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July 21, 2025

Office of Subsistence Management  
Attn: Subsistence Policy Coordinator  
1011 E. Tudor Road, Mail Stop 121  
Anchorage, AK 99503-6199  
Submitted via e-mail at: [subsistence@fws.gov](mailto:subsistence@fws.gov)

RE: Request for Reconsideration- Federal Register/Vol. 90, No. 136/Friday, July 18, 2025/Rules and Regulations.

Dear Members of the Federal Subsistence Board,

On behalf of the Craig Tribal Association (CTA), I, Clinton Cook Sr., President, submit this Request for Reconsideration (RFR) regarding the Federal Subsistence Board's decision on February 5, 2025, designating the Ketchikan area (Ketchikan Gateway Borough, excluding Saxman) as a rural community under *36 CFR 242.23*. While the Board may have intended to apply the law equally in assessing Ketchikan's rural status, their application fails to fully consider the unintended consequences of allowing approximately 13,000 new Ketchikan subsistence hunters to access Unit 2's deer population, a critical resource for Prince of Wales Island (POW) rural residents.

This RFR asserts that the Board's interpretation of information, application of law, and regulatory framework is in error and contrary to existing law, particularly ANILCA Section 804 (*16 U.S.C. § 3114*), necessitating reconsideration to protect our subsistence priority and resource sustainability.

### **Regulation Details**

**Regulation to Reconsider:** The Federal Subsistence Board's decision on February 5, 2025, designating the Ketchikan area (Ketchikan Gateway Borough, excluding Saxman) as a rural community under *36 CFR 242.23*, expanding federal subsistence eligibility in Unit 2.

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**Date of Federal Register Publication:** Federal Register/Vol. 90, No. 136/Friday, July 18, 2025/Rules and Regulations. DEPARTMENT OF AGRICULTURE Forest Service 36 CFR Part 242 DEPARTMENT OF THE INTERIOR Office of the Secretary of the Interior 43 CFR Part 51 [Docket No. FWS-R7-SM-2023-0214; FXFR13350700640-245-FF07J00000] RIN 1018-BH14 Subsistence Management Regulations for Public Lands in Alaska—2025–26 and 2026–27 Subsistence Taking of Fish and Shellfish Regulations.

### **Statement of Adverse Effect**

**How You Are Adversely Affected:** On behalf of the Craig Tribal Association, we are adversely affected by the Board's designation of Ketchikan as a rural area. This decision grants federal subsistence eligibility to approximately 13,000 additional hunters from Ketchikan, intensifying pressure on Unit 2's deer population—a cornerstone of our food security, cultural practices, and economic sustenance. Our community already contends with declining deer numbers due to wolf predation, habitat degradation from past logging, and existing harvests. The influx of Ketchikan hunters threatens to further deplete resources, eroding our subsistence priority under ANILCA Title VIII and endangering our traditional way of life. This unintended consequence of the Board's decision undermines our ability to sustain cultural traditions and ensure food security for future generations.

### **Basis for Reconsideration**

**CTA's Demonstration of Error in the Board's Interpretation:** The CTA acknowledges that the Board likely intended to apply the law equally when evaluating Ketchikan's rural status under *36 CFR 242.15* and *50 CFR 100.15*, focusing on criteria such as population, isolation, and subsistence reliance. However, the Board's application of these regulations is in error and contrary to existing law because it fails to fully consider the unintended consequences of granting Ketchikan subsistence hunters access to Unit 2's already strained deer population. This oversight violates multiple legal standards, including ANILCA's subsistence priority framework, procedural requirements, and prior Board precedents, jeopardizing the resource sustainability and subsistence rights of POW rural residents.

**The Board's Interpretation:** The Board designated Ketchikan as rural under *36 CFR 242.23*, relying on criteria in *36 CFR 242.15* and *50 CFR 100.15* (e.g., population, isolation), presuming compatibility with ANILCA's subsistence framework. This interpretation assumes equal application of rural determination standards across communities, which should be considered an irrefutable error calling for reconsideration.

**Claim of Error or Conflict:** The Board's interpretation and application of the law are fundamentally flawed because they fail to account for the unintended consequences of adding 13,000 new hunters to Unit 2, directly threatening the conservation and subsistence continuation mandates of ANILCA § 804. This section requires the Board to restrict subsistence use when necessary to protect resources and prioritize existing rural users like POW residents, yet the

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Board expanded eligibility without mitigating measures, such as harvest limits. As stated in CTA's POW deer harvest amendment proposal: "Ketchikan's rural designation dramatically increases subsistence hunting pressure on Unit 2... undermining the subsistence priority for POW rural residents." By prioritizing Ketchikan's eligibility over the sustainability of Unit 2's deer population, the Board misapplied ANILCA's core intent to safeguard rural subsistence communities, contradicting the law's protective framework.

