



EASTERN INTERIOR ALASKA
SUBSISTENCE REGIONAL
ADVISORY COUNCIL

Meeting Materials

February 28 - March 1, 2018
Fairbanks



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On the cover...

Dall sheep are prevalent throughout the high mountains within the eastern and western-most portions of the Denali National Park and Preserve. They use the ridges and steep slopes for feeding and resting, and the rocks and crags to elude predators.



Photo by Lian Law, NPS

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EASTERN INTERIOR ALASKA SUBSISTENCE REGIONAL ADVISORY COUNCIL

Pike’s Waterfront Lodge, Binkley II Room
Fairbanks

February 28 – March 1, 2018
convening at 9:00 a.m. daily

TELECONFERENCE: call the toll free number: 1-877-407-8065, then when prompted enter the passcode: 8201631.

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

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

AGENDA

*Asterisk identifies action item.

- 1. Invocation**
- 2. Call to Order** (*Chair*)
- 3. Roll Call and Establish Quorum** (*Secretary*)..... 4
- 4. Welcome and Introductions** (*Chair*)
- 5. Review and Adopt Agenda*** (*Chair*) 1
- 6. Election of Officers***
 - 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
 - Council Coordinator Report
- 9. Public and Tribal Comment on Non-Agenda Items** (available each morning)
- 10. Old Business** (*Chair*)

a. Hunter Ethics Education update (<i>Katya Wessels</i>)	Supplemental
11. New Business (Chair)	
a. Call for Federal Fisheries Proposals	29
b. Call for Nonrural Determination Proposals	32
c. Fisheries Resource Monitoring Program Updates and Discussion	Supplemental
d. Approve FY2017 Annual Report* (<i>Katya Wessels</i>)	Supplemental
e. State Board of Fisheries Proposals 230, 231, 232, and 233	55
12. Agency Reports	
(Time limit of 15 minutes unless approved in advance)	
Tribal Governments	
Native Organizations	
Tanana Chiefs Conference (<i>Nicole Franham and Brian McKenna</i>)	
USFWS	
Yukon River Pre-season Management Review (<i>Federal and State Yukon River Fisheries Management Staff</i>)	
Yukon Flats National Wildlife Refuge Summary of Activities and Trail Camera Presentation	
NPS	
Yukon-Charley National Preserve Report (<i>Marci Okada</i>)	
Wrangell-St. Elias National Park and Preserve Report (<i>Barbara Cellarius</i>)	
Federal Subsistence Fishery Management in the Chitina Subdistrict (<i>Barbara Cellarius</i>)	
ADF&G	
Fortymile Harvest Management Coalition Update	
Northwest Boreal Landscape Conservation Cooperative (LCC)	
OSM	
13. Future Meeting Dates*	
Confirm Fall 2018 meeting date and location	59
Select Winter 2019 meeting date and location	60
14. Closing Comments	
15. Adjourn (Chair)	

To teleconference into the meeting, call the toll free number: 1-877-407-8065, then when

prompted enter the passcode: 8201631.

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 Katerina “Katya” Wessels, 907-786-3885, katerina_wessels@fws.gov, or 800-877-8339 (TTY), by close of business on February 16, 2018.

REGION 9
Eastern Interior Alaska Subsistence Regional Advisory Council

Seat	Year Appointed <i>Term Expires</i>	Member Name and Community	
1	2001 2019	Susan L. Entsminger Mentasta	Chair
2	2007 2019	Andrew P. Firmin Fort Yukon	Secretary
3	2017 2019	Michael J. Koehler Dry Creek	
4	2007 2019	Lester C. Erhart Tanana	
5	2005 2017	William L. Glanz Central	
6	2002 2017	Andrew W. Bassich Eagle	
7	2017 2020	Robert C. Wright, Sr. Tanana	
8	2017 2018	Charlie Jagow Porcupine River	
9	2004 2018	Donald A. Woodruff Eagle	
10	2001 2018	Virgil Umphenour North Pole	Vice-Chair

**EASTERN INTERIOR ALASKA
SUBSISTENCE REGIONAL ADVISORY COUNCIL**

November 8-9, 2017
Fireweed Room, Pike's Waterfront Lodge
Fairbanks

Meeting Minutes

Invocation: Lester Erhart provided an invocation.

Call to Order, Roll Call and Quorum Establishment:

The meeting of the Eastern Interior Alaska Subsistence Regional Advisory Council was called to order Tuesday, February 7 at 11:00 a.m. Katya Wessels, Council Coordinator, conducted a roll call. Council members Sue Entsminger, Andy Bassich, Lester Erhart, Bill Glanz, Donald Woodruff, and Vigil Umphenour were present. Andrew Firmin was absent for the first day of the meeting on an excused absence and was present the second day. With 6 Council members out of 7 seated members present the quorum was established. Introductions were made for Council members, staff, and guests.

Attendees:

The following persons attended some portion of the meeting either in person or by teleconference, in addition to the Council members.

In person:

Katerina Wessels	Anchorage	Office of Subsistence Management (OSM)
Lisa Maas	Anchorage	OSM
Orville Lind	Anchorage	OSM
Megan Klosterman	Anchorage	OSM
Pippa Kenner	Anchorage	OSM
Vince Mathews	Fairbanks	US Fish and Wildlife Service (USFWS), Yukon Flats National Wildlife Refuge (NWR)
Nathan Hawkaluk	Fairbanks	USFWS, Yukon Flats NWR
Tim Lorenzini	Tok	USFWS, Tetlin NWR
Ross Flagen	Tok	USFWS, Telin NWR
Hollis Twitchell	Fairbanks	USFWS, Arctic NWR
Gerald Maschmann	Fairbanks	USFWS
Nate Berg	Tok	USFWS, Tetlin NWR
Shawn Bayless	Tok	USFWS, Tetlin NWR
Jan Conitz	Fairbanks	USFWS
Brett Nigus		USFWS, Arctic NWR
Steve Berendzen	Fairbanks	USFWS, Yukon Flats NWR
Ruth Gronquist	Fairbanks	Bureau of Land Management (BLM), Eastern Interior Field Office (EIFO)

Marcy Okada	Fairbanks	National Park Service (NPS), Yukon-Charley Rivers National Preserve (NP)
Clarence Summers	Anchorage	NPS, Subsistence Division & Interagency Staff Committee (ISC)
Barbara Cellarius	Copper Center	NPS, Wrangell-St. Elias National Park & Preserve (NPP)
Jeff Rasic	Fairbanks	NPS, Yukon-Charley Rivers NP
Pat Owen		NPS, Denali NPP
Mat Sorum	Fairbanks	NPS, Yukon-Charley Rivers NP
Pat Petrivelli	Anchorage	Bureau of Indian Affairs (BIA)
Doreen Parker McNeill	Fairbanks	Alaska Department of Fish and Game (ADF&G)
Brooke McDavid	Fairbanks	ADF&G, Subsistence
Beth Lenart		ADF&G
Jeff Estensen		ADF&G, Yukon Area Management
James Kelly	Fort Yukon	Council of Athabaskan Tribal Governments (CATG)
Walter Peter III	Fort Yukon	Student
Miranda Solomon	Fort Yukon	Student
Shannon Guthrie	Beaver	High School Student
Nicole Farnham	Fairbanks	Tanana Chiefs Conference (TCC)
Orville Huntington		TCC
Debra Lynne		TCC
Brooke Woods	Fairbanks	University of Alaska Fairbanks (UAF) & TCC
Shirley Smelcer		Copper River-Ahtna Inter-Tribal Resource Conservation District (CRITR)
Bruce Cain		Ahtna Intertribal Resources Commission (AITRC)
Catherine Moncrieff	Anchorage	Yukon River Drainage Fisheries Association (YRDFA)
Jamie Marunde	Northway	Northway Village Council
Paul Herbert	Fort Yukon	
Sarah James	Arctic Village	Elder
Fred John Jr.		Alaska Native
Victor W. Lord	Nenana	
Al Barrette		
Arlo Davis		Northern Alaska Environmental Center
Wayne Heimer		
Timothy Grediagin		concerned citizen
Wayne Heimer	Fairbanks	
Karen Gordon	Fairbanks	

Via teleconference:

Pat Owen NPS, Denali NPP

Dan Sharp	Anchorage	BLM
Frank Robbins	Glennallen	ADF&G
Mark Burch	Palmer	ADF&G
Jill Klein	Anchorage	ADF&G
Lem Butler	Juneau	ADF&G
Jeff Wells	Tok	ADF&G
Brian McKenna	Fairbanks	TCC
Isaac Peter	Fort Yukon	Gwichyaa Zhee Gwich'in Tribal Government
Charlotte Brinkman	Tok	Member of the public
Karen Linnell		AITRC
Charlotte Brinkman		Tok Native Association
Carol Damberg	Anchorage	USFWS
Joshua Ream	Anchorage	OSM
James Kowalsky	Fairbanks	Alaskans for Wildlife
Ramsey Peter	Fort Yukon	
Marjorie Gemmill	Arctic Village	Arctic Village Council
Charlie Sweeny	Arctic Village	resident
Gerald John	Arctic Village	resident
Crystal (<i>last name indiscernible</i>)	Venetie	resident

Review and Adopt Agenda

Motion #1 by Mr. Woodruff, seconded by Mr. Glanz, to adopt the Agenda as read with the following changes:

- *Wildlife proposals WP18-52, WP18-53a, WP18-53b, and WP18-56 deliberations were moved to the second days of the meeting to ensure Andrew Firmin participation;*
- *Wildlife proposals WP18-17, WP18-18, and WP18-19 deliberations were moved up on the agenda to be discussed on the first day of the meeting, noting that the wildlife proposal WP18-19 will be discussed first since it provides additional information relative to WP18-17 and WP18-18;*
- *Wildlife Special Action request WSA17-05 was added to be presented directly after wildlife proposals;*
- *Discussion of Board of Game and Board of Fish proposals were added to the second day of the meeting [although that discussion did not happen];*

The motion carried 6 to 0.

