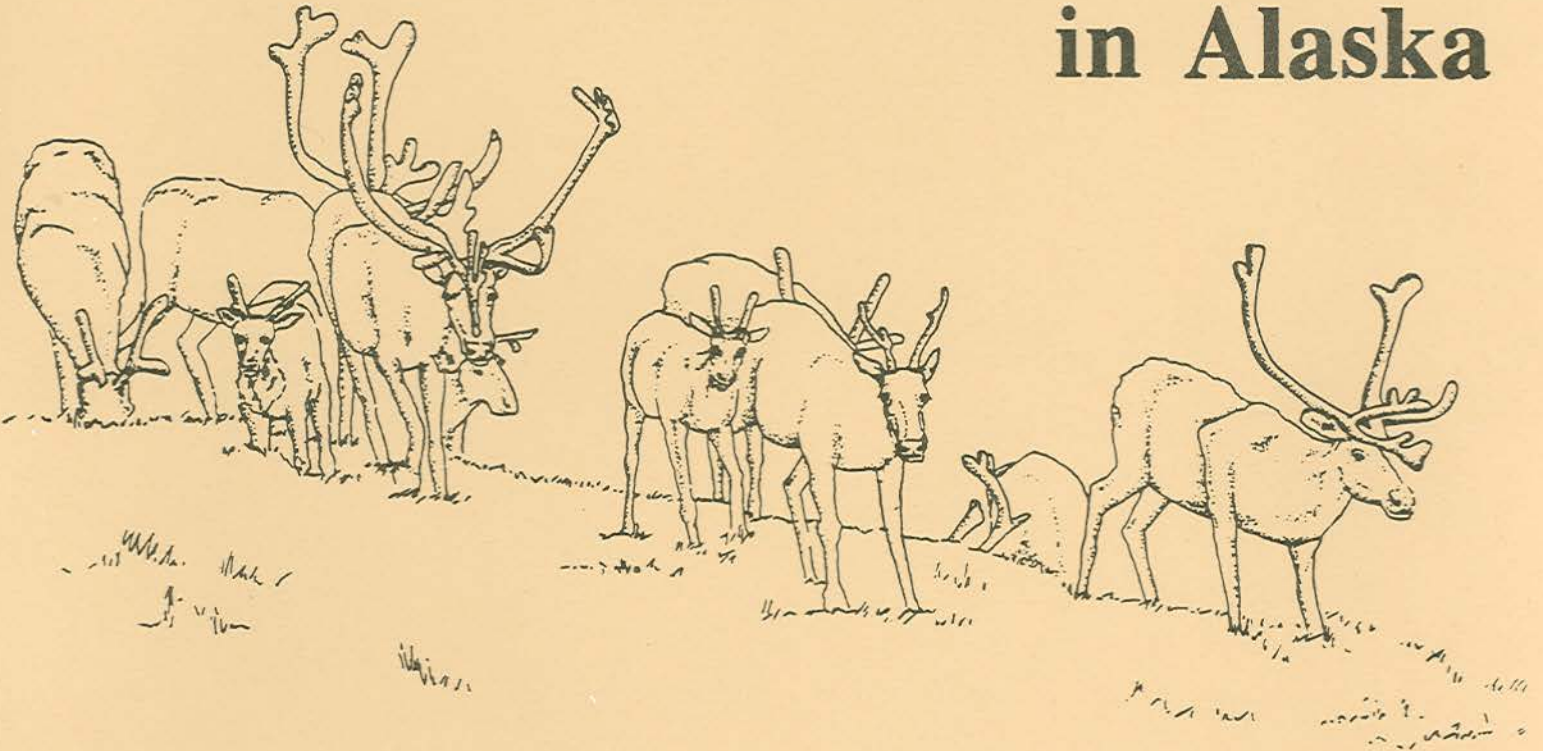


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# Subsistence Management

for  
Federal Public Lands  
in Alaska



**Final**  
Environmental  
Impact Statement  
Volume I







## Federal Subsistence Board

1011 East Tudor Road  
Anchorage, Alaska 99503



FISH and WILDLIFE SERVICE  
BUREAU of LAND MANAGEMENT  
NATIONAL PARK SERVICE  
BUREAU of INDIAN AFFAIRS

FOREST SERVICE

Dear Reader:

Enclosed is a summary of the Final Environmental Impact Statement (EIS) on Subsistence Management for Federal Public Lands in Alaska, Volumes I and II. The final EIS has been prepared pursuant to Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) and section 102(2)(c) of the National Environmental Policy Act of 1969.

This summary and the final EIS are being distributed during the week of February 24, 1992, and a record of decision will be published no sooner than 30 days following the publication of the Environmental Protection Agency notice in the Federal Register of the filing of the final EIS.

The draft EIS was available for public review on October 7, 1991. Public hearings were held in 42 communities in Alaska, and one was held in Washington, D.C. Additional information was distributed through mailings and in the news media.

The draft EIS described four alternatives for developing a Federal Subsistence Management Program in Alaska and examined the environmental consequences of these alternatives. It also described the major issues associated with Federal subsistence management that were identified through public meetings and hearings and staff analysis.

A summary of public comment on the draft EIS and the responses to those comments are included in Volume I, Chapter V, of the final EIS. Comments received on the range of alternatives that were presented in the draft were taken into account during the development of the final EIS. Alternative IV remains as the proposed action.

In addition to presenting alternatives for Federal subsistence management, the final EIS contains an evaluation on subsistence uses and needs, as specifically required by section 810 of ANILCA.

Proposed regulations (Subparts A, B, and C) that will implement the preferred alternative are included in the summary and the final EIS as appendices. In addition, these proposed regulations

were published as a separate document in the Federal Register on January 30, 1992. Public comment will be accepted on these proposed regulations until March 16, 1992.

The proposed regulations include definitions, eligibility requirements for subsistence use, requirements for transferrable permits, structures for the Federal Subsistence Board and an advisory system, and procedures for making rural determinations and customary and traditional use determinations.

Annual regulations (Subpart D) that propose seasons and bag limits for the 1992-93 season are not a part of the final EIS. They were published in the Federal Register on December 9, 1991, as a proposed rulemaking, and comments were accepted until January 23, 1992.

After completion of public review and incorporation of comments, Subparts A, B, C, and D of the Federal subsistence management regulations will be published as a final rulemaking in June, 1992.

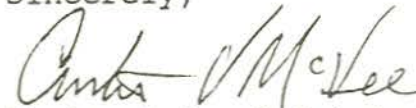
For additional copies of this summary, the final EIS, or additional information, please write to:

Federal Subsistence Board  
c/o U.S. Fish and Wildlife Service  
Attn: Richard S. Pospahala  
1011 E. Tudor Road  
Anchorage, AK 99503

Information is also available by calling the U. S. Fish and Wildlife Service Subsistence Management Office at 800-478-1456 or in Anchorage 271-2326. Hearing impaired may call 786-3487.

Thank you for your interest and involvement in the Federal Subsistence Management Program.

Sincerely,



Chair, Federal Subsistence Board

Enclosure

**SUBSISTENCE MANAGEMENT  
FOR FEDERAL PUBLIC LANDS IN ALASKA  
FINAL ENVIRONMENTAL IMPACT STATEMENT**

1992

**FEDERAL SUBSISTENCE BOARD  
c/o U.S. FISH AND WILDLIFE SERVICE  
REGION 7, 1011 E. TUDOR ROAD  
ANCHORAGE, ALASKA 99503**



For further information contact Richard S. Pospahala at 1-800-478-1456





# **SUMMARY FINAL ENVIRONMENTAL IMPACT STATEMENT ON SUBSISTENCE MANAGEMENT FOR FEDERAL PUBLIC LANDS IN ALASKA**

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## **INTRODUCTION**

This final environmental impact statement (EIS) (1) describes four alternatives for developing a Federal Subsistence Management Program in Alaska and examines the environmental consequences of these alternatives, (2) describes the major issues associated with Federal subsistence management that were identified through public meetings and staff analysis, (3) addresses comments made during the public-review process, and (4) includes in the appendices the proposed programmatic regulations that will implement the preferred alternative.

The proposed Federal Subsistence Management Program and implementing regulations would comply with the requirements of Title VIII of the Alaska National Interest Lands





## SUMMARY

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Conservation Act (ANILCA), P.L. 96-487. The ANILCA provides rural residents of Alaska priority for the harvest of fish and wildlife and other wild renewable resources on Federal public lands in Alaska.

The Federal Program would most affect the rural residents participating in subsistence activities on the approximately 200 million acres of Federal public lands in Alaska (Map 1). Most lands are managed by one of the five Federal agencies: the Fish and Wildlife Service, the Forest Service, the National Park Service, the Bureau of Land Management, and the Bureau of Indian Affairs.

Public lands are specifically defined in ANILCA in Section 102(3). Because the U.S. usually does not hold title to navigable waters, they generally are not included within the definition of public lands. Within this EIS, the scope and extent of Federal public lands in Alaska available for subsistence uses is further defined and clarified as necessary.

The array of alternatives for the Federal Program envisions a host of possible changes from the subsistence management regime practiced by the State of Alaska prior to the Alaska State Supreme Court decision, McDowell v. Alaska, which declared the State's rural preference for subsistence priority unconstitutional. It also identifies several possible changes to the temporary Federal Subsistence Management Program that have been in place since July 1, 1990.

Areas under consideration where major changes could occur are:

- Only those residents of communities considered to be rural by the Federal Subsistence Board would be eligible for subsistence taking of fish and wildlife resources on Federal public lands. Final eligibility would be based upon determination of customary and traditional use patterns through application of a Federal process described in the EIS.
- The National Park Service could further determine eligibility of qualified subsistence users on National Park Service System lands based upon specific authorities in ANILCA or other laws.
- The Federal Subsistence Board would be the final authority for the subsistence taking of fish and wildlife resources on Federal public lands in Alaska.
- As many as 36 Regional Advisory Councils would be chartered, appointed, and operated under the Federal Program.
- Local Advisory Committees could be formed as needed.
- Under Alternative IV, the State and each of the Regional Advisory Councils would be asked to furnish a liaison to the Federal Subsistence Board.
- State of Alaska sport hunting and fishing regulations would apply to Federal public lands unless the Federal Subsistence Board promulgates regulations that supersede State regulations.

## SUMMARY

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- Transferable permits could be authorized.
- Community-based quotas could be established.

These possible changes would strengthen the Federal Subsistence Board's direct communications with subsistence users and with the Regional Advisory Councils and would clarify the Federal Government's responsibilities under the law.

Litigation is pending before the Federal Court on several cases involving subsistence issues, and future court decisions could materially change the Federal program. Some of the issues involved in the pending litigation are:

- Whether Federal jurisdiction for subsistence management extends to fish stocks in State-owned and -navigable waters.
- Whether Federal jurisdiction for subsistence management extends to migratory upland animal species that are harvested on Federal public lands but move off these lands for some period of each year.
- Clarification and refinement of the definition of "customary and traditional" uses of fish and wildlife.

Subsistence uses of natural resources is an important element in the lives of all Alaskans. Obviously, the scope of Federal management of fish and wildlife for subsistence purposes will continue to evolve. It is possible that changes in the current situation would warrant revising or supplementing this EIS. Examples include court decisions, as well as possible administrative actions.

## BACKGROUND

The Federal Government is required by Title VIII of ANILCA to provide a subsistence priority for hunting and fishing by rural residents on Federal public lands in Alaska. The State of Alaska operated a program that met the Federal requirements until the 1989 Alaska Supreme Court McDowell Decision. The Court ruled that the laws used by the State to provide a subsistence priority for rural Alaskans violated the Alaska Constitution. On July 1, 1990, the Federal Government took over the management of subsistence activities on Federal public lands in the State.

"Temporary Subsistence Management Regulations for Public Lands in Alaska; Final Temporary Rule" were published in the Federal Register on June 29, 1990. The introductory part of these regulations is included in Appendix C in the EIS. These regulations created the Federal Subsistence Board (Board) and gave it the responsibility for subsistence activities on Federal public lands in Alaska. The Board is composed of the Alaska heads of the Fish and Wildlife Service, the Forest Service, the National Park Service, the Bureau of Land Management, and the Bureau of Indian Affairs. The chairman is appointed by the Secretary of the Interior with concurrence by the Secretary of Agriculture. The Fish and Wildlife Service has been designated as the lead Federal agency for the Federal Subsistence Management Program.



## SUMMARY

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### PLANNING PROCESS

The development of a subsistence management program for Federal public lands in Alaska is considered a "major Federal action having a significant impact on the quality of the human environment" under the National Environmental Policy Act (NEPA). For this reason, the Federal Subsistence Board decided that an EIS on Federal subsistence management should be published. A Notice of Intent to prepare an EIS was published in the Federal Register on October 25, 1990. Interagency teams from the Fish and Wildlife Service, Forest Service, National Park Service, and Bureau of Land Management conducted 58 public scoping meetings.

Based on the information gathered in the scoping process, the major issues to be addressed in the EIS were identified and are analyzed in the draft EIS published in October 1991. This EIS:

- outlines the major issues identified during the public comment period in fall 1990;
- lays out four different alternatives for managing subsistence activities on Federal public lands in Alaska;
- describes the potentially affected physical, biological, and human environments;
- provides an analysis of potential adverse effects and describes mitigating measures to reduce those effects;  
presents a record of consultation and coordination with others during the preparation process; and
- includes in the appendices copies of some pertinent documents, laws, and regulations.

A public comment period followed the release of the EIS. During this period, 41 public hearings were held, and oral and written comments were requested from the public. Specific dates and locations for the public hearings, were announced in the Federal Register. This final EIS incorporates public comments and revisions and modifications made to the EIS. Following the release of the final EIS, there is a 30-day waiting period before any action is taken. Then, a Record of Decision is issued by the Secretaries of the Departments of Interior and Agriculture. Once the decision has been made, programmatic regulations will be issued and the Federal Subsistence Management Program implemented. The draft programmatic regulations are included in Appendix A of the EIS.

### MAJOR ISSUES ADDRESSED

The interdisciplinary team that wrote this EIS reviewed and analyzed the concerns and ideas expressed in the public-involvement and interagency-scoping process. The following issue statements describe the concerns and ideas in general terms.

## SUMMARY

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### Rural Eligibility

Most of the public comments centered around the definition of "rural resident." The language in ANILCA states "the term 'subsistence uses' means the customary and traditional uses by rural Alaska residents of wild, renewable resources for direct personal or family consumption. . . ." (ANILCA, Sec. 803). The term "rural" is not defined in ANILCA. People were concerned that the process of determining who is a rural resident would mean the loss of their subsistence opportunities. Many people suggested that the rural requirement be removed or the criterion changed. Removal of the rural requirement--an action requiring Congressional approval--is beyond the scope of this process. Background information on the rural determination process and a list of community determinations is contained in Appendix F of this EIS.

### Customary and Traditional Use of Resources

Many people commented on the importance of customary and traditional uses of subsistence resources. While there was disagreement about what constitutes customary and traditional use, the public agreed that it should be provided for under Federal management. The discussion ranged from the methods and means of harvest that should be allowed to the impacts of Federal management on the continuation of cultural, spiritual, and religious practices. Appendix D of the EIS outlines a proposed process for customary and traditional determinations.

### Local and Regional Participation

Section 805 of ANILCA mandates local and regional participation in subsistence management through a system of regional advisory councils and local advisory committees. Under past State management, there were six regional advisory councils, as required in Section 805(a)(1), and a system of 88 local advisory committees. This configuration is in the process of changing into seven State regional councils. Some people suggested that the existing system is not effective because of the mix of subsistence and nonsubsistence users on the councils and committees, poor communications, and lack of funding. Some saw merit in retaining the existing system with improvements. Others expressed concern that Federal managers have not been responsive to suggestions for improving subsistence management. Appendix E in the EIS is an analysis of the current State advisory system.

### Interagency Program

Concerns about an interagency subsistence management program focused around three areas: (1) people wondered how the Federal and State systems would be coordinated to reduce impacts on both users and resources, (2) they wanted to see consistency between different agencies in handling common concerns, and (3) people also were concerned about the complex structure of the Federal bureaucracy that is responsible for subsistence management.

### Regulations

Comments were received on several topics related to regulations. People wondered how Federal management might change the ways by which resources could be taken and what processes would be used for the adoption and change of regulations, and they also expressed



## SUMMARY

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concerns about whether Federal management would consider transferable permits to accommodate those who can't hunt as well as community bag limits. Others were concerned with how resources would be allocated when populations are low and how the regulations would be enforced. The draft programmatic regulations are included in Appendix A of the EIS.

## ALTERNATIVES

This section describes the array of management alternatives considered in the development of a Federal Subsistence Management Program in Alaska. These alternatives were designed to explore a variety of ways to respond to issues identified by the public and the Federal agencies while still meeting the requirements of ANILCA.

### Alternative I - No Action

The alternative would result in minimal change from the State subsistence program while fulfilling the requirements of ANILCA Title VIII. This alternative consists of the Temporary Subsistence Management Regulations (36 CFR 242 and 50 CFR 100) originally issued on June 29, 1990, and amended on June 26, 1991. The existing State system of regional councils and local advisory committees would provide public participation for the Federal subsistence regulation process.

- **Federal Subsistence Board**

The Board would be composed of six members, five of whom are the Alaska directors of the Fish and Wildlife Service, the Forest Service, the National Park Service, the Bureau of Land Management, and the Bureau of Indian Affairs. The chairman would be appointed by the Secretary of the Interior with the concurrence of the Secretary of Agriculture.
- **Regional Advisory Councils**

The six existing State regional councils (this configuration is in the process of changing into seven with a division of the Southwest Region) and their respective regional boundaries (Map 2) would be used to provide public input into the Federal subsistence program.
- **Local Advisory Committees**

Existing State local advisory committees would provide a public forum for individuals interested in subsistence uses of fish and wildlife within the regions to express their views. The committees would then make recommendations to their respective regional councils.
- **Rural Determination Process**

This alternative uses rural/non-rural determinations made by the Federal Subsistence Board on December 17, 1990, as required by the Temporary Federal Subsistence Regulations. Background information on the process used and a list of community determinations are contained in Appendix F of the EIS. The determinations were made by aggregating communities that are socially and economically integrated. The

## SUMMARY

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Board then applied population and community characteristics (Chapter II, Table II-2) before making the determinations.

- **Customary and Traditional Uses**  
The Federal Subsistence Board adopted the State of Alaska's customary and traditional use determinations as of July 1, 1990. The State has made customary and traditional use determinations for most large wildlife resources for most of the State. These determinations would remain in effect under this alternative unless changed by the Federal Subsistence Board on the recommendation of a local advisory committee or based on information obtained through State or Federal agency research.
- **Regulation Process**  
Proposals from all sources would be submitted to the Federal Subsistence Board for consideration. After considering public comment and recommendations by State regional councils, the Board would make annual regulatory decisions, taking into account subsistence use priority and the preservation of healthy fish and wildlife populations.

## Alternative II

**Independent agency management of subsistence on Federal public lands** is the focus of this alternative. Temporary regulations would expire, and the existing Federal program would dissolve. Each Federal agency would then develop regulations necessary to meet the requirements of ANILCA. The basic structure would be agreed on and established to guide the agencies in their management.

