



YUKON-KUSKOKWIM DELTA
SUBSISTENCE REGIONAL
ADVISORY COUNCIL
Meeting Materials

March 14-15, 2018
Bethel



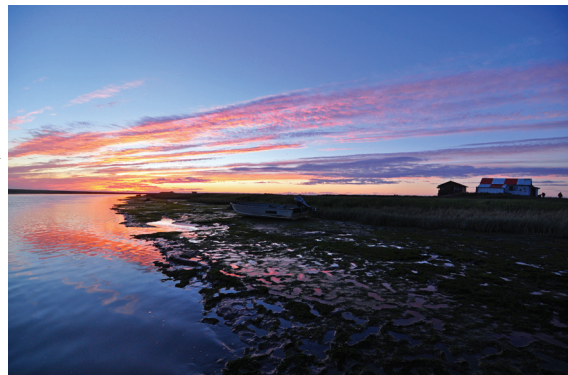
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On the cover...

Old Chevak, a Cup'ik community on the north bank of the Keoklevik River, a favored location for certain subsistence activities. Historically, it was an ideal site for mink and wolf hunting camps. Old Chevak was and still is used for summer fishing, berry-picking, and waterfowl hunting camps by several families (from *A Tale of Three Villages: Indigenous-Colonial Interactions in Southwestern Alaska, 1740-1950*, by Liam Frink).



Yukon Delta NWR USFWS photo
by Alison Williams

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YUKON-KUSKOKWIM DELTA SUBSISTENCE REGIONAL ADVISORY COUNCIL

AVCP Regional Housing Authority Building Conference Room
Bethel

March 14-15, 2018
commencing at 9:00 a.m. daily

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

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

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

AGENDA

*Asterisk identifies action item.

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

- b. Kuskokwim Partnership Project (update)

11. New Business (Chair)

- a. Yukon River Pre-season Management Review (*Federal and State Yukon River Fisheries Management staff*)
- b. Kuskokwim River Pre-season Management Review (*Federal and State Kuskokwim River Fisheries Management Staff*)
- c. Call for Federal Fisheries Proposals (*OSM*)24
- d. Fisheries Resource Monitoring Program Updates and Discussion (*OSM*) ...Supplemental
- e. Call for Nonrural Determination Proposals (*OSM*)27
- f. Approve FY2017 Annual Report* (*Eva Patton*) Supplemental

12. Agency Reports

(Time limit of 15 minutes unless approved in advance)

Tribal Governments

Orutsararmiut Native Council

Native Village of Napaimute

Native Organizations

Association of Village Council Presidents

Yukon River Drainage Fisheries Association

Special Actions

USFWS

Yukon Delta National Wildlife Refuge

Togiak National Wildlife Refuge 50

ADF&G

OSM

13. Future Meeting Dates*

Confirm Fall 2018 meeting date and location 56

Select Winter 2019 meeting date and location 57

14. Closing Comments

15. Adjourn (Chair)

To teleconference into the meeting, call the toll free number: 1-866-864-5314, then when prompted enter the passcode: 3091862.

Reasonable Accommodations

The Federal Subsistence Board is committed to providing access to this meeting for all participants. Please direct all requests for sign language interpreting services, closed captioning, or other accommodation needs to Eva Patton, 907-786-3358, eva_patton@fws.gov, or 800-877-8339 (TTY), by close of business on March 5, 2018.

REGION 5
Yukon-Kuskokwim Delta Subsistence Regional Advisory Council

Seat	Year Appointed <i>Term Expires</i>	Member Name and Community
1	2004 2019	William F. Brown Eek
2	1997 2019	James A. Charles Tuntutuliak
3	2006 2019	John W. Andrew Kwethluk
4	2014 2019	Michael P. Peters Marshall
5	2020	VACANT
6	2020	VACANT
7	2017 2020	Alissa Rogers Bethel
8	2020	VACANT
9	2020	VACANT
10	2001 2018	Raymond J. Oney Alakanuk
11	2018	VACANT
12	2003 2018	Robert E. Aloysius Kalskag
13	2012 2018	David Bill, Sr. Toksook Bay

YUKON-KUSKOKWIM DELTA SUBSISTENCE REGIONAL ADVISORY COUNCIL

Yupiit Piciryarait Cultural Center
Bethel, Alaska
October, 12-13, 2017

MEETING MINUTES

Council Members Present:

Lester Wilde, Sr., Chair
James Charles
John Andrew
Michael Peters
William (Charlie) Brown
Anthony Ulak
Robert Aloysius
David Bill, Sr.
Raymond Oney
Dorothy Johnson
Annie Cleveland
Dale Smith, Jr. (Telephonic)

Yupik Translation Services: Patrick Samson and David Nicholai

Meeting Attendees:

Tribal and Alaska Native Organizations:

Jennifer Hooper, Natural Resources Director, Association of Village Council Presidents
Sarah Mutter, Association of Village Council Presidents
Tim Andrew, Natural Resources Director, Orutsararmiut Native Council
Jennessa Esquible, Partners Program Biologist, Orutsararmiut Native Council
Alissa Joseph Rodgers, Orutsararmiut Native Council
Dan Gillikin, Native Village of Napaimute
Mary Peltola, Kuskokwim River Intertribal Fish Commission
Eek Traditional Council

Public and Local organizations:

Josie Roczicka, honored guest
Evon Waska, Sr., Bethel
Leonard Patton, Bethel
Janelle Carl, ANSEP Student, Orutsararmiut Native Council
Randall Friendly, ANSEP Student
Danielle Stickman, Yukon River Drainage Fisheries Association

Agency staff:

Eva Patton, Council Coordinator, Office of Subsistence Management
Pippa Kenner, Anthropologist, Office of Subsistence Management
Suzanne Worker, Wildlife Biologist, Office of Subsistence Management
Frank Harris, Fisheries Biologist, Office of Subsistence Management
Karen Hyer, Fisheries Biologist, Office of Subsistence Management
Tom Kron, Office of Subsistence Management
Ken Stahlnecker, Refuge Manager, Yukon Delta National Wildlife Refuge
Spencer Rearden, USFWS Yukon Delta National Wildlife Refuge
Aaron Webber, Fisheries Biologist, USFWS Yukon Delta National Wildlife Refuge, Bethel
Aaron Moses, Fisheries Biologist, Yukon Delta National Wildlife Refuge
Christopher Tulik, RIT, USFWS Yukon Delta National Wildlife Refuge
Ken Harper, Fisheries Research Biologist, USFWS Kenai Field Office
Susanna Henry, Refuge Manager, Togiak National Wildlife Refuge
Fred Bue, USFWS Yukon Subsistence Fisheries, Fairbanks
Phillip Perry, ADF&G Division of Wildlife Conservation
Patrick Jones ADF&G Wildlife Biologist, Bethel
Todd Rinaldi, ADF&G Division of Wildlife Conservation, Region IV
Lisa Olson, ADF&G Subsistence Division
Pat Petrivelli, Subsistence Anthropologist, Interagency Staff Committee, BIA
Elizabeth Powers, Western Alaska Landscape Conservation Cooperative
Evan Anderson, The Alaska Center, Anchorage

Via teleconference:

Gary Decossas, Fisheries Statistician, Office of Subsistence Management
Jill Klein, Alaska Department of Fish and Game
David Runfola, ADF&G Subsistence Division
Jeff Estensen, Yukon River fall season fisheries manager, Alaska Department of Fish and Game
Holly Carroll, Yukon Area Fisheries Manager, Alaska Department of Fish and Game
Maria Wessel, Alaska Department of Fish and Game
Mark Burch, ADF&G Division of Wildlife Conservation, Palmer
Wayne Jenkins, Yukon River Drainage Fisheries Association
Dan Sharp, Interagency Staff Committee, Bureau of Land Management
Rosalie Debenham, Fish and Wildlife Biologist, Bureau of Indian Affairs
Carol Damberg, Subsistence Coordinator, USFWS Regional Office
Bill Alstrom, St. Mary's

Roll call

Quorum established with 11 Council members present after brief weather delay and one participating by teleconference.

Adoption of agenda

The Council reviewed and approved the agenda with flexibility to have the ANSEP students present at the end of the first day of the meeting.

Review and Approve Previous Meeting Minutes

The Council reviewed the February 15-16, 2017 meeting minutes and had no edits or corrections. Minutes approved as written by unanimous consent.

Moment of silence and remembrance for Greg Rockzicka

Council members reflected on the life of long time Council Vice Chair and dear friend Greg Roczicka. The Council relayed that his passing was a great loss and he will be remembered throughout the Y-K Delta and Alaska for his tireless work for subsistence. Greg's wife Josie was recognized by the Council as an honored guest at the meeting.

Public and Tribal Comment on Non-Agenda Items

Evon Waska of Bethel asked about the permitting process for the Donlin Mine. He expressed concern that the opening of the mine would have an adverse effect on the people that totally rely on subsistence. Evon highlighted his concern for the proposed use of cyanide and tailings pond required for the mine development and that if that were to rupture it would affect the entire Kuskokwim River. He further stressed that the barge activity for mine operations would have an adverse impact on subsistence. Evon asked why with all they focus on subsistence and conservation nothing was being done to address the potential impacts of the mine and the hardship this would cause for people in the region.