Review and Approve Previous Meeting Minutes

Motion #2 by Mr. Umphenour, seconded by Mr. Glanz, to approve the winter 2017 meeting minutes with one correction proposed by Virgil Umphenour passed 6 to 0. Mr. Umphenour suggested adding a correction to a summary of his winter 2017 member report, specifically the additional information on the 1990s NPS Toklat River wolf study:

During the course of this study the National Park Service researchers collected wolves' bones and conducted the isotope analysis. The analysis showed that on average 24 percent of wolves' diet consisted of salmon, and one wolf had over 40% of its diet consisting of salmon.

Council Member and Chair Reports:

Andy Bassich (Eagle) was really pleased with the good returns of King Salmon and successful subsistence harvest, as well as with good commercial summer and fall Chum Salmon harvest. Fall Chum Salmon is also a critical subsistence resource in Eagle. He commended the State and Federal in-season managers for being very adaptable and flexible and doing a tremendous job on the fisheries. However, the conservation needs to continue for at least one more cycle or/and until the historic levels are restored. The caribou and moose are the current biggest concerns. The caribou never showed up for the fall hunting season, harvest was low and competition high. Mr. Bassich was no able to attend the Forty Mile Caribou Herd Coalition meeting due to river conditions but, called in, and it was a productive meeting. Second biggest concern is climate change and the way it impacts animal migrations and hunting seasons. This probably will result in more proposals trying to extend open seasons to later into the year. This is important to the people in the remote areas who don't have refrigeration.

Lester Erhart (Tanana) agreed with Mr. Bassich that it was good to see the King Salmon come back to the Yukon. He also noted that the fall Chum Salmon run was good.

Bill Glanz (Central) reported that there is still a problem with the caribou hunters in the Central area where 575 caribou were taken over a course of two days. The State troopers reported at the Forty Mile Caribou Herd Coalition meeting that even they were afraid to get out of their vehicles. Some of the hunters were dressing caribou in the ditch while others were shooting across the road over their heads. The caribou herd is up to 75,000 compare to just a few thousands in 1991. The moose population is doing well too due to habitat improvement – 6.4 million acres of burnt areas in 2004. Mr. Glanz also reported that the caribou were consistently losing weight for the last five-six years, and the Forty Mile Herd Coalition made a decision to increase the harvest limits. Mr. Glanz noted the caribou were feeding in the same reduced habitat while historic habitat stretched all the way from Fort Yukon to Fairbanks, Dawson, and White Horse.

Donald Woodruff (Eagle) provided the overview of the information received at the Forty Mile Caribou Herd Coalition meeting. A new digital photo census was conducted in 2017, which showed that the herd numbers grew from 50,000 in 2010 to 71,000-75,000 animals. The calf weights went down from 125 pounds in 2013-14 to 110 in 2017. There are serious concerns about habitat over-grazing. Over the last 10 years wolf control in the calving areas was maintained at 75%. The calves' mortality is 34% from grizzly bear predation and 33% from wolf predation. Calve surviving rate is about 60% and 90 calves are radio collared. Next Coalition meeting will be held in January 2018 with a goal to develop a new harvest management plan for 2018-2023 that will promote the herd growth, increase allowable harvest, provide a reasonable opportunity for subsistence harvest, and stabilize the herd. Mr. Woodruff

expects that there is going to be a contention with the Canadian side that wants to herd increase until it is in its historic range.

Virgil Umphenour (North Pole) noted that this year more King Salmon were counted at Pilot Station than in the last 10-12 years; however, only two weight stations provided accurate salmon weight with the largest salmon weighing in at a little less than 30 pounds. This year a lot of five-year-old salmon returned with the run, and not so many six-year-old fish as there were in previous years. Mr. Umphenour pointed out that it will take a long time to restore the genetics of larger size fish because of the large mesh gillnets and the drift gillnets that have been used since early 1980s. Mr. Umphenour also noted that at the king salmon counting stations on the US side, the counts were low compare with the escapement counts of the fish that went to Canada, which appears to be strange. Mr. Umphenour sought the explanation of why if the Canadian escapement numbers were high, the Yukon tributaries, such as Koyukuk, Andreafsky, and Gisasa rivers, did not have a higher run counts as well.

Chair Sue Entsminger (Mentasta Pass) pointed out that there was a mistake overlooked in the fiscal year 2016 annual report that will require a correction and clarification in the 2017 annual report. The FY16 annual report incorrectly stated that the Council opposes the NPS's final rule regarding Subsistence Collections (36 CFR Part 13), while the correct version should have said that the Council opposes the NPS final rule regarding Sport Hunting and Trapping in National Preserves. Ms. Entsminger reported that she and Mr. Bassich attended a two-day Hunter Ethics Education Workshop in Fairbanks and the full report will be provided later in the meeting. Ms. Entsminger also reported that she attended Wrangell-St. Elias Subsistence Resource Commission (SRC) meeting in Glennallen and prior to that, the Chisana, Mentasta, and Nelchina caribou herds meeting, which schedule conflicted with the Forty Mile Herd Coalition meeting in Tok. Ms. Entsminger noted that it was encouraging that both the NPS and USFWS managers attended the caribou meeting and talked about better management strategies. She also reported on the ADF&G wildlife biologist Becky Schwanke's presentation at the SRC meeting regarding a deadly disease that domestic sheep transmit to the wild sheep. In Alaska, 2-5% of domestic sheep have this disease, which is transmitted through sneezing or nose-to-nose encounters.

Council Coordinator report

Katya Wessels, Council Coordinator for the Council, talked about the call for Council membership applications and nominations. She pointed out that the Council currently has only 7 sitting members and 3 open seats. Ms. Wessels briefly described the application and nomination process. She stressed that if people in the rural communities want to have their concerns heard, it is important to participate in this public process and serve on the Council. Ms. Wessels encouraged the Council members to actively recruit new members and then she segued into the importance of youth participation in the Council's meetings, providing them with an opportunity to learn the process. Then she welcomed James Kelley of CATG and youth from Fort Yukon to the meeting. Ms. Wessels also relayed the sad news of passing of Greg Roczicka of Bethel, 14 year member of Yukon Kuskokwim Delta Subsistence Regional Advisory Council and Raymond Stoney of Kiana, 24 year member of Northwest Arctic Subsistence Regional Advisory Council, and the Council and audience had a moment of silence in their memory. At the end Ms. Wessels reminded the Council and meeting participants about the general rules of behavior at a public

meeting and refrain from using any kind of language that the public might consider to be offensive.

Mr. Bassich noted that he also encourages that they get younger people on the Council and expressed an idea of creating a special seat on the Council that can be filled by a University of Alaska Fairbanks student who studies fisheries or wildlife biology or a TCC youth representative. Mr. Bassich would like OSM to look into a possibility of creating such seat on the Council. Ms. Entsminger expressed her support for this idea. Mr. Glanz noted that it is difficult for young people to get away from work to participate in the meetings and spoke about the difficulties of recruitment.

Service Awards

Orville Lind, OSM Native Liaison, presented awards to Lester Erhart for 10 years of service and to Andy Bassich for 15 years of service. In his response, Mr. Bassich thanked the Council for the knowledge and different perspectives he gained from the other member and the Federal Subsistence Management Program (FSMP) and OSM for running the important program designed to protect true subsistence use of wildlife and fish in Alaska.

Public and Tribal Comments on Non-Agenda Items

Ms. Wessels read into the record Teresa Balboni's public comment that was e-mailed to OSM. Ms. Balboni intended to come to the Council's meeting in Tok in person but once the meeting was relocated to Fairbanks she was not able to. In her comment, Ms. Balboni thanked the State for 100 feet of the road no-shooting zone and said that it ought to be instituted for both State and Federal hunts. She noted that shooting an animal from a moving vehicle is not a fair chase. Ms. Balboni requested to institute some type of antler regulation for moose hunt in her area because there is an intense pressure on this species during the State open moose season. She also requested to make game cameras illegal and increase law enforcement for the entire hunting season in the Fortymile area along the Taylor Highway and get them to interact with the hunters. Ms. Balboni also noted that 50-day caribou State hunting season is very taxing on the wilderness in the Fortymile area with ATVs cutting new trails on the tundra and all pull-outs and gravel pits filled with RVs and other vehicles. Ms. Balboni suggested that before increasing a caribou quota, Federal and State law enforcement needs to be increased in the area.

Mr. Bassich noted that Ms. Balboni, a long term resident of the area, witnessed serious issues with users hunting along the Taylor Highway and is passionate about ethical hunting.

Hunter Ethics Education update

During its winter 2017 meeting, the Council voted to add Hunter Ethics Education as a regular item to their future meetings agendas. Ms. Wessels presented a progress update on the development of the Hunter Ethics Education program for the Eastern Interior Region requested by the Council and supported by the Federal Subsistence Board. Her presentation included an overview of draft action plan and timeline approved by the Board, a small grant received by the OSM through the USFWS Connecting People with Nature internal small grants program, and a

facilitated Hunter Ethics Education Workshop held in Fairbanks on September 28 and 29, 2017, with the grant money support. Three draft pilot project concepts were developed at the workshop and presented to the Council. Two workshop participants Council member Bassich and Nathan Hawkaluk helped Ms. Wessels present the pilot project concepts to the Council. The Council discussed the necessity of collaboration with hunting guides, air taxis, and such national organizations as Safari Club International and Wild Sheep Foundation to be able to reach out to non-resident hunters with the messages that will be developed. The Council also stressed the importance of continuing close collaboration with the State. Vince Mathews reported on the Yukon Flats Refuge working with the Backcountry Hunters and Anglers and participating as guests at the Fort Wainwright newcomer briefings. Mr. Umphenour reported that a coordinator for hunter education from Fort Wainwright will provide a briefing to the Fairbanks Advisory Council (AC) later this evening, and he thought it would be important to involve representatives of Fort Wainwright into the future hunter ethics education meetings. Mr. Umphenour also expressed his concern regarding U.S. Air Force fighter jets flying too low in the spring time over sheep, caribou, and moose calving grounds that he and his son witnessed and potential impact on the calves. Mr. Umphenour expressed an opinion that based on his experience the U.S. Army is better at building good relationships with civilian communities than the U.S. Air Force.