- **Federal Subsistence Board**  
No Board would be established. Each Federal land managing agency would operate independently with some key elements of mutual agreement.
- **Regional Advisory Councils**  
There would be up to 36 regional advisory councils; council area boundaries would be based on Federal land management unit boundaries (Maps 3-6). Councils could then develop fish and wildlife management strategies that recognize subsistence use patterns and correspond with Federal land management ownership and objectives.
- **Local Advisory Committees**  
Existing State local advisory committees would provide a public forum for individuals interested in subsistence uses of fish and wildlife within the regions to express their views. The committees would then make recommendations to the Federal agencies through their respective regional councils.
- **Rural Determination Process**  
Rural eligibility would be determined strictly by population number. A rural community would be defined as one with a population of 7,000 or less. At such time that a community exceeded the 7,000 population figure, the Federal agencies would make a preliminary determination that the community had become non-rural. A waiting period of 5 years would be required before a non-rural determination



## SUMMARY

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would become final. Under this alternative, the rural status of all communities as of December 17, 1990 (see Appendix F), would remain the same until changed with the use of the revised criteria.

- **Customary and Traditional Uses**  
The Federal Subsistence Board adopted the State of Alaska's customary and traditional use determinations as of July 1, 1990. The State has made customary and traditional use determinations for most large wildlife resources for most of the State. These determinations would remain in effect under this alternative unless changed by the Federal agencies on the recommendation of a local advisory committee or based on information obtained through State or Federal agency research.
- **Regulation Process**  
The regional councils would develop proposals and review and evaluate proposals from State advisory committees and other sources. Recommendations from the regional councils would be forwarded to the appropriate Federal agency for action.

### Alternative III

Local Involvement is the focus of this alternative by providing a subsistence management structure that emphasizes the role of local advisory committees and incorporation of subsistence users on the Federal Subsistence Board. The committees would provide the public forum for local subsistence users to play a meaningful role in Federal subsistence management. Up to 283 committees would be formed (1 for each rural community) within 12 regional council areas.

- **Federal Subsistence Board**  
The Board would consist of 16 members, including a chairman appointed by the Secretary of the Interior with the concurrence of the Secretary of Agriculture, a State of Alaska representative, 12 subsistence users (one from each regional council), and two members "at large."
- **Regional Advisory Councils**  
There would be 12 regional advisory councils with area boundaries based on subsistence use areas (Map 7). The councils would coordinate the recommendations of the local advisory committees within their respective regions and ensure consistency. The councils, working with their advisory committees, would make recommendations to the Federal Subsistence Board.
- **Local Advisory Committees**  
Committees would be created in response to direct requests from users or by recommendation of the regional council. Committees could be established for each rural community (up to 283). Their primary role would be to provide a public forum for individuals interested in subsistence uses of fish and wildlife within the regions to express their views. The committees would then make recommendations to their respective regional councils.

**Table II-2**  
**Community Characteristics**

Community Characteristics	Rural/Non-rural Indicators
Use of fish and game a) variety of species used b) pounds per capita harvested c) percent population participating in subsistence activities	Rural communities: -use a greater number of species -harvest more pounds per capita -have a greater participation than non-rural.
Development and diversity of the economy a) employment (high/moderate/low, seasonal/year-round) b) unemployment rate c) taxable income d) food costs	Rural Communities: -have lower employment and more seasonal employment -have higher unemployment -have lower taxable income -have a higher food costs
Community Infrastructure (measured by cost of electricity)	Rural communities have higher electric rates.
Transportation a) variety and means b) dominate method c) miles of road system	Rural communities: -have less variety and means of transportation linking them to distribution centers -have limited methods (e.g. plane, snow machine, 4-wheeler) -have less miles of road system usable
Educational Institutions a) level of education provided	Rural communities have a lower level of educational services provided locally.



**Table II-6**  
**Community Characteristics**

Community Characteristics	Rural/Non-rural Indicators
Use of fish and game a) variety of species used b) pounds per capita harvested c) percent population participating in subsistence activities	Rural communities: -use a greater number of species -harvest more pounds per capita -have a greater participation than non-rural.
Development and diversity of the economy a) employment (high/moderate/low, seasonal/year-round) b) unemployment rate c) taxable income d) food costs	Rural Communities: -have lower employment and more seasonal employment -have higher unemployment -have lower taxable income -have a higher food costs
Community Infrastructure (measured by cost of electricity)	Rural communities have higher electric rates.
Transportation a) variety and means b) dominate method c) miles of road system	Rural communities: -have less variety and means of transportation linking them to distribution centers -have limited methods (e.g. plane, snow machine, 4-wheeler) -have less miles of road system usable
Educational Institutions a) level of education provided	Rural communities have a lower level of educational services provided locally.

## SUMMARY

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- **Rural Determination Process**  
Under this alternative, Anchorage, Fairbanks, Juneau, and Ketchikan would be the only non-rural communities.
- **Customary and Traditional Uses**  
The Federal Subsistence Board adopted the State of Alaska's customary and traditional use determinations as of July 1, 1990. The State has made customary and traditional use determinations for most large wildlife resources for most of the State. These determinations would remain in effect under this alternative unless changed by the Federal agencies on the recommendation of a local advisory committee or based on information obtained through State or Federal agency research.
- **Regulation Process**  
Local advisory committees would develop and review proposals before making recommendations to the regional councils. After considering public comments and recommendations by State regional councils, the Federal Subsistence Board would make regulatory decisions on an annual basis, taking into account subsistence use priority and the preservation of healthy fish and wildlife populations.

### Alternative IV - Proposed Action

The goal of Federal management under this alternative would be to **provide a flexible program to meet subsistence user needs and provide regulations responsive to regional requirements**. The regional advisory councils would interact directly with the Federal Subsistence Board with the aid of Federal coordinators who would work as the primary liaison between Federal agencies and the regional advisory councils. The existing State local advisory committees could be used and/or new Federal committees could be established if needed.

- **Federal Subsistence Board**  
The Board would be composed of six members who are the Alaska directors of the Fish and Wildlife Service, the Forest Service, the National Park Service, the Bureau of Land Management, and the Bureau of Indian Affairs. The chairman would be appointed by the Secretary of the Interior with the concurrence of the Secretary of Agriculture. In addition to the Board members, a State liaison to the Board would be nominated by the Governor and appointed by the Secretary of the Interior with the concurrence of the Secretary of Agriculture. The chairpersons of each regional advisory council also would serve as liaisons to the Board.
- **Regional Advisory Councils**  
Eight regional advisory councils would use the existing six State regional council boundaries. The Southwest region would be divided into two regions, which follows the State's configuration change that is in process, and the Arctic Region also would be divided into two regions (Map 8). Federal regional advisory councils would then be established for each area.
- **Local Advisory Committees**  
Consistent with a cooperative agreement to be negotiated with the State, existing State advisory committees and regional councils could submit proposals through a



## SUMMARY

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Federal regional council to the Federal Subsistence Board. Federal advisory committees might be formed if the Board determined that the State committees were not fulfilling the requirements of ANILCA.

- **Rural Determination Process**

The Federal Subsistence Board made the rural/non-rural determinations for this alternative on December 17, 1990. Background information on the process used and a list of community determinations is contained in Appendix F. The determinations were made by aggregating communities that are socially and economically integrated. The Board then applied population and community characteristics (Chapter II, Table II-6) before making the determinations.

- **Customary and Traditional Uses**

The Federal Subsistence Board adopted the State of Alaska's customary and traditional use determinations as of July 1, 1990. The State has made customary and traditional use determinations for most large wildlife resources for most of the State. These determinations would remain under this alternative unless changed by the Federal Subsistence Board on the recommendation of a regional council or based on information obtained through State or Federal agency research.

- **Regulation Process**

The regional councils would develop proposals and review and evaluate proposals from other sources. Recommendations from the regional councils would be forwarded to the Federal Subsistence Board for action. Proposals from Federal or State agencies or from other groups would be sent to the appropriate regional council for its review and evaluation before being forwarded to the Board for consideration.

## COMPARISON OF THE ISSUES AND ALTERNATIVES

Tables I-1 and II-8 summarize the issues, elements, and alternatives.

## ENVIRONMENTAL CONSEQUENCES

This section describes environmental consequences that could result from implementing various alternatives. The current situation provides the basis for comparing the effects of the other alternatives. In this document, Alternative I, the "no action" alternative, means that there will be no change from current management direction or level of management intensity. For this analysis, a term of 10 years was used to examine the projected effects. The basic assumption for the analysis in this section was that all rural Alaskans are subsistence users. It also was assumed that the current percentage of participation of eligible rural residents would remain constant with changes in population. The changing numbers of eligible rural residents resulting from implementation of the various alternatives were projected to increase in the next decade at the same rate of growth that took place over the last decade. All population figures used were from the U.S. Census, 1990, with preliminary figures from the Alaska State Data Center.

Although there would be some impacts on biological resources from all alternatives, ANILCA limits the extent of impact by requiring that healthy populations be maintained.

### Summary-x

Table I-1 Issues, Elements, and Alternatives

Issues	Program Element	Alternative I: No Action	Alternative II	Alternative III	Alternative IV - Proposed Action
<p><b><u>Rural Eligibility</u></b>            What process will be used for making and reevaluating rural determinations, and should it be based on:</p> <ul style="list-style-type: none"> <li>-income?</li> <li>-residence?</li> <li>-community size (density, population, area)?</li> <li>-customary and traditional use/lifestyle?</li> <li>-designation of a community/area/family/individual?</li> <li>-transportation system?</li> <li>-aggregated communities?</li> <li>-market variables?</li> <li>-population size in relation to available resources?</li> </ul>	<p><b><u>Rural Determination</u></b>            A process must be established to determine who are "rural" residents for purposes of subsistence priority. The basis for this could take several forms and has the greatest impact on the people and the resources.</p>	<p>The rural determination process aggregates communities that are socially and economically integrated. The Board then applies population and community characteristic tests. The Board presumes an aggregated community of less than 2,500 people to be rural unless it exhibited non-rural characteristics. There was no presumption about the status of a community with a population of 2,500 to 7,000, while communities 7,000 or greater in population were presumed to be non-rural unless the characteristics of the community or area were rural in nature.</p> <p>The Board evaluated the community characteristics shown on Table II-2 to decide if a community is rural or non-rural.</p>	<p>Rural determinations would be made based on population only. Communities with greater than 7,000 residents would be non-rural. A 5-year waiting period would be required before any status change takes effect.</p>	<p>Anchorage, Fairbanks, Juneau, and Ketchikan would be the only non-rural communities.</p>	<p>Rural determinations would be made based on the aggregation, population and community characteristics steps (Table II-6) the same as Alternative I.</p>



Table I-1 Issues, Elements, and Alternatives

Issues	Program Element	Alternative I: No Action	Alternative II	Alternative III	Alternative IV - Proposed Action
<p><b><u>Customary and Traditional Use of Resources</u></b>            How will Federal management provide for customary and traditional uses in:</p> <ul style="list-style-type: none"> <li>-identifying appropriate methods and means of harvest?</li> <li>-addressing the distribution and sharing of resources, including barter, trade, and gift-giving?</li> <li>-designating subsistence species?</li> <li>-determining who has priority?</li> <li>-determining harvest seasons?</li> <li>-determining levels of harvest?</li> <li>-measuring degree of reliance upon subsistence?</li> <li>-assuring harvests for ceremonies or other religious purposes?</li> </ul>	<p><b><u>Customary and Traditional Uses</u></b>            Consistent with Section 803 of ANILCA, subsistence uses are customary and traditional uses by rural residents and this must be identified to determine what resources can be used and in what manner.</p>	<p>The Board adopted the State of Alaska's customary and traditional use determinations as of July 1, 1990. These determinations would be maintained unless changed by the Board on recommendation of the Local Advisory Committee or based on information obtained through state or federal agency research.</p>	<p>Federal agencies would collect information on subsistence uses to determine a community's or area's customary and traditional use of a particular fish or wildlife resource. This information would be made available to the Regional Councils in order for the Councils to make recommendations on customary and traditional uses to the agencies.</p>	<p>Federal agencies would collect and synthesize subsistence use information for determining a community's customary and traditional use of a particular fish or wildlife resource. The Local Advisory Committees would consider this information in making recommendations through the Regional Councils to the Board regarding a community's customary and traditional use of such resources.</p>	<p>Determinations of customary and traditional use of subsistence resources would be made by the Board on recommendation of the Regional Councils. Appropriate professional staff would be assigned to advise the Regional Councils in making customary and traditional use recommendations and assist in the interpretation of Federal and State subsistence use reports and information.</p>

Table I-1 Issues, Elements, and Alternatives

Issues	Program Element	Alternative I: No Action	Alternative II	Alternative III	Alternative IV - Proposed Action
<p><b><u>Local and Regional Participation</u></b>                      To encourage local and regional participation, how should a Federal system:</p> <ul style="list-style-type: none"> <li>-define the regions and boundaries?</li> <li>-designate the number of regions?</li> <li>-provide for the selection of members?</li> <li>-assure an appropriate mix of representatives?</li> <li>-provide technical and financial support?</li> <li>-increase communication?</li> <li>-provide for public review and comment?</li> </ul>	<p><b><u>Regional Councils</u></b>                      Consistent with the provisions in Section 805 of ANILCA, regional councils would be established under the Federal Program. The findings of the adequacy study must also be considered in this element.</p> <p><b><u>Local Advisory Committees</u></b>                      Local advisory committees may also be established if necessary. The boundaries and number of regions may vary but at least six must be established.</p>	<p>The 7 State regional advisory councils would be used.</p>	<p>Each agency would have its own region system (total up to 36) and its own regional councils.</p>	<p>There would be 12 Federal regional councils established by subsistence use area.</p>	<p>There would be 8 Federal regional councils. Federal coordinators would be appointed for each council.</p>
		<p>State advisory committees would be used.</p>	<p>State advisory committees would be used and/or Federal local advisory committees formed as needed.</p>	<p>Federal Committees would be formed. There could be many established as needed, potentially one per community or group of communities.</p>	<p>State and/or Federal advisory committees would be used. Federal local advisory committees could be formed as needed</p>



Table I-1 Issues, Elements, and Alternatives

Issues	Program Element	Alternative I: No Action	Alternative II	Alternative III	Alternative IV - Proposed Action
<p><b>Interagency Program</b> How should Federal and State management systems be coordinated to deal with:</p> <ul style="list-style-type: none"> <li>-mutual problems in resource management?</li> <li>-migratory species management?</li> <li>-resource and use data?</li> <li>-a separate or shared advisory system?</li> <li>-emergency actions?</li> <li>-law enforcement?</li> <li>-resource allocations for various users?</li> <li>-management conflicts?</li> <li>-orderly resumption of subsistence management by the State when its program complies with ANILCA?</li> </ul> <p>How will the cooperating Federal agencies coordinate a subsistence program to:</p> <ul style="list-style-type: none"> <li>-provide for healthy, or natural and healthy, populations?</li> <li>-resolve resource use conflicts?</li> </ul> <p>What administrative structure should be used to manage the FSMP to:</p> <ul style="list-style-type: none"> <li>-provide an opportunity for subsistence uses in priority to other uses?</li> <li>-respond to public proposals for management and regulation changes?</li> <li>-compile information on subsistence uses and resource status?</li> </ul>	<p><b>Federal Subsistence Board</b> A Board would be established to coordinate between the five Federal land management agencies and the State Department of Fish and Game. This Board would be empowered to act for the Secretaries and would enter into agreements with the State to assure coordination in such areas as:</p> <ul style="list-style-type: none"> <li>-migratory species management;</li> <li>-resource allocation;</li> <li>-monitoring health of fish and wildlife populations;</li> <li>-mutual problems in resource management;</li> <li>-a separate or shared advisory system;</li> <li>-emergency actions and boundary determinations;</li> <li>and</li> <li>-law enforcement.</li> </ul>	<p>The Board would consist of 6 members. They would be the 5 Federal managers and a chair.</p>	<p>No Board would be established. Instead, each agency would operate independently with some key elements of mutual agreement.</p>	<p>The Board would have 16 members. They would be the chair, one State representative, 12 subsistence users and 2 "at large" members. (It would require congressional action to implement this alternative.)</p>	<p>The Board would consist of 6 members. They would be the 5 Federal managers and a chair. One State and 8 Regional liaisons would serve as consultants to the Board.</p>

Table I-1 Issues, Elements, and Alternatives

Issues	Program Element	Alternative I: No Action	Alternative II	Alternative III	Alternative IV - Proposed Action
<p><b>Regulations</b> How will the Federal subsistence regulations address:</p> <ul style="list-style-type: none"> <li>-methods and means of harvest?</li> <li>-resource allocation when populations are low?</li> <li>-law enforcement?</li> <li>-limits to seasons, bag limits, and the area of take?</li> <li>-the need for licenses, permits, and registration?</li> <li>-transfer of permits to accommodate those who can't hunt?</li> <li>-processes for the adoption and change of regulations, emergency actions, conflict resolution, and appeals?</li> <li>-residency requirements?</li> <li>-community, family, or individual bag limits?</li> </ul>	<p><b>Regulation Process</b> In order to provide clear direction for both the users and those who regulate the uses, the manner in which the regulation adoption process handles key concerns is of importance.</p>	<p>Proposals from all sources--State Local Advisory Committees and Regional Councils, and individuals--would be submitted to the Board, which would compile and distribute them to the public, councils, and committees for comment. Recommendations by the Regional Councils would be used to facilitate deliberations during the Board's review of proposals.</p>	<p>The Regional Councils would develop proposals and review and evaluate proposals from other sources. Recommendations from the Regional Councils would be forwarded to the appropriate agency for action.</p>	<p>Local Advisory Committees would develop proposals and review and evaluate regulatory proposals from other sources. Proposals and other recommendations originating from other than Local Advisory Committees would be referred to the appropriate Local Advisory Committees for review and comment prior to Regional Council review and Board action. Proposals recommended by Local Advisory Committees would be presented to the Regional Councils for review,</p>	<p>The Regional Councils would develop proposals and review and evaluate proposals from other sources. Recommendations from the Regional Council would be forwarded to the Board for action. Proposals from individuals, Federal or State agencies, or other groups would be sent to the appropriate Regional Councils for their review and evaluation before being forwarded to the Board for consideration.</p>





**Table II-8  
Comparison of Impacts**

Impact Topics	Alternative I: No Action		Alternative II		Alternative III		Alternative IV: Proposed Action	
	Number of Animals Impacted		Number of Animals Impacted		Number of Animals Impacted		Number of Animals Impacted	
	1991	2001	1991	2001	1991	2001	1991	2001
Caribou	0	5,800	210	6,000	330	6,500	0	5,800
Moose	0	670	530	1,300	710	2,000	0	670
Blacktail Deer	0	3,400	(1,300)	1,100	3,000	7,800	0	3,400
Dall Sheep	0	130	10	140	20	170	0	130
Mountain Goats	0	60	160	250	190	450	0	60
Brown Bear	0	80	40	120	50	160	0	80
Black Bear	0	210	520	890	670	1,600	0	210
Beaver	0	1,100	920	2,300	1,400	3,900	0	1,100
River Otter	0	270	130	440	260	730	0	270
Lynx	0	100	280	440	580	1,300	0	100
Wolf	0	140	230	430	330	820	0	140
Wolverine	0	60	130	240	170	390	0	60
Marten	0	760	(110)	700	330	1,200	0	760

<sup>1</sup> The change in the number of animals projected to be harvested Statewide by subsistence users.