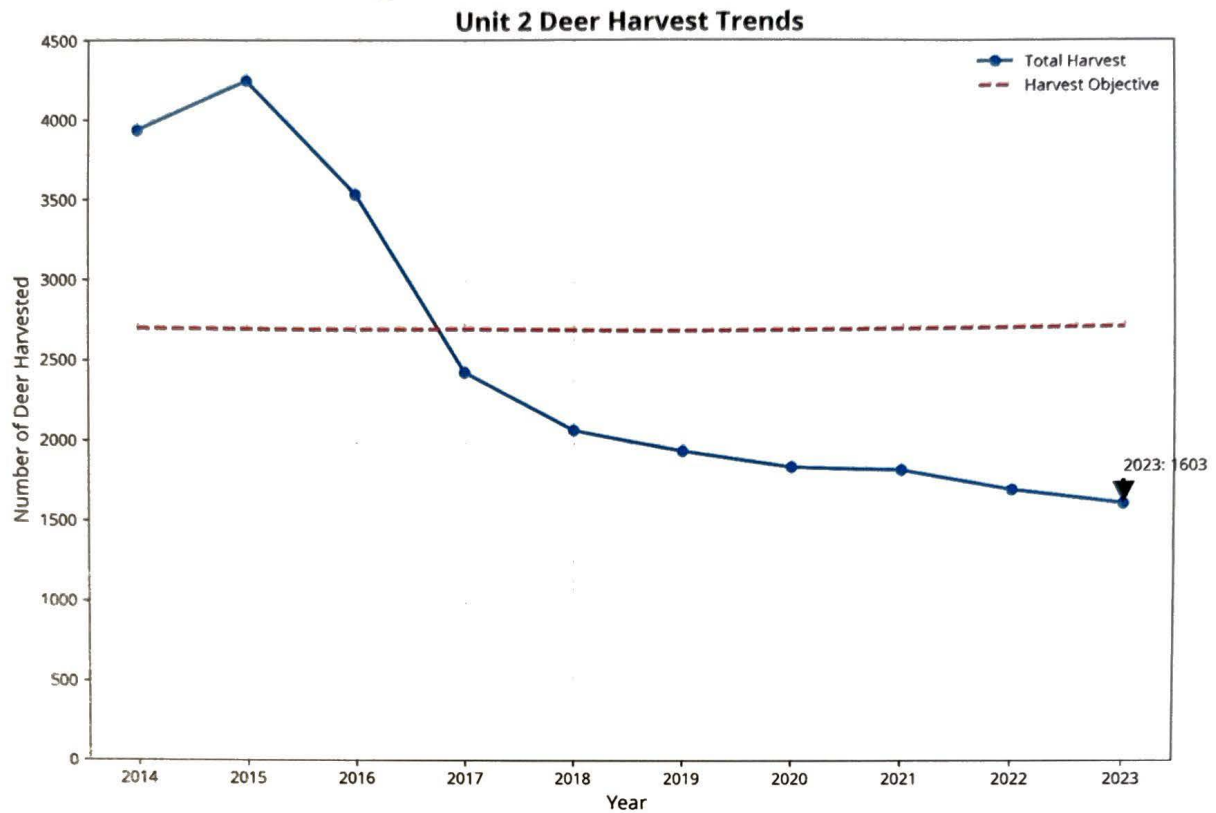
Additionally, the Board's decision is in error under the following legal grounds:

**Failure to Conduct an ANILCA Section 810 Subsistence Evaluation:** Under ANILCA § 810 (16 U.S.C. § 3120), federal agencies, including the Federal Subsistence Board, are mandated to evaluate the impact of any action on subsistence uses and needs prior to authorizing changes affecting public lands, specifically assessing whether such actions "may significantly restrict subsistence uses." The designation of Ketchikan as a rural community under 36 CFR 242.23 directly increases hunting pressure on Unit 2, posing a substantial risk to the subsistence access of Prince of Wales Island (POW) residents. The Craig Tribal Association formally requests documentation of the Board's Section 810 analysis, including detailed findings on potential subsistence restrictions, mitigation measures considered, and the rationale for its conclusions. If no such evaluation was conducted, the Board's decision must be deemed legally deficient and subject to immediate reconsideration and suspension until a compliant review is completed. This procedural omission not only compromises the integrity of the Board's decision-making process but also breaches the explicit legal obligation to protect rural subsistence users when resource sustainability, as evidenced by Unit 2's declining deer population, is at grave risk, thereby violating ANILCA and necessitating immediate corrective action.