Mr. Bruce Cain with the AITRC reported about hunter safety and ethics issues arising in the Ahtna region at the Denali Highway and the Sourdough area that involves not just the State but also Federally qualified users. He said that the AITRC attempted to find the solution to this issue in the past through outlining the basic rules of behavior and that they will be interested in participating in the Eastern Interior hunter ethics initiatives in the future. In response, Mr. Woodruff reported about the Alaska State Troopers' presentation at the Fortymile Coalition meeting that outlined hunting rules of behavior and added that the Coalition will be address this when they will develop the new harvest plan. Ms. Entsminger mentioned that at the first Hunter Ethics Brainstorming Workshop the participants learned about beneficial materials developed by the State to educate hunters.

Motion # 3 by Mr. Bassich, seconded by Mr. Glanz, to support the continuation of the Hunter Ethics Education program development and request continuing financial and other support from OSM. Mr. Bassich noted that he feels that there is a broad support for this initiative among all of the stakeholders and more work and funding is needed to complete the development of the pilot program. ***The motion carried 6 to 0.***

Federal Wildlife Proposals

OSM staff wildlife biologists Lisa Maas and Megan Klosterman and staff anthropologist Pippa Kenner provided the Council with an overview and analysis of all wildlife proposals relevant to the Eastern Interior region. The Council heard State and Federal agency comments, recommendations from other Councils, Advisory Committees, and Subsistence Resource Commissions where relevant and also listened to the summary of public and Tribal comment before taking action on each proposal.

Mr. Bassich requested that OSM tabulates Council meeting books when it includes many very voluminous proposal analyses.

Wildlife Proposal WP18-16/50 to extend moose season dates in Unit 11 (FM1107)

Motion #4 by Mr. Woodruff, seconded by Mr. Umphenour, to adopt WP18-16/50.

Discussion/Justification: It was noted that the residents of Unit 12 do not have customary and traditional use determination (C&T) for FM1107 hunt area. The Council noted that extending the winter moose season into January would directly benefit local residents. The extension would provide easier access to the resource when the weather conditions are better for travel and will help to keep meat from spoiling. The Council felt that the adjustment of seasons to follow the changes in climate conditions is very reasonable. The Council also noted that, according to the provided biological information, there are no conservation concerns.

The motion carried 6 to 0.

Wildlife Proposal WP18-19: Request by the Ahtna Intertribal Resource Commission (AITRC) to be allowed to distribute Federal registration permits to Ahtna tribal members for the Federal caribou season in Units 13A, 13B, and 13 remainder

Motion #5 by Mr. Umphenour, seconded by Mr. Woodruff, to adopt WP18-19 as written.

Motion #6 by Mr. Umphenour, seconded by Mr. Bassich, to amend motion #5 and adopt WP18-19 with the SCRAC modification to establish a community harvest system for moose and caribou in Units 11 and 13 to be managed by the AITRC, and open to Federally qualified residents of the Ahtna traditional use territory. The motion to amend carried 6 to 0.

Discussion/Justification: The Council held an extensive discussion regarding that currently it is not legally allowed for the tribal entities like AITRC to have a delegated authority to issue Federal registration hunting permits. The Council said that as long as the permits are issued to all Federally qualified subsistence users, the Council has no issue with the AITRC having the delegated authority. It would just allow the users to have another more convenient place to receive the permits.

The Council noted that the AITRC is being proactive and having community hunts will help to manage the game for long-term sustainability. The proponent's intent was for the AITRC to distribute permits and to begin the process of moving toward implementing the MOU. The Council supported the proposal with modification to establish a community harvest system as an interim step while the steps to implement the MOU are being worked out. The Council noted that the implementation of this proposal will allow for establishment of cooperative management and continuation of traditional hunting methods. Although the original request for WP18-19 was for caribou, the Council added moose as the three proposals WP18-17, WP18-18, and WP18-19 are related. The community hunt system, recommended by the Southcentral Subsistence Regional Advisory Council, is to be managed by AITRC and open to Federally qualified residents of the Ahtna traditional use territory.

The Council voted to approve motion #5 as amended by motion #6.

Motion #7 by Mr. Bassich, seconded by Mr. Glanz, to support SCRAC letter to the Board seeking Secretarial modification of 50 CFR 100.10(d) (6) to allow AITRC to issue Federal subsistence permits to all Federally qualified subsistence users and encouraged AITRC and the Federal Subsistence Board to work collaboratively on this issue. The Council recommended that the Federal Subsistence Board seek Secretarial modification of 50 CFR 100.10 (d)(6) to allow AITRC to issue Federal subsistence permits directly to Federally qualified subsistence users. The Council would really like to work out a solution that would benefit rural subsistence users.

The motion carried 6 to 0.

Wildlife Proposal WP18-17: Extend moose season in Unit 11 and Wildlife Proposal WP18-18: Extend moose season in Unit 13E and Unit 13 remainder

Motion #8 by Mr. Umphenour, seconded by Mr. Glanz, to oppose wildlife proposal WP18-17 was withdrawn by Mr. Umphenour with the consent from Mr. Glanz.

Motion #9 by Mr. Umphenour, seconded by Mr. Glanz, to take no action on the proposal WP18-17 on permits portion due to the actions taken on WP18-19 and oppose extension of the season and to take no action on the proposal WP18-18. The action on two proposals WP18-17 and WP18-18 was lumped together against OSM staff recommendation.

Discussion/Justification: The Council at first considered taking no action on the proposal, then considered opposing the proposal due to the conservation reasons outlined by OSM, stating that the moose population in the area is just recovering. Finally, the Council decided to take no action (except that they opposed the permit portion of WP18-17) on the proposals WP18-17 and WP18-18 due to their vote on WP18-19 and preferred to defer to the home region on this proposal because the area does not affect the Eastern Interior Region.

The motion carried 6 to 0.

Wildlife Proposal WP18-51: Modify bear bait restrictions to align with State regulations

Motion #10 by Mr. Umphenour, seconded by Mr. Glanz, to adopt WP18-51 as modified by OSM

Discussion/Justification: The Council stated that baiting is a traditional subsistence practice that benefits the users in the rural areas and that the Council invested a lot of time into the development of this proposal. Bear baiting is a part of traditional ecological knowledge and one of the key components of living in the bush, especially in the spring season when bears become a very important food source. Passing this proposal would greatly benefit people that live in the really remote rural areas. The Council recognized the NPS concerns regarding bear baiting, but found them not supported by any concrete data. The Council noted that since baiting happens away from any community and is done responsibly with great care, it will not habituate bears to

human food in this sparsely populated region. In many areas of the state, bear baiting is the only way of being successful in harvesting a bear because of thick vegetation. Taking bears during and right after the moose calving season will take pressure off the newborn moose calves. The Council noted that 50 to 70 percent of the newborn moose calves are killed by bears within first 30 days of their life. The Council felt that aligning Federal and State bear baiting restrictions is very important since it simplifies already complicated regulations and makes it easier for the users to understand. The Council thanked Lisa Maas for doing a good job in helping them to develop this proposal.

The motion carried 6 to 0.

Wildlife Proposal WP18-54: Increase harvest limit and delegate authority to set harvest limit for to-be-announced winter season for caribou in Unit 12 remainder

Motion #11 by Mr. Umphenour, seconded by Mr. Bassich and Mr. Woodruff, to adopt WP18-54 as modified by OSM and additionally modified by the Council to include affected tribes, AITRC, and communities of Tetlin, Dot Lake, Healy Lake, Tanacross, and Northway as consultation partners.

Discussion/Justification: The Council stated that passing this proposal will benefit people in the rural areas and will help curtail growth of the Nelchina Caribou Herd, which is above management objectives. The Council discussed if there are genetic difference between Nelchina and Mentasta caribou herds and how it is determined. The Council heard from Jamie Marunde with the Northway Village Council, who requested that the village of Northway to be added on the list of the consultation partners since their community is one of the main access points to the Tetlin National Wildlife Refuge (NWR). The Council also asked detailed questions on the process of consultation with partners. The Council would like to add Tetlin, Dot Lake, Healy Lake, Tanacross, Northway, and the Ahtna Intertribal Resource Commission as consultation partners to set harvest limits and season dates for the to be announced winter caribou season. In the Councils' opinion, the proposed caribou limit of 3 is too high and the limit of 2 should satisfy subsistence needs. The Council also acknowledged the need for more caribou collars to monitor the herds. The Council noted that if the Mentasta Caribou Herd is present when the winter season is announced, the potential harvest of animals from this herd should be inconsequential and biologically insignificant, and would not present a potential conservation issue. The Council felt that overall this proposal presents a good long range management strategy.

Additionally, during WP18-54 discussion, Ms. Marunde expressed a frustration that her home community of Northway is not well represented at the Fortymile Upper Tanana Advisory Committee, that it is difficult to get participation from the community and when they come to the meetings they are being talked over. The Council stressed that it is very important for the Federal Subsistence Management Program to make sure that this does not happen to the people that live in rural Alaska and that was their message to the Tetlin NWR management. Shawn Bayless, Tetlin NWR manager, assured the Council that he will look more closely in the issue of communicating with the Northway Village Council. Ms. Marunde also stated that communication is important, it needs to be in writing, and the village needs to understand the impacts of certain projects and actions by the refuge. She cited as an example a new trail that

was built without a consultation with Northway. The Council encouraged the Northway Village Council and Tetlin NWR to work together and stay in close communication.

The motion carried 6 to 0.

Wildlife Proposal WP18-55: Extend winter and fall moose season in Unit 12 remainder Motion #12 by Mr. Woodruff, seconded by Mr. Bassich, to adopt WP18-55.