**Table II-8  
Comparison of Impacts  
(continued)**

<b>Impact Topics</b>	<b>Alternative I: No Action</b>	<b>Alternative II</b>	<b>Alternative III</b>	<b>Alternative IV: Proposed Action</b>
Impacts on the Alaska Economy	This alternative is not expected to have any direct impacts in the next 10 years on the Alaska economy.	This alternative is not expected to have any direct impacts in the next 10 years on the Alaska economy.	This alternative is not expected to have any direct impacts in the next 10 years on the Alaska economy.	This alternative is not expected to have any direct impacts in the next 10 years on the Alaska economy.
Impacts on Socio-cultural Systems	Impacts are expected primarily in communities whose rural determination status changes to non-rural in 10 years--most likely in Sitka, possibly in Unalaska and Kodiak. Impacts would be long term (more than 2 years) and would occur as a result of impacts on subsistence use patterns which could impact cultural values as well as cause stress on social well being. Impacts are expected to be the same as those expected under the proposed action, Alternative IV.	Impacts are expected primarily in communities whose rural determination status changes to non-rural in 10 years--most likely in Sitka, possibly in Unalaska and Kodiak. Impacts could be long term (more than 2 years) and would occur as a result of impacts on subsistence use patterns which could impact cultural values as well as cause stress on social well being. More rural communities would be designated, increasing the number of subsistence users and possibly forcing the enactment of Section 804 of ANILCA allowing only those with customary and direct dependence on subsistence resources to subsistence hunt. Impacts would be somewhat greater than those expected under the proposed action but even so overall impacts would be the same as for the proposed action, Alternative IV. Impacts would be lessened with the 5-year waiting period of enactment of the non-rural status.	More rural communities would be designated, increasing the number of subsistence users, forcing the enactment of Section 804 of ANILCA allowing only those with customary and direct dependence on subsistence resources to subsistence hunt. Subsistence use patterns would alter for those who could not demonstrate customary and direct dependence, resulting in changes in cultural values, social organization, and would be likely to affect the social well being in these communities. Impacts would be long term (more than 2 years) and greater than in the proposed action, Alternative IV.	Impacts are expected primarily in communities whose rural determination status changes to non-rural in 10 years--most likely in Sitka, possibly in Unalaska and Kodiak. Impacts would be long term (more than 2 years) and would occur as a result of impacts on subsistence use patterns which could impact cultural values as well as cause stress on social well being.

Table II-8  
Comparison of Impacts  
(continued)

Impact Topics	Alternative I: No Action	Alternative II	Alternative III	Alternative IV: Proposed Action
Impacts on Subsistence Use Patterns	<p>Impacts are expected primarily in communities whose rural determination status changes to non-rural in 10 years--most likely in Sitka, possibly in Unalaska and Kodiak. Impacts would be long term (more than 2 years) resulting in a reduced harvests of subsistence resources and shifts in subsistence harvest areas. Impacts would be the same as those expected under the proposed action, Alternative IV.</p>	<p>Impacts could occur in Unalaska, Kodiak, and Moose Creek due to changes in rural determination status, but are most likely to occur in Sitka. Impacts are expected to be long term (more than 2 years) resulting in a reduced harvests of subsistence resources and a shift in subsistence use patterns. More rural communities would be designated, increasing the number of subsistence users and possibly forcing the enactment of Section 804 of ANILCA allowing only those with customary and direct dependence on subsistence resources to subsistence hunt. Impacts would be greater than those expected under the proposed action, Alternative IV.</p>	<p>More rural communities would be designated, increasing the number of subsistence users. Such a situation could force the enactment of Section 804 of ANILCA allowing only those with customary and direct dependence on subsistence resources to subsistence hunt. For those residents who could not demonstrate customary and direct dependence, this alternative would alter subsistence harvest areas and decrease subsistence harvests. Impacts would be expected to be long term (more than 2 years) and greater than those expected under the proposed action, Alternative IV.</p>	<p>Impacts are expected primarily in communities whose rural determination status changes to non-rural in 10 years--most likely in Sitka, possibly in Unalaska and Kodiak. Impacts would be long term (more than 2 years) resulting in a reduced harvests of subsistence resources and shifts in subsistence harvest areas.</p>



Table II-8  
Comparison of Impacts  
(continued)

Impact Topics	Alternative I: No Action	Alternative II	Alternative III	Alternative IV: Proposed Action
Impacts on Sport Hunting	<p>This alternative, along with Alternative IV, has the lowest number of subsistence users and would place the lowest subsistence harvest demand on wildlife resources. This would result in the lowest need to restrict sport hunting opportunities. It is generally expected that subsistence demand from this alternative could be met by present wildlife populations, with some exceptions.</p>	<p>This alternative has the second highest number of subsistence users and would place an increased subsistence harvest demand on wildlife resources. This would result in an increased likelihood of restrictions on sport hunting opportunities. There would be significant changes in the distribution of residents with subsistence eligibility because of this alternative. It is generally expected that subsistence demand from this alternative could be met by present wildlife populations without additional restrictions on sport hunting. There are, however, some localized exceptions. These exceptions are generally found in areas where there is a large increase in rural populations, or where wildlife populations can support only small harvest levels.</p>	<p>This alternative has the highest number of subsistence users and would place the greatest increase in subsistence harvest demand on wildlife resources. This would result in an increased likelihood of restrictions on sport hunting opportunities. There would be significant changes in the distribution of residents with subsistence eligibility because of this alternative. It is expected that subsistence demand from this alternative would exceed the allowable harvest levels of present wildlife populations in many areas without additional restrictions on sport hunting. The need for restrictions would be moderated somewhat as the number of sport hunters in this alternative decreases.</p>	<p>This alternative, along with Alternative I, has the lowest number of subsistence users and would place the lowest subsistence harvest demand on wildlife resources. This would result in the lowest need to restrict sport hunting opportunities. It is generally expected that subsistence demand from this alternative could be met by present wildlife populations, with some exceptions.</p>

## SUMMARY

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The impact on a population from each alternative has resulting impacts on subsistence use patterns and sport hunting opportunities. The level of impact on a wildlife population is also an indicator of the level of concern that wildlife managers must have to ensure the conservation of healthy populations. A large projected increase in subsistence harvest of a small or declining population would require close scrutiny to determine if harvest restrictions were warranted.

The primary difference between the alternatives, in regard to impacts on biological resources, is the number of eligible subsistence users. Accordingly, the analyses of the impacts of the alternatives focus on the difference in the number of animals taken by eligible users. Because the number of eligible subsistence users in these projects is based solely on rural status, the actual subsistence harvest may be overestimated. As a Federal Subsistence Management Program is implemented, some rural residents may be determined not to have made customary and traditional use of a wildlife population, and they would lose their eligibility for subsistence use of that resource.

### Alternative I - No Action

#### BIOLOGICAL

##### ●Caribou

Under this alternative, there would be some increase in subsistence harvest by the year 2001. The Statewide population of caribou generally could be expected to absorb this increased harvest without threatening the conservation of healthy caribou populations. Most of this impact would be on the Western Arctic and Porcupine caribou herds. Some small populations and local situations might require harvest restrictions to accommodate increased demand for subsistence uses and conserve healthy wildlife populations.

##### ●Moose

Subsistence harvests under this alternative would have less impact on the Statewide moose population than those under Alternatives II and III. Except in declining or low populations--such as in GMU 18 and in some small, isolated moose herds--local subsistence harvest impacts should be easily absorbed by the populations without the need for sport harvest restriction or allocation of harvest among subsistence users.

##### ●Sitka Black-Tail Deer

Except within GMU 4, subsistence harvests are at or below the sustainable long-term levels. The largest increase in deer harvest would be in GMU 2 and other parts of Southeast Alaska. The predicted increase in subsistence harvest generally would not adversely affect deer populations.

##### ●Dall Sheep

Nearly all subsistence harvest of sheep predicted from this alternative comes from residents of GMU's 23 and 26. The Dall sheep populations in these areas probably could accommodate increases in subsistence harvest without requiring harvest restrictions.



## SUMMARY

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### ●Mountain Goat

The mountain goat populations within the State are doing well in spite of a recent cold winter (1988-89) in the southeast and south central areas of Alaska. The State population of mountains goats should support harvests for both subsistence and sport hunting at the levels predicted.

### ●Brown Bear

Statewide, brown bear populations are expected to be able to accommodate the limited subsistence harvest predicted for this alternative. Within specific populations and in localized areas, restriction of the brown bear harvest may be required to conserve healthy populations. Customary and traditional use determinations have the potential to change and redistribute the impact of subsistence harvesting.

### ●Black Bear

Population and harvest data are lacking for many parts of the State. With stable or increasing black bear populations (generally low sport harvest rates and low projected impacts from subsistence), it is unlikely that harvest restrictions would be required.

### ●Furbearers

In this alternative, the harvests for furbearers projected in the year 2001 are based solely on changes in the population of rural residents and assumptions that fur prices and other factors that affect demand are constant. By 2001, demand for beaver, river otter, lynx, and wolf in certain GMU's may result in significant pressure on local populations and require regulatory action.

## SOCIOCULTURAL SYSTEMS

In the three communities (Sitka, Kodiak, and Unalaska) whose rural determination status would change in the next 10 years from rural to non-rural, a proportion of the population that depends on a subsistence lifestyle could experience long-term (more than 2 years), reduced access to subsistence resources. As a result of this reduced access, there would be increased stress. The social health in these communities would be impacted, and sociocultural systems--including social organization and cultural values--would be disrupted, with tendencies toward displacement of sociocultural systems. Impacts would be expected to be the same as those under the proposed action, Alternative IV.

## SUBSISTENCE USE PATTERNS

Impacts on subsistence use patterns could occur in Sitka, Kodiak, and Unalaska because their rural determination status would change in the next 10 years from rural to non-rural. For these communities, a small proportion of the population depends on a subsistence lifestyle. While impacts could occur in Unalaska and Kodiak, impacts to subsistence harvest patterns are most likely to occur in Sitka. Impacts are expected to be long term (more than 2 years), resulting in reduced harvests of subsistence resources and a shift in subsistence use patterns. Impacts would be expected to be the same as those under the proposed action, Alternative IV.



## SUMMARY

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### SPORT HUNTING

This alternative has 142,410 eligible subsistence users (the same number as Alternative IV) and would place less subsistence harvest demand on wildlife resources than Alternatives II or III. This would result in less need to restrict sport hunting opportunities than under Alternatives II or III. There would be no immediate change from the present condition. While the growth in rural population would increase harvest demand on wildlife, it is generally expected that subsistence demand from this alternative could be met by present wildlife populations, with some exceptions. Presently, there are few situations where sport hunting is restricted because of the need to provide a priority for subsistence use.

### Alternative II

#### BIOLOGICAL

##### ● Caribou

Under this alternative, there would be some increase in subsistence harvest by the year 2001. Most of this impact is on the Western Arctic and Porcupine caribou herds. The Statewide population of caribou generally could be expected to absorb this increased harvest without threatening the conservation of healthy caribou populations. Except for caribou in GMU 18 and in some small, isolated herds, local subsistence harvest would not require restrictions in sport hunting to conserve healthy populations.

##### ● Moose

Subsistence harvest impacts under this alternative would be most pronounced in areas where a change in rural status is made. The Kenai Peninsula, the Wasilla area, and part of the Fairbanks North Star Borough would see the largest increased harvests because of these changes. Other areas of the State would see an increase in rural populations continue to increase subsistence demand. The State population of moose should meet subsistence and sport hunting needs except in localized situations or in areas where populations are low or declining.

##### ● Sitka Black-Tail Deer

Except in some portions of GMU 4, predicted subsistence harvests would be at or below the levels needed to conserve healthy deer populations. A large portion of the change in subsistence demand for deer reflects the change in rural designation. The change in subsistence eligibility probably would not change the total deer kill in many areas, only the type of season in which they would be killed. Deer are abundant enough in most areas to meet the demands of both subsistence users and sport hunters.

##### ● Dall Sheep

Nearly all the subsistence harvest of sheep predicted from this alternative comes from residents of GMU's 23 and 26. The Dall sheep populations in these areas probably could accommodate increases in subsistence harvest without requiring harvest restrictions.

## SUMMARY

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### ● Mountain Goat

The mountain goat populations within the State are doing well in spite of a recent cold winter (1988-89) in the southeast and south central areas Alaska. The State population of mountains goats could accommodate the projected level of harvest, but restrictions might be required to distribute the harvest to avoid over-harvest of goats in localized areas.

### ● Brown Bear

Statewide, brown bear populations are expected to be able to accommodate the limited subsistence harvest predicted for this alternative with the possible exception of GMU 6. Within specific populations and in localized areas, restriction of the brown bear harvest might be required to conserve healthy populations. Customary and traditional use determinations have the potential to change and redistribute the impact of subsistence harvesting.

### ● Black Bear

Black bear populations across the State generally are meeting subsistence and sport hunting demands at this time. With the rapid human population growth forecast for rural areas by the year 2001 within GMU's 6, 15, and 20, local black bear populations might require harvest restriction. In areas where the rural population is not expected to change as dramatically, subsistence and sport hunting demands probably could be met.

### ● Furbearers

In this alternative, the harvests for furbearers projected for the year 2001 are based solely on changes in the population of rural residents and assumptions that fur prices and other factors that affect demand are constant. By 2001, demand for beaver, river otter, lynx, wolf, wolverine, and marten in certain GMU's might result in significant pressure on local populations and require regulatory action.

## SOCIOCULTURAL SYSTEMS

In the three communities whose rural determination status would change under this alternative (Sitka) or in the next 10 years (Kodiak and Unalaska) from rural to non-rural, a proportion of the population that depends on a subsistence lifestyle could experience long-term, reduced access to subsistence resources. In addition, rural communities would be designated under Alternative II, which would increase the number of subsistence users. Such a situation is expected to force the enactment of Section 804 of ANILCA, allowing only those with customary and direct dependence on subsistence resources to subsistence hunt. For those residents who could not demonstrate customary and direct dependence, this alternative would alter subsistence harvest areas and decrease subsistence harvests. As a result, there could be increased stress. The social health in these communities would be impacted and sociocultural systems--including social organization and cultural values--would be disrupted with tendencies toward displacement of the sociocultural systems. Impacts would be expected to be long term (more than 2 years) and greater than those expected under the proposed action, Alternative IV. Overall impacts would be the same as for the proposed action, Alternative IV; however, impacts would be lessened with the 5-year waiting period of enactment of the non-rural status.



## SUMMARY

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### SUBSISTENCE USE PATTERNS

In Sitka, whose rural determination status would change under this alternative, and in Kodiak, Unalaska, and Moose Creek, whose rural determination status would change from rural to non-rural within the next 10 years, a small proportion of the population depends on a subsistence lifestyle. While impacts could occur in Unalaska, Kodiak, and Moose Creek, subsistence harvest patterns are most likely to occur in Sitka. Impacts are expected to be long term (more than 2 years), resulting in a reduced harvests of subsistence resources and a shift in subsistence use patterns. In addition, more rural communities would be designated under Alternative II, increasing the number of subsistence users. Such a situation is expected to force the enactment of Section 804 of ANILCA, allowing only those with customary and direct dependence on subsistence resources to subsistence hunt. For those residents who could not demonstrate customary and direct dependence, this alternative would alter subsistence harvest areas and decrease subsistence harvests. Impacts would be expected to be long term (more than 2 years) and greater than those expected under the proposed action, Alternative IV.

### SPORT HUNTING

There would be significant changes in the distribution of residents with subsistence eligibility as a result of this alternative. This alternative has the second highest number of subsistence users and would place an increased subsistence harvest demand on wildlife resources. This would result in an increased likelihood of restrictions on sport hunting opportunities. There would be significant changes in the distribution of residents with subsistence eligibility because of this alternative. While the growth in rural population would increase harvest demand on wildlife, it is generally expected that subsistence demand from this alternative could be met by present wildlife populations without additional restrictions on sport hunting. There are, however, some localized exceptions. These exceptions generally are found in areas where there is a large increase in rural populations or where wildlife populations can support only small harvest levels. Presently, there are few situations where sport hunting is restricted because of the need to provide a priority for subsistence use. The large increase in rural residents under this Alternative increases the likelihood of restrictions; however, much of the increased demand from subsistence users probably can be accommodated by wildlife populations. This is in part true because a significant number of eligible subsistence hunters currently are harvesting animals by hunting under sport regulations.

### Alternative III

#### BIOLOGICAL

##### ●Caribou

Under this alternative, there would be some increase in subsistence harvest by the year 2001. The Statewide population of caribou generally could be expected to absorb this increased harvest without threatening the conservation of healthy caribou populations. Most of this impact would be on the Western Arctic and Porcupine caribou herds. Some small populations and local situations might require harvest



## SUMMARY

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restrictions to accommodate increased demand for subsistence uses and to conserve healthy wildlife populations.

### ●Moose

Subsistence harvest impacts under this alternative would be most pronounced in areas where a change in rural status is made. The Kenai Peninsula, the Wasilla area, and part of the Fairbanks North Star Borough would see the largest increased harvests because of these changes. Other areas of the State would see an increase in rural populations that would continue to increase subsistence demand. The Statewide population of moose should meet subsistence and sport hunting needs except in localized situations (possibly the Fairbanks area) or in areas where populations are low or declining.

### ●Sitka Black-Tail Deer

Except in some portions of GMU 4, predicted subsistence harvests would be at or below the levels needed to conserve healthy deer populations. A large portion of the change in subsistence demand for deer reflects the change in rural designation. The change in subsistence eligibility probably would not change the total deer kill in many areas, only the type of season in which they would be killed. Deer are abundant enough in most areas to meet the demands of both subsistence users and sport hunters.

### ●Dall Sheep

Nearly all the subsistence harvest of sheep predicted from this alternative comes from residents of GMU's 23 and 26. The Dall sheep populations in these areas probably could accommodate increases in subsistence harvest without requiring harvest restrictions.

### ●Mountain Goat

The mountain goat populations within the State are doing well in spite of a recent cold winter (1988-89) in the southeast and south central areas of Alaska. The State population of mountains goats can accommodate the projected level of harvest, but restrictions might be required to distribute the harvest to avoid over-harvest of goats in localized areas.

### ●Brown Bear

Statewide, brown bear populations are expected to be able to accommodate the limited subsistence harvest predicted for this alternative with the possible exception of GMU 6. Within specific populations and in localized areas, restriction of the brown bear harvest might be required to conserve healthy populations. Customary and traditional use determinations have the potential to change and redistribute the impact of subsistence harvesting.

### ●Black Bear

Black bear populations across the State generally are meeting subsistence and sport hunting demands at this time. With the rapid human population growth forecast for rural areas by the year 2001 within GMU's 6, 15, and 20, local black bear populations might require harvest restriction. In areas where rural population is not

## SUMMARY

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expected change as dramatically, subsistence and sport hunting demand probably could be met.

### • Furbearers

In this alternative, the harvests for furbearers for the year 2001 are based solely on changes in the population of rural residents and assumptions that fur prices and other factors that affect demand are constant. By 2001, demand for beaver, river otter, lynx, wolf, wolverine, and marten in certain GMU's might result in significant pressure on local populations and require regulatory action.