Patrick Samson noted that he lives in Bethel but grew up in Kipnuk and spent time on the coast in the spring time observing birds. He grew up hunting black Surf Scoters and Lesser Scaup and noted that when he moved to Bethel in 1982 many people from the surrounding villages also hunt the waterfowl and black ducks such as Surf Scoter in the spring time. However he noted they do not hunt the birds during nesting season when the birds start laying eggs around July 4th, first the geese and then the scoters lay eggs later. He would like to see the hunting season extended for Scoters so then can have some bird harvest while they are out fishing since local knowledge is that the Scoters don't lay eggs until a little later after the geese. He felt this would be very helpful to subsistence hunters since this is when they would normally be hunting if it were not for the current regulations. Patrick suggested two separate hunting seasons for geese and swans and another for the little black waterfowl such as the scoters that would allow additional subsistence hunting opportunity on the birds that nest later.

Note: The Federal Subsistence Program does not have jurisdiction over migratory birds, this would be a proposal for the Alaska Migratory Bird Co-management Council (AMBCC).

Service Awards

Council members were recognized for their many years of service on the Yukon-Kuskokwim Delta Subsistence Regional Advisory Council, and a lifetime dedication to the subsistence in the region. To commemorate the occasion Council Chair, Lester Wilde, Sr. presented special plaques recognizing David Bill for his 5 years of Service and to James Charles for his 20 years of service. Chairman Wilde also presented James Charles with a Leatherman, which he noted was a useful tool for many things including removing porcupine quills.

Council Member Reports

Lester Wilde, Sr., Chair – Hooper Bay: Lester relayed that Hooper Bay had a good season also. He noted that there is a lot of moose now, more than there has ever been in the area. They even had a moose walking through the streets of Hooper Bay heading towards the Askinuk Mountain and had 10 moose sightings in the village over the past year. Lester noted that they were seeing moose all over the place when they were out at fishing areas, berry picking, and around subsistence camps.

Lester highlighted that the fish seemed to be doing a lot better than in recent years and they are hoping for a better future. Lester reported that he just got back from Fairbanks for a meeting working on redoing the comprehensive salmon plan for the Yukon River.

Anthony Ulak – Scammon Bay: Anthony reported that both Scammon Bay subsistence and commercial fishing did pretty good this year. He noted that subsistence fishers usually go up to the Black River in the Y-1 management area on the Yukon to do there fishing. Anthony relayed that beluga hunting was good this year too; however he was concerned that the smell of subsistence beluga harvest would deter the salmon from going up the Black River and interfere with successful fish harvest. He noted that he had heard this issue from Elders before and perhaps it could be communicated to not hunt beluga at the same time as fishing openings.

Overall Anthony noted that the fishing was good in Scammon Bay this year and he was happy to hear about others having a good year too. He relayed that the salmon was doing well by Scammon Bay and even some families from Bethel came to fish there because of the abundance of salmon.

Raymond Oney – Alakanuk: Ray reported that it was a good year for salmon on the Lower Yukon for both subsistence and commercial fishing. He highlighted that they has a good opportunity to fish all the way from the beginning of the season to the end in September. Ray also reported that moose hunting had been successful for most on the Yukon as well. He relayed that overall it had been a good year for both moose and salmon.

Dorothy Johnson – Mountain Village: Dorothy expressed that she was so happy that the salmon were healthy this year on the Yukon and they were able to harvest salmon when the season was right for drying and they were able to harvest Chinook for the first time in many years. She shared that it had been so long that she nearly forgot how to cut Chinook to make dry fish and her mom had to help to learn to remember. Dorothy shared she was so happy hear that so many people on the Yukon River were finally able to fish for salmon and meet their subsistence needs this year. Dorothy thanked all those who helped made it possible to harvest Chinook, “Thank you so much, it was a wish come true!”

Michael Peters – Marshall: Michael reported that people in Marshall were able to catch some subsistence salmon in the first run on the Yukon. He noted that the commercial fishers also did pretty fair this year. Michael thanked the Marshall Tribal Council and the Ohogamiut Tribe for their support on the Chinook conservation efforts to help rebound to meet the subsistence needs of the people. He noted that although it was a very rainy season people got what they needed for

salmon and for moose this year.

Robert Aloysius – Kalskag: Robert Aloysius reported that they did not have any problem fishing in his area of the Kuskokwim River, relaying that those that went to get out to get fish – got fish and those that stayed home and grumbled got none. He noted that everybody in his area seemed pretty happy with the fish they caught. Bob also noted there were a lot of moose around but as soon as the hunting season opened the moose left the area between Kalskag and Lower Kalskag and he never saw them again until after the season closed. But most people that went out to hunt got a moose even though it was raining the whole time. Bob relayed that he went seven miles downriver and up a slough to hunt moose and traveled back in the dark for the first time. He noted that once back on the river he could tell his way by the shadow of the banks.

Bob expressed frustration again at the map boundaries for regulations in Unit 21E. He reiterated that the ridge behind Kalskag goes north then west on the highest hill and anything on the north side flows into the Yukon and anything on the south side goes into the Kuskokwim. Bob requested that the person that makes the regulatory map boundaries fix this so that it reflects the natural features such as the ridge line that make natural boundaries instead of an arbitrary straight line on the map. Bob suggested following the routes that have been used for hundreds of years in the area such as the Paimute trail portage outside of Kalskag. Bob relayed that people from Kalskag are very frustrated by this error in the map boundaries because they can't even hunt on their own land (referring to the straight line boundary between Kalskag and Paimute for on the Unit 18 map in the current Federal Subsistence Regulations book). Bob invited staff to come to Kalskag and he would be there to help get the map straightened out – he felt someone who has never been to the area should not be making maps and telling people where they can hunt.

John Andrew – Kwethluk: John Andrew relayed that it is getting harder and harder to do subsistence salmon fishing due to the Chinook conservation closures on the Kuskokwim River and tributaries. He shared that they were not able to go fishing for any type of salmon in May or until the latter part of June. John recounted that there were only three brief “openings” for opportunities to harvest salmon in his area. He was targeting Chums and Reds (Sockeye Salmon) using five and half inch mesh or less and only 25 fathoms by the “Y” at the Kwethluk River. He stressed that some people were not able to meet their subsistence salmon needs and those that did better shared what they caught with other families. He noted there were three or four households going out and sharing with each fisher who had a boat. John said he kept only 25 – 30 salmon for his own family and gave the rest away to extended family members.

John reported that the moose season was good but rainy half the time. He saw that most hunters in his area were doing well and there were a lot of moose everywhere. On his first day of hunting he saw 14 or 15 cow and calves. He took his 10-year-old grand-nephew out hunting and he was able to get a little three point bull and they were happy with that.

William (Charlie) Brown – Eek: Charlie shared his Yupik name and noted that he goes by Charlie Brown. Charlie relayed that the healthy moose population gives him a good feeling because they have been working a long time together to help the moose rebound. He noted that the local people and the Tribes have been working with the Federal and State managers and

things turned out really well with the moose management and everyone working together this summer. The moose moratorium worked and now they are where they were hoping to be with good moose numbers and good opportunity for subsistence hunters to harvest for their family. He noted that there were many grandchildren who were able to harvest their first catch this summer and share it with the community and it is a good feeling. Charlie expressed that he is thankful that all this work was done together in collaboration and has come to fruition.

Charlie also noted that everyone is working together on helping the salmon return on the Kuskokwim River. He stressed that in the past this was a point of dissention but now since they started approaching the issue together that the animosity between agencies and the communities has gone. Charlie relayed that the community of Eek is particularly thankful that Helmet Point is being looked into for documenting passage of salmon on the Kuskokwim and Eek River. Charlie noted that he has been involved in helping monitor the salmon in his area and has traveled to Bethel to give these reports. He stressed how important it is for the community to be able to fish on the Eek River and that the area around Eek Island has been opened up for subsistence fishing opportunity. He compliments the State and Federal managers for working together with the Tribes on opening up the area for fishing. Charlie encouraged managers to allow an opening again at the mouth of the Kuskokwim River because it helped the community to get fish they needed and save on gas from having to travel so far to harvest fish.

James Charles – Tuntutuliak: James Charles stated that the people appreciated what the Refuge has been doing last couple of years working with the community to find subsistence fishing opportunities for non-salmon fish during the Chinook conservation closures. He noted they opened up rivers to fishing that do not have salmon spawning runs such as the Tagayarak, Qinaq (Kinak) and Tuntutuliak Rivers which are nearby and traditionally important areas for fishing. People from his village have been able to have set nets inside these rivers away from the main stem to catch fish when it is closed on the Kuskokwim and they thank the refuge for doing that. James joked that in addition to other fish species they can catch the salmon that are “lost” that don’t know where they are going and head up these tundra rivers where there is no spawning grounds.

David Bill, Sr. – Toksook Bay: David relayed that the salmon in the Nelson Island area are not normal or not like they use to be. He noted that some salmon they catch now are marked, almost like they are cut open and have pus along the side of their skin. David also relayed the salmon migration is not the same anymore – the timing and abundance has shifted. He noted there used to be more Sockeye around Nelson Island but now there are more Pink Salmon or humpies and then the King Salmon start coming with the other species and it is confusing to people in Toksook since the timing is not what it usually is.