Discussion/Justification: The Council perceived a direct conservation concern since the moose population density is low. The Council determined that local subsistence users will be affected most dramatically if this proposal is passed and believed that the needs of local subsistence users had to be given greater consideration than other subsistence users authorized under the C&T. The Council also expressed a concern regarding new technologies that allow much easier access to hunting areas for non-local users. The Council noted that the changing hunting technology available to users with higher economic means, economic disparities, and the Domino effect of shifting access were identified during the Hunter Ethics Education Brainstorming workshop as emerging trends that needs to be addressed. The Northway Village is experiencing the influence of all of these trends. At the same time the Council acknowledge that there is a C&T use determination for moose in Unit 12 and that the intent behind this proposal was to align seasons.

At this point in the meeting, Mr. Umphenour needed to depart the Council's meeting for the previously scheduled Fairbanks AC meeting that he was chairing.

The motion failed 0 to 5.

Wildlife Proposal WP18-32: Modify season dates for caribou in Units 21D, 22, 23, 24, 25A (west), 26A, and 26B to align with State

Motion #13 by Mr. Bassich, seconded by Mr. Woodruff, to adopt WP18-32.

Discussion/Justification: The Council noted that the proposal is very vast and incredibly complicated. If passed, it would create great discrepancies between the Federal and State seasons, increasing user confusion. The Council also noted that the home region Regional Advisory Council and other regions did not support the proposal as well.

The motion failed 0 to 5.

Public and Tribal Comments on Non-Agenda Items

James Kelly, Natural Resource Director for CATG based in Fort Yukon, presented tribal comments. He noted that they have a very positive working relations with the Yukon Flats NWR, and the Refuge supports youth attendance of the Council's meetings. Mr. Kelly noted that two high school students came with him to attend this meeting, and he would like to encourage them to speak before the public and to testify on the wildlife proposal WP18-52. Walter Peter, the III, high school student from Fort Yukon, introduced himself to the Council and talked about his family origins.

Shannon Guthrie, high school student from Beaver, introduced herself to the Council.

Federal Wildlife Proposals (*continuation*)

Wildlife Proposal WP18-14: Extend hunting and trapping seasons for wolverine in Units 11 and 13

Motion #14 by Mr. Bassich, seconded by Mr. Glanz, to adopt WP18-14.

Discussion/Justification: The Council discussed a potential conservation issue if the season is extended in Unit 13, where public lands are more accessible. At the same time, the Council noted that based on their experience wolverine are generally sparse and hard to locate so it should not become a conservation concern. The Council felt that the passing of the proposal would be very beneficial to the users in home region, would generate additional income and provide materials for personal clothing. It appears that there is no immediate conservation concern since hunting pressure is low, but there is a potential for a future concern due to the proximity of highway system. The Council welcomed the alignment of wolverine and lynx season, commenting that it creates a more favorable condition for the trappers to harvest more fur by allowing trappers to keep wolverine caught in lynx sets.

The motion carried 6 to 0.

Wildlife Proposal WP18-52: Extend moose season to October 7 in Unit 25D remainder

Motion #15 by Mr. Firmin, seconded by Mr. Bassich and Mr. Glanz, to take no action on WP18-52. Before vote, the motion was withdrawn with concurrence by the second.

Motion #16 by Mr. Umphenour, seconded by Mr. Glanz, to adopt WP18-52.

Discussion/Justification: The idea for this proposal originated from a Council meeting in Fort Yukon. At first the Council considered whether to withdraw the proposal all together and asked OSM staff regarding a procedure to do it. The Council was advised by Mr. Chris McKee that once a proposal is brought before a Council, it cannot be withdrawn. Then the Council briefly considered taking no action or tabling the proposal, however decided to proceed with the process and vote. The Council listened to public testimony from three residents of Fort Yukon regarding concerns over extending the moose season because of the low moose population, extending the season into the peak of the rut, and meat not being edible, and the possibility of users from other areas coming and taking advantage of the extended season. One of the testifiers, James Kelly, suggested that in the future if the climate change affects moose behavior and migration patterns, then it might be a good time to re-introduce this proposal. Another testifier, Walter Peter III said that it would make more sense to open moose season a week earlier, that extend it to a later date. The Council opposed the proposal due to the overwhelming subsistence users' disapproval and for conservation concerns.

The motion failed 0 to 7.

Wildlife Proposal WP18-53a: Establish customary and traditional use determination for moose in Units 25B and 25C

Motion #17 by Mr. Umphenour, seconded by Mr. Glanz, to adopt WP18-53a with OSM modification.

Discussion/Justification: The Council initiated this proposal as an accompanying proposal to WP18-53b and considered this proposal to be very important to alleviate the concerns of users from other areas and regions coming and taking advantage of an extended season. Currently there is no C&T use determination for moose in Units 25B and 25C, and the Council welcomed the determination, pointing out that it will protect the interests of local subsistence users. The Council agreed that there is strong evidence indicating the traditional use of this resource by all communities specified in the analysis.

The motion carried 7 to 0.

Wildlife Proposal WP18-53b: Extend moose season to October 7 in Unit 25B

Motion #18 by Mr. Umphenour, seconded by Mr. Glanz, to adopt WP18-53b.

Discussion/Justification: The Council heard from Shannon Guthrie, sophomore from Beaver, who thanked the Council for an opportunity to learn and said that a year and a half ago she dreamed of being a Council member. Ms. Guthrie also said that she opposes proposal WP18-53b because in her opinion it would promote wanton waste. She hunts moose with her cousins outside of Beaver. Mr. Walter Peter also spoke against extending moose season into October due to moose already being in rut by this time and potential for overharvest. In Mr. Peter's opinion the users that hunt that late in the season are looking for large moose antlers and not for good meat.

The Council discussed how extending the moose season in Unit 25B but not in Unit 25D remainder would add regulatory complexity and that there is perceived potential of a future conservation concern if C&T is not passed. However, the Council felt that the advantages of extending the season later in the year will allow the local users to harvest moose when the weather is more favorable for meat preservation, care, and transportation. The Council noted that if a user takes good care of the meat harvested in the late fall, the meat does not taste bad. The Council also commented that in the past, rivers usually start icing up by October 1 and their might not be enough snow coverage to transport harvested meat by snowmachines, but now the situation might be changing with the warming of the climate. The Council stressed that if the C&T proposal WP18-53a passes, it will reduce potential waste and overharvesting.

The motion carried 4 to 3.

Wildlife Proposal WP18-34: Extend lynx trapping seasons by one month in Unit 24A

Motion #19 by Mr. Umphenour, seconded by Mr. Woodruff, to adopt WP18-53b.

Discussion/Justification: The Council noted that the lynx population cycle follows the hare population cycle and that lynx taken in March have the best fur. Also, the Council noted that aligning the lynx and wolverine season dates in Unit 24A will make it less confusing for the users and will allow trappers to keep lynx caught in wolverine sets. Finally, the Council also noted that this regulation is going to be put in place not to just take an advantage of an upcoming peak in lynx population, but because there is no biological concern pertaining to lynx in Unit 24A.

The motion carried 6 to 1.

Wildlife Special Action WSA17-05 Request:

Lisa Maas presented Wildlife Special Action WSA17-05, which is a request to increase the harvest limit from one caribou to up to two caribou and to give the Tetlin NWR delegated authority to set the harvest limit for the to be announced winter caribou season in Unit 12 remainder for the 2017/2018 regulatory year.

ADF&G opposed the request as a preliminary position due to the potential inability to regulate the in-season harvest of the Mentasta Herd since they intermingle with the Nelchina Herd. ADF&G recommends consultations with communities in Unit 13. Ms. Entsminger suggested that the State needs to collaborate with the Federal agencies on the management of Mentasta Herd. Mr. Shawn Bayless, Tetlin NWR manager, informed the Council that if the herds mixing ratio exceeds 20-to-1, this hunt can be shut down within 24 hours. The Council also discussed the issue of not having enough of the Nelchina caribou collared to really asses the mixing ratio and suggested having different color collars for two herds.

Ms. Marunde with Northway Village Council said that Northway agreed with having the harvest limit up to 2 and would like to be added as a consulting party. Ms. Barbara Cellarius, NPS, reported that Wrangell-St. Elias SRC supported the special action request with modification to include consultation with affected tribes and the AITRC.

The Council noted that although there is a concern regarding incidental harvest of a Mentasta caribou, the Refuge is confident about their ability to monitor the hunt and close it if necessary. The Council also welcomed the adaptive management approach, especially if it will allow the local Federally qualified subsistence uses to get more caribou meat during winter time. The Council also had a question if the rangers of the Chisana and Mentasta herds overlap, and if all of the above mentioned herds have been compared genetically.

Motion #20 by Mr. Umphenour, seconded by Mr. Woodruff, to adopt Wildlife Special Action WSA17-05. The motion carried 7 to 0.

Service Awards (Continuation)

Mr. Lind presented an award to Andrew Firmin for 10 years of service.

Mr. Entsminger talked about her experience working with and her respect for deceased RAC members Greg Roczicka and Raymond Stoney.

Federal Wildlife Proposals (*continuation*)

Wildlife Proposal WP18-56: Open the Arctic Village Sheep Management Area in Unit 25A to harvest by non-Federally qualified users

Motion #21 by Mr. Umphenour, seconded by Mr. Woodruff, to adopt WP18-56 with modification to open only the area North of Cain Creek.

Discussion/Justification: The Council had a long, detailed discussion with the Arctic NWR staff regarding the use of the area around Red Sheep Creek, East Fork and Cane Creek by various users, transporters, and guide operations over the years and the cultural importance of this area for the people of Arctic Village that goes beyond just sheep harvesting. The Council recalled that it held a meeting in the Arctic Village in 2006, heard an extensive testimony from the local users, tried to organize a working group, and attempted to work out a solution, but their efforts fell short.

The Council listened to testimonies given by Marjorie Gemmill, Charlie Sweeny, Gerald John, and Sarah James of Arctic Village, James Kelley of Fort Yukon, and Crystal (*speaking via teleconference, last name indiscernible*) of Venetie, who talked about the local users utilizing the Arctic Village Sheep Management Area, the sacred importance of this area to the Native people, how difficult it is to carry out subsistence activities because of high gas prices and other costs, and their opposition to the proposal. The testifiers stated that the airplane traffic during the summer disturbs the wildlife and hunting activities. The Council discussed that an extremely low average income of local users in the communities such as Arctic Village makes it very difficult for them to compete with outside users with high incomes and ability to purchase all the latest technological advances and how local users are being displaced.