## SOCIOCULTURAL SYSTEMS

More rural communities designated would be designated under Alternative III, which would increase the number of subsistence users. Such a situation is expected to force the enactment of Section 804 of ANILCA, allowing only those with customary and direct dependence on subsistence resources to subsistence hunt. For those residents who could not demonstrate customary and direct dependence, this alternative would alter subsistence harvest areas and decrease subsistence harvests, resulting in increased stress. The social health in these communities would be impacted and sociocultural systems--including social organization and cultural values--would be disrupted, with tendencies toward displacement of the sociocultural systems. Impacts would be long term (more than 2 years) and greater than those in the proposed action, Alternative IV.

## SUBSISTENCE USE PATTERNS

Under Alternative III there would be more rural communities designated, increasing the number of subsistence users. Such a situation is expected to force the enactment of Section 804 of ANILCA allowing only those with customary and direct dependence on subsistence resources to subsistence hunt. For those residents who could not demonstrate customary and direct dependence, this alternative would alter subsistence harvest areas and decrease subsistence harvests. Impacts would be expected to be long term (more than 2 years) and greater than those expected under the proposed action, Alternative IV.

## SPORT HUNTING

There would be significant changes in the distribution of residents with subsistence eligibility as a result of this alternative. This alternative has the highest number of subsistence users and would place the greatest increase in subsistence harvest demand on wildlife resources. This would result in an increased likelihood of restrictions on sport hunting opportunities. The growth in rural population would increase harvest demand on wildlife. It is expected that subsistence demand from this alternative would exceed the allowable harvest levels of present wildlife populations in many areas without additional restrictions on sport hunting. The need for restrictions would be moderated somewhat as the number of sport hunters in this alternative decreases. There presently are few situations where sport hunting is restricted because of the need to provide a priority for subsistence use. The large increase in rural residents under this alternative increases the likelihood of restrictions; however, a significant number of newly eligible subsistence hunters



## SUMMARY

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currently are harvesting animals by hunting under sport hunting regulations, and this would serve to moderate the impact of a large increase in subsistence users.

### Alternative IV - Proposed Action

#### BIOLOGICAL

##### ●Caribou

Under this alternative, there would be some increase in subsistence harvest by the year 2001. The Statewide population of caribou generally could be expected to absorb this increased harvest without threatening the conservation of healthy caribou populations. Most of this impact would be on the Western Arctic and Porcupine caribou herds. Some small populations and local situations may require harvest restrictions to accommodate increased demand for subsistence uses and conserve healthy wildlife populations.

##### ●Moose

Under this alternative, subsistence harvests on the Statewide moose population, would have less impact than those under Alternatives II and III. Except in declining or low populations, such as in GMU 18 and in some small, isolated moose herds, local subsistence harvest impacts should be easily absorbed by the populations without the need for sport harvest restriction or allocation of harvest among subsistence users.

##### ●Sitka Black-Tail Deer

Except within GMU 4, subsistence harvests are at or below the sustainable long-term levels. The largest increase in deer harvest will be in GMU 2 and other parts of Southeast Alaska. The predicted increase in subsistence harvest generally will not adversely affect deer populations.

##### ●Dall Sheep

Nearly all subsistence harvest of sheep predicted from this alternative comes from residents of GMU's 23 and 26. The Dall sheep populations in these areas probably can accommodate increases in subsistence harvest without requiring harvest restrictions.

##### ●Mountain Goat

The mountain goat populations within the State are doing well in spite of a recent cold winter (1988-89) in the southeast and south central areas of the State. The State population of mountains goats should support harvests for both subsistence and sport hunting at the levels predicted.

##### ●Brown Bear

Statewide, brown bear populations are expected to be able to accommodate the limited subsistence harvest predicted for this alternative. Within specific populations and in localized areas, restriction of the brown bear harvest may be required to conserve healthy populations. Customary and traditional use determinations have the potential to change and redistribute the impact of subsistence harvesting.



## SUMMARY

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### ●Black Bear

Population and harvest data are lacking for many parts of the State. With stable or increasing black bear populations (generally low sport harvest rates and low projected impacts from subsistence), it is unlikely that harvest restrictions will be required.

### ●Furbearers

In this alternative, the harvests for furbearers projected for the year 2001 are based solely on changes in the population of rural residents and assumptions that fur prices and other factors that affect demand are constant. By 2001, demand for beaver, river otter, lynx, and wolf in certain GMU's may result in significant pressure on local populations and require regulatory action.

## SOCIOCULTURAL SYSTEMS

In the three communities (Sitka, Kodiak, and Unalaska) whose rural determination status would change in the next 10 years from rural to non-rural, a proportion of the population that depends on a subsistence lifestyle could experience long-term (more than 2 years), reduced access to subsistence resources. As a result, there would be increased stress. The social health in these communities would be affected and sociocultural systems--including social organization and cultural values--would be disrupted with tendencies toward displacement of sociocultural systems.

## SUBSISTENCE USE PATTERNS

Impacts on subsistence use patterns could occur in Sitka, Kodiak, and Unalaska whose rural determination status would change in the next 10 years from rural to non-rural. A small proportion of the population in these communities depends on a subsistence lifestyle. While impacts could occur in Unalaska and Kodiak, subsistence harvest patterns are most likely to occur in Sitka. Impacts are expected to be long term (more than 2 years), resulting in reduced harvests of subsistence resources.

## SPORT HUNTING

This alternative has 142,410 eligible subsistence users (the same number as Alternative I) and would place less subsistence harvest demand on wildlife resources than Alternatives II or III. This would result in less need to restrict sport hunting opportunities under Alternative IV than under Alternatives II or III. While the growth in rural population would increase harvest demand on wildlife, it is generally expected that subsistence demand from this alternative could be met by present wildlife populations, with some exceptions. Presently, there are few situations where sport hunting is restricted because of the need to provide a priority for subsistence use.



# Federal Lands In Alaska

October 1991

## ALASKA NATIONAL INTEREST LANDS CONSERVATION ACT CONSERVATION SYSTEM UNITS (CSU)

### NATIONAL WILDLIFE REFUGE SYSTEM

1. Alaska Maritime NWR\*
2. Alaska Peninsula NWR
3. Arctic NWR
4. Bushland NWR
5. Chukchi NWR
6. Denali NWR
7. Klamath NWR
8. Kuskokwim NWR
9. Kotzebue NWR
10. Kupuk NWR
11. Kupuk NWR
12. Kupuk NWR
13. Kupuk NWR
14. Kupuk NWR
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50. Kupuk NWR

### NATIONAL PARK SYSTEM

17. Adirondack Park
18. Denali National Park and Preserve
19. Glacier National Park
20. Katmai National Park and Preserve
21. Kenai Fjords National Park
22. Lake Clark National Park
23. Denali National Park and Preserve
24. Denali National Park and Preserve
25. Denali National Park and Preserve
26. Denali National Park and Preserve
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50. Denali National Park and Preserve

### NATIONAL FOREST SYSTEM

30. Chugach National Forest
31. Tongass National Forest
32. Admiralty Island National Monument
33. Alyeska National Monument

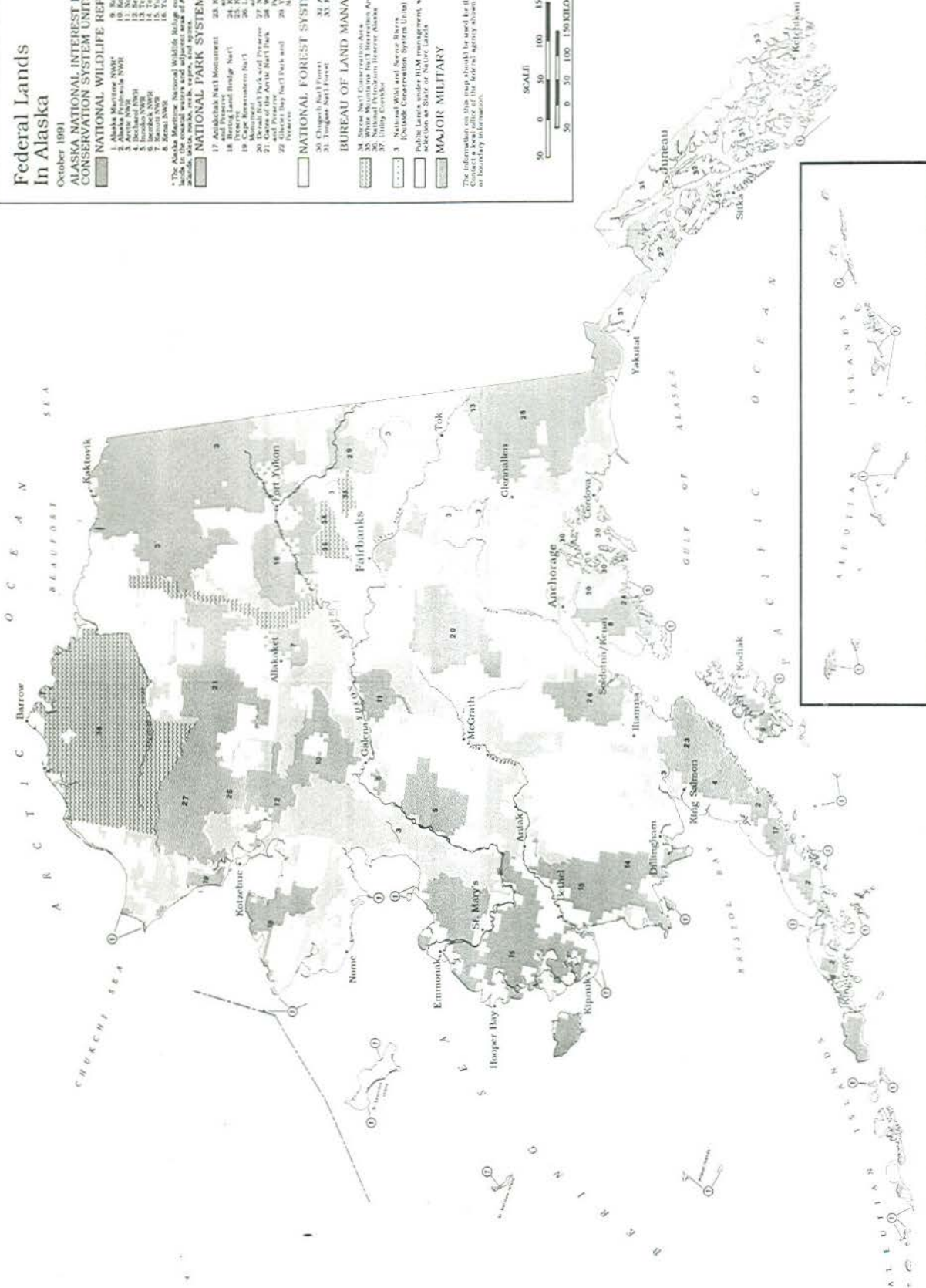
### BUREAU OF LAND MANAGEMENT

34. Shore National Conservation Area
35. White Mountain National Conservation Area
36. White Mountain National Conservation Area
37. Utility Corridor

### MAJOR MILITARY

3. National Wildlife and Science Reserve
- Public Lands under BLM management, which may be subject to National Wildlife and Science Reserve

The information on this map should be used for informational purposes only. It is not intended to be used as a legal document for public land ownership or boundary information.







## ALTERNATIVE I

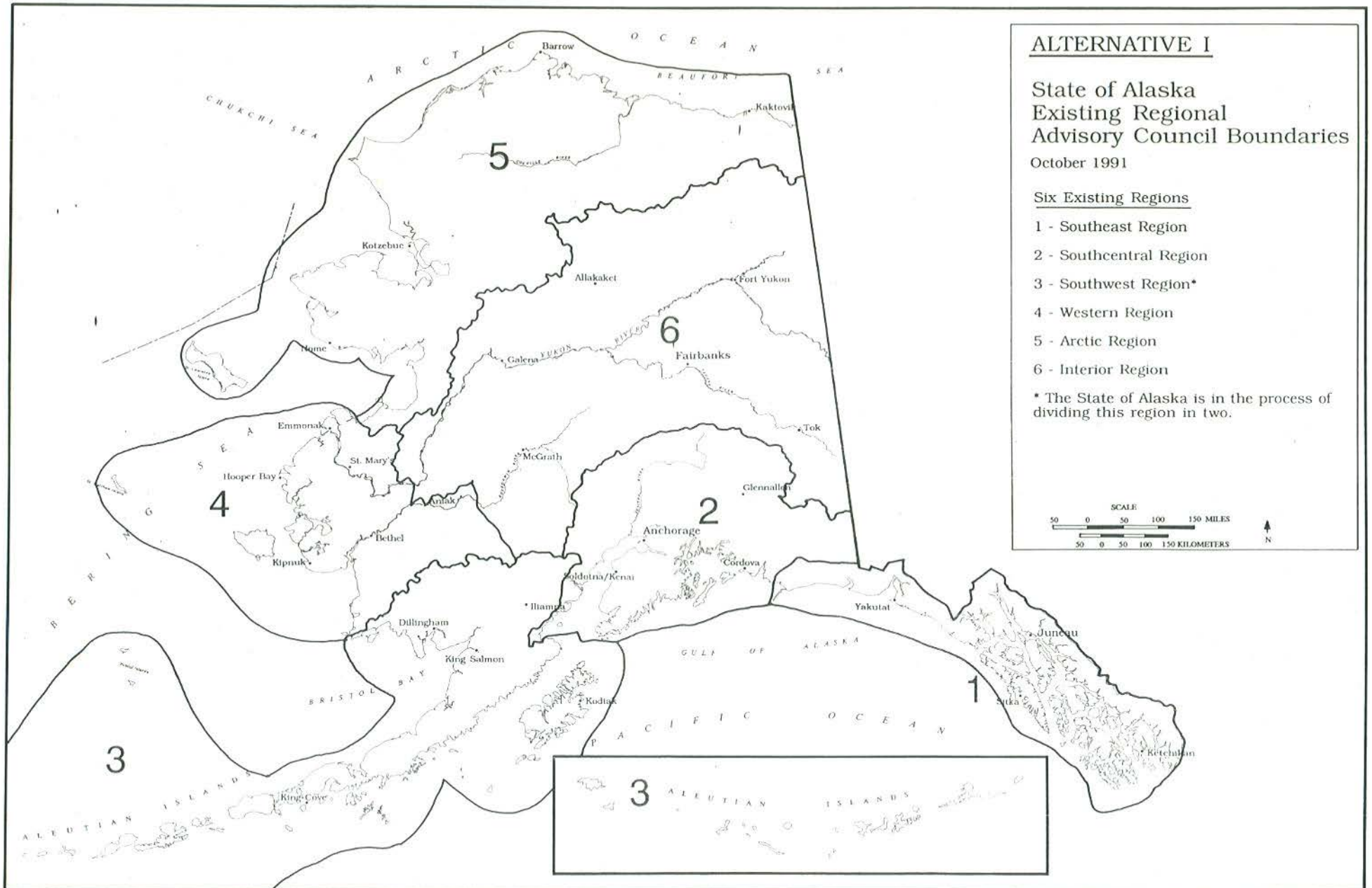
### State of Alaska Existing Regional Advisory Council Boundaries

October 1991

#### Six Existing Regions

- 1 - Southeast Region
- 2 - Southcentral Region
- 3 - Southwest Region\*
- 4 - Western Region
- 5 - Arctic Region
- 6 - Interior Region

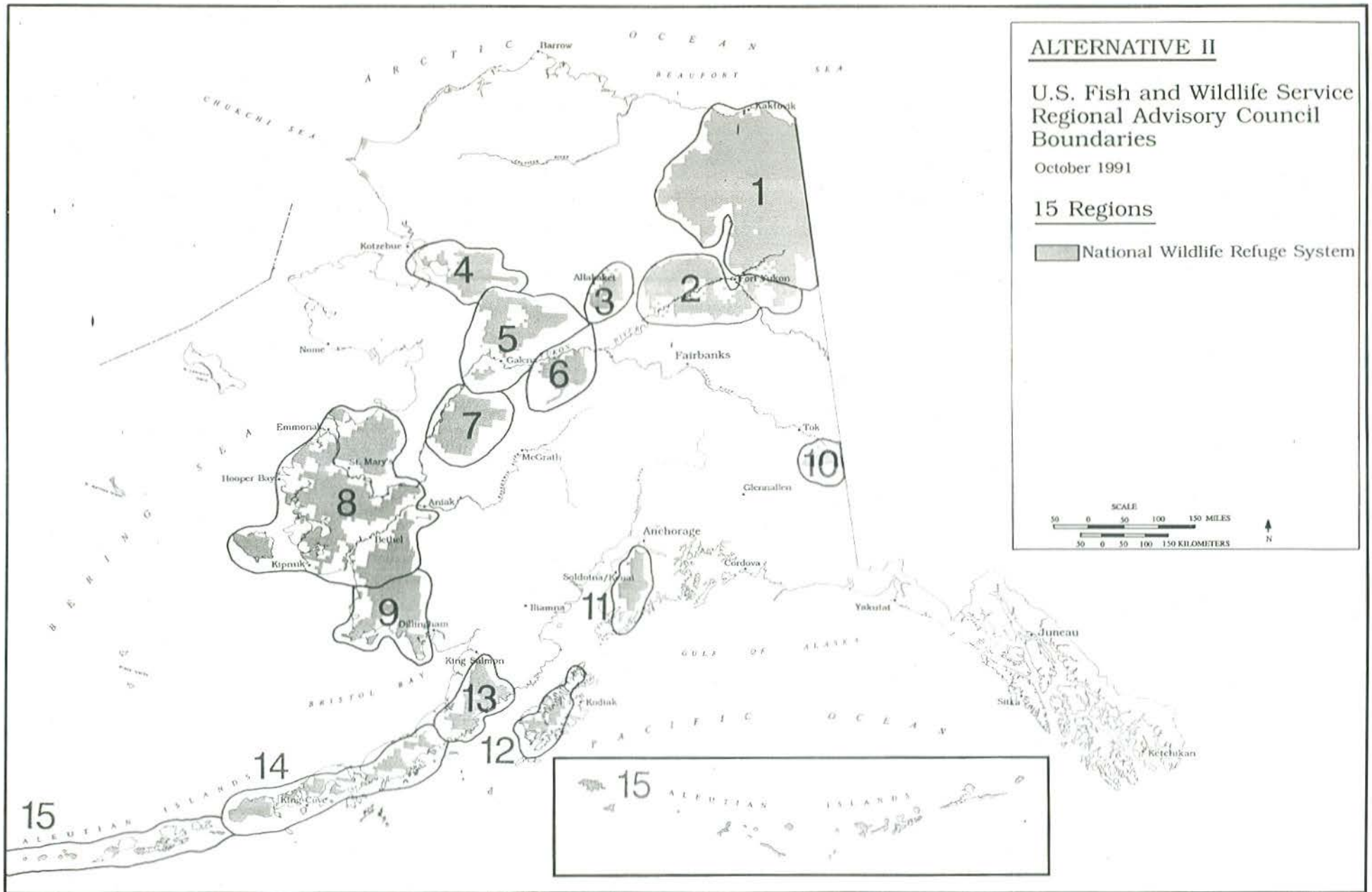
\* The State of Alaska is in the process of dividing this region in two.