David expressed the community’s concern about the impacts of the big commercial ships that are fishing in shallow waters in the Bering Sea and around Nelson Island. He recounted how the big trawlers started coming around after the 1990’s hunting Yellow-fin and the scraping the bottom of the ocean floor is impacting their subsistence fish. David requested scientists look into the impacts of these bottom trawlers on fish and fish habitat in their area.

Dale Smith – Mekoryuk: Dale shared that there was an abundance of Chums this year at the Nunivak Island fish camps. They saw no abnormalities or lesions on any of the Chum Salmon.

Dale reported they had a fairly mild winter with barely any snow over the winter, the snow all melted very early, and they had an early spring breakup. There has been a scarcity of their main staple, which is bearded seal, but most households that hunt were at least able to harvest one. Some men were able to harvest a walrus this year but they are continuing to see rapid breakup of the ice each year now. He also noted they had hardly any salmonberries or blackberries to harvest this year.

Dale relayed that he regularly tracks a web site called the Marine Exchange of Alaska to see what vessel activity there is around Nunivak Island. Recently there was a Japanese ship Ushimoo Number 2 about 25 miles from Nunivak which was of concern because this ship had been documented harvesting whales near the South Pole. Dale relayed that he called the Coast Guard to report the ship and they said it was registered as a “research vessel.”

Annie Cleveland – Quinahagak: Annie reported that there were a lot of moose in her area this summer and even two moose crossing the river right in front of the village. She highlighted a couple occasions when there were a couple moose standing on the river bank watching the boats go by and then a moose that was sighted walking down the runway in Quinahagak. Fortunately there were no planes landing at that time. It was the first time she saw moose (duduks) this close.

Annie shared the happy news that there were lots of fish swimming up the Kenektok River again this year and people even came from villages across the river such as Kong and Tuntutuliak to fish near Quinahagak.

Federal Subsistence Wildlife Proposals

Office of Subsistence Management staff wildlife biologist Suzanne Worker and anthropologist Pippa Kenner provided the Council with an overview and analysis for each of the federal subsistence wildlife proposals submitted this regulatory cycle in the Y-K Delta region as well as cross-over proposals and a state-wide proposal that also are relevant to the region. USFWS and ADF&G wildlife biologists and managers attending the meeting also helped to provide additional information and answer questions regarding the current biology and management of wildlife addressed in the proposals. The Council made the following recommendations:

Regional Proposals

WP18-27: Establish customary and traditional use determination for musk ox in Unit 18 for residents of Nunivak Island.

Council Action: Oppose

Discussion/Justification: Council members expressed concern that this proposal may have a negative impact on the local economy and Nunivak Island residents that work as hunting guides and transporters during the State sport hunt. The Council was concerned that subsequent proposals or actions in the future could possibly interfere with this local economy that benefits

residents of Mekoryuk with seasonal income and voted to oppose the proposal due to these uncertainties.

WP18-28: Addition of winter may-be-announced season for moose in Unit 18, Goodnews Bay.

Council Action: Support

Discussion/Justification: The Council supports this additional subsistence opportunity. The Council concurred with the feedback from local residents of Goodnews Bay and Quinhagak that if they were not able to get the moose on their permit during the fall hunt season, a winter season would be beneficial to give them another opportunity to harvest a moose for their family. Council Chair, Lester Wilde, Sr. noted that all in the region had worked very hard during the moose moratorium on the Kuskokwim River to get the moose population back up to where everyone in the region has an opportunity for the much needed protein moose provides. He noted this increased opportunity is a very good thing to see.

WP18-29: Lengthen moose season by one month in Unit 18 remainder.

Council Action: Support

Discussion/Justification: The Council concurred with the analysis and agency reports that the moose population seemed to be doing very well in this area and supported the additional subsistence opportunity with an extended season to be able to get the good moose protein they need.

WP18-30: Shorten season and decrease harvest limit and possession limit for ptarmigan in Unit 18.

Council Action: Support with modification. The Council voted on this proposal, but then brought the proposal back for reconsideration. Upon reconsideration, the Council voted to recommend a decrease in the ptarmigan harvest and possession limit while maintaining the season length.

Discussion/Justification: The Council discussed at length each their own observations of a decline in the ptarmigan population, noting that over the last ten years or so there have been fewer ptarmigan along the Kuskokwim River. The Council stressed that even if there was lack of data on the declines, local hunters observe every year and see what is going on with animals and the environment and that local hunter observation should be considered as just as valid. Overall the Council shared the importance of ptarmigan for subsistence in the region and expressed great concern for its decline. The Council voted to support efforts to help the population rebound by reducing subsistence hunting pressure. The Council discussed that as hunters they have noticed the decrease and expressed that “the future of this very important subsistence resource should be cared for our people that are going to be coming after us.” Upon consideration of the disparate impact the shortened season would have on the Coastal communities since the ptarmigan migrate there later in the season as the snow recedes, the Council voted to maintain the season length.

WP18-31: Shorten caribou season in portions of Unit 18 by 15 days.

Council Action: Support

Discussion/Justification: The Council discussed that the proposal specifically requested to shorten the caribou hunt at the end of the season in the spring and felt that would be supported by communities since the fall hunt was more important time to be out. Some Council members noted that the overlap of the fall moose and caribou hunt allowed the opportunity to harvest

caribou if they were not able to get a moose at that time. Overall the Council concurred with observations and concern for a decline in the Mulchatna caribou herd and wished to support efforts to help the population be sustained for future generations. The Council felt a reduction in the season at the tail end would help reduce pressure on the caribou without overly impacting subsistence communities in the region.

Crossover Proposals

WP18-21: Change harvest limit to 2 caribou throughout Mulchatna caribou herd range and consolidate hunt.

Council Action: Support

Discussion/Justification: The Council reiterated again that as hunters they notice changes that are going on with the resources they hunt and there have been concerns about the Mulchatna caribou in their area. The Council noted that based on the proposal there were concerns about the same caribou herd but subsistence hunters on the Bristol Bay side as well. The Council voted to support this proposal as an effort to help the efforts of people in the Bristol Bay region retain this important subsistence resource for future generations.

WP18-23: Add residents of Units 9C and 9E to customary and traditional use determination for caribou in Units 17A and 17C.

Council Action: Take no action

Discussion/Justification: This proposal does not pertain to the Yukon-Kuskokwim region. It was mistakenly added as a crossover proposal.

WP18-25/26: Establish new hunt area and may-be-announced season for moose in Unit 17C.

Council Action: Take no action

Discussion/Justification: The Council reviewed and discussed this proposal but took no action as it does not affect the Yukon-Kuskokwim region.

WP18-33/36: Shorten season to align with State and require state registration permit for moose in Unit 21E.

Council Action: No action taken – motion died for lack of a second

Discussion/Justification: The Council noted this proposal had no bearing on Unit 18.

Statewide Proposals

WP18-51: Modify bear baiting restrictions to align with State regulations.

Council Action: Support

Discussion/Justification: The Council discussed its support for the use of biodegradable material as bait for harvesting bear and aligning Federal subsistence regulations with the State regulations on this issue.

Identify Issues for FY2017 Annual Report

The Council reviewed the reply from the Federal Subsistence Board to their FY2016 Annual Report and discussed issues and concerns to include in their FY2017 Annual Report to the Board. The Council expressed an interest in taking more time to review and discuss the reply letter from the Board in the future and not rush through it. The Council felt some of the issues they identified were not fully understood or the reply did not fully address their concerns.

Topics the Council identified for their annual report this year are:

1. Research to investigate decline of Willow Ptarmigan
2. Timing of subsistence fishing opportunities when weather is conducive to safely dry fish.
3. Opportunity to harvest spring Sheefish in advance of the Chinook closure.
4. Increasing obstruction of fish passage streams by beaver dams.

Fisheries Resource Monitoring Program

OSM Anthropologist Pippa Kenner presented an overview of the Fisheries Resource Monitoring Program and discussed the review summary of projects submitted this year for the Yukon and Kuskokwim region that was included in the Council meeting book. The program began in 2000 supporting research to provide information important for the management of subsistence fisheries on Federal public lands in Alaska. Partnerships are encouraged between rural organizations, tribes, universities and State and Federal agencies. The Regional Advisory Councils help to advise the program on what are the highest priority information needs for their region by identifying issues of local concern and knowledge gaps related to subsistence fisheries. There is a call for research proposals every two years addressing both traditional ecological knowledge and harvest monitoring and stock, status and trends projects. OSM Staff works with the Regional Advisory Councils and Federal managers to ensure that the monitoring program focuses on the highest priority information needs for management of Federal subsistence fisheries.

The Council was provided with a list of the current projects in place and new project ranked according to the Technical Review Committee evaluation and was asked to provide their feedback on priorities for the region. It was noted that while there were many important monitoring program proposals, there was not enough funding to support all projects submitted. The Federal Subsistence Board will make the final recommendation on funding and will consider the feedback from the Regional Advisory Councils on strategic priority.