Wayne Heimer of Fairbanks, a retired research biologist, also provided testimony. He had worked for ADF&G and was involved with the Red Sheep Creek issue for 37 years. He stated it was his opinion that the claim that aircraft activity driving sheep up the mountains is unsubstantiated and his experience was to the contrary. Mr. Heimer said that the number of sheep hunters in Alaska decreased 50% and non-subsistence harvest is biologically insignificant. He also informed the Council that the three-sheep bag limit and seven-month season was established right after the passage of ANILCA universally across the Brooks Range. Mr. Heimer also claimed that the Native people of the area have an emotional and spiritual bond to the land and not to the sheep, thus it is important to provide equal opportunities for all users of the resources.

Arlo Davis of Nome claimed that a portion of Hollis Twitchell report was confidential, where he talks about sacred areas, and requested that it be stricken from the record. He also remarked that traditional ecological knowledge is a new catchy phrase that in actuality has very little-to-no influence on academia and State politics.

Karen Gordon of Fairbanks testified to the Council that keeping the Arctic Village Sheep Management Area closed is a violation of ANILCA since the Refuge is Federal public land, that there no conservation concerns or threat to subsistence uses. She said that a full curl ram regulation allows for the taking of surplus only, which in her opinion is the best management practice.

The Council had a discussion about an existing State regulation on 5 AAC 92.003 hunter education and orientation requirement for users to hunt within the Red Sheep Creek/Cane Creek portion of the Arctic Village Sheep Management Area, although currently non-Federally qualified users cannot hunt sheep in this area.

Several members of the Council expressed an opinion that the only legitimate reasons under Title VIII of ANILCA to restrict or eliminate the use of a resource on Federal public lands by nonsubsistence users are conservation concerns and/or detrimental effect on satisfaction of subsistence needs. The Council recognized that the issue at stake here is the cultural concern and felt that the “cultural or social issues” are not a legitimate reason to close the area under provisions of ANILCA. However, a few Council members disagreed with this opinion. The Council also recognized that subsistence hunting is of great importance to the residents of Arctic Village with a very low annual income. The closing of the Arctic Village Sheep Management Area to the harvest of sheep by nonsubsistence users only affects sheep hunters. All other types of visitors to the area, including hikers, wildlife photographers, and flight site-seers, have been allowed to use the area. The Council stated that they consider this issue to be a “political football” and are very disappointed to find out that it is not resolved and on the table again. The Council felt that sheep conservation is very important and encouraged the Federal and State Governments to work together on this regulatory issue. The Council also considered putting in the future a proposal with the State to eliminate the three sheep limit in the winter and suggested implementation a specially designed, required respectful hunter education course for users who would hunt in this area or, perhaps, in all of Unit 25A. The Council felt that learning respect for other people uses and for the resource is very important, as well as learning and understanding other cultures. The Red Sheep Creek area is a very important cultural place, and Native cultures value the world and wildlife very differently than White cultures. The importance of a certain area in the Native culture does not have to manifest itself in a substantial harvest. To alleviate some potential conservation concerns, the Council modified the proposal to only open the area north of Cane Creek, including the Red Sheep Creek drainage.

The motion carried 5 to 2.

Identifying Issues for FY2017 Annual Report

The Council identified the following issues for FY2017 Annual Report:

- Correction to the topic #7 of FY2016 Annual Report, which incorrectly identified that the Council was in opposition to the National Park Service final rule regarding Subsistence Collections (36 CFR Part 13). The corrected version should read “Opposition to the National Park Service (NPS) final rule regarding Sport Hunting and Trapping in National

Preserves, which was published in the Federal Register on October 23, 2015, and the U.S. Fish and Wildlife Service (USFWS) final rule regarding Non-Subsistence Take of Wildlife, and Public Participation and Closure Procedures on National Wildlife Refuges in Alaska.”

Motion #22 by Mr. Bassich, seconded by Mr. Glanz to make the correction identified above so the Council’s intent is recorded accurately. The motion carried 7 to 0.

Agency Reports

NPS – Wrangell-St. Elias National Park and Preserve (WRST) Report

Barbara Cellarius presented the WRST report specifically identifying the following projects of interest to the Council:

- Burbot Research/Monitoring – the Council requested a more detailed report on this project at the next meeting;
- 2017 Preseason Chinook Salmon Conservation Concerns;
- Re-assessment of Federal Subsistence Fishery Management in the Chitina Subdistrict – Consultation with the Council will continue at the Council’s Winter 2018 meeting;
- Joint NPS and ADF&G project on Dall’s sheep counts in the Park;
- A NASA-funded snow modeling project to study and evaluate how snow conditions affect sheep movements and habitat use;
- Mentasta Caribou Herd Survey – low number of collars hampered efforts to do population estimates;
- Chisana Caribou Herd population estimates and diet research.

Identifying Issues for FY2017 Annual Report (*continuation*)

- Concern regarding effects created by the Federal and State users, displaced from their home region and forced to hunt somewhere else, so-called the Domino effect.
- An update on how Traditional Ecological Knowledge is being incorporated into proposal analyses and how it weights into the decision making process.
- Concerns regarding current State and Federal sheep harvest limits and season in Unit 25A that, in combination with an easy snowmachine access to the hunting grounds, may result in a potential conservation issues.
- Concerns over recent increase of illegal sales of subsistence-caught and processed salmon strips.
- Concerns regarding the contradictions between Chinook Salmon numbers counted at the Pilot Station and Eagle sonars and various weir projects as well as slow recovery of genetic stock.
- Continuing support for the development of the hunter ethics education program.

2018 Fisheries Resource Monitoring Program (FRMP)

Pippa Kenner, Anthropologist with OSM, presented the 2018 FRMP overview and the program’s accomplishments and asked the Council for their input and comments on the draft monitoring program for their region.

The Council inquired how many of the scored projects will be funded this year and was concerned that some of the long standing projects, such as Gisasa, Andraefsky, and Henshaw, which have been collecting long term data sets, might lose their funding. The Council was informed that the Andraefsky and Gisasa weir projects are 100% funded by OSM, and it would be difficult to find money somewhere else to continue. The Council stressed that long term data sets are very important and provide very useful information for the Yukon fisheries management to see trends and conditions of the salmon runs. This data allows us to see trends and changes in the salmon runs. The Chinook Salmon runs had problems for over 20 years, and there are not enough of historical data assessments (especially from up-river) that would allow better understanding of these problems. The weir projects gathering information on age, sex, and length (ASL) and male/female ratio studies are very important. The Council was also concerned that the male/female ratio results are potentially incorrect because large mesh apportionment nets are used at the Canadian border allowing for a larger percentage of bigger females to escape. The Council specifically expressed their full-fledged support for the Gisasa and Andraefsky rivers projects. Besides, the Council was specifically interested in the project #18-203: Application of mixed-stock analysis for Yukon River Chum Salmon and considered it very valuable for subsistence.

Agency Reports (continuation)

Tanana Chiefs Conference (TCC)

Nicole Farnham, fisheries biologist with TCC, gave two presentations entitled *Henshaw Creek Weir 2017 In-season Report* and *Abundance and Run Timing of Adult Salmon in Henshaw*. Ms. Farnham spoke about:

- TCC mission and goals, inclusion of TEK in research and management, and development of partnerships;
- Henshaw Creek Weir project history and partnerships with USFWS and ADF&G;
- Fish counts in 2017 – 677 Chinook Salmon and 360,687 Chum Salmon;
- Annual estimates of Chinook and Chum Salmon escapements at Henshaw weir since 2000 – 2017 Chinook was below average and Chum was well above average;
- Preliminary ASL data for 489 sampled Chinook and 760 Chum;
- Henshaw Creek Science and Culture Camp – TCC, Kanuti NWR, and Allakaket Tribal Council partnership – goal is to connect youth with nature and inspire them to become stewards of conservation. Youth learned about salmon biology, weir sampling, and fish dissection;
- Teedriinjik and Coleen rivers projects collecting tissue samples and refining genetic baseline, collecting ASL data, and conducting aerial and ground surveys to determine the spectral extent of spawning activity for the anadromous waters catalog.

Ms. Farnham also showed a short video that demonstrated drone footage of spawning fish. The Council had some questions regarding comparing different years' data for average male fish sizes, salmon girth measurements, which can be a valuable long term data set, if new fecundity studies for smaller fish are being done, and if mallard ducks are digging and eating salmon roe in

the ice free area during winter. The Council also requested that for their next meeting that TCC provides the age data for salmon counted at Henshaw Weir this year.

Future Meeting Dates:

The Council selected February 28 – March 1 as the new meeting dates for the winter 2018 meeting to be held in Fairbanks. The Council also selected February 27 as a potential date for the second Hunter Ethics Education Brainstorming Workshop.

The Council selected October 9 – 10, 2018, and Tanana as preferred winter meeting dates and location.

The Council also had a question if a resigned Council member wants to pull their resignation back and return to serve on the Council, does he or she still need to go through a full application process.

Agency Reports (continuation)

Yukon River Drainage Fisheries Association (YR DFA) Report

Catherine Moncrieff of YR DFA reported on a number of projects:

- Restarting YR DFA newsletter *Yukon Fisheries News*
- Building and maintaining public support of salmon resource management – project was funded by the Yukon River Panel Resource Management Fund
- Pre-season salmon fishery preparation meeting
- In-season Yukon River salmon teleconference – project was funded by FRMP
- YR DFA Yukon River community engagement support for BLM resource management planning – project was funded by the Pew Charitable Trust
- Yukon River education and outreach – funded by the National Fish and Wildlife Foundation
- Yukon River in-season salmon harvest survey
- Customary trade in the upper Yukon River
- How people of the Yukon River value salmon
- Yukon River salmon declines: Learning from Tradition – workshop

The Council was interested to learn how fisheries dynamics change in the village over an extended period of time, like 15-30 years, and especially in regards to youth involvement.