**Violation of the Administrative Procedure Act (APA):** Under the APA (5 U.S.C. § 706), agency actions must not be "arbitrary, capricious, or otherwise not in accordance with law." The Board's decision is arbitrary and capricious because it ignores substantial evidence of Unit 2's declining deer population (see evidence below) and fails to consider the foreseeable impact of 13,000 new hunters, as raised in regional advisory council meetings. This omission demonstrates a lack of reasoned decision-making, contravening APA standards.

**Inconsistency with Prior Board Precedents:** The Board has previously reversed rural designations when they risked resource sustainability or subsistence priority, such as the 2021 redesignation of Moose Pass to nonrural due to its urban characteristics and limited subsistence reliance. Ketchikan, with a population of ~13,000, significant tourism infrastructure, and access to commercial alternatives, shares more traits with nonrural areas like Juneau than rural POW communities. The Board's failure to apply this precedent consistently undermines its own regulatory framework, rendering the decision contrary to established practice and subject to reconsecration.

**Data Driven Evidence to Support CTA's Claim:**



*Figure 1: Unit 2 Deer Harvest Trends*

**Harvest Data (2014–2023):** Unit 2 deer harvests show a significant decline relative to the 2,700-deer harvest objective set in 2000. Total harvests dropped from 3,931 in 2014 to 1,603 in 2023, a 59% decline, and have fallen below the 2,700 objective since 2017 (see Figure 1). Federally qualified hunters (soon to include Ketchikan) consistently take the majority (e.g., 71.6% in 2023: 1,147 of 1,603).

**Effort metrics reveal increasing difficulty:** Figure 2 days per deer harvested rose from 3.55 in 2014 to 5.2 in 2023, and the number of hunters fell from 2,725 to 1,599, signaling resource strain.