Council members discussed that they are always supportive of projects that work in conjunction with the local communities and tribal partners. Council members who participate in the Kuskokwim Salmon Management Working Group stressed the importance of the work of that group for salmon management decision making along the entire Kuskokwim River. Council member Charlie Brown stressed that the volunteers that serve on this working group dedicate not only their time but their own resources such as boat gas to come back and forth from fish camp to participate in the meetings as well as long teleconference calls using cell phone minutes. Charlie highlighted that the working group would benefit from additional funding support to

accommodate volunteers that have been donating their own funds to participate.

Council member Dale Smith also highlighted that the projects that most directly address the concerns of local subsistence fishers and provide an avenue for them to have a voice in the management of subsistence fisheries should be a priority for funding. It was noted the in-season harvest monitoring and the Kuskokwim Salmon Management Working Group were most supportive of local involvement. Council member James Charles concurred with comments from the Refuge Manager that the Kwethluk Weir was very important to track where the salmon are going and know what the salmon returns are on the lower river. Council member Ray Oney was very interested to see research that investigated the condition of the spawning grounds on the Kuskokwim and Yukon Rivers. Anthony Ulak recommended focus in the future on monitoring the Black River in Y-1 management area of the Yukon River because that area is a very important subsistence fishing area for many of the lower Yukon River communities.

Revised Delegation of Authority Letter for Kuskokwim In-Season Manager

Frank Harris, OSM Fisheries Biologist referred the Council to the draft revised Delegation of Authority Letter for Kuskokwim In-Season Manager that was included in the meeting book and provided an overview. The Delegation of Authority letter allows the Board to delegate to the Yukon Delta National Wildlife Refuge Manager the authority to set harvest and possession limits, define harvest areas, specify methods or means of harvest, specify permit requirements, and open or close specific fish or wildlife harvest seasons within frameworks established by the Board. These changes are associated with the January 2017 Federal Subsistence Board discussion of Fisheries Proposal 17-05, which requested that the Federal subsistence management plans, strategies, fishing schedules, openings, closing and fishing methods for the Kuskokwim area be issued independently by the Federal Subsistence Management Program in consultation with appropriate agencies and entities. The Board deferred action on that proposal at its January 2017 regulatory meeting.

The overall intent was for the Federal Subsistence Management Program, including the Yukon Delta Refuge Manager, to work with the Alaska Department of Fish and Game, the Kuskokwim River Salmon Management Working Group and the Kuskokwim River Inter-Tribal Fish Commission to determine a strategy for Kuskokwim area fisheries. The Federal Subsistence Board determined that some of the requests of FP17-05 could be accomplished by modifications to the Delegation of Authority letter. This letter was first issued in 2002 and has not been updated or revised until this time. New language was inserted to include the Kuskokwim River Inter-Tribal Fish Commission and the Kuskokwim River Salmon Management Working Group as additional entities for the in-season manager to coordinating with and notify when considering emergency special actions.

Council feedback is sought only on these highlighted change that are under purview of the Federal Subsistence Board for in season management. The Council discussed the structure and involvement of the Kuskokwim River Inter-Tribal Fish Commission with inseason fisheries management but did not have specific comments on the draft letter.

Kuskokwim Partnership Project status update

Carol Damberg, Subsistence Coordinator, USFWS Regional Office provided a very brief update on the status of the Kuskokwim Partnership Project. A joint Regional Advisory Council subcommittee structure is being discussed that would provide for interactions of Yukon-Kuskokwim Delta and Western Interior Alaska Subsistence Regional Advisory Councils with the inseason management of subsistence fisheries on the Kuskokwim River. USFWS is holding meetings to discuss the possible structure but no further updates at this time. Carol Damberg reported that the Yukon Delta Refuge Staff, the Inter-Tribal Fish Commission, the State Game and Fish, the Office of Subsistence Management, and Federal members of the Kuskokwim Working Group are continuing to meet to develop the draft framework for the partnership project and they hope to provide that at the next RAC meeting. Pippa Kenner, OSM Anthropologist, noted that the Council wrote a letter last spring to the USFWS Regional Director and the Federal Subsistence Board, addressing the Councils concern about advancing a subcommittee and updating the delegation of authority letter but did not receive a reply. She noted that these concerns would likely be addressed through further developments this year.

Alaska Native Science and Engineering Students (ANSEP)

Randall Friendly from Tuntutuliak introduced himself and presented in Yup'ik. Randall is a fourth-year college student attending the University of Alaska Anchorage (UAA) with a major in biological sciences and a minor in mathematics. He started summer internship work with the Fish and Wildlife Service in Kodiak and now is working with the Yukon Delta National Wildlife Refuge on migratory bird research. Randall shared that his goal is to go on to get a master's degree and then return home to the Y-K Delta to work as a USFWS biologist on issues that are important to communities in the region.

Janelle Carl from Kipnuk introduced herself and showed a video of some of her summer internship work with Native Village of Napaimute fisheries program. Her internship highlights included working with the Aniak Test Fishery and helping teach the at the high school science camp program – her favorite was identifying and cataloging benthic macroinvertebrates.

The Council was very pleased to meet the ANSEP students and very encouraged by their enthusiasm with hopes that they return to the region as the next generation biologists to use their local knowledge for subsistence management.

Agency Reports

Kuskokwim River Inter-Tribal Fish Commission

Mary Peltola, Interim Director for the Kuskokwim River Inter-Tribal Fish Commission, provided the Council with an overview of the structure and function of the Commission. She highlighted 33 member tribes from communities along the entire Kuskokwim River, from the mouth of the river to the headwaters. The Commission is organized into 7 units with each Unit having a representative member serving on the executive committee and three representatives delegated to serve as in-season managers from the upper, middle, and lower river. The currently appointed in-season co-managers Nick Kameroff, Jr. from Aniak for the upper river, James Nicori from the

middle and then James Charles from the lower river. Mary noted that the chairmanship is revolving and changes every two years. The chairman the first two years was Mike Williams. Since this was the third season since the Fish Commission was established, Nick Kameroff was selected to serve as Chairman for 2017 and 2018.

Mary highlighted the involvement of the Kuskokwim River Inter-tribal Fish Commission participation in in-season management along with ADF&G and U.S. Fish and Wildlife Refuge staff in a weekly structured decision making process that took into account the latest data and local knowledge and observations. The Council discussed the process and had questions about how to involve more upriver engagement on the Commission.

Association of Village Council Presidents (AVCP)

Jennifer Hooper, AVCP Natural Resources Director, provided the Council with a brief overview on all the subsistence work AVCP is involved with from migratory birds to marine mammals, beluga, and salmon management. She highlighted that she has been a staff of one covering all 56 tribes in the AVCP region but just recently hired a biologist and was happy to introduce Sarah Mutter as their new staff.

Orutsararmiut Native Council (ONC)

Timothy Andrew introduced himself as the new Natural Resources Director for ONC and provided some updates for the program since he recently took the position. Tim expressed his appreciation for the lifetime of subsistence work and successful programs for ONC his predecessor Greg Roczicka had developed. He also thanked the Council for their support for the ONC subsistence wildlife proposals that they submitted. Tim further explained that the proposals were developed by the ONC Subsistence Committee which is made up of Tribal members who are very active subsistence hunters and fishers and help review and inform the Tribal Council on issues related to subsistence.

Tim referred back to concerns raised earlier in the meeting by Bethel Elder Evon Waska, that the opportunity to subsistence fish was too late in the season when the weather was not good for drying fish and it causes them to spoil. He stressed that Evon Waska is a prominent Elder that has spent a lifetime as a subsistence provider for his family and the whole community and that the gravity of these concerns should be taken into account when fisheries management decisions are made. He stressed that it takes a tremendous amount of work for the entire family to harvest, process, smoke, and dry the fish to preserve it to feed an extended family for the whole year and any loss of this essential food is emotionally devastating. Tim relayed there has to be a way to manage for Chinook conservation and yet allow people to harvest other salmon species earlier when they are abundant.

Alissa Rodgers reported on her work with the ONC Browns Field program which is funded through the EPA to address contaminated grounds in the area. She noted there are approximately 100 contaminated sites identified around the Bethel area with 58 of those in active cleanup and 30 sites that contaminant cleanup was completed. Alissa noted that they have been working with the Native American Land Environmental Mitigation Program through the Department of Defense and also cleanup efforts in conjunction with Army Corp of Engineers. There are two old military sites in Bethel that are under active clean up. Alissa highlighted that she has been

working with the Alaska Derelict Vessel Taskforce to address abandoned vessels in Alaska. She noted that many are familiar with Steamboat Slough by Bethel which has numerous abandoned barges and other vessels that are partially submerged in the slough which is impacting fish and causing hazard for local boat traffic through the slough.

Council members discussed their concerns about contaminants impacts to their subsistence food and the recent accidents that caused a barge and large equipment to sink - one near Kwethluk and another near Tuntutuliak. The Council stressed that these submerged barges are safety hazards for local boat travel and also leaking fuel and other pollutants that have not been addressed yet by any of the responsible agencies. Council member Anthony Ulak also requested support for Scammon Bay Tribal Council to start clean-up of the old military site and “White Alice” radar structure that is still at Cape Romanzof.

Janessa Esquible, Partners for Fisheries Monitoring Program Biologist with ONC, provided the Council with an overview of their Chinook age-sex-length (ASL) sampling program and inseason subsistence harvest monitoring program that they conducted this past summer with interviews on salmon harvest effort at fish camps and the Bethel boat dock. ONC continued the Bethel Test Fishery fish distribution program that was started by Greg Roczicka many years ago to ensure the Bethel Elders Center and others received salmon caught in the Test Fishery monitoring program.