USFWS – Tetlin National Wildlife Refuge Report

Shawn Bayless, Tetlin NWR Manager introduced Ross Flagen, Deputy Manager. Timothy Lorenzini, Environmental Educator for Tetlin NWR, gave a presentation on environmental education programs in the Refuge. He talked about teaching Basic Hunter Education in local middle schools in Northway, Tok, and Dot Lake in collaboration with the State, running ice fishing program, and conducting trapping classes in partnership with Alaska Trappers Association, survival skills program and career days for local youth. Mr. Lorenzini

also presented migratory bird calendars, the junior duck stamps program and the Waterfowl ID game that he developed. He also engages the youth into the outdoor photography program and teaches water safety and winter camping courses.

The Council asked Mr. Lorenzini if he can identify prospective youth that might want to get on the Council in the future. Mr. Lorenzini explained that when originally the Council meeting was going to be held in Tok, he planned to explain the Federal regulatory process to his students and bring them to the meeting, but since the meeting was moved to Fairbanks he could not do this. Mr. Lorenzini thought it was a good idea to have some kind of youth position within the RAC.

Nate Berg, Wildlife Biologists with Tetlin NWR, gave the Refuge Biological Program Update. He spoke about the following projects:

- peregrine falcon, osprey, and bald eagle monitoring;
- snowshoe hare monitoring;
- lynx research;
- olive-sided flycatcher study;
- waterfowl drone study;
- Tetlin Lake long-term monitoring;
- moose population survey;
- collaborative work with Wrangell-St. Elias NPP on the Nelchina and Mentasta caribou;
- working group on collaring more Mentasta caribou;

The Council had questions about osprey diet and if the lynx project information is available on social media and what type of collars are being used. Mr. Berg replied that iridium GPS collars are being used and that the information is available on Instagram and Facebook.

USFWS – Arctic National Wildlife Refuge Report

Hollis Twitchell with Arctic NWR presented summary of the Refuge's activities. He highlighted several of the activities including:

- Management of the Porcupine Caribou Herd;
- Moose surveys in Brooks Range;
- Sheep aerial transect surveys;
- Community education and outreach:
 - Youth Conservation Corps with 5 students from Arctic Village;
 - Cultural Science Camp in Arctic Village in partnership with Friends of Alaska National Wildlife Refuges, University of Alaska Fairbanks, Toolik Research Station, and the school district in Arctic Village.

Mr. Twitchell also talked about the impacts of unpredictable weather on various animals, such as for example 50 to 70 percent loss of sheep in the Brooks Range due to harsh winter weather. Mr. Twitchell stressed the importance of interviewing elders for traditional ecological knowledge and local hunter observations.

USFWS – Yukon Flats National Wildlife Refuge Report

Nathan Hawkaluk, acting Refuge manager at Yukon Flats NWR, highlighted some of the Refuge activities including:

- Moose telemetry study;
- Sheep survey in the White Mountains;
- Lynx movement study;
- Collaborative work with the Fairbanks Soil and Water Conservation District on invasive species;
- Waterfowl surveys;
- Trail cameras project;
- Outreach and visitor service projects;
- Fire season summary

The Council requested a presentation on the trail cameras project at its next meeting.

USFWS – Yukon River 2017 Salmon Season Overview

Gerald Maschmann, Assistant Federal In-Season Manager, USFWS, gave a short overview of the Yukon River 2017 season and a summary of the Alaska Board of Fisheries actions affecting the Yukon River. He reported that YRDFA received a lot of input from fishermen at its annual preseason meeting. The plan was to start the season conservatively, but allow fishermen to fish for the early Chinook Salmon, which was implemented. The Chinook Salmon return was much stronger than seen in several years. At the midpoint of the run when the managers were confident in Chinook Salmon run strength, fishing gear restrictions were relaxed. In the upper river the fishing was much less restricted, they were able to fish 24/7 with 7.5 inch gear.

The Chum Salmon run was very strong, with upwards of three million salmon passing the sonar. Mr. Maschmann agreed with Mr. Umphenour's earlier statement that it is puzzling why many more Chinook were counted at the Pilot Station sonar compare to the average or even below average counts at the other escapement projects; however, he cautioned these numbers are still preliminary and more statistical calculations will need to be done to verify the numbers. Mr. Maschmann stated that all of the escapement goals and Canadian obligations were met, as well as subsistence needs for Chinook and Chum Salmon. There also was a near-record commercial summer Chum harvest in the Lower Yukon. The fall Chum and Coho runs and commercial harvest of these were near-record.

Mr. Maschmann also added that if the Council has any question regarding the Alaska Board of Fisheries actions affecting the Yukon, they need to contact the State managers or work with local State Advisory Committees.

The Council noted that their fishing District 5D was allowed to fish on the first pulse, which allowed the fishermen to get incredibly high quality fish. However, when later in the summer the fishermen fished the mid-point of the run, the quality of escapement dropped down to what it was for the last seven or eight years. It was the Council's opinion that this demonstrates the effectiveness of the first pulse closures and removing this protection would be a dramatic mistake.

The Council also mentioned their concerns regarding the Alaska Board of Fisheries proposals 230, 231, 232, and 233 and noted that the comment period ends February 13, which is before the Council's next scheduled meeting. In the view of this, the Council requested that OSM authorize travel for a Council member to serve as a representative to the Board of Fisheries meeting March 6-9, 2018, in Anchorage. The Council also had an idea to form a committee to write a letter with their opinion; however, it noted that this is not as effective as in-person presence at the meeting. The Council decided to discuss these proposals at the next meeting and take a vote to send a representative.

NPS – Yukon-Charley Rivers National Preserve (YUCH) Report

Marcy Okada, Subsistence Coordinator for YUCH, delivered a short report to the Council. Two rural residents from Eagle and Circle received a special use permit to use the NPS structures for subsistence purposes. Nick Thompson has been promoted to Ranger/Pilot position. One Search and Rescue was conducted in YUCH the past summer. The visitation to YUCH was slightly down. Improvements were made to several public use buildings in YUCH, and fire season was low this year. No moose surveys were scheduled for this winter.

The Council requested that Ms. Okada brings moose hunters' demographics data to the Council's next meeting, since the Council members had seen an increased number of hunters from Juneau and more air boat activity. The Council also reported an increased hunting activity along the river corridor between Circle and Beaver and some families from the Tok area claiming areas along the river as their own hunting grounds.

Matt Sorum, wildlife biologist with YUCH, reported on the wolf population dynamics project that assess how two large scale wolf control programs affect the wolf population. This is a long term (22 year) project that is using GPS collars. Mr. Sorum also reported on the sheep survey project.

The Council had a question about moose densities in YUCH. The moose densities went up 30%, but still are relatively low but stable and the YUCH plans to do a survey in 2018. The Council also had a question if the YUCH is monitoring the Air Force Red Flag exercises, if they are flying over the YUCH, and how it affects the sheep and nesting falcons. Mr. Sorum said that they look at it in relationship to sheep. He also remarked that last year a fighter jet was flying so low that the archeological crew thought it was going to crash. The Council noted that the Eastern Interior Region is the largest area in the world outside of Russia where this type of military training can occur.

NPS – Denali National Park and Preserve (DENA) Report

Pat Owens, Wildlife Biologist with DENA, presented a brief wildlife update and pointed out the following projects:

- Bear monitoring on the north side of DENA using iridium GPS collars; possibility of collaboration on this project with ADF&G in Unit 20C;
- Bear management – important because of large number of visitors;

- Moose monitoring – one survey was done in 2015, another one is scheduled for the winter of 2017/2018;
- Research and monitoring of the Denali Caribou Herd;
- Wolf monitoring – 72 wolves in 10 packs;
- Ground based and aerial sheep surveys;
- Trapping records project and trappers interviewing at a request from the Denali SRC regarding the history of trapping activities;
- Martin habitat and juvenile survival study also at the request of the Denali SRC;
- Researching habitat changes through photography project

The Council had a question regarding moose densities and bull/cow ratios. The densities and bull/cow ratio were slightly up in 2017. The new survey numbers will be included into the next report. The Council had additional questions regarding the survey methods and what areas it includes. The survey uses GPS method and includes areas within the park and preserve boundaries north of the Alaska Range.

BLM Report

There were no BLM representatives to provide a report at the meeting.

ADF&G Report

ADF&G representatives left the meeting prior to the presentation of their report and left printed copies of their report, which was distributed to the Council members at the meeting.

OSM Report

Mr. Lind reported to the Council on the newly hired, retired and departed OSM staff.

Final Comments from the Council

- It is always good to come to the meetings.
- The Council hopes to never again see any proposals related to the Red Sheep Creek.
- Thank you to the staff for all hard work and the proposal analyses and to everyone who stayed so late at the meeting.
- It would be good to have an earlier fall meeting.
- The Council wished Mr. Erhart to feel better soon.
- The Council acknowledge that although they are contentious they are also always passionate, and it is good to share ideas.
- We need to know history and learn from it.
- The Council thanked Katya Wessels for her work, keeping the Council organized and all of the efforts she put into the hunter ethics education project. She is doing the majority of the work but the Council needs to help her.

Motion #23 to adjourn by Mr. Glanz, seconded by Mr. Bassich. The motion carried unanimously.

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

January 12, 2018

/s/
Katerina “Katya” Wessels, DFO
USFWS Office of Subsistence Management

/s/
Susan Entsminger, Chair
Eastern Interior Alaska Subsistence Regional Advisory Council

These minutes will be formally considered by the Eastern Interior Alaska Subsistence Regional Advisory Council at its February 28-March 1, 2018 meeting in Fairbanks, and any corrections or notations will be incorporated in the minutes at that meeting.