MAP 2







MAP 3






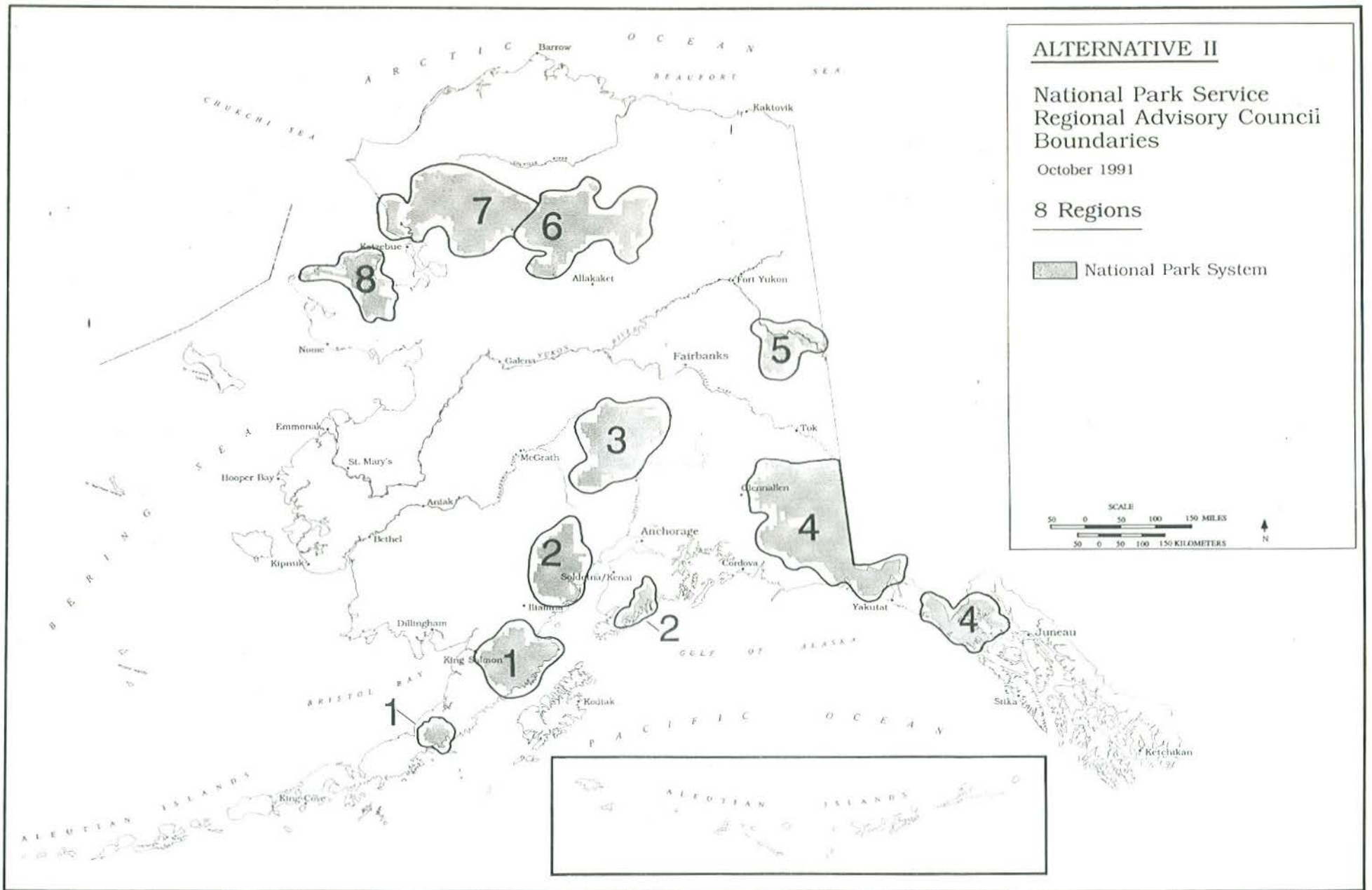
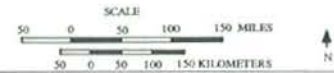
ALTERNATIVE II

National Park Service  
Regional Advisory Council  
Boundaries

October 1991

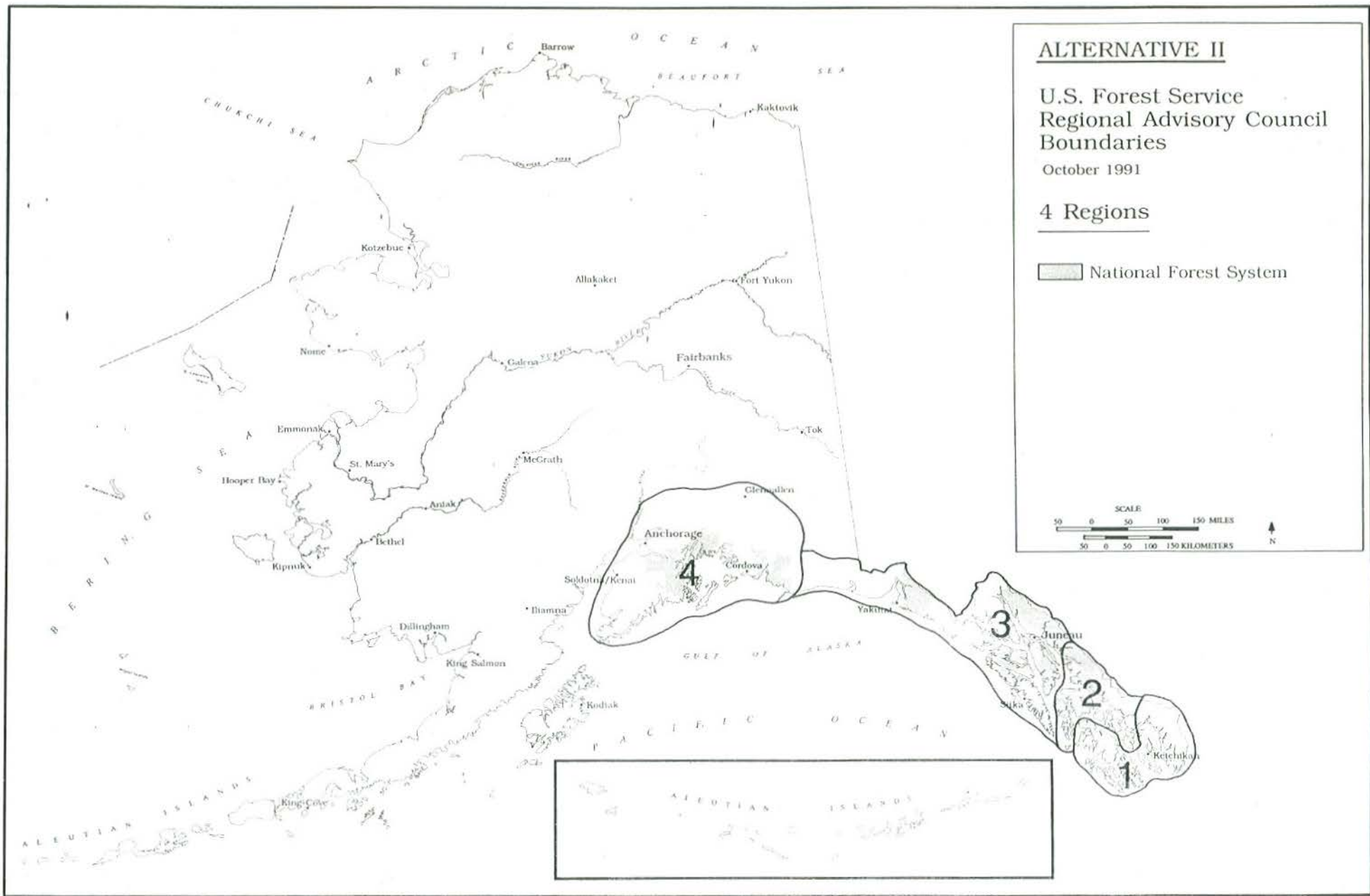
8 Regions

 National Park System









MAP 5






## ALTERNATIVE II

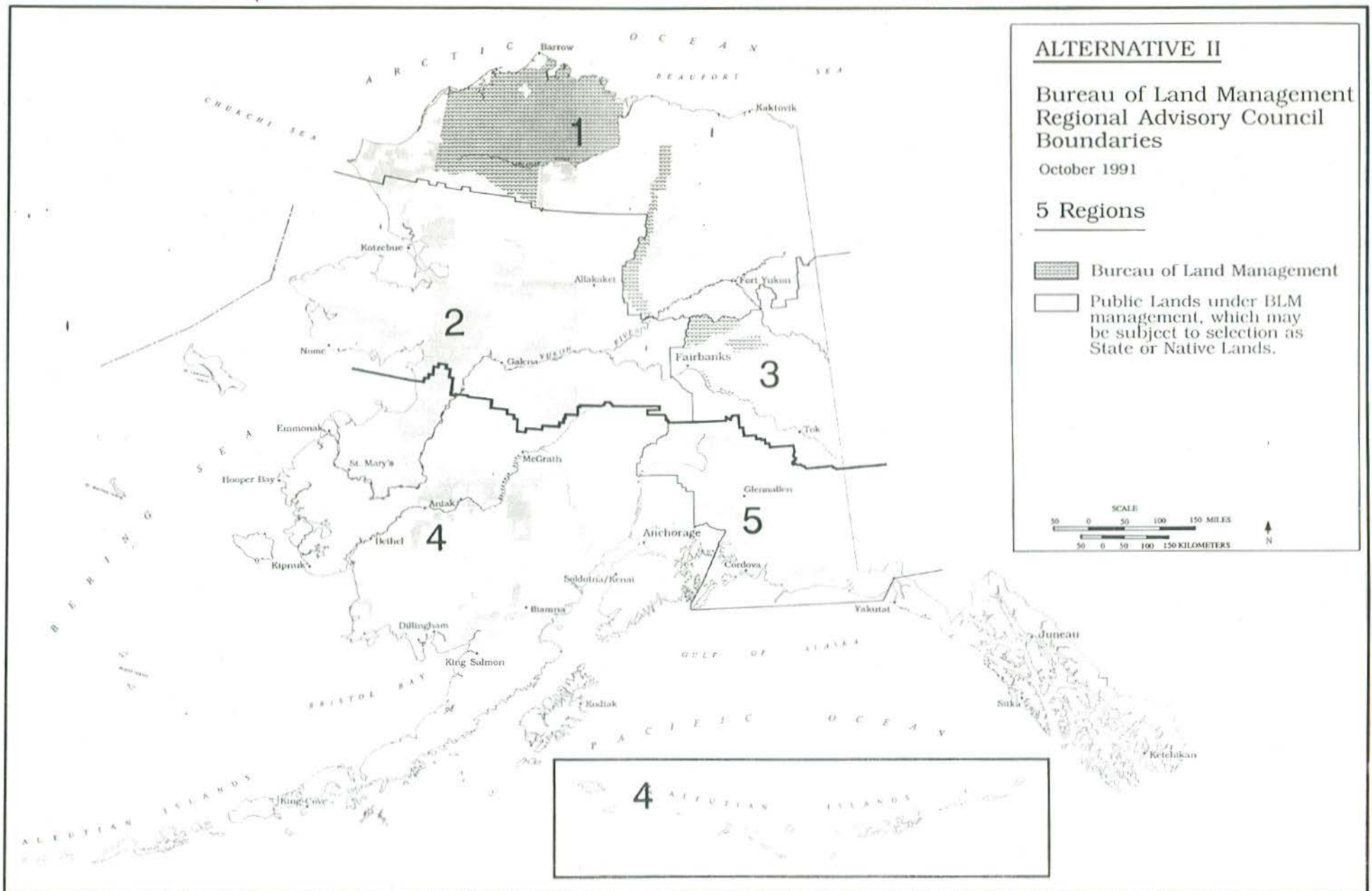
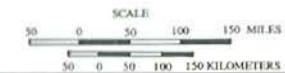
### Bureau of Land Management Regional Advisory Council Boundaries

October 1991

### 5 Regions

 Bureau of Land Management

 Public Lands under BLM management, which may be subject to selection as State or Native Lands.



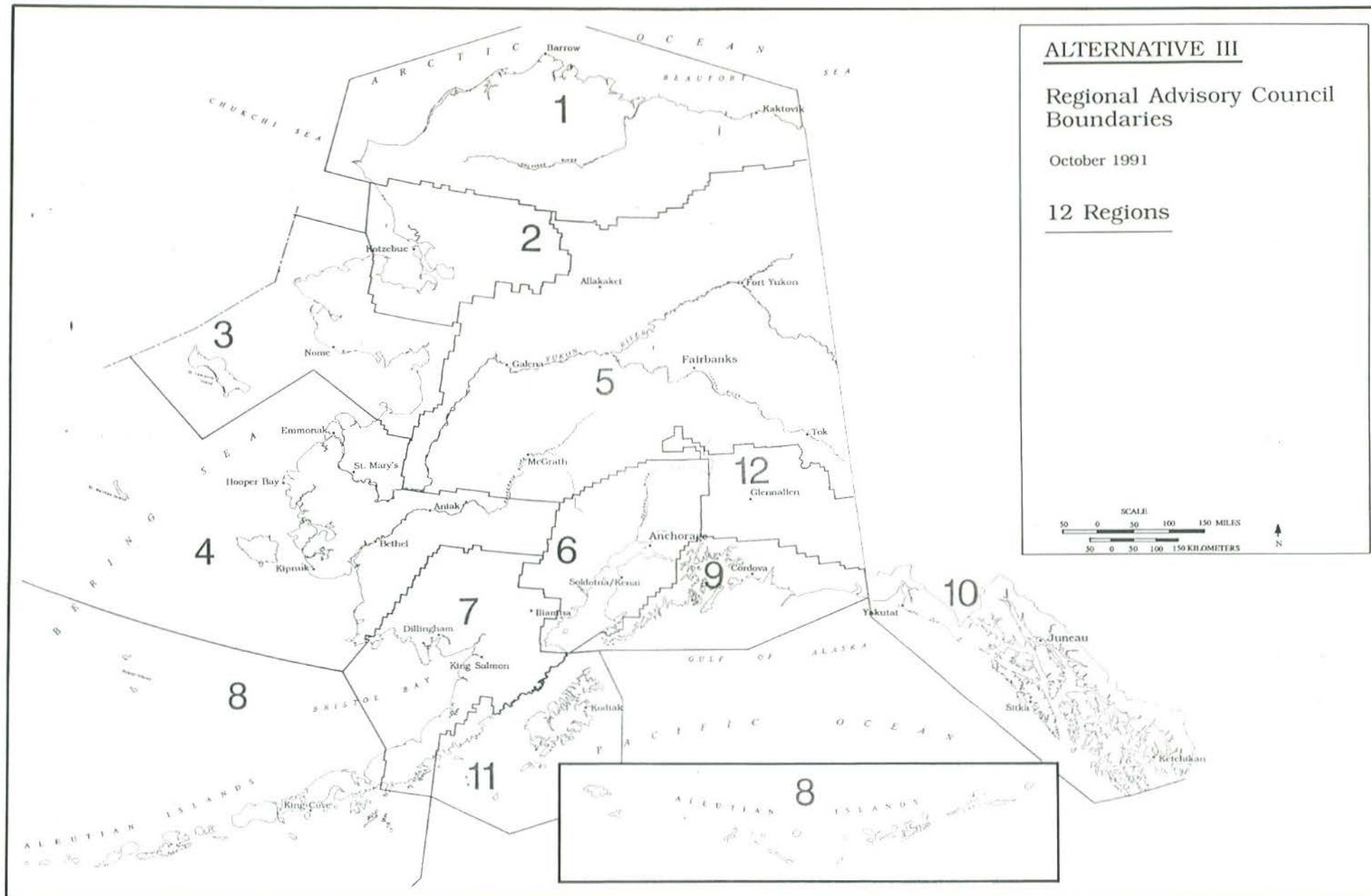


ALTERNATIVE III

Regional Advisory Council  
Boundaries

October 1991

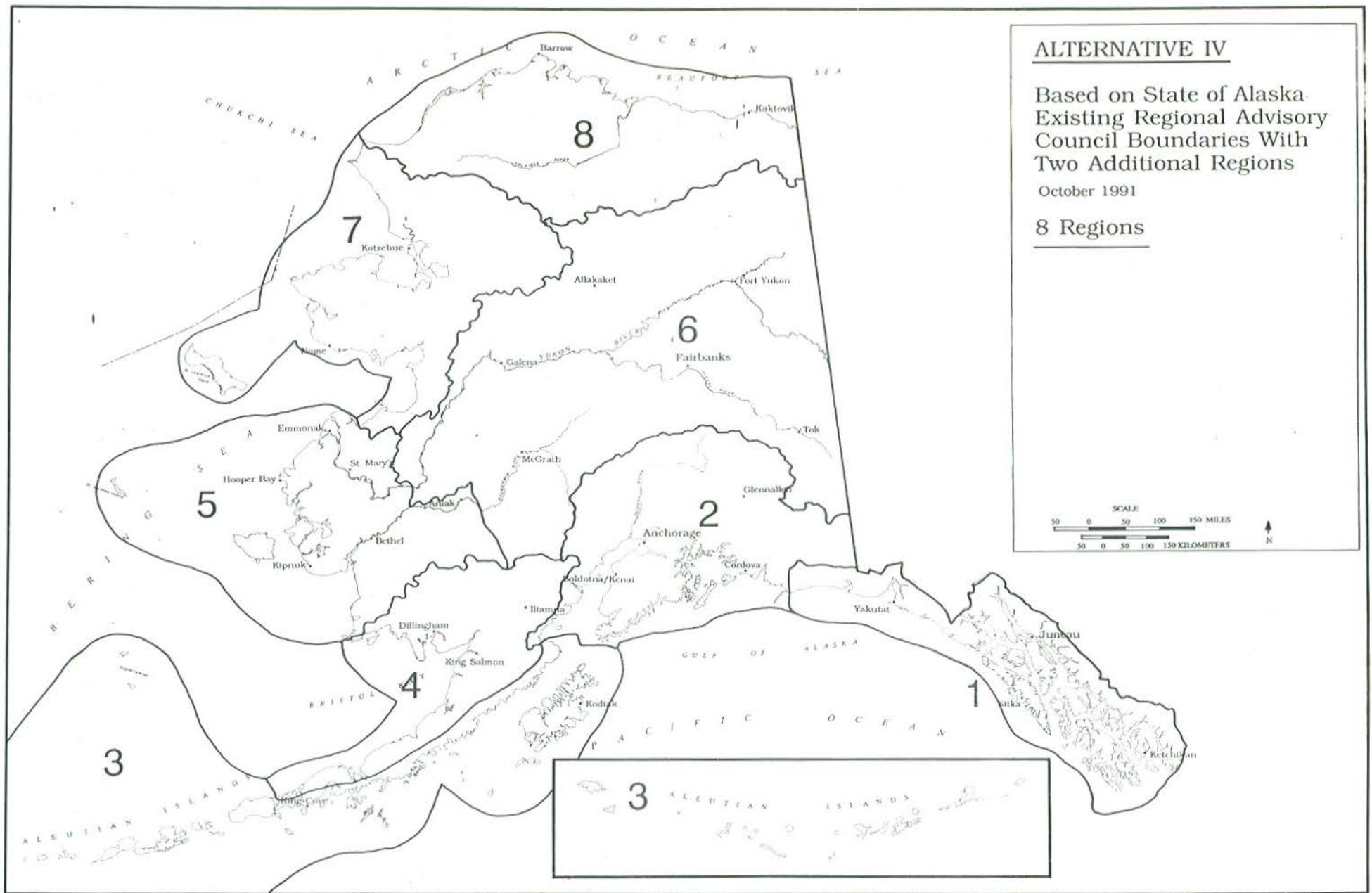
12 Regions



MAP 7







MAP 8





**APPENDIX A**  
**DRAFT REGULATIONS**

## **Introduction**

This appendix contains the draft language for regulations sets that would be used to implement the alternative programs. The No Action, Alternative I, is listed first. The proposed action, Alternative IV, regulations are listed last. Substitute paragraphs representing differences required by the other alternative programs are also listed.