ONC also conducted a youth science and culture camp program in collaboration with Yukon Delta National Wildlife Refuge staff, the Kwethluk Weir and local elders to teach traditional skills. Council member James Charles was one of the local Elders who participated in the camp to teach traditional knowledge. ONC hosted a several student interns this year – two high school students from Bethel Avery Hoffman and Elijah Lindley and ANSEP students Anna Pavilla from Tuntutuliak and Danielle Lawery from Bethel.

Native Village of Napaimute (NVN)

Dan Gillikin, Partners for Fisheries Monitoring Program Fisheries Biologist with NVN, provided the Council with an overview of their inseason subsistence fisheries program including a video of their science camp program and student interns. He highlighted their work and partnerships on the middle-Kuskokwim which are largely focused on outreach and education and building a local professional workforce for subsistence fisheries monitoring and management. Their monitoring projects include the Salmon River Weir, the Aniak Test Fishery, and inseason subsistence monitoring in the middle river area communities in conjunction with ADF&G. Building local capacity and engagement in subsistence fisheries management has been their focus this year with 11 paid student internships at the George River Weir, 29 local people working on inseason monitoring, and local ANSEP student intern Janelle Carl from Kipnuk.

Yukon River Drainage Fisheries Association (YR DFA)

Danielle Stickman introduced herself as the new communications and outreach coordinator working with communities all along the Yukon River. She shared that her father is from Galena on the Yukon River and her mother is from Nondalton in the Bristol Bay region. Danielle provided updates on Fisheries Resource Monitoring Program and many other subsistence fisheries projects on the Yukon River that YR DFA has been involved with. YR DFA continues

to host the annual Yukon River pre-season management meetings, weekly inseason fisheries management teleconferences, and have renewed their outreach efforts through the publication of a newsletter. YRDFA has also conducted in-season salmon surveys funded through the FRMP program.

Other research highlights include YRDFA anthropologist Catherine Moncrieff's work on the following projects: 1) Customary trade in the Upper Yukon River project, which is funded by FRMP in partnership with ADF&G Subsistence Division; 2) Yukon River salmon declines, learning from tradition workshop, which is funded by the National Science Foundation and in partnership with Calista Education and Culture Group, is a workshop with elders from the Lower Yukon River to discuss Chinook salmon; 3) A case study on how people of the Yukon River value salmon, funded by the North Pacific Research Board and 4) Traditional knowledge in Federal fisheries management, which is funded by PEW Charitable Trusts and Kawerak, Incorporated, examines ways that traditional knowledge can be used in Federal fisheries management.

Danielle highlighted as Fred Bue also noted that salmon runs for the Yukon River were the best seen since 2005, and the YRDFA teleconference reports were that almost all Alaska Yukon River communities have met their subsistence needs with some King salmon caught along with other fish species this year.

YRDFA and the inseason managers all want extend gratitude to everyone for the sacrifices that have been made over the past years in order to meet escapement goals in Canada and in Alaska - this could not be achieved without fisher's conservation efforts.

Yukon Salmon Season Overview (Joint USFWS and ADF&G presentation)

Fred Bue, USFWS Yukon River Federal Inseason Manager presented in person with support from ADF&G fisheries management biologists Holly Carrol and Jeff Estensen participating via teleconference.

Fred shared some of the history noting that the Chinook run on the Yukon has been pretty low since 1998, while the Chum run rebounded they had to take an aggressive approach to proactive inseason conservation. 2012 and 2013 continued to be a low point and even with conservation measures the escapement goals for Chinook were not being met so they really had to enact big restrictions in 2014. Then 2015 showed some increase with 2016 being even a little better so it does look like things are recovering, or we're on the right track toward recovery.

It was noted that Summer Chum have been really good since actually 2002, which is good but makes management challenging when Chum are strong but the Chinook numbers are still low. Fred highlighted the good work of both subsistence and commercial fishers on the Yukon River to harvest summer Chum and still protect Chinook.

He noted that there was also a lot of work figuring out the best way to harvest just a few Chinook if there was an opportunity, since Chinook are so important to subsistence but it's such a big Area and a challenge to provide a fair opportunity for everyone along the entire the river - to spread that harvest across not only the different stocks but spread it among all the people.

The 2017 Chinook forecast was about 145,000 to 195,000. A run at the low end of that range would require conservation efforts to make the goal but a run size at the upper end would be similar to 2016, where subsistence harvest could be allowed and maybe start with six inch gear but also potentially having some 7.5 gear periods to target Chinook salmon. They had some optimism that the run may be at the higher end because recent studies in the ocean survival indicated more young chinook salmon were out there compared to recent years and the trends seem to be continuing since 2013. Fred noted that they took into account all the new management tools we've gained the last few years, combined them with fishermen suggestions and feedback to come up came up with management strategy for a conservative approach. Fred highlighted all the precise details of the inseason management in 2017 with the subsistence fishing opportunities that were provided this summer including some 7.5 inch gillnet fishing early in the season until the Chinook pulse picked up at the test fish site at the mouth of the Yukon. Then the sequence of pulse closure was repeated upriver to sub-district 4-A and then were able to relax it again after passage of that pulse.

Chinook Escapement goals for the 2017 were met in most tributaries except the Koyukuk River and the border passage objective was exceeded for the fourth year in a row. Summer chum escapement goals were met or exceeded everywhere this year and the Fall Chum outlook was for an above average run.

USFWS Kenai Fishery Office

Ken Harper, fisheries research biologist for the Kwethluk and Tuluksak Weir projects noted that this year they had a high incidence of Sockeye Salmon with sores on them and heard similar reports from the village of Tuluksak. Ken inquired if other people in the region had seen any sores on their subsistence fish harvest this year.

Chair Lester Wilde noted that there were some fish caught near Hooper Bay that people noted had lesions or black spots on them. Council member John Andrew of Kwethluk reported that a few of the Chums and Red Salmon he caught had sores on their bodies and some the intestines were sticking to the wall of the belly. He noted that if the fish had too many sores on them that he gave them to dog mushers to cook for dog food. Council member Bob Aloysius of Kalskag reported that while they did not see any fish with sores on the outside he did note that about 5 of the 40 Chum salmon caught were crawling with some kind of worm inside the meat. Council member Annie Cleveland of Quinhagak noted that while last year she had reports of salmon with lumps or lesions but this year she has not heard of any in her area.

Yukon Delta National Wildlife Refuge

Ken Stahlnecker, Refuge Manager, Yukon Delta National Wildlife Refuge provided the Council with an overview of the 2017 Kuskokwim River subsistence fisheries season summary. Ken relayed that he serves as the inseason fisheries manager when Federal restrictions are in place for salmon on the federal public waters of the Kuskokwim. Ken provided a handout with a detailed outline of each Emergency Special Action that was issued over the summer and summarized the inseason management actions for the Council. He reviewed the history of the Kuskokwim Chinook run, noted that over the past decade the population has been declined to a level of

historic lows. This has created hardship for communities and a struggle for how best to manage for conservation and subsistence needs.

In 2016, the Fish and Wildlife Service and the Kuskokwim River Inter-Tribal Fish Commission entered into a memorandum of understanding which formalized a collaborative management relationship to enhance management of the Kuskokwim River fishery. So early in the 2017 season the Fish and Wildlife Service, Kuskokwim River Inter-Tribal Fish Commission, and State of Alaska began to meet and used what is referred to as an objective based decision making process to try to define management objectives that would help outline strategies for the season. Forecasts for Chinook Salmon runs that we were again looking very low. The run forecast was approximately 150,000 Chinook and the escapement objective was for 110,000 to make it to the spawning grounds. Based on those projections and through determined that action through the Federal Subsistence Board resulted Federal restrictions being placed on the Chinook salmon fishery for the season. The first subsistence fishing opportunity to fish was a 12 hour opening on June 12 with 6-inch mesh or less and no more than 45 meshes deep. Because of low numbers of Chinook in the Bethel test fishery and to further conserve Chinook there was not another gill net fishing opportunity for another 12 days.

The Council discussed the inseason management process with both State and Federal managers and the involvement of the Kuskokwim River Inter-tribal Fish Commission. Ken noted that there were many important fisheries monitoring projects in the region but challenging times with limited funds and budget reductions. He highlighted the importance of several projects that play a role in his management decision making for the Refuge, noting the post season harvest surveys and the Kwethluk Weir in particular which is a key salmon spawning tributary within the Refuge a provides data that is essential for managing subsistence salmon on the Kuskokwim.

Ken and Refuge wildlife biologist Spencer Rearden provided the Council with moose and caribou management updates as well as other wildlife population updates relevant to the Federal Subsistence Regulatory proposals. Highlights included the moose population doing really well and work on managing for increased subsistence hunting opportunity. Ken reported that after consultation with Chair Lester Wilde they established a 25 day hunt for moose this year, with the season length set and harvest objective of 110 bulls. ADF&G wildlife biologist Patrick Jones also provided moose population updates and information on the area State managed moose hunts and efforts to coordinate the State and Federal hunts so that is easiest to follow for local residents.