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

Federal Subsistence Board Informational Flyer



Forest Service

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

How to Submit a Proposal to Change Federal Subsistence Regulations

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

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

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

What your proposal should contain:

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

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

You may submit your proposals by:

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

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

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

How a proposal to change Federal subsistence regulations is processed:

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

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

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

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

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



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

Federal Subsistence Board Informational Flyer



Forest Service

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

How to Submit Proposals to Change Nonrural Determinations

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

Your proposal must contain:

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

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

You may submit your proposals by:

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

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

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

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

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

POLICY ON NONRURAL DETERMINATIONS

FEDERAL SUBSISTENCE BOARD

Adopted January 2017

PURPOSE

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

INTRODUCTION

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

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

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

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

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

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

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

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

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

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

BOARD AUTHORITIES

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

POLICY

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

SECTION A: Submitting a Proposal

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

SECTION B: Requirements for Proposals

Making a Nonrural Determination

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

Basic Requirements

All proposals must contain the following information:

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

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

Threshold Requirements

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

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

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

Limitation on Submission of Proposals Seeking Nonrural Determinations

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

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

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

Rescinding a Nonrural Determination

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

Basic Requirements

All proposals must contain the following information:

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

Threshold Requirements

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

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

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

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

SECTION C: Decision Making

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

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

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

Regional Advisory Council Recommendations

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

SECTION D: Process Schedule

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

SECTION E: General Process Timeline

Outlined in Table 1 and Table 2

Table 1. General Process Timeline


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

Table 2. General Process Timeline Comparison with other Cycles

Wildlife & FRMP Cycle	Fishery Cycle	Dates	Board or Activity	Proposed Nonrural Determination Cycle		
		Council Cycle		Even Years	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		
	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

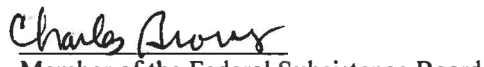

Regional Forester
USDA Forest Service
Date: 1/12/17


Regional Director
National Park Service
Date:


State Director
Bureau of Land Management
Date: 1/12/17


Regional Director
Bureau of Indian Affairs
Date: 1/12/2017


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 revisions 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 Corporations 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 (RACT), including reasonably available control technology (RACT), for the Tennessee portion of the Chattanooga, TN-GA-AL nonattainment area for the 1997 fine particulate matter (PM_{2.5}) national ambient air quality standards (NAAQS) (hereinafter referred to as the “Chattanooga TN-GA-AL Area” or

Appendix B – Direct Final Rule – Nonrural List

Need for Correction

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

Correction of Publication

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

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

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

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

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

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

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

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

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

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

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

Martin V. Franks,

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

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

BILLING CODE 4830-01-P

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

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

RIN 1018-BA82

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

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

ACTION: Direct final rule.

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

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

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

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

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

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:**Background**

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

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

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

Related Rulemaking

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

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

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

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

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

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

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

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

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

Direct Final Rule

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

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

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

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

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

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

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

Conformance With Statutory and Regulatory Authorities

Administrative Procedure Act Compliance

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

National Environmental Policy Act Compliance

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

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

Section 810 of ANILCA

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

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

Paperwork Reduction Act

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

Regulatory Planning and Review (Executive Orders 12866 and 13563)

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

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

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

Regulatory Flexibility Act

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

Small Business Regulatory Enforcement Fairness Act

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

Executive Order 12630

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

Unfunded Mandates Reform Act

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

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

Executive Order 12988

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

Executive Order 13132

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

Executive Order 13175

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

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

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

Executive Order 13211

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

Drafting Information

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

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

Authority

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

List of Subjects

36 CFR Part 242

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

50 CFR Part 100

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

Regulation Promulgation

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

PART—SUBSISTENCE MANAGEMENT REGULATIONS FOR PUBLIC LANDS IN ALASKA

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

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

Subpart C—Board Determinations

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

§ .23 Rural determinations.

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

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

Dated: September 30, 2015.

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

Dated: September 30, 2015.

Thomas Whitford,
Subsistence Program Leader, USDA—Forest Service.

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

BILLING CODE 3410–11–4333–15–P

PROPOSAL 230

5 AAC 01.220. Lawful gear and specifications.

Allow the use of drift gillnets to harvest salmon for subsistence purposes in Yukon River Subdistricts 4-B and 4-C, as follows:

5 AAC 01.220(e) is amended to include paragraphs (4) and (5) to read:

(4) in Subdistricts 4-B and 4-C to the mouth of the Yuki River,

(A) king salmon may be taken by drift gillnets from June 10 through July 14, unless closed by emergency order;

(B) from June 10 through August 2, the commissioner may open, by emergency order, fishing periods during which chum salmon may be taken by drift gillnets; and

(C) chum salmon may be taken by drift gillnets after August 2.

(5) a person may not operate a drift gillnet that is more than 150 feet in length and more than 35 meshes in depth during the seasons and areas described in (4) of this subsection.

What is the issue you would like the board to address and why? Subsistence fishermen have noted the limited number and loss of fishing sites for stationary subsistence fishing gear in Yukon River Subdistricts 4-B and 4-C. This has resulted in some Subdistrict 4-B and 4-C subsistence fishermen choosing to pay additional fuel costs to participate in the subsistence drift gillnet fishery in Subdistrict 4-A. Subsistence fishermen have reported an increasing number of fishermen fishing in Subdistrict 4-A and that there is increased competition for available drift sites. The loss of sites and additional competition in District 4 subsistence fishing sites resulted in the unforeseen consequence of inadequate opportunity for subsistence fishermen to harvest salmon.

PROPOSED BY: Louden, Nulato, and Koyukuk Tribes

PROPOSAL 231

5 AAC 05.360. Yukon River King Salmon Management Plan.

Repeal the prohibition on subsistence fishing in Yukon River Districts 1 and 2 during the first pulse of king salmon, as follows:

5 AAC 05.360 is amended to read:

(J) Notwithstanding the provisions of this section, the department shall manage the king salmon subsistence fishery in Districts 1 – 6 during the first pulse of the historical three distinctive pulses of king salmon that enter the Yukon River drainage, as follows:

[(1) IN DISTRICTS 1 AND 2, TO ACCOUNT FOR THE UNCERTAINTY IN THE PRESEASON KING SALMON RUN PROJECTIONS, THE DEPARTMENT SHALL MANAGE THE KING SALMON SUBSISTENCE FISHERY CONSERVATIVELY AND NOT OPEN ANY SUBSISTENCE FISHING PERIODS DURING THE FIRST PULSE OF KING SALMON ENTERING THE DISTRICTS;]

[(2) IN DISTRICTS 3-6.]

(1) if inseason run assessment information indicates insufficient abundance of king salmon to meet escapement objectives on specific components of the run and subsistence harvest needs, the department will not open any subsistence fishing periods during the first pulse implemented chronologically in the applicable district, consistent with migratory -timing as the king salmon run progresses upstream;

(2) if inseason run assessment information indicates sufficient abundance of king salmon to meet escapement objectives on specific components of the run and subsistence harvests needs, subsistence fishing will revert to the fishing periods as specified in (d) of this section.

What is the issue you would like the board to address and why? The mandatory first pulse king salmon subsistence fishing closure in Yukon River Districts 1 and 2 is unnecessary and has resulted in the unintended consequence of causing a hardship to subsistence fishers when the Yukon River king salmon run is strong and fishing restrictions are not needed to meet escapement goals. The current regulation unnecessarily restricts the department and does not allow the department to meet the objective of the Yukon River King Salmon Management Plan.

PROPOSED BY: Kwik’pak Fisheries, LLC

PROPOSAL 232

5 AAC 05.360. Yukon River King Salmon Management Plan.

Allow sale of Yukon River king salmon caught incidentally during open commercial fishing periods for other salmon species, as follows:

5 AAC 05.360 is amended to read:

(i) If the department projects that the Yukon River king salmon escapements are below the escapement goals or king salmon subsistence fishing is restricted in more than one district or portion of a district, the commissioner shall, by emergency order, close a fishery and immediately reopen a fishery during which king salmon may be retained, but not sold; **if the department thereafter projects that Yukon River king salmon escapements will achieve escapement goals and king salmon subsistence fishing is not restricted, and the department determines that there are king salmon surplus to escapement and subsistence needs and the sale of incidentally caught king salmon will not have a significant impact on escapement or subsistence uses of king salmon, the commissioner may, by emergency order, open a fishery during which incidentally caught king salmon taken during the summer and/or fall chum salmon commercial fisheries may be sold.**

What is the issue you would like the board to address and why? The *Yukon River King Salmon Management Plan* does not provide clear direction and criteria for lifting a prohibition on the sale of incidentally caught king salmon. Regulatory direction and triggers for prohibiting the sale of incidentally caught king salmon in Yukon River commercial salmon fisheries are well defined; however, regulatory direction and criteria for lifting a prohibition on the sale of incidentally caught king salmon that is no longer needed are ambiguous, resulting in potential foregone economic opportunity.

PROPOSED BY: Alaska Department of Fish and Game

PROPOSAL 233

5 AAC 05.200. Fishing districts and subdistricts; 5 AAC 05.330. Gear; and 5 AAC 05.350. Closed waters.

Clarify the District 1 boundary and allow set gillnets to be operated up to three nautical miles seaward from any grassland bank in District 1 after July 15, as follows:

5 AAC 05.200. Fishing districts and subdistricts

(a) District 1 consists of that portion of the Yukon [RIVER DRAINAGE] Area from the latitude of Point Romanof extending south and west, **including the coastal waters within three miles seaward from any grassland bank,** along the coast of the delta to **the ADF&G regulatory marker located on the beach approximately one nautical mile south from the mouth** [THE TERMINUS] of Black River upstream to the northern edge of the mouth of the Anuk River and all waters of the Black River.

5 AAC 05.330. Gear

(a) In Districts 1 – 3, set gillnets and drift gillnets only may be operated, except that in District 1 after July 15 set gillnets only may be operated in the following locations:

(8) waters within [ONE] **three** nautical [MILE] **miles** seaward from any grassland bank in District 1.

