence of the Secretary of Agriculture.

Members will be appointed for 3-year terms. A vacancy on the Council will be filled in the same manner in which the original appointment was made. Members serve at the discretion of the Secretary.

Council members will elect a Chair, Vice-Chair, and Secretary for a 1-year term.

Members of the Council will serve without compensation. However, while away from their homes or regular places of business, Council and subcommittee members engaged in Council, or subcommittee business, approved by the DFO, may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in Government service under section 5703 of title 5 of the United States Code.

13. **Ethics Responsibilities of Members.** No Council or subcommittee member will participate in any Council or subcommittee deliberations or votes relating to a specific party matter before the Department or its bureaus and offices including a lease, license, permit, contract, grant, claim, agreement, or litigation in which the member or the entity the member represents has a direct financial interest.
14. **Subcommittees.** Subject to the DFOs approval, subcommittees may be formed for the purpose of compiling information and conducting research. However, such subcommittees must act only under the direction of the DFO and must report their recommendations to the full Council for consideration. Subcommittee 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

Follow and “Like” us on Facebook!
www.facebook.com/subsistencealaska