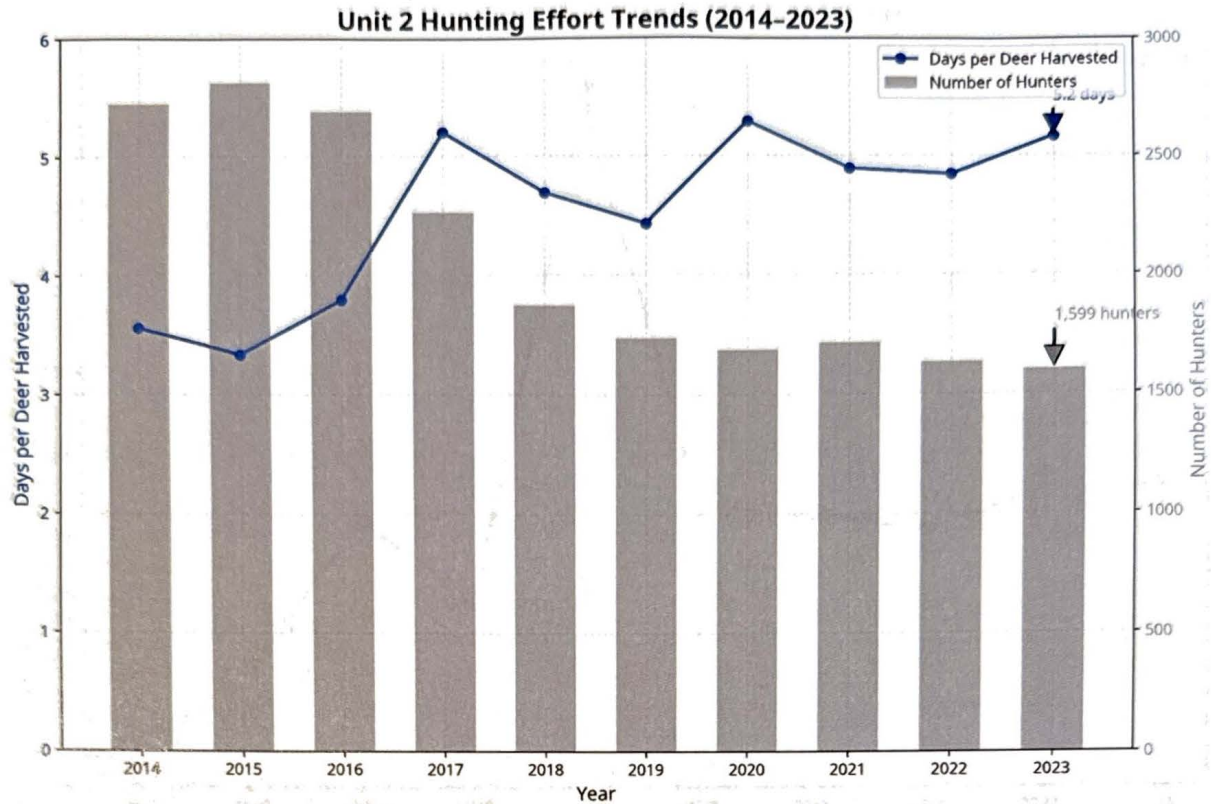
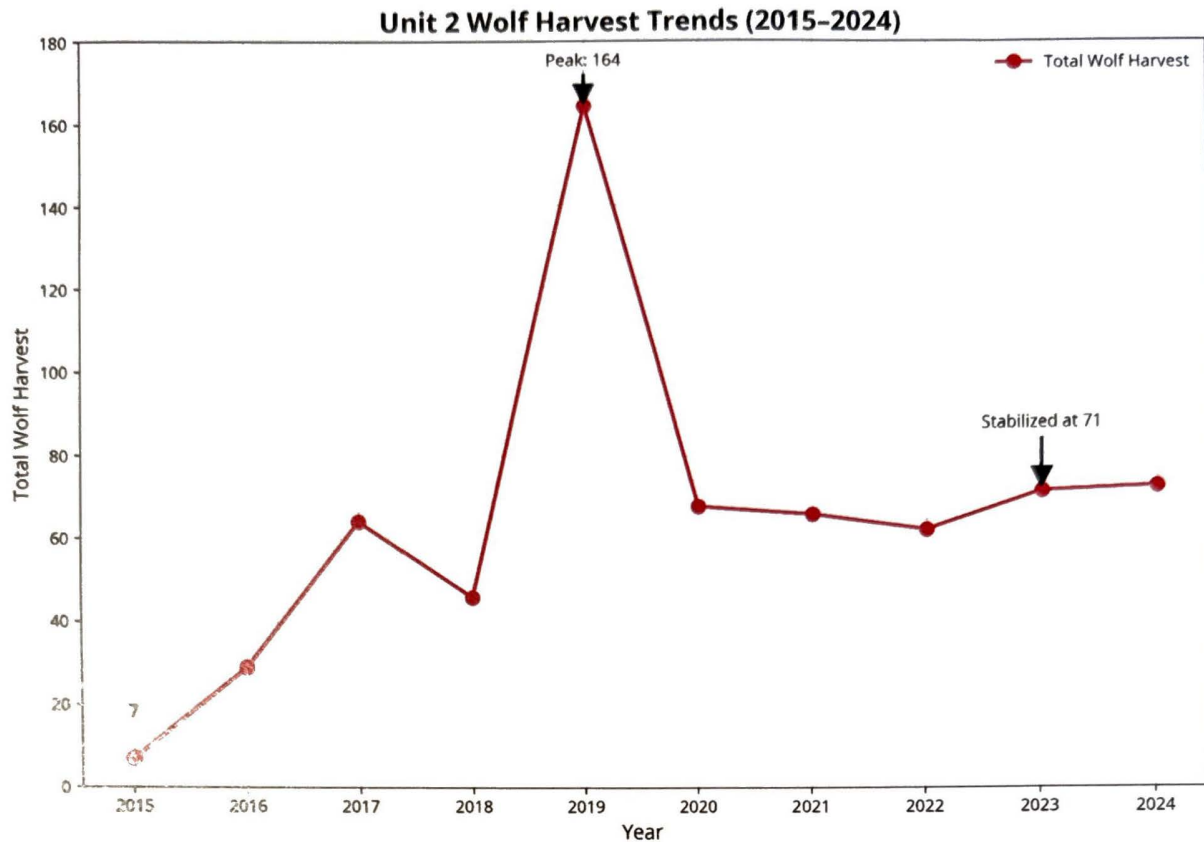


Figure 2: Effort metrics reveal increasing difficulty

**Wolf Predation:** The wolf predation data presented in Figure 3 below: Unit 2 Wolf Harvest Trends (2015–2024) provides critical evidence that the Federal Subsistence Board’s decision to designate Ketchikan as a rural community under 36 CFR 242.23 is flawed and requires reconsideration. The sharp increase in wolf harvests—from 7 in 2015 to a peak of 164 in 2019, stabilizing at 71 in 2023—correlates directly with CTA’s TEK, which documents a significant decline in Unit 2’s deer population due to predation. This trend amplifies the existing harvest pressure on an already strained resource, a factor the Board failed to adequately consider when expanding subsistence eligibility to approximately 13,000 new Ketchikan hunters.