Ken also provided the Council with information and updates on waterfowl population numbers and harvest opportunities including the first season for Emperor Goose in nearly 30 years.

Togiak National Wildlife Refuge

Susanna Henry, Refuge Manager, Togiak National Wildlife Refuge referenced the Refuge report in the meeting book and provided an overview for the Council. She highlighted the information on the fish weirs that Togiak Refuge is involved with, noting that this year there was no funding for the Kenektok River weir and only limited funding for the Middle Fork of the Goodnews River weir. The Refuge provided an intern at the Goodnews Weir this summer and would like to see the weir funding again. The Refuge has also been conducting water temperature surveys in some

of the upper elevation lakes. Susanna noted that some lakes such as Gechiak and Kukaktlin Lakes had water temperatures upwards of 68 degrees Fahrenheit and some blackfish and stickleback were found dead along the shore. Susanna highlighted that Refuge Information Technician, Mark John of Quinhagak was able to get some salmon to a lab for sampling injuries that were found on them. Results indicated that it was lamprey bites that then go infected. She noted it is possible that warmer water temperatures may improve conditions for either the lamprey or good condition for bacterial or viral growth.

Susanna provided an overview on moose population on Togiak Refuge and provided a handout on moose sightability. They have been working with ADF&G and the Western Alaska LCC to develop ways to do moose surveys when there is little to no snow cover which has been a challenge in recent years. Moose are very difficult to spot when there is low snow cover so they have been radio collaring some moose and tracking them and then look for other moose in the vicinity. Susanna also responded to concerns from Quinhagak about too many boats on the Kenektok River making local travel difficult and challenge getting moose meat back to the village quickly after hunting. Susanna noted that the Togiak Refuge has a public use management plan that strictly limits the number of people that can start a rafting trip on that river at one time and wanted to hear reports from the community of Quinhagak if there were any challenges with river activities in the area.

Western Alaska Landscape Conservation Cooperative (LCC)

Elizabeth Powers, staff to the Western Alaska LCC, provided an overview of the LCC program and specific projects they are working on specific to the Y-K Delta region that may be of interest to subsistence communities in the area. The Alaska Landscape Conservation Cooperatives are housed within the US Fish and Wildlife Service but are a self-directed partnership governed by individuals from tribal, State and Federal entities. They all come together to try to collaborate on applied science and then share that information so it can help inform conservation on the ground.

Elizabeth reported that the LCC started in about 2011 and was focused on identifying information gaps and science that would help make decisions about conservation and they focused fresh water, coastal and terrestrial ecosystems. So far they have funded approximately 50 projects to date and Elizabeth provided highlights from each area of focus.

Recognizing the importance of salmon they looked into projects that would help inform climate change impacts to salmon and subsistence. Basic water temperature data was lacking from streams and rivers across Alaska so they worked with community members across the state to develop a community based water temperature monitoring program to better understand water temperature impacts to the salmon lifecycle. On the terrestrial side they have focused on a project in the Y-K Delta to document the landscape with high resolution aerial imagery called Lidar. This imagery can be used for a variety of community development needs, monitor shoreline erosion or look at habitat change over time. The information will be available online at elevation.alaska.gov. Elizabeth highlighted their coastal work including organizing several Coastal Community Resilience workshops and had a video compilation to share from those workshops. So far workshops were held in Kotzebue, Nome, King Salmon and Unalaska. She noted that there was interest from tribal, from State and Federal agencies to work together to help get a better understanding of the changes occurring across Alaska and develop ways to adapt.

They developed pretty comprehensive report that provides information about some of the different changes that are going on across Alaska and potential adaptation strategies. Elizabeth also noted that the Aleutian/Bering Sea Island LCC has been putting a lot of effort toward working on some of the increased vessel traffic issues of concern to communities in the region.

Future Meeting Dates

The Council confirmed the winter meeting date for March 14 – 15, 2018 in Bethel and selected September 27-28 in Bethel for the fall 2018 meeting.

Closing Comments

Chair Lester Wilde thanked staff and all the meeting participants. The Council appreciates support and assistance in their work and for the information shared at the meeting. Several Council members reiterated the difficulty to safely preserve fish when the salmon fishing opportunity is so late in the season and the extra work and diligence it requires to prevent fish from spoiling.

The meeting adjourned by unanimous consent.

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

Eva Patton, Designated Federal Officer
USFWS Office of Subsistence Management

Lester Wilde, Sr. Chair
Yukon-Kuskokwim Delta Subsistence Regional Advisory Council

These draft minutes will be formally considered by the Yukon-Kuskokwim Delta Subsistence Regional Advisory Council at its Winter 2018 public 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

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This document has been cleared for public release #13812222017.

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

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

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

POLICY ON NONRURAL DETERMINATIONS

FEDERAL SUBSISTENCE BOARD

Adopted January 2017

PURPOSE

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

INTRODUCTION

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

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

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

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

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

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

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

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

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

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

BOARD AUTHORITIES

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

POLICY

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

SECTION A: Submitting a Proposal

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

SECTION B: Requirements for Proposals

Making a Nonrural Determination

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

Basic Requirements

All proposals must contain the following information:

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

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

Threshold Requirements

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

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

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

Limitation on Submission of Proposals Seeking Nonrural Determinations

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

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

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

Rescinding a Nonrural Determination

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

Basic Requirements

All proposals must contain the following information:

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

Threshold Requirements

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

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

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

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

SECTION C: Decision Making

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

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

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

Regional Advisory Council Recommendations

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

SECTION D: Process Schedule

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

SECTION E: General Process Timeline

Outlined in Table 1 and Table 2

Table 1. General Process Timeline


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

Table 2. General Process Timeline Comparison with other Cycles

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

SIGNATORIES


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


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


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

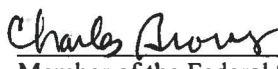

Regional Forester
USDA Forest Service
Date: 11/12/17


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 Bodenbergt Butte.

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

Dated: September 30, 2015.

Eugene R. Peltola, Jr.,

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

Dated: September 30, 2015.

Thomas Whitford,

Subsistence Program Leader, USDA—Forest Service.

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

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United States Department of the Interior

FISH AND WILDLIFE SERVICE
Togiak National Wildlife Refuge
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Dillingham, Alaska 99576
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INFORMATION BULLETIN - January 2018

Cooperative Salmon Escapement Monitoring Projects. Contact: Pat Walsh

ADF&G has monitored Chinook, chum and sockeye salmon escapement on the Middle Fork Goodnews River since 1980. Togiak Refuge has worked with ADF&G since 1992 to assist in staffing the weir until 2017, during which reduced Refuge funding prevented providing staff assistance.

On the Kanektok River, ADF&G, Native Village of Kwinhagak, Coastal Villages and Togiak Refuge have worked cooperatively to monitor salmon and Dolly Varden runs since 2001. However, this project has been cancelled for the past two years (2016-2017) due to lack of funding.

Mulchatna Caribou Contact: Andy Aderman

Togiak Refuge assisted ADF&G with telemetry monitoring flights, radiocollar deployment, satellite data acquisition, data entry and database management. A composition survey conducted October 14-15, 2017 estimated ratios of 32 bulls and 27 calves per 100 cows. Both the bull to cow and calf to cow ratios were slightly below their management objectives (Neil Barten, ADF&G, personal communication).

Nushagak Peninsula Caribou Contact: Andy Aderman

A composition survey conducted October 13, 2017 estimated ratios of 30 bulls and 42 calves per 100 cows. The bull to cow ratio declined to its second lowest level while the calf to cow ratio was slightly below the previous 5-year average of 44.6 calves per 100 cows. For the 2017-2018 hunt, Refuge Manager Henry set the harvest objective at 300 caribou and an initial harvest limit of 3 caribou per hunter. The area immediately north of the federal hunt was opened August 1-March 31 with a bag limit of 2 caribou by state RC501 permit. As of January 17, 2018, a total of 11 caribou (10 bulls and 1 cow) have been reported harvested (6 bulls and 1 cow by Federal permit and 4 bulls by State permit). Poor travel conditions (thin snow cover and open rivers) for snowmachine-based hunters have prevailed through mid-January 2018.

Moose Contact: Andy Aderman

Togiak Refuge has been engaged in developing a moose survey method that does not rely on complete snow cover, and preliminary results suggest that 1) the method is succeeding, and 2) that the Togiak Refuge moose population has continued the growth we have documented over the past 20 years. The results that follow should be considered tentative, pending a statistical peer review currently underway by ADF&G.

A Refuge-wide survey conducted in October 2016 with no snow cover estimated 2,590 (± 504 at 80% confidence) moose. Sightability trials involving radio-collared moose indicated 72.7% detection which equates to a sightability correction factor (SCF) of 1.375. Applying the correction increases the estimate to 3,561 moose. A similar effort in March 2017 with complete snow cover estimated 3,071 (± 503 at 80% CI) moose. Sightability improved to 83.3% (or a SCF of 1.2) resulting in a Refuge-wide estimate of 3,685 moose. The most recent survey in October 2017, estimated 2,368 (± 441 at 80% confidence) moose. Sightability trials involving radio-collared moose indicated 71.0% detection which equates to a SCF of 1.409. Applying the correction increases the estimate to 3,337 moose.