## Alternative I - No Action Draft Programmatic Regulations

### Subpart A - General Provisions

#### § \_\_\_\_\_ .1 Purpose

The regulations in this Part implement the Federal Subsistence Management Program on public lands within the State of Alaska.

#### § \_\_\_\_\_ .2 Authority.

These regulations are issued pursuant to the Secretary of the Interior and of Agriculture authority specified in Section 814 of the Alaska National Interest Lands Conservation Act (94 Stat. 2371, Pub. L. 96-487).

#### § \_\_\_\_\_ .3 Applicability and scope.

The regulations of this Part \_\_\_\_\_ apply to subsistence taking and uses of fish and wildlife on all public lands in the State of Alaska, and do not supersede agency specific regulations. Subsistence uses in Glacier Bay National Park, Kenai Fjords National Park, Katmai National Park, and that portion of Denali National Park originally reserved as Mt. McKinley National Park are prohibited.

#### § \_\_\_\_\_ .4 Definitions.

The following definitions apply to all regulations contained in this part unless otherwise provided in other regulations of this part.

Agency means a subunit of a cabinet level Department such as U.S. Fish & Wildlife Service, USDA-Forest Service, Bureau of Indian Affairs, Bureau of Land Management, National Park Service, Department of Army, Department of Air Force, National Marine Fisheries Service, etc.

ANILCA means the Alaska National Interest Lands Conservation Act, Pub. L. 96-487, 94 Stat. 2371, as amended.

Barter means the exchange of fish or wildlife or their parts taken for subsistence uses: for other fish, wildlife or their parts; or, for other food or for nonedible items other than money, if the exchange is of a limited and noncommercial nature.

Board means the Federal Subsistence Board as described in Section \_\_\_\_\_ .10 of this part.

Council means the Regional Subsistence Advisory Councils as described in Section \_\_\_\_\_ .11

Customary trade means types and volumes of trade in existence among rural resident subsistence users prior to the passage of ANILCA. Customary trade does not include significant commercial enterprises established after passage of ANILCA.

Customary and traditional use means a consistent pattern of, and reliance for subsistence purposes upon fish or wildlife or other wild renewable resources near or reasonably accessible from the users' place of residence. Customary and traditional use determinations are community or geographic area based, except that outside established subsistence resident zones in certain National Parks, Park Monuments, or Park Preserves determinations may be specific to individuals.

Federal lands means lands the title to which is in the United States.



## Appendices

Family means all persons related by blood, marriage or adoption, or any person living within the household on a permanent basis.

Fish and wildlife means any member of the animal kingdom, including without limitation any mammal, fish, bird, amphibian, reptile, mollusk, crustacean, arthropod or other invertebrate, and includes any part, product, egg, or offspring thereof, or the dead body or part thereof.

Household means that group of people domiciled in the same residence.

Local resident means a rural resident with subsistence use in a specific geographic area.

Person means an individual and does not include a corporation, company, partnership, firm, association, organization, business trust or society.

Public lands means lands situated in Alaska which are Federal lands, except-

(a) land selections of the State of Alaska which have been tentatively approved or validly selected under the Alaska Statehood Act and lands which have been confirmed to, validly selected by, or granted to the Territory of Alaska or the State under any other provision of Federal law;

(b) land selections of a Native Corporation made under the Alaska Native Claims Settlement Act which have not been conveyed to a Native Corporation, unless any such selection is determined to be invalid or is relinquished; and

(c) lands referred to in section 19(b) of the Alaska Native Claims Settlement Act.

Regulatory year means July 1 through June 30.

Resident means any person who has their primary, permanent home within Alaska and whenever absent from this primary, permanent home, has the intention of returning to it. Factors demonstrating the location of a person's primary, permanent home may include, but are not limited to: the address listed on an Alaska license to drive, hunt, fish, or engage in an activity regulated by a government entity; affidavit of person or persons who know the individual; voter registration; location of residences owned, rented or leased; location of stored household goods; residence of spouse, minor children or dependents; tax documents; or whether the person claims residence in another location for any purpose. Individuals are not required to occupy a home twelve months per year to be considered resident.

Rural means any area of Alaska determined by the Board to qualify as such under the process described in Section \_\_\_\_\_ .15 of this part.

Secretary means the Secretary of the Interior, except that in reference to matters related to the National Forest System, such term means the Secretary of Agriculture.

State means the State of Alaska.

Subsistence uses means the customary and traditional uses by rural Alaska residents of wild, renewable resources for direct personal or family consumption as food, shelter, fuel, clothing, tools, or transportation; for the making and selling of handicraft articles out of nonedible byproducts of fish and wildlife resources taken for personal or family consumption; for barter, or sharing for personal family consumption; and for customary trade.

Take or taking as used with respect to fish and wildlife, means to pursue, hunt, shoot, trap, net, capture, collect, kill, harm, or attempt to engage in any such conduct.



## § \_\_\_\_\_ .5 Federal subsistence policy, general

The Secretary under Title VIII of ANILCA must accord a preference to subsistence uses of fish and wildlife on public lands. It is the policy of the Department to minimize conflict between resource uses on public and non-public lands. The Board will consider the recommendations of the State regional councils and local advisory committees, public input and comment, and actions of the State Boards of Fisheries and Game, as reflected in the administrative record, as a basis for decisions related to subsistence. The Board will give full consideration to state regulatory measures for fish and game uses and, where appropriate, adopt such measures, including state seasons and bag limits. However, the Secretary reserves the discretion, as embodied in these regulations, to prescribe different regulatory measures on public lands to protect subsistence uses consistent with Section 804 of ANILCA.

### Subpart B - Program structure

## § \_\_\_\_\_ .6 Information collection requirements

1. Section \_\_\_\_\_ .18, appeals. The information collection requirements contained in this section provide a standardized process to allow individuals the opportunity to appeal decisions of the Federal Subsistence Board. Submission is voluntary, but required to receive a final determination on their appeal. The Department of the Interior estimates that an appeal will take 4 hours to prepare and submit for consideration.

2. Section \_\_\_\_\_ .21(b), Federal permits. The information collection requirements contained in this section provide for permit-specific subsistence activities not authorized through the general adoption of State regulations. The information requested is required to obtain subsistence benefits on Federal lands. The Department estimates that the average time necessary to obtain and comply with this permit information collection requirement is 15 minutes.

3. The remaining information collection requirements contained in this part imposed upon subsistence users are those adopted from State regulations. The information collection requirements are required to obtain subsistence benefits on Federal lands in Alaska. The Department estimates that the average burden imposed upon individuals will be 8 minutes.

Direct comments on the burden estimate or any other aspect of this form to: Information Collection Officer, U.S. Fish and Wildlife Service, 1849 C Street, N.W., MS 224 ARLSQ, Washington, D.C. 20240; and the Office of Management and Budget, Paperwork Reduction Project (1018-0014), Washington, D.C. 20503.

## § \_\_\_\_\_ .10 Federal Subsistence Board

(a) Subsistence taking and uses of fish and wildlife on public lands shall be administered by a Federal Subsistence Board.

### (b) Membership

(1) The Board shall consist of the Alaska Regional Director, Fish and Wildlife Service; Alaska Regional Director, National Park Service; Alaska Regional Forester, USDA-Forest Service; the Alaska State Director, Bureau of Land Management; and the Alaska Area Director, Bureau of Indian Affairs. Each member of the Board may appoint a designee.

(2) The Board shall have a chair to be appointed by the Secretary of the Interior with the concurrence of the Secretary of Agriculture.



## Appendices

### (c) Powers and Duties

(1) Meetings shall occur at least annually, and at such other times as deemed necessary by the Board. Meetings will normally occur at the call of the Chair, but any member may request a meeting.

(2) A quorum shall consist of three members but no action may be taken unless three members are in agreement.

(3) The Board is empowered, to the extent necessary to implement Title VIII of ANILCA, to:

(i) Promulgate regulations for the management of subsistence taking and uses of fish and wildlife on public lands;

(ii) establish rules and procedures for the operation of the Board, the regional advisory councils and local advisory committees established pursuant to this part;

(iii) apply a subsistence priority, as necessary for rural Alaska residents on public lands;

(iv) assess the biological status of fish and wildlife populations used for subsistence on public lands;

(v) determine if a harvest from populations of fish and wildlife is consistent with maintaining healthy fish and wildlife populations on public lands except NPS lands;

(vi) make rural and non-rural determinations;

(vii) determine which rural Alaska areas or communities have customary and traditional subsistence uses of fish and wildlife, as necessary. For areas managed by the National Park Service, where subsistence uses are allowed, the determinations may extend to individual local rural residents;

(viii) review and respond to proposals by regional advisory councils for regulation, management plans, policies, and other matters related to subsistence taking and uses of fish and wildlife;

(ix) close public lands to the taking of fish and wildlife authorized by State fish and game laws and regulations which may adversely affect subsistence taking and uses on those lands;

(x) prioritize subsistence taking of fish and wildlife among users when necessary to maintain healthy fish and wildlife populations based on application of the following criteria:

(A) Customary and direct dependence upon the populations as the mainstay of livelihood;

(B) Local residency; and

(C) The availability of alternative resources.

(xi) restrict or eliminate harvest of fish and wildlife by subsistence users if necessary to maintain healthy fish and wildlife populations, or for reasons of public safety, or administration;

(xii) establish at least six geographic subsistence resource regions;

(xiii) establish a regional advisory council in each subsistence resource region and appoint its members pursuant to the Federal Advisory Committee Act;

(xiv) establish local advisory committees within the subsistence resource regions as necessary and appoint their members pursuant to the Federal Advisory Committee Act.

(xv) such other duties as are necessary to implement the Secretary's responsibilities under Title VIII of ANILCA.

(4) The Board shall consider the reports and recommendations of the Councils concerning the subsistence take of fish and wildlife on the public lands within their respective regions. The Board may choose not to follow any recommendation which it determines is not supported by substantial evidence, violates recognized principles of fish



## Appendices

and wildlife conservation, or would be detrimental to the satisfaction of subsistence needs. If a recommendation is not adopted, the Board shall set forth the factual basis and the reasons for the decision.

(5) The Board will establish a Staff Committee composed of personnel from the U.S. Fish and Wildlife Service, National Park Service, USDA-Forest Service, Bureau of Land Management, and Bureau of Indian Affairs for administrative assistance. Personnel from other Federal and State agencies will be invited to participate on the Staff Committee as appropriate. The Staff Committee's functions will include, but not be limited to:

(i) making recommendations concerning the biological status of fish and wildlife populations;

(ii) making recommendations on which communities or areas are "rural" and which have demonstrated "customary and traditional uses"; and

(iii) compiling records of subsistence harvest of fish and wildlife resources.

(6) Additional committees may be formed as necessary to assist the Board.

(7) The Board may review and revise or rescind its actions.

(8) The Fish and Wildlife Service shall provide appropriate administrative support for the Board.

### § \_\_\_\_\_ .11 Regional advisory councils.

(a) The Secretary shall during the effective period of these regulations review and determine the adequacy, for the purposes of the Secretary's responsibilities under Title VIII of ANILCA, the existing State:

(1) subsistence resource regions;

(2) regional advisory councils; and

(3) local advisory committees.

(b) If the Secretary determines pursuant to § \_\_\_\_\_ .11(a) that the subsistence resource regions, regional advisory councils or local advisory committees are inadequate to fulfill the functions described in Section 805 of ANILCA, he shall establish subsistence resources region, regional advisory councils or local advisory committees in accordance with Section 100.11 and 100.12.

(c) Pending the review and determination required by paragraph (a) of this Section, the Federal Subsistence Board shall review the proposals, actions, and associated public comments contained in the administrative record produced by the existing State Boards of Fisheries and Game, Regional Advisory Councils, and local advisory committees. This review shall be an interim measure to gain the public input described in Section 805 of ANILCA.

(d) The Board shall establish a Regional Advisory Council for each subsistence resource region within 12 months from the date of the Secretary's determination pursuant to paragraph (a) of this Section, if the Secretary determines existing State Regional Advisory Councils are inadequate to meet the requirements of Section 805 of ANILCA. The Councils will provide a regional forum for the collection and expression of opinions and recommendations on matters related to subsistence taking and uses of fish and wildlife resources on public lands. The Councils will provide for public participation in the regulatory process. (e) Establishment of Councils-Membership

(1) The number of members of each council shall be established by the Board, and shall be an odd number. A Council member must be a resident of the region in which he/she is appointed and be knowledgeable about the region and subsistence uses therein. The Board shall solicit nominations from the public. Appointments to the Councils are made by the Board.

## Appendices

(2) Council members shall serve 3 year terms and may be reappointed. Initial members shall have staggered terms.

(3) The Chair of the Council shall be elected by the Council for a one year term and may be reelected.

### (f) Powers and Duties

(1) The Councils are empowered to:

(i) Hold public meetings on fish and wildlife subsistence matters;

(ii) elect officers;

(iii) in consultation with the local advisory committees in its region; review, evaluate, and make recommendations to the Board on any existing or proposed regulation, policy, or management plan, or any other matter relating to the subsistence take of fish and wildlife within or affecting its region.

(2) The Councils shall:

(i) Prepare and submit to the Board an annual report containing;

(A) an identification of current and anticipated subsistence uses of fish and wildlife populations within the region;

(B) an evaluation of current and anticipated subsistence needs for fish and wildlife populations within the region;

(C) a recommended strategy for the management of fish and wildlife populations within the region to accommodate such subsistence uses and needs; and

(D) recommendations concerning policies, standards, guidelines, and regulations to implement the strategy.

(ii) provide a forum for, and assist the local advisory committees in obtaining the opinions and recommendations of rural residents interested in subsistence taking and uses of fish and wildlife.

(iii) attempt to develop areas of compromise and reach a regional consensus if differences of opinion exist among the local advisory committees.

(iv) perform other duties specified by the Board.

(3) Each Council must comply with rules of operation established by the Board.

(g) The Fish and Wildlife Service shall provide appropriate financial, technical and administrative assistance to the Councils.

### § \_\_\_\_\_ .12 Local advisory committees.

(a) The Board shall establish local advisory committees as deemed necessary within each subsistence resource region, if the Secretary determines pursuant to Section \_\_\_\_\_ .11(a) that the existing state local advisory committees are inadequate to fulfill the requirements of ANILCA Section 805. The committees will provide a local public forum for the collection and expression of opinions and recommendations on matters related to subsistence taking and uses of fish and wildlife, may make recommendations to the councils concerning regulations, and will provide for public participation in the regulatory process to help adequately protect subsistence uses.

#### (b) Establishment and membership of committees

(1) Committees and their membership shall be recommended by the Regional Councils to the Board. The membership of each committee shall be an odd number. Members must be residents of the local area, and be knowledgeable about the area and subsistence uses. Nominations will be from the Councils. Authorizations of and appointments to the committees are made by the Board.

(2) Committee members shall serve 3 year terms and may be reappointed. Initial appointments shall have staggered terms.

## Appendix A-6



## Appendices

(3) The Chair of the committee shall be elected by the committee for a one year term and may be reelected.

(4) When considering a request by a Council to create a committee, the Board will consider:

(i) Whether existing representation is adequate, and  
(ii) whether participation in the Board's decision making process would be enhanced meaningfully.

(c) Powers and Duties

(1) The committees are empowered to:

(i) Elect officers;  
(ii) provide a local forum for proposing regulations of subsistence taking and uses of fish and wildlife, habitat management, and assisting the Councils in obtaining the opinions and recommendations of rural residents interested in subsistence taking and uses of fish and wildlife matters;

(iii) develop regulatory proposals for submission to the Council;

(iv) evaluate regulatory proposals submitted to the committees and make recommendations to the Council and Board;

(v) advise the appropriate regional council regarding the conservation, development, and subsistence use of fish and wildlife resources;

(vi) work with the appropriate regional council to develop subsistence management plans and harvest strategy proposals; and

(vii) cooperate and consult with interested persons and organizations, including government agencies, to accomplish their charge,

(viii) perform other duties specified by the Board.

(2) Committees must comply with rules of operation established by the Board.

(d) The Fish and Wildlife Service shall provide appropriate financial, technical, and administrative assistance to the committees.

### § \_\_\_\_\_ .13 Board/agency relationships.

(a) General

(1) The Board, in making decisions or recommendations, shall consider and ensure compliance with specific statutory requirements regarding the management of resources on conservation system units or other public lands, recognizing that the management policies applicable to some units may entail methods of resource and habitat management and protection different from methods appropriate for other units.

(2) The Board shall promulgate a single set of regulations for subsistence taking of fish and wildlife on public lands. An agency may submit proposed regulations to the Board for inclusion. The Board is the final administrative authority on the promulgation of regulations relating to the subsistence taking of fish and wildlife on public lands, unless the Secretary at his discretion chooses to exercise his review authority.

(3) Nothing in these regulations shall abrogate the authority of individual Federal agencies to promulgate regulations necessary for the proper management of lands under their jurisdiction in accordance with ANILCA and other existing laws.

(b) Section 808 of ANILCA establishes park and park monument Subsistence Resource Commissions. Nothing in these regulations affects the appointments, duties or authorities of those Commissions.



## Appendices

### § \_\_\_\_\_ .14 Relationship to state procedures and regulations.

(a) State of Alaska fish and wildlife regulations, other than subsistence regulations, apply to public lands unless the Board finds it necessary to promulgate regulations which supersede State regulations in order to ensure the opportunity for subsistence take of fish or wildlife on public lands.

(b) The Board may close public lands to hunting and fishing, or establish seasons and bag limits different from the State. Such regulations may be implemented through individual agency closure authority. Where applicable to all public lands such regulations will be promulgated by the Board. The Board may allow State closures to stand which serve to achieve the objectives of Title VIII of ANILCA.

### § \_\_\_\_\_ .15 Board determinations.

(a) **Healthy Fish and Wildlife Populations** - Determinations of healthy populations of fish and wildlife shall be based upon the maintenance of fish and wildlife resources and their habitats in a condition which assures stable and continuing natural populations and species mix of plants and animals in relation to their ecosystems and minimizes the likelihood of irreversible or long term adverse effects upon such populations and species. Natural populations, for this section, shall include existing, nonindigenous populations. Such determinations shall also recognize that customary and traditional subsistence uses by local rural residents may be a natural part of such ecosystems. Habitat manipulation or control of other species for the purpose of maintaining subsistence uses is not authorized within National Park System Units.

(b) **Rural Determinations** - Not later than December 31, 1990, the Board shall determine the rural or non-rural status of all areas or communities within Alaska. Pending such determination each area or community will retain its rural or non-rural status pursuant to Alaska Administrative Code (5 AAC 99.014). In determining whether a particular area of Alaska is rural, the Board will use the procedures set forth in 100.16 and use the following guidelines:

(1) A community or area with a population of 2500 or less will be deemed to be rural unless such a community or area possesses significant characteristics of a non-rural nature, or is part of an urbanized area.

(2) Communities or areas with populations between 2500 and 7000 will be determined rural or non-rural before other areas or communities are reviewed. The characteristics identified pursuant to \_\_\_\_\_ .15(b)(5) will be used to make these determinations.