(Figure 3: Unit 2 Wolf harvest trends)

**TEK:** CTA elders report fewer deer and harder hunts, observations that predate Ketchikan’s redesignation and align with the 50% deer population drop over the past 10 years noted in our February 28, 2025, proposal. This TEK, accumulated over generations of living on Prince of Wales Island, provides a nuanced understanding of ecological changes that scientific data alone simply cannot capture. Elders recall a time when deer were abundant along traditional hunting trails, such as those near Craig and Klawock, where hunts required minimal effort and yielded consistent harvests to sustain families through winter.

Over the last decade, however, they describe a marked decline: hunts now require longer treks into more remote areas, with fewer deer sighted even in historically rich habitats like the forests of the southern island. Specific accounts from elders, such as those shared during Southeast Alaska Subsistence Regional Advisory Council meetings, note a shift in deer behavior—scarcity forcing them into denser cover—and a noticeable reduction in fawn sightings, signaling reproductive stress likely exacerbated by wolf predation and habitat degradation from past logging.

This TEK aligns with the documented 50% population drop, reinforcing the urgency of the Board’s oversight in designating Ketchikan as rural. The elders’ observations, predating the February 5, 2025, decision, indicate a pre-existing crisis in Unit 2’s deer population, a factor the

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Board failed to adequately consider under *36 CFR 242.15* and *50 CFR 100.15*. *ANILCA Section 804 (16 U.S.C. § 3114)* requires the Board to prioritize rural subsistence users and impose restrictions when necessary for conservation, yet the Board’s application of law ignored, or failed to fully consider, this indigenous knowledge, which could have informed a more cautious approach to expanding subsistence eligibility to 13,000 new Ketchikan hunters. The failure to consider, or outright omission of TEK from the decision-making process represents a misinterpretation of available information and a failure to comply with ANILCA’s mandate to integrate local knowledge, as supported by federal policies encouraging the use of TEK in resource management (e.g., Department of the Interior guidelines).

Furthermore, the elders’ reports of harder hunts—corroborated by the rise in days per deer harvested from 3.55 in 2014 to 5.2 in 2023 (see Figure 2)—suggest a resource already under strain, a condition worsened by the unintended consequence of increased hunting pressure from Ketchikan. This TEK evidence underscores the Board’s arbitrary and capricious decision-making under the Administrative Procedure Act (5 U.S.C. § 706), as it disregarded a culturally significant dataset that could have prompted preemptive conservation measures, such as the harvest limits proposed in our amendment, or reconsidering Ketchikan’s rural determination all together. By failing to heed this knowledge, the Board risks accelerating deer decline, violating POW residents’ subsistence priority and undermining the cultural survival of the CTA community, further justifying reconsideration of the Ketchikan designation.

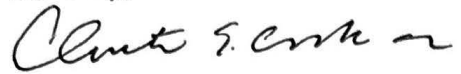
**Legal Conflict:** The Board’s failure to address these unintended consequences violates ANILCA § 804’s mandate to impose conservation-based restrictions before subsistence harm occurs, risking irreversible depletion and violating POW’s priority in direct contravention of existing law.

**Why This Matters:** The Board’s misinterpretation and misapplication of the law directly harms CTA members by accelerating deer decline through the unintended consequence of unchecked hunting pressure from Ketchikan’s urban-scale hunter pool (13,000). This overwhelms a resource already stressed by ecological and harvest pressures, perverting ANILCA’s rural focus and undermining our cultural survival.

### **Proposed Change**

**How You Would Like the Regulation Changed:** On behalf of the Craig Tribal Association, we request the Board reconsider and reverse Ketchikan’s rural designation under *36 CFR 242.23*, restoring its nonrural status to protect Unit 2’s deer and uphold ANILCA’s priority for POW residents. Alternatively, adopt immediate harvest limits per our February 28, 2025, proposal: 5 deer (4 bucks + 1 doe, Oct. 15–Jan. 31) for POW residents, and 1 buck (Aug. 15–Dec. 31) for non-POW rural users like Ketchikan, to mitigate harm.

Sincerely,

A handwritten signature in cursive script that reads "Clinton S. Cook Sr.".

Clinton Cook Sr.

President, Craig Tribal Association