In May 2017, 25 of 37 (67.6%) radio-collared adult cows produced 44 calves suggesting a production rate of 118.9 calves per 100 adult cows which is similar to the previous 5 years. The twinning rate was 76.0% which was higher than the long term average. Calf survival from birth to November was 36.4%, the second lowest rate since monitoring began in 1998.

The reported moose harvest in Unit 17A for 2017-2018 as of January 17, 2018 is 54 (49 bulls and 5 cows) with the following breakdown: 42 bulls reported in the fall RM573 hunt; 3 bulls in the fall DM 570 hunt; 3 bulls in the winter RM575 hunt and 1 bull and 5 cows in the winter RM576 hunt (Neil Barten, ADF&G, personal communication). Note: both the RM575 and RM576 hunts got extended to February 20, 2018.

The relationships of wolf and brown bear predation with moose population density and growth at Togiak National Wildlife Refuge and BLM Goodnews Block, Alaska Contact: Pat Walsh

In summer 2014, Togiak Refuge, the USFWS Genetics Lab, ADF&G, and BLM initiated a study to understand the effects of wolf and brown bear predation in regulating the populations of moose. The study relies on radio telemetry and stable isotope analysis. Our approach is to relate the predation impact by wolves and bears on moose at varying levels of moose population density. We will use existing population estimates for brown bears, and through the use of radio telemetry, we will estimate the number and composition of wolf packs on the Refuge. We will model wolf and bear predation on moose based on the quantity of wolves and bears and diet composition of both species determined through analysis of carbon and nitrogen isotopes occurring in bear and wolf hair. Hair is being collected from wolves when captured during radio collaring operations, and has been collected from brown bears using break-away hair snares. So far, we have captured and radioed 27 wolves from seven packs. During summers 2014-2016, we deployed over 400 snares, and collected over 200 brown bear hair samples. Laboratory analyses have been completed for bear and most wolf samples, and data are being reviewed to determine where sampling gaps exist.

Walrus Contact: Doug Holt

The Togiak Refuge has annually monitored the number and timing of Pacific walrus at haul-outs since 1985, using ground counts (1985-2008), aerial surveys (2003-2011) and time lapse photography (2010-2017). Overall, walrus numbers have declined, with the greatest declines at Cape Peirce and Cape Newenham. Peak counts in the most current year when every day was counted (2015) were 722 at Cape Peirce, 682 on Hagemeister Island, and 437 at Cape Newenham. Walrus using haul-outs in Bristol Bay are typically recorded from late spring to late fall but have been observed at Cape Newenham every month except one since cameras were deployed in fall of 2014.

Seabirds Contact: Kara Hilwig

The abundance and reproductive success of black-legged kittiwakes, common murres, and pelagic cormorants has been monitored annually at Cape Peirce from 1990-2014, and intermittently at Cape Newenham from 1990-2009. Seabird studies were resumed at Cape Peirce in 2016 and continued in 2017. In 2015 and 2016, large seabird mortality events were observed along North America's west coast. Population counts and reproductive success of kittiwakes, murres, and cormorants at Cape Peirce in 2016 and 2017 were among the lowest recorded since the initiation of the monitoring. No hatchlings were produced at Cape Peirce in 2016 and 2017. Population and productivity monitoring will continue in June 2018.

Invasive Aquatic Plant Surveys Contact: Kara Hilwig

Elodea spp. is a highly invasive and difficult to control aquatic plant implicated in the degradation and loss of fish habitat across the world. It was confirmed present in Alaska in 2009 and is now found in several waterbodies across the State, although it has not been reported from Bristol Bay waters. *Elodea* infestations in salmon streams and lakes can reduce the quality of salmon spawning and rearing habitat. *Elodea* surveys have never been conducted on Togiak National Wildlife Refuge, Wood-Tikchik State Park or the surrounding areas. Early detection and removal of *Elodea* from pristine waters of Bristol Bay will be the least expensive and most effective method of protecting one of the largest salmon fisheries in the world from the detrimental effects of this invader. Staff have submitted several proposals to conduct surveys on the Refuge and Park, however, funding is uncertain at this time.

Water Temperature Monitoring Contact: Doug Holt

Stream temperature monitoring was conducted at 21 locations on 14 rivers in Togiak National Wildlife Refuge from August 2001 until July 2016. Continuous hourly water temperatures were recorded at each site. Over 2.1 million temperature records were collected, quality-graded, and digitally stored in a relational database. The warmest month each year was July. The maximum recorded mean daily summer temperatures varied by location, with median values of 9.8–22.9°C across sites. The warmest temperatures were observed in the Kukaktlim Lake outlet and the coolest temperatures were observed in the Weary River. Based on differences in maximum daily mean temperature, the four warmest sites were each located near a lake outlet. Recorded temperature measurements at each site except the Weary River exceeded the Alaska Department of Environmental Conservation's 13°C temperature criteria for fish habitat two or more years, with temperature readings at Gechiak Lake outlet, Kukaktlim Lake outlet, Middle Fork Goodnews Lake outlet, and Nichols Lake outlet exceeding these criteria annually. The warmest

year observed was 2004. Previous analyses of data collected on these sites indicated a cooling trend but recently a warming trend has been observed. More monitoring is required to determine if differences in previous and current trend observations are the result of cyclical patterns or a long-term warming trend.

Temperature was monitored at 2 lakes with temperature loggers equally spaced from surface to lake bottom and temperature recorded every hour. Both lakes exhibited similar patterns of turnover and surface freezing in winter beginning near the end of November and thawing near the end of April each year. Data from each lake showed evidence of multiple freeze/thaw events during the winter of 2015-2016.

Quantifying River Discharge Contact: Pat Walsh

Togiak Refuge and the USFWS Water Resources Branch have worked cooperatively since 1999 to acquire baseline hydrologic data of the flow regime (magnitude, duration, timing, frequency, and rate of change) and water quality. A network of stream discharge gages collected stream flow data from 1999-2005 at 20 locations. A subset of five of these stations continued to collect data through fall 2009, after which three of the five stations were removed. We will monitor discharge in the Togiak and Kulukak Rivers indefinitely. Each gage is instrumented with pressure sensors that measure water level every 15 minutes. On-grounds discharge measurements are made 3 to 6 times a year. In 2014, satellite transmitters were added to the stream gages that allow remote monitoring of the equipment.

Education and Outreach Contact: Amanda Cochran

Togiak Refuge has an active education and outreach program, conducting more than 60 classrooms visits throughout 12 Bristol Bay villages annually. Classroom visits include lessons about the Migratory Bird Calendar; National Wildlife Refuge Week; careers in natural resource conservation, and numerous teacher requested classroom presentations. The refuge works with several school districts and private schools including the Southwest Region, Lower Kuskokwim, Dillingham City school districts and the Dillingham 7th Day Adventist School. Field trips with area students for the 2016-2017 school year included bird walks, animal tracks and ID, archery, salmon life cycles, aquatic resources and bear safety. The refuge website is also an education tool and is available at <http://togiak.fws.gov>.

The refuge, in partnership with Alaska Department of Fish and Game and the Southwest Region School District, has also conducted 7 hunter safety courses throughout western Bristol Bay Villages, impacting more than 100 students in Manokotak, Dillingham, Twin Hills, Togiak, Aleknagik and Quinhagak. The refuge plans to continue these courses in 2018 and will be adding the National Archery in School Program to its offerings.

The refuge education program also produces Bristol Bay Field Notes (a new episode airs each week on KDLG). Togiak Refuge has a very active Facebook page which disseminates information on a daily basis to a rapidly growing global audience.

In 2017 the refuge also hosted a Student Conservation Association (SCA) Career Discovery Intern, Antonio Hornstein, who engaged local elementary age youth around the Dillingham

community. The refuge partnered with Alaska 4H, Alaska State Parks, UW Fisheries Research Institute, and the Dillingham Library to host more than 15 summer programs for ages 3-17. This included expanding its Ranger for a Day Program to Dillingham and Aleknagik, as well as, participating in the summer library reading program and Curyung culture camp activities. The programs promoted conservation of the area's natural resources and traditional/subsistence way of life.

Outreach programs for the community continued in the fall and winter. The refuge hosted a family bird feeder building program and Christmas Bird Count pancake breakfast. These efforts resulted in doubling the participation for the Christmas bird count.

Also, the refuge partners with others to conduct three environmental education camps described below:

Cape Peirce Marine Science and Yup'ik Culture Camp Contact: Terry Fuller

In July 2017 an enthusiastic group of seven area junior high students representing three villages traveled to Cape Peirce for this camp. Students experienced outstanding and stunningly sunny weather and were able to observe seabirds, marine mammals, learn how field work is conducted, as well as learning about food webs and ecological relationships. Students and agency staff also learned about traditional Yup'ik uses of animals and plants and about Native survival skills. This camp is designed to help students gain a better understanding of the biological diversity of a marine ecosystem. It also strengthens their sense of stewardship for local natural resources. Other topics at this camp included tide pools, wilderness survival skills, archery, bear safety, Leave No Trace camping practices and careers with USFWS. RIT John Mark of Quinhagak was on hand to speak with students about traditional uses, biologist Doug Holt discussed walrus biology, and Artist-in-Residence Shawna Pickenpaugh of Wyoming led students through a number of art activities. Traditional councils and school districts from throughout western Bristol Bay are cooperators with this camp.