5 AAC 05.350. Closed waters

(2) waters farther than three nautical miles seaward from any grassland bank in District 1 from [APOON PASS] **Point Romanof** extending west and south to a line extending seaward from an ADF&G regulatory marker located on the beach approximately one nautical mile south from the mouth of Black River;

What is the issue you would like the board to address and why? This seeks guidance and clarification from the Board of Fisheries on intent regarding the set gillnet fishery in coastal waters of Yukon Area District 1 and the new drift gillnet fishery in expanded coastal waters of District 1. The intent of the original proposals that lead to creation of this new fishery was to maintain the set gillnet fishery in coastal waters of District 1, not to create a new drift gillnet fishery in expanded coastal waters, and it is unclear if the board was aware of this unforeseen effect/error when the regulation was adopted.

PROPOSED BY: Kwik'pak Fisheries, LLC

Fall 2018 Regional Advisory Council Meeting Calendar

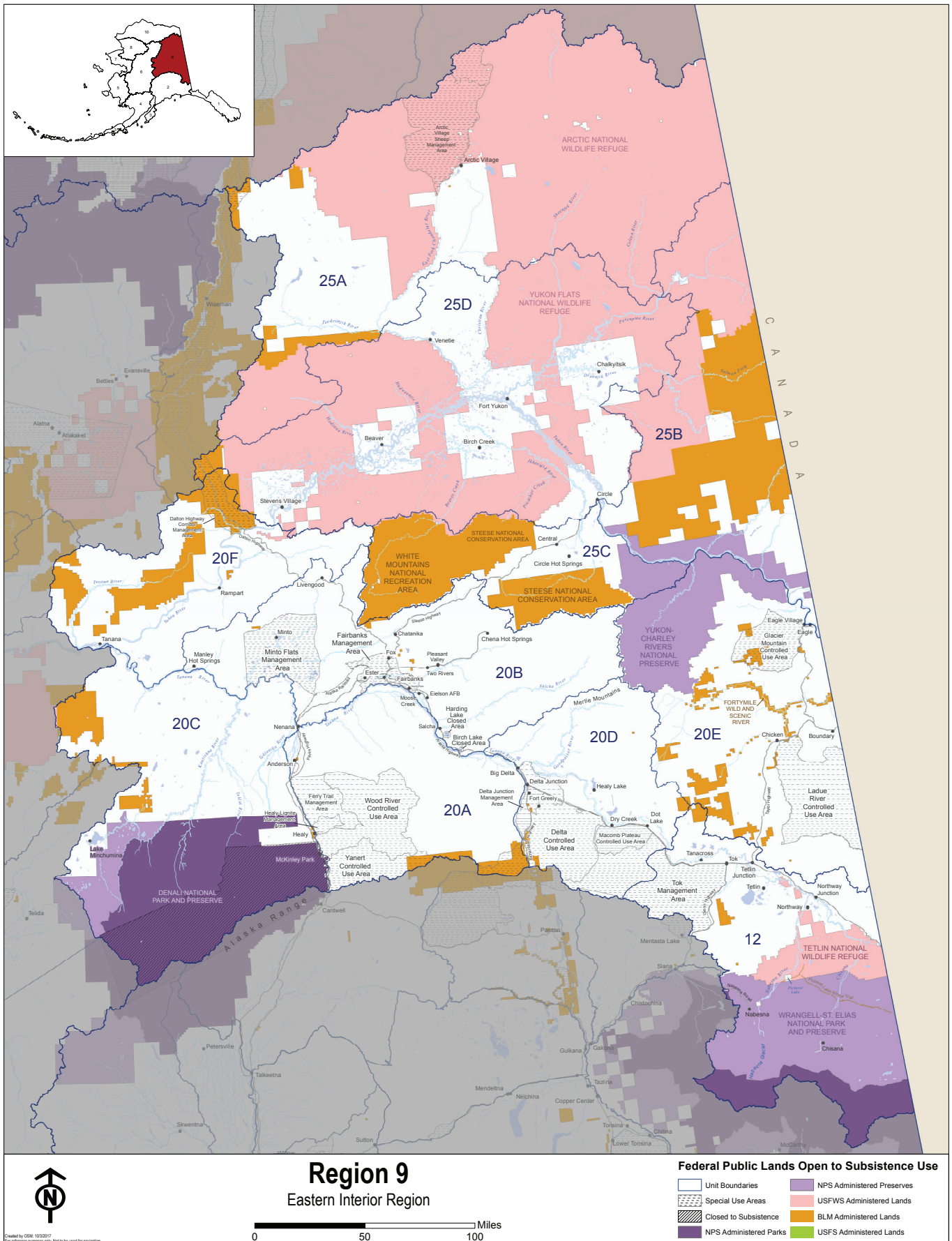
Due to travel budget limitations placed by Department of the Interior on the U.S. Fish and Wildlife Service and the Office of Subsistence Management, the dates and locations of these meetings will be subject to change.

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

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**

Eastern Interior Alaska Subsistence Regional Advisory Council

Charter

1. **Committee's Official Designation.** The Council's official designation is the Eastern Interior Alaska Subsistence Regional Advisory Council (Council).
2. **Authority.** The Council is renewed by virtue of the authority set out in the Alaska National Interest Lands Conservation Act (ANILCA) (16 U.S.C. 3115 (1988)), and under the authority of the Secretary of the Interior, in furtherance of 16 U.S.C. 410hh-2. The Council is regulated by the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C. Appendix 2.
3. **Objectives and Scope of Activities.** The objective of the Council is to provide a forum for the residents of the Region with personal knowledge of local conditions and resource requirements to have a meaningful role in the subsistence management of fish and wildlife on Federal lands and waters in the Region.
4. **Description of Duties.** Council duties and responsibilities, where applicable, are as follows:
 - a. Recommend the initiation of, review, and evaluate proposals for regulations, policies, management plans, and other matters relating to subsistence uses of fish and wildlife on public lands within the Region.
 - b. Provide a forum for the expression of opinions and recommendations by persons interested in any matter related to the subsistence uses of fish and wildlife on public lands within the Region.
 - c. Encourage local and regional participation in the decision-making process affecting the taking of fish and wildlife on the public lands within the Region for subsistence uses.
 - d. Prepare an annual report to the Secretary containing the following:
 - (1) An identification of current and anticipated subsistence uses of fish and wildlife populations within the Region.
 - (2) An evaluation of current and anticipated subsistence needs for fish and wildlife populations within the Region.

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

- j. Provide recommendations for implementation of the regulatory reform initiatives and policies specified in section 2 of Executive Order 13777: Reducing Regulation and Controlling Regulatory Costs; Executive Order 12866: Regulatory Planning and Review, as amended; and section 6 of Executive Order 13563: Improving Regulation and Regulatory Review. Recommendations shall include, but are not limited to:

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

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

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

5. **Agency or Official to Whom the Council Reports.** The Council reports to the Federal Subsistence Board Chair, who is appointed by the Secretary of the Interior with the concurrence of the Secretary of Agriculture.
6. **Support.** The U.S. Fish and Wildlife Service will provide administrative support for the activities of the Council through the Office of Subsistence Management.
7. **Estimated Annual Operating Costs and Staff Years.** The annual operating costs associated with supporting the Council's functions are estimated to be \$175,000, including all direct and indirect expenses and 1.15 staff years.
8. **Designated Federal Officer.** The DFO is the Subsistence Council Coordinator for the Region or such other Federal employee as may be designated by the Assistant Regional Director – Subsistence, Region 7, U.S. Fish and Wildlife Service. The DFO is a full-time Federal employee appointed in accordance with Agency procedures. The DFO will:

- (a) Approve or call all of the advisory committee's and subcommittees' meetings;
 - (b) Prepare and approve all meeting agendas;
 - (c) Attend all committee and subcommittee meetings;
 - (d) Adjourn any meeting when the DFO determines adjournment to be in the public interest; and
 - (e) Chair meetings when directed to do so by the official to whom the advisory committee reports.
9. **Estimated Number and Frequency of Meetings.** The Council will meet 1-2 times per year, and at such times as designated by the Federal Subsistence Board Chair or the DFO.
10. **Duration.** Continuing.
11. **Termination.** The Council will be inactive 2 years from the date the Charter is filed, unless, prior to that date, it is renewed in accordance with the provisions of section 14 of the FACA. The Council will not meet or take any action without a valid current charter.
12. **Membership and Designation.** The Council's membership is composed of representative members as follows:

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

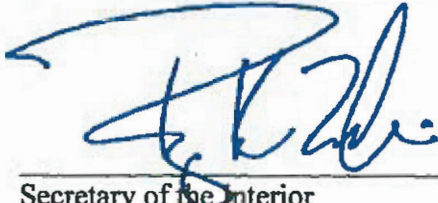
To ensure that each Council represents a diversity of interests, the Federal Subsistence Board in their nomination recommendations to the Secretary will strive to ensure that seven of the members (70 percent) represent subsistence interests within the Region and three of the members (30 percent) represent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

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

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

Council members will elect a Chair, Vice-Chair, and Secretary for a 1-year term. Members of the Council will serve without compensation. However, while away from their homes or regular places of business, Council and subcommittee members engaged in Council, or subcommittee business, approved by the DFO, may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in Government service under section 5703 of title 5 of the United States Code.

13. **Ethics Responsibilities of Members.** No Council or subcommittee member will participate in any Council or subcommittee deliberations or votes relating to a specific party matter before the Department or its bureaus and offices including a lease, license, permit, contract, grant, claim, agreement, or litigation in which the member or the entity the member represents has a direct financial interest.
14. **Subcommittees.** Subject to the DFOs approval, subcommittees may be formed for the purpose of compiling information and conducting research. However, such subcommittees must act only under the direction of the DFO and must report their recommendations to the full Council for consideration. Subcommittees must not provide advice or work products directly to the Agency. Subcommittees will meet as necessary to accomplish their assignments, subject to the approval of the DFO and the availability of resources.
15. **Recordkeeping.** Records of the Council, and formally and informally established subcommittees or other subgroups of the Council, shall be handled in accordance with General Records Schedule 6.2, and other approved Agency records disposition schedule. These records shall be available for public inspection and copying, subject to the Freedom of Information Act, 5 U.S.C. 552.



Secretary of the Interior

DEC 01 2017

Date Signed

DEC 04 2017

Date Filed

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