(3) A community with a population of 7000 or more is presumed non-rural, unless such a community or area possesses significant characteristics of a rural nature.

(4) Population data from the most recent census conducted by the United States Bureau of Census as updated by the Alaska Department of Labor will be utilized in this process.

(5) Community or area characteristics will be considered in evaluating a community's rural or non-rural status. The characteristics may include, but are not limited to: fish and wildlife use; and development and diversity of: the economy, transportation, communication links, community infrastructure, educational and cultural institutions, and government institutions.

(6) Communities or areas which are economically, socially and communally integrated will be considered in the aggregate.

(c) **Customary and Traditional Determinations** - Not later than December 31, 1991, the Board shall determine, as necessary, customary and traditional uses of fish and wildlife by rural communities on public lands. Pending such determinations, existing determinations



## Appendices

by the Alaska Boards of Fisheries and Game, as codified in 5 AAC, are adopted by these regulations. In making determinations of whether uses of fish and wildlife are customary and traditional, the Board may examine but not be limited to the following factors which exemplify customary and traditional use:

- (1) The length, consistency and pattern of use.
- (2) The degree of past and current reliance upon particular subsistence uses near or reasonably accessible from the user's place of residence.
- (3) Whether current consistent use patterns provide substantial economic, cultural, social, or nutritional elements of the subsistence users' lives, as related to the importance of such uses to subsistence users' lives in the past.
- (4) How the methods and means of taking relate to efficiency and economy of effort and cost, as conditioned by local circumstances, and as related to past methods and means of taking.
- (5) Whether the present means of handling, preparing, preserving, and storing fish or game have been traditionally used by past generations - without excluding consideration of recent technological advances where appropriate.
- (6) The passage of knowledge of fishing and hunting skills, values, and lore from generation to generation.
- (7) Distribution or sharing of hunting or fishing effort, or the products of that effort (by customary trade, barter, sharing, and gift-giving), among others according to custom and tradition.

### § \_\_\_\_\_ .16 Regulation adoption process.

(a) The public shall be provided opportunities to participate in and comment on proposed changes in the regulations. The regulation adoption process should reasonably coincide with the State of Alaska's annual process of establishing fish and game regulations.

(b) Early in the regulatory year the Board shall provide to the Councils and committees, once established, and public a schedule of the regulatory and amendment process.

(c) The committees and Councils must submit proposals to the Board in compliance with the schedule. Committee proposals must be submitted through the Councils. Proposals, however, may originate from any source; but to receive full consideration, must meet the published schedule. Proposals originating from individuals other than the Board, Councils or committees will be referred by the Board to the Councils for comments. Each Council and committee shall hold at least one public meeting per year in its region or area to solicit public comment on proposals. The public's and Councils' comments shall be forwarded to the Board in accordance with the schedule.

(d) The Board, based on comments from the Councils and public, and on resource and resource use information, shall develop draft regulations, publish a notice of availability in the Federal Register, and provide other public notice necessary to obtain public participation. A comment period of no less than 30 days shall be provided. The Board shall hold at least one public meeting to obtain public comment on the proposed regulations.

(e) Following the comment period, the final regulations shall be published in the Federal Register and will become effective on the date of publication or such later date as may be determined by the Board.

### § \_\_\_\_\_ .17 Closures.

(a) The Board may make or direct temporary closures of subsistence taking on public lands, if necessary, for reasons of public safety, administration, or to assure the continued viability of a particular fish or wildlife population. In so doing, the Board will consult with



## Appendices

the State, and provide adequate notice and public hearing, including at least one hearing in the vicinity of the affected communities.

(b) In an emergency situation, the Board may direct immediate closure of public lands to any or all hunting or fishing, including subsistence take. The Board shall publish notice and reasons justifying the closure in the Federal Register and in newspapers of the area(s) affected. The closure shall be effective when made, may not exceed 60 days, and may not be extended unless it is determined, after notice and hearing, that such closure should be extended.

(c) Any closure, pursuant to Title VIII, exclusive of those made through the annual regulatory process, which does not apply to all public lands will be implemented through the regulations governing such closures by each agency which manages public land in Alaska. Public notification and involvement procedures of the involved agency(s) shall be followed.

(d) Based on emergency need for subsistence, the Board may extend or change seasons or increase bag limits. The Board may consider an emergency under this item only upon a petition from an affected rural resident or community. If such changes are granted they shall be for the minimum time period and bag limit necessary to meet the need and may be made only after a determination by the Board that the proposed change will not affect the maintenance of healthy fish and wildlife populations. The decision of the Board shall be the final administrative action.

### § \_\_\_\_\_ .18 Appeals.

(a) Decisions of the Board are subject to requests for reconsideration.

(b) Any affected person may file a request for reconsideration.

(c) To file a request for reconsideration, the requestor must notify the Board in writing within 45 days of the date on the notice of the written decision for which reconsideration is requested.

(d) It is the responsibility of a requestor to provide the Board with sufficient narrative evidence and argument to show why a decision by the Board should be reconsidered. The following information must be included in the request for reconsideration:

(1) The requestor's name, mailing address, and daytime telephone number (if any);

(2) The decision for which reconsideration is requested and the date of that decision;

(3) A statement of how the requestor is adversely affected by the decision;

(4) A statement of the facts of the dispute, the issues raised by the request, and specific references to any law, regulation, or policy that the requestor believes to be violated and the reason for such allegation;

(5) A statement of how the requestor would like the decision changed.

(e) Stays

(1) A decision may be implemented while the Board is reconsidering that decision unless the Board grants a stay.

(2) If a stay is desired, the stay request must accompany the request for reconsideration. The stay request must contain a description of the decision to be stayed, specific reasons why the stay should be granted including specific adverse effect(s) upon the requestor, harmful site-specific impacts or effects on resources, and how the cited effects and impacts would prevent a meaningful reconsideration of the decision.

(3) The Board must issue a written decision on a stay request within 10 calendar days of receiving a stay request.

(f) The Board shall make a final decision on a request for reconsideration within 45 days after receiving such a request. The decision of the Board is the final administrative remedy

## Appendix A-10



## Appendices

except as specified in paragraph (g) of this Section. Further relief is only available through the courts.

(g) The Secretary, at his discretion, may review actions by the Board.

(h) Decisions by a Federal agency outside its role on the Board are subject to appeal under the appeal procedures of that agency.

(i) Regulations in Subpart D of this rule are subject to motions for reconsideration to the Board. Such motion must be filed by September 30, 1990, according to the procedures in paragraph (d) of this Section. The board shall respond according to the procedures in paragraph (f) of this Section.

### § \_\_\_\_\_ .19 [Reserved]

#### Subpart C - General Requirements

### § \_\_\_\_\_ .20 Subsistence use qualifications.

(a) The taking of fish and wildlife on public lands for subsistence uses as defined in § 100.4 is restricted to Alaska residents of rural areas or communities. Non-rural residents are not provided a preference for the taking of fish and wildlife on public lands.

(b) This section does not limit the authority of the Board, or individual Federal land management agencies, to further restrict the class of qualifying subsistence users in particular cases based upon specific authority in ANILCA or other Federal statutes.

### § \_\_\_\_\_ .21 Licenses, permits, harvest tickets, tags, and fees.

(a) Persons engaged in subsistence activities related to the taking of fish or wildlife on public lands must possess State of Alaska licenses, permits, harvest tickets, and tags and must comply with reporting and validation requirements, except where such requirements conflict with Federal requirements. The intent of these regulations is to maximize the use of the State license and permit system, consistent with the sound management of fish and wildlife and fulfillment of the Secretary's Title VIII responsibilities.

(b) In addition to any licenses or permits required by paragraph (a) of this section, persons engaged in subsistence activities on public lands must possess any Federal licenses or permits that may be required for such activities.

(c) Upon request of a State or Federal law enforcement officer, individuals must produce: licenses, permits, harvest tickets, tags, or other pertinent documents required by this Section; and, any apparatus designed to be, or capable of being used to harvest fish or wildlife.

### § \_\_\_\_\_ .22 Penalties.

Any person convicted of violating any provision of 50 CFR Part 100 or 36 CFR Part 242 may be punished by a fine or imprisonment or both in accordance with the penalty provisions prescribed by applicable law.

## Appendices

### Alternative II Draft Programmatic Regulations

No regulations are included because each agency would develop its own regulations to implement this alternative.

**Alternative III  
Draft Programmatic Regulations**

The following substitute paragraphs would be used instead of the language given under Alternative IV for those program elements that would vary between the two alternatives.

**DIFFERENCES IN  
DRAFT PROGRAMMATIC REGULATIONS  
Under ALTERNATIVE III**

**Subpart B - Program structure**

**§ \_\_\_\_\_ .10 Federal Subsistence Board**

**(b) Membership [REPLACEMENT SECTION]**

- (1) The voting membership of the Board shall consist of:
- a representative from each Regional Council, appointed by the Secretary of the Interior, with the concurrence of the Secretary of Agriculture;
  - a representative from the state of Alaska nominated by the Governor and appointed by the Secretary of the Interior, with the concurrence of the Secretary of Agriculture;
  - two representatives from the State "at large," nominated by the Governor and appointed by the Secretary of the Interior, with the concurrence of the Secretary of Agriculture;
  - one additional member serving as chairman, appointed by the Secretary of the Interior, with the concurrence of the Secretary of Agriculture.

**(c) Chair [REPLACEMENT SECTION]**

The Chair shall appoint a alternate from the US Fish and Wildlife Service to act as Chair in his absence.

**(d) Powers and Duties [REPLACEMENT SECTIONS]**

- (2) A quorum shall consist of the chair and eight other members.
- (3) No action may be taken unless at least nine members are in agreement.
- (4) The Board is empowered, to the extent necessary to implement Title VIII of ANILCA, to:
- (x) establish 12 geographic subsistence resource regions;
- (5) The Board will establish a Staff Committee composed of a member from the State of Alaska, the Regional Council System, U.S. Fish and Wildlife Service, National Park Service, USDA Forest Service, Bureau of Land Management, and Bureau of Indian Affairs for analytical and administrative assistance. Personnel from other entities will be invited to observe or participate in Staff Committee proceedings or make presentations to the Staff Committee as appropriate. The Chairman shall be the representative from the U.S. Fish and Wildlife Service.



## Appendices

### § \_\_\_\_\_.15 Rural and non-rural determination process. [REPLACEMENT SECTION]

(a) The Board shall determine the rural or non-rural status of all areas or communities within Alaska. In determining whether a specific area of Alaska is rural, the Board will base their determinations on information set forth in Congressional intent (Senate Report No. 96-413, p.233).

[Items 1-6 deleted]

### § \_\_\_\_\_.16 Customary and traditional use determination process. [REPLACEMENT SECTION]

(c) The Board shall take into consideration the reports and recommendations of the appropriate local advisory committee(s) regarding customary and traditional uses of subsistence resources.

### § \_\_\_\_\_.17 Determining Priorities Among Subsistence Users [REPLACEMENT SECTION]

(d) In addressing a situation where prioritized allocation becomes necessary the Board shall seek the input of the Local Advisory Committee in the area affected.

### § \_\_\_\_\_.18 Regulation adoption process. [REPLACEMENT SECTION]

(a)

(1) Public and governmental proposals should be routed through the local advisory committees. Regional councils will forward proposals from the committees with their recommendations to the Board, by the date scheduled by the Board. Such proposals with recommendations may be submitted as a part of the regional council's annual report described in § \_\_\_\_\_.11; however, they must be received in timely fashion for the proposals to be considered.

### § \_\_\_\_\_.20 Request for reconsideration. [REPLACEMENT SECTION]

(f) Upon receipt of a request for reconsideration the Board shall transmit a copy of such request to the appropriate local advisory committee(s) for review and recommendation. The Board shall consider any committee recommendations in making a final decision.

## Subpart C - Board Determinations

### § \_\_\_\_\_.22 Subsistence resource regions [REPLACEMENT SECTION]

The following areas are hereby designated as subsistence resource regions:

(a) - (l)

### § \_\_\_\_\_.23 Rural and non-rural determinations. [REPLACEMENT SECTION]

(a) (i) The following areas have been determined by the Board to be non-rural in accordance with § \_\_\_\_\_.15:

Fairbanks;  
Juneau;  
Ketchikan; and  
Anchorage.

Alternative IV - Proposed Action  
Draft Programmatic Regulations





# Federal Register

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Thursday  
January 30, 1992

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## Part II

### Department of Agriculture

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Forest Service

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36 CFR Part 242

### Department of the Interior

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Fish and Wildlife Service

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50 CFR Part 100

Subsistence Management Regulations for  
Federal Public Lands in Alaska; Proposed  
Rule



## DEPARTMENT OF AGRICULTURE

## Forest Service

## 36 CFR Part 242

## DEPARTMENT OF THE INTERIOR

## Fish and Wildlife Service

## 50 CFR Part 100

## RIN 1018-AB43

## Subsistence Management Regulations for Federal Public Lands in Alaska

**AGENCY:** Forest Service, USDA, Fish and Wildlife Service, Interior.

**ACTION:** Proposed rule.

**SUMMARY:** This proposed rule will establish Subsistence Management Regulations for Federal Public Lands in Alaska (36 CFR part 242, and 50 CFR part 100), implementing the subsistence priority for qualified rural residents of Alaska as required or specified to comply with title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) of 1980 (16 U.S.C. 3111-3128; Pub. L. 96-487). This rule will promulgate regulations regarding program structure and process as previously contained in subparts A, B and C of "Temporary Subsistence Management Regulations for Public Lands in Alaska, Final Temporary Rule", June 29, 1990 (55 FR 27114-27170). This rulemaking is necessary because subparts A, B and C are part of the temporary rule that will expire June 30, 1992. Subpart D is not included in this proposed rulemaking as it is being promulgated under a separate rulemaking process. That rulemaking will also expire June 30, 1992. Subpart D will be combined with subparts A, B and C in the final rulemaking which will become effective July 1, 1992.

**DATES:** Written and oral comments will be accepted regarding this proposed rulemaking until March 16, 1992.

**ADDRESSES:** Written comments may be sent to the Chair, Federal Subsistence Board, c/o U.S. Fish and Wildlife Service, 1011 E. Tudor Road, Anchorage, Alaska 99503.

**FOR FURTHER INFORMATION CONTACT:** Richard S. Pospahala, Office of Subsistence Management, U.S. Fish and Wildlife Service, 1011 E. Tudor Road, Anchorage, Alaska 99503; telephone (907) 788-3447. For questions specific to National Forest lands, contact Norman Howse, Assistant Director Subsistence, USDA, Forest Service, Alaska Region, P.O. Box 21623, Juneau, Alaska 99102-1628; telephone (907) 588-8890.

## SUPPLEMENTARY INFORMATION:

## Background

Title VIII of the Alaska National Interest Lands Conservation Act requires the Secretary of the Interior and the Secretary of Agriculture (Secretaries) to implement a joint program to grant a priority for subsistence uses of fish and wildlife resources by rural residents on Federal public lands in Alaska. Until recently the State of Alaska has managed the subsistence program on Federal public lands pursuant to section 805 title VIII of ANILCA. In December 1989, the Alaska Supreme Court ruled in *McDowell v. State of Alaska* that the rural preference in the State subsistence statute, which is required by ANILCA, violated the Alaska Constitution. This ruling placed the State out of compliance with title VIII. The Court stayed the effect of the decision until July 1, 1990.

Consequently, the Secretaries were required to assume responsibility for the implementation of title VIII of ANILCA on Federal public lands on July 1, 1990. On June 29, 1990 the "Temporary Subsistence Management Regulations for Public Lands in Alaska, Final Temporary Rule" were published in the *Federal Register* (55 FR 27114 *et seq.*). These regulations defined and implemented a temporary program that is administered by a Federal Subsistence Board (Board). The Chair is appointed by the Secretary of the Interior with the concurrence of the Secretary of Agriculture. Other members of the Board are the Alaska Regional Director, U.S. Fish and Wildlife Service; the Alaska Regional Director, National Park Service; the Alaska Regional Forester, USDA Forest Service; the Alaska State Director, Bureau of Land Management; and the Alaska Area Director, Bureau of Indian Affairs. These five agencies within the Federal Government are responsible for management of Federal public lands in Alaska covered by title VIII of ANILCA. All agencies participated in the development of these temporary regulations. All Board members have reviewed this proposed rule and concur in its publication for public review and comment. Because these regulations relate to lands managed by Federal agencies in both the Departments of Agriculture and the Interior, identical text would be incorporated into 36 CFR part 242 and 50 CFR part 100.

## Draft Environmental Impact Statement

A draft environmental impact statement (DEIS) that describes four alternatives for developing a Federal Subsistence Management Program in

Alaska was distributed for public comment on October 7, 1991. That document examined the environmental consequences of these alternatives and described the major issues associated with Federal subsistence management that were identified through public meetings, written comments and staff analysis.

This proposed rule reflects the proposed action (Alternative IV) as described in the DEIS. The final rule will result from public review and comment on the DEIS and this proposed rule.

## Subpart C

The following addresses three sections of the proposed rule that require additional explanation in subpart C.

## Section \_\_\_\_\_22 Subsistence Resource Regions

The proposed action in the DEIS calls for eight subsistence resource regions. A final decision on the resource region boundaries will be made based on conclusions reached through the EIS process.

## Section \_\_\_\_\_23 Rural Determinations

Initial rural determinations were made by adopting the State's determinations of rural and non-rural community status. The Board proposed a process and revised determinations in the *Federal Register* (55 FR 40897) on October 5, 1990. Public comment was received, reviewed and considered by the Board. Final determinations were adopted and published in the *Federal Register* on January 3, 1991. Rural determinations are subject to further change depending on public comment on the DEIS and this proposed rule.

## Section \_\_\_\_\_24 Customary and Traditional Use Determinations

Customary and traditional use determinations as adopted in the June 29, 1990, Temporary Regulations, are offered for public comment and proposed changes. The determinations are anticipated to change due to the addition of several communities classified as rural, based on public comment on the DEIS, and on this proposed rule, and as a result of specific requests already made to the Federal Subsistence Board. Specific recent requests for customary and traditional use determination review include the Kilbuck Caribou Herd, rainbow trout, bear, and selected species in Game Management Units 11, 12, 13, 20, and 1B.



**Subpart D.**

This subpart will contain sections on definitions, prohibitions, methods and means, individual species seasons and bag limits, and fish and shellfish. It is not included in this proposed rulemaking as it is being promulgated under a separate rulemaking process; however, it will be combined with subparts A, B and C as a final rule. It should be noted that the section numbering detailed in this proposed rulemaking may change when the Federal subsistence program regulations (subparts A, B and C of 36 CFR part 242 and 50 CFR part 100) are issued as a final rule by July 1, 1992. For present purposes of this rulemaking, however, all references to these proposed regulations should cite the section numbering contained herein.

**Public Comments/Proposals and Hearings**

It is the policy of the Departments of the Interior and Agriculture, whenever practical, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments or proposals for change to this version of subparts A, B and C to the address noted at the beginning of this proposed rule. Comments may also be submitted at public hearings to be held in Alaska during January 1992. Comments on the proposed regulations included in the appendix of the DEIS that were submitted as part of the public review of that document will be considered during the final rulemaking process for this proposed rule. Comments on this published version of subparts A, B and C will then be compiled with those previously received for internal agency review and revision in preparation for Board action. Action on proposed changes to subparts A, B and C, will be taken at a March 1992 Board meeting. The location of this meeting will be announced in forthcoming notices published throughout the State of Alaska.

**Conformance With Statutory and Regulatory Authorities***National Environmental Policy Act Compliance*

A DEIS, "Subsistence Management for Federal Public Lands in Alaska," was released on October 7, 1991. A final EIS and Record of Decision will be issued prior to implementation of the final "Subsistence Management Regulations for Federal Public Lands in Alaska, subparts A, B and C."

**ANILCA Section 810 Compliance**

The intent of all Federal Subsistence Regulations is to best accommodate customary and traditional subsistence uses subject to the limitation of protecting healthy, or natural and healthy fish and wildlife populations. The 810 analysis will be completed as part of the final EIS process.

**Paperwork Reduction Act**

These rules contain information collection requirements subject to Office of Management and Budget (OMB) approval under 44 U.S.C. 3501 et seq. They apply to subsistence users of Federal public lands in Alaska. The information collection requirements described above are approved by the OMB under 44 U.S.C. 3501 and have been assigned clearance number 1018-00075.

**Economic Effects**

Executive Order 12291, "Federal Regulation," of February 19, 1981, requires the preparation of regulatory impact analysis for major rules. A major rule is one likely to result in an annual effect on the economy of \$100 million or more; a major increase in costs or prices for consumers, individual industries, government agencies or geographic regions; or significant adverse effects on the ability of United States-based enterprises to compete with foreign-based enterprises. 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.

The Departments of the Interior and Agriculture have determined that this rulemaking is not a "major rule" within the meaning of Executive Order 12291, and certify that it will not have a significant economic effect on a substantial number of small entities within the meaning of the Regulatory Flexibility Act. This rulemaking will impose no significant costs on small entities; the exact number of businesses and the amount of trade that will result from this Federal land-related activity is unknown. The aggregate effect is an insignificant positive economic effect on a number of small entities. The number of small entities affected is unknown, but the fact that the positive effects will be seasonal in nature and will, in most cases, merely continue pre-existing uses of public lands indicates that they will not be significant.

These regulations do not meet the threshold criteria of "Federalism

Effects" as set forth in Executive Order 12612. Title VIII of ANILCA requires the Secretaries to administer a subsistence preference on Federal public lands. The scope of this program is limited by definition to certain Federal lands. Likewise, these regulations have no significant takings implication relating to any property rights as outlined by Executive Order 12630.

**Drafting Information**

This regulation was drafted by Peggy Fox under the guidance of Richard S. Pospahala, both of the Office of Subsistence Management, Alaska Regional Office, U.S. Fish and Wildlife Service, Anchorage, Alaska.

**List of Subjects***36 CFR Part 242*

Administrative practice and procedure, Alaska, fish, Federal public lands, reporting and record keeping requirements, subsistence, wildlife.

*50 CFR Part 100*

Administrative practice and procedure, Alaska, fish, Federal public lands, reporting and record keeping requirements, subsistence, wildlife.

**Text of the Joint Proposed Rule**

The text of the proposed rule as proposed by the Forest Service and the Fish and Wildlife Service in the common preamble appears below:

**PART \_\_\_\_\_—SUBSISTENCE MANAGEMENT REGULATIONS FOR FEDERAL PUBLIC LANDS IN ALASKA****Subpart A—General Provisions**

Sec.	
_____1	Purpose.
_____2	Authority.
_____3	Applicability and scope.
_____4	Definitions.
_____5	Eligibility for subsistence use.
_____6	Licenses, permits, harvest tickets, tags, and fees.
_____7	Restriction on use.
_____8	Penalties.
_____9	Information collection requirements.

**Subpart B—Program Structure**

_____10	Federal Subsistence Board.
_____11	Regional advisory councils.
_____12	Local advisory committees.
_____13	Board/agency relationships.
_____14	Relationship to State procedures and regulations.
_____15	Rural determination process.
_____16	Customary and traditional use determination process.
_____17	Determining priorities among subsistence users.
_____18	Regulation adoption process.
_____19	Closures and other special actions.



- \_\_\_\_\_20 Request for reconsideration.  
 \_\_\_\_\_21 [Reserved].

### Subpart C—Board Determinations

- \_\_\_\_\_22 Subsistence resource regions.  
 \_\_\_\_\_23 Rural determinations.  
 \_\_\_\_\_24 Customary and traditional use determinations.

Authority: 18 U.S.C. 3, 472, 551, 658dd *et seq.*, 3101 *et seq.*; 18 U.S.C. Chapter 227; 43 U.S.C. 1733.

### Subpart A—General Provisions

#### § \_\_\_\_\_1 Purpose.

The regulations in this part implement the Federal Subsistence Management Program on Federal public lands within the State of Alaska.

#### § \_\_\_\_\_2 Authority.

These regulations are issued pursuant to authority vested with the Secretary of the Interior and Secretary of Agriculture specified in section 814 of the Alaska National Interest Lands Conservation Act (ANILCA) (94 Stat. 2371, Pub. L. 96-487).

#### § \_\_\_\_\_3 Applicability and scope.

The regulations of this part apply to subsistence taking and uses of fish and wildlife on all Federal public lands in the State of Alaska as authorized in title VIII of ANILCA. Such subsistence taking and uses are prohibited in Glacier Bay National Park, Kenai Fjords National Park, Katmai National Park, and that portion of Denali National Park established as Mt. McKinley National Park prior to passage of ANILCA. These regulations do not supersede agency specific regulations.

#### § \_\_\_\_\_4 Definitions.

The following definitions apply to all regulations contained in this part.

**Agency** means a subunit of a cabinet level Department such as U.S. Fish & Wildlife Service, USDA Forest Service, Bureau of Indian Affairs, Bureau of Land Management, National Park Service, etc.

**ANILCA** means the Alaska National Interest Lands Conservation Act, Public Law 96-487, 94 Stat. 2371, as amended.

**Barter** means the exchange of fish or wildlife or their parts taken for subsistence uses; for other fish, wildlife or their parts; or, for other food or for nonedible items other than money, if the exchange is of a limited and noncommercial nature.

**Board** means the Federal Subsistence Board as described in § \_\_\_\_\_10 of this part.

**Conservation of healthy populations of fish and wildlife** means the maintenance of fish and wildlife resources and their habitats in a condition that assures stable and continuing natural populations and

species mix of plants and animals in relation to their ecosystem, including the recognition that local rural residents engaged in subsistence uses may be a natural part of that ecosystem; minimizes the likelihood of irreversible or long-term adverse effects upon such populations and species; and ensures the maximum practicable diversity of options for the future; and recognizes that the policies and legal authorities of the managing agencies will determine the nature and degree of management programs affecting ecological relationships, population dynamics, and the manipulation of the components of the ecosystem.

**Conservation of natural and healthy populations of fish and wildlife** is specifically mandated for national parks and national park monuments and means the maintenance of fish and wildlife resources and their habitats in a condition unaffected by the activities of humans, except for customary and traditional subsistence use activities which may be a natural part of related ecosystems, and, sport fishing and visitor service related activities which are mandated by law.

**Conservation system unit** means any unit in Alaska of the National Park System, National Wildlife Refuge System, National Wild and Scenic River Systems, National Trails System, National Wilderness Preservation System, or a National Forest Monument including existing units, units established, designated, or expanded by ANILCA, additions to such units, and any such unit established, designated, or expanded thereafter.

**Councils** refers to the Regional Advisory Councils as described in § \_\_\_\_\_11.

**Customary and traditional use** means a long-established, consistent pattern of use, incorporating beliefs and customs, transmitted from generation to generation. This use plays an important role in the economy of the community.

**Customary trade** means types and volumes of trade by subsistence users intended to provide alternative means of supporting their basic personal and family subsistence needs and does not include trade which constitutes a significant commercial enterprise.

**Family** means all persons related by blood, marriage or adoption, or any person living within the household on a permanent basis.

**Federal lands** means lands and waters the title to which is in the United States.

**Fish and wildlife** means any member of the animal kingdom, including without limitation any mammal, fish, bird, amphibian, reptile, mollusk,

crustacean, arthropod, or other invertebrate, and includes any part, product, egg, or offspring thereof, or the dead body or part thereof.

**Person** means an individual and does not include a corporation, company, partnership, firm, association, organization, business trust or society.

**Public lands** means lands situated in Alaska which are Federal lands, except—

(a) Land selections of the State of Alaska which have been tentatively approved or validly selected under the Alaska Statehood Act and lands which have been confirmed to, validly selected by, or granted to the Territory of Alaska or the State under any other provision of Federal law;

(b) Land selections of a Native Corporation made under the Alaska Native Claims Settlement Act which have not been conveyed to a Native Corporation, unless any such selection is determined to be invalid or is relinquished; and

(c) Lands referred to in section 19(b) of the Alaska Native Claims Settlement Act.

**Regulatory year** means July 1 through June 30.

**Resident** means any person who has their primary, permanent home within Alaska and whenever absent from this primary, permanent home, has the intention of returning to it. Factors demonstrating the location of a person's primary, permanent home may include, but are not limited to: the address listed on an Alaska license to drive, hunt, fish, or engage in an activity regulated by a government entity; affidavit of person or persons who know the individual; voter registration; location of residences owned, rented or leased; location of stored household goods; residence of spouse, minor children or dependents; tax documents; or whether the person claims residence in another location for any purpose.

**Rural** means any area of Alaska determined by the Board to qualify as such under the process described in § \_\_\_\_\_15 of this part.

**Secretary** means the Secretary of the Interior, except that in reference to matters related to the National Forest System, such term means the Secretary of Agriculture.

**State** means the State of Alaska.

**Subsistence uses** means the customary and traditional uses by rural Alaska residents of wild, renewable resources for direct personal or family consumption as food, shelter, fuel, clothing, tools, or transportation; for the making and selling of handicraft articles out of nonedible byproducts of fish and



wildlife resources taken for personal or family consumption; for barter, or sharing for personal family consumption; and for customary trade.

*Take or taking* as used with respect to fish and wildlife, means to pursue, hunt, shoot, trap, net, capture, collect, kill, harm, or attempt to engage in any such conduct.

*Year* means calendar year unless another year is specified.

§ \_\_\_\_\_5 Eligibility for subsistence use.

(a) The taking of fish and wildlife on Federal public lands for subsistence uses as defined in § \_\_\_\_\_4 is restricted to Alaska residents of rural areas or communities. Other individuals, including Alaska residents of non-rural areas or communities listed in § \_\_\_\_\_23, are prohibited from taking fish and wildlife on Federal public lands for subsistence uses.

(b) Where the Board has made a customary and traditional determination regarding subsistence use of a specific fish stock or wildlife population, in accordance with, and as listed in, § \_\_\_\_\_24, only those Alaska residents of rural areas or communities so designated, are eligible for subsistence taking of that population under these regulations. All other individuals are prohibited from taking fish or wildlife from that population under these regulations.

(c) Where customary and traditional determinations for a fish stock or wildlife population within a specific area have not yet been made by the Board (e.g., no determination), all rural Alaska residents are eligible to participate in subsistence taking of that population under these regulations.

(d) This section does not limit the authority of the National Park Service to regulate further the eligibility of qualified subsistence users on National Park Service lands in accordance with specific authority in ANILCA, and National Park Service regulations found in 36 CFR part 13.

§ \_\_\_\_\_6 Licenses, permits, harvest tickets, tags, and fees.

(a) To engage in subsistence taking on Federal public lands as defined in this part individuals must possess any licenses, permits, harvest tickets, or tags for taking required by the State of Alaska, unless Federal licenses, permits, harvest tickets, or tags are required by the Board.

(b) Harvest tickets, tags, permits, or other required documents must be validated before removing the kill from the harvest site.

(c) Subsistence users must comply with all reporting provisions required by the Board.

(d) Permit systems may be authorized by the Board upon evaluation of Regional Advisory Council recommendations, customary and traditional use patterns, and harvest report needs. All requirements of a particular approved permit system are incorporated in these regulations. Any transfer of a Federal subsistence permit is prohibited except for approved systems.

(1) Transferable permits may be issued to a qualified user whose needs are to be supplied by another individual. The permittee, on application, may designate another eligible rural resident to implement the take. The permittee may cancel an unused permit and reapply for another permit, designating another individual to do the taking. The permit must be in the possession of the individual during harvest. The individual, immediately after taking the fish or wildlife (before leaving the site), must validate the permit and return it with the fish or wildlife to the permittee. The permittee is responsible for reporting the taking. Taking authorized by these permits counts against any predetermined bag limit or other allocation for the permittee. Each permit system may have additional requirements.

(2) Community harvest permits may be allocated for a predetermined use level. The community will designate an official who is responsible for reporting the harvest and otherwise complying with the provisions of this section. For example, when applicable, this will include accounting for tags. An eligible user must carry the tag when in the process of the taking. The individual, immediately after taking the fish or wildlife (before leaving the site), must validate the tag. The tag must be countersigned and accounted for by the community harvest official within a reasonable period of time.

(e) Upon request of a State or Federal law enforcement officer, individuals must produce any license, permits, harvest tickets, tags, or other pertinent documents required by this section. Individuals must allow said law enforcement officers to inspect any apparatus designed to be, or capable of being used to take fish or wildlife, or any fish or wildlife in possession.

§ \_\_\_\_\_7 Restriction on use.

(a) Trade of fish and wildlife, and their parts, taken pursuant to these regulations, other than customary trade or barter as defined in this part, is prohibited.

(b) [Reserved]

§ \_\_\_\_\_8 Penalties.

Any persons convicted of violating any provision of 50 CFR part 100 or 36 CFR part 242 on Federal public land may be punished by a fine of up to \$500 or by imprisonment of up to 6 months, or both; or punishment in accordance with the penalty provisions of 18 USC chapter 227.

§ \_\_\_\_\_9 Information collection requirements.

(a) These rules contain information collection requirements subject to Office of Management and Budget (OMB) approval under 44 U.S.C. 3501 et seq. They apply to subsistence users of Federal Public lands in Alaska.

(1) § \_\_\_\_\_20. Request for reconsideration. The information collection requirements contained in this section provide a standardized process to allow individuals the opportunity to appeal decisions of the Federal Subsistence Board. Submission is voluntary, but required to receive a final determination on their appeal. The Department of the Interior estimates that an appeal will take 4 hours to prepare and submit for consideration.

(2) § \_\_\_\_\_6. Licenses, permits, harvest tickets, tags, and fees. The information collection requirements contained in this section provide for permit-specific subsistence activities not authorized through the general adoption of State regulations. The information requested is required to obtain subsistence benefits on Federal public lands. The Department estimates that the average time necessary to obtain and comply with this permit information collection requirement is 15 minutes.

(3) The remaining information collection requirements contained in this part imposed upon subsistence users are those adopted from State regulations. The information collection requirements are required to obtain subsistence benefits on Federal public lands in Alaska. The Department estimates that the average burden imposed upon individuals will be 8 minutes.

(b) Direct comments on the burden estimate or any other aspect of this information collection requirements may be imposed if the councils and committees subject to the Federal Advisory Committee Act are established under subpart B. Such



requirements will be submitted to OMB for approval prior to their implementation.

#### Subpart B—Program Structure

##### § \_\_\_\_\_ 10 Federal Subsistence Board.

(a) The Secretary of the Interior and Secretary of Agriculture hereby establish, and delegate responsibility for administering the subsistence taking and uses of fish and wildlife on Federal public lands, and the related promulgation and signature authority for regulations of subparts C and D, contained herein, to a Federal Subsistence Board.

(b) *Membership.* (1) The voting membership of the Board shall consist of a Chair to be appointed by the Secretary of the Interior with the concurrence of the Secretary of Agriculture; the Alaska Regional Director, Fish and Wildlife Service; Alaska Regional Director, National Park Service; Alaska State Director, Bureau of Land Management; and the Alaska Area Director, Bureau of Indian Affairs. Each member of the Board may appoint a designee.

(2) [Reserved]

(c) *Powers and Duties.* (1) Meetings shall occur at least annually, and at such other times as deemed necessary by the Board. Meetings will occur at the call of the Chair, but any member may request a meeting.

(2) A quorum shall consist of four members.

(3) No action may be taken unless at least four members are in agreement.

(4) The Board is empowered, to the extent necessary to implement title VIII of ANILCA, to:

(i) Promulgate regulations for the management of subsistence taking and uses of fish and wildlife on Federal public lands;

(ii) Determine which areas of the State are rural or non-rural, and consequently, indicate which Alaska residents are qualified as subsistence users;

(iii) Determine which rural Alaska areas or communities have customary and traditional subsistence uses of specific fish and wildlife populations;

(iv) Allocate the subsistence taking from populations of fish and wildlife on Federal public lands consistent with the conservation of healthy fish and wildlife populations, or where affecting National Park Service park and monument lands consistent with the conservation of natural and healthy fish and wildlife populations;

(v) Ensure that the taking on Federal public lands of fish and wildlife for nonwasteful subsistence uses shall be accorded priority over the taking on

such lands of fish and wildlife for other purposes:

(vi) Close Federal public lands to the non-subsistence taking of fish and wildlife as necessary;

(vii) Prioritize subsistence taking of fish and wildlife among users when necessary;

(viii) Restrict or eliminate taking of fish and wildlife by subsistence users if necessary to conserve healthy fish and wildlife populations on Federal public lands, to conserve natural and healthy fish and wildlife populations on National Park Service park and monument lands, or for reasons of public safety or administration;

(ix) Determine what types and forms of trade of fish and wildlife taken for subsistence purposes constitute allowable customary trade;

(x) Establish eight geographic subsistence resource regions;

(xi) Establish a regional advisory council in each subsistence resource region and appoint its members pursuant to the Federal Advisory Committee Act;

(xii) Establish local advisory committees within the subsistence resource regions as necessary and appoint their members pursuant to the Federal Advisory Committee Act;

(xiii) Establish rules and procedures for the operation of the Board, and the regional advisory councils established pursuant to this part;

(xiv) Review and respond to proposals by regional advisory councils for regulations, management plans, policies, and other matters related to subsistence taking and uses of fish and wildlife;

(xv) Enter into cooperative agreements or otherwise cooperate with Federal agencies, the State, Native corporations, and other appropriate persons and organizations, including international entities to effectuate the purposes and policies of the Federal Subsistence Management Program;

(xvi) Develop alternative permitting processes relating to the subsistence taking of fish and wildlife to ensure continued opportunities for subsistence; and

(xvii) Take other actions necessary to implement title VIII of ANILCA.

(5) The Board will establish a Staff Committee composed of a member from the U.S. Fish and Wildlife Service, National Park Service, USDA Forest Service, Bureau of Land Management, and Bureau of Indian Affairs for analytical and administrative assistance. The U.S. Fish and Wildlife representative shall serve as Chair of the Staff Committee.

(6) The Board may establish and dissolve additional committees as necessary for assistance.

(7) The Fish and Wildlife Service shall provide appropriate administrative support for the Board.

(d) *Relationship to Councils.*

The Board shall consider the reports and recommendations of the councils concerning the taking of fish and wildlife on Federal public lands within their respective regions for subsistence uses. The Board may choose not to follow any recommendation which it determines is not supported by substantial evidence, violates recognized principles of fish and wildlife conservation, or would be detrimental to the satisfaction of subsistence needs. If a recommendation is not adopted, the Board shall set forth the factual basis and the reasons for the decision.

##### § \_\_\_\_\_ 11 Regional advisory councils.

(a) The Board shall