Southwest Alaska Science Academy (Salmon Camp) Contact: Terry Fuller

This past June and July (2017), Togiak Refuge helped with the 16th year of a summer camp aimed at teaching middle and high school students about fisheries science and the importance of salmon to our ecosystem. Students were selected from the Bristol Bay region. During the camp students worked in the field alongside fisheries professionals. Cooperators with the refuge on this project included the Bristol Bay Economic Development Corporation, Bristol Bay Science and Research Institute, University of Alaska, University of Washington School of Fisheries, the Dillingham City and Southwest Region school districts, and ADF&G. This year Togiak Staff were able to share with camp students about the following: identifying the different species of Pacific salmon at various stages in their development, the salmon life cycle, jobs associated with the fishing industry, salmon in art (fish taxidermy) and archery.

Summer Outdoor Skills and River Ecology Float Camp Contact: Terry Fuller

The 2017 Float Camp took place on the Ongivinuk River. At this camp, nine high school students (three from Anchorage, two from Quinhagak, one from Manokotak and three from Dillingham) learned about river ecosystems and how to enjoy them safely and responsibly while

taking part in a float trip conducted on a refuge river. Students observed and learned about the many fish, wildlife and plant species found on the Ongivinuk. Rafting skills, water safety, different angling practices (Catch and Release), Leave No Trace camping practices and bear safety were topics during the trip. Students also participated in other outdoor activities such as wilderness survival skills. This camp helps students grasp the biological diversity of riparian ecosystems and the importance of salmon as a nutrient source, while developing a deeper sense of stewardship for local natural resources. Traditional councils and school districts in western Bristol Bay are cooperators with this camp.

River Ranger Program Contact: Amanda McCutcheon Cochran

The Refuge River Ranger Program was conceived during the public use management planning process and was first implemented in 1991. The program serves many purposes. River Rangers are the main contact source for sport fishermen and local residents. Information distributed to the public includes Service policies, regulations, resource management practices, State sport fish regulations, bear safety, wilderness ethics, Leave-No-Trace camping and information about private lands to prevent trespass. Rangers document public use occurring on the river along with the location and timing of activities, conflicts between users, and sport fish catch/harvest per unit effort. Rangers also assist Refuge staff with biological studies. In addition, Rangers patrol campsites for litter, monitor compliance of sport fishing guides and offer assistance as needed. In recent years, continuing into 2017 the RITS and River Rangers have also recruited local volunteers to assist them in river patrols. This helps build capacity and partnership within the villages. River Ranger volunteers donated nearly 100 hours of their time over the 2017 summer. The refuge plans to have two River Rangers on the Togiak and Kanektok Rivers in 2018.

Staff Update

Refuge Information Technician Keemuel Kenrud resigned in December 2017. This position is in the process of being announced and filled in the spring of 2018. Federal Wildlife Officer Derek Thompson arrived in Dillingham mid-December. Visitor Services Manager Amanda Cochran accepted the Deputy Chief of Interpretation position at Bryce Canyon National Park in Utah and will move there in February.

Fall 2018 Regional Advisory Council Meeting Calendar

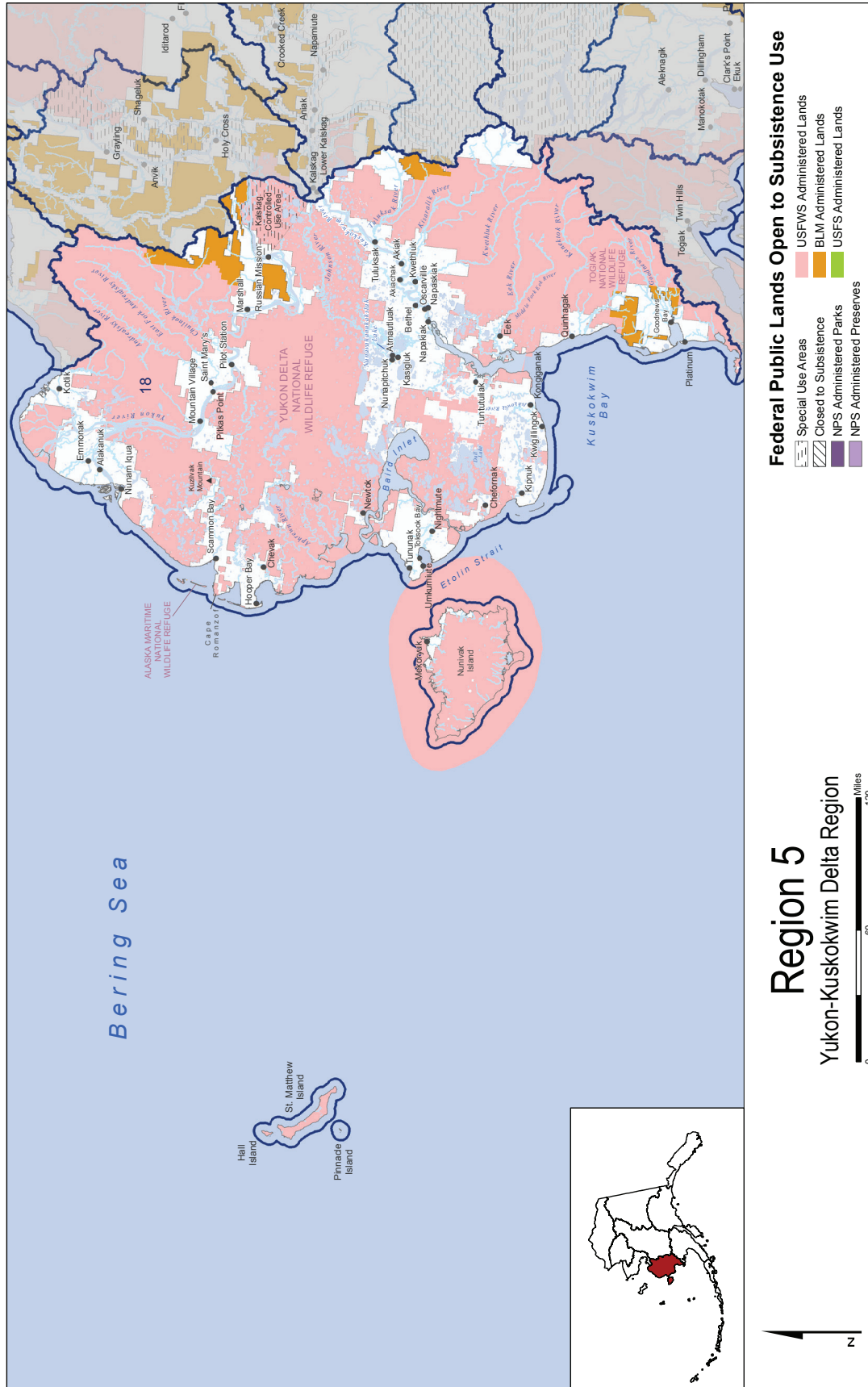
Due to travel budget limitations placed by Department of the Interior on the U.S. Fish and Wildlife Service and the Office of Subsistence Management, the dates and locations of these meetings will be subject to change.

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

Winter 2019 Regional Advisory Council Meeting Calendar

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

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



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

Yukon-Kuskokwim Delta Subsistence Regional Advisory Council

Charter

- 1. Committee's Official Designation.** The Council's official designation is the Yukon-Kuskokwim Delta 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. Make recommendations on determinations of customary and traditional use of subsistence resources.
- f. Make recommendations on determinations of rural status.
- g. Provide recommendations on the establishment and membership of Federal local advisory committees.
- h. 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.
- i. 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 \$190,000, including all direct and indirect expenses and 1.15 staff years.
8. **Designated Federal Officer.** The DFO is the Subsistence Council Coordinator for the Region or such other Federal employee as may be designated by the Assistant Regional Director – Subsistence, Region 7, U.S. Fish and Wildlife Service. The DFO is a full-time Federal employee appointed in accordance with Agency procedures. The DFO will:
 - (a) Approve or call all of the advisory committee's and subcommittees' meetings;
 - (b) Prepare and approve all meeting agendas;
 - (c) Attend all committee and subcommittee meetings;
 - (d) Adjourn any meeting when the DFO determines adjournment to be in the public interest; and

(e) Chair meetings when directed to do so by the official to whom the advisory committee reports.

9. **Estimated Number and Frequency of Meetings.** The Council will meet 1-2 times per year, and at such times as designated by the Federal Subsistence Board Chair or the DFO.
10. **Duration.** Continuing.
11. **Termination.** The Council will be inactive 2 years from the date the Charter is filed, unless, prior to that date, it is renewed in accordance with the provisions of section 14 of the FACA. The Council will not meet or take any action without a valid current charter.
12. **Membership and Designation.** The Council's membership is composed of representative members as follows:

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

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

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

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

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

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

13. **Ethics Responsibilities of Members.** No Council or subcommittee member will participate in any Council or subcommittee deliberations or votes relating to a specific party matter before the Department or its bureaus and offices including a lease, license, permit, contract, grant, claim, agreement, or litigation in which the member or the entity the member represents has a direct financial interest.
14. **Subcommittees.** Subject to the DFOs approval, subcommittees may be formed for the purpose of compiling information 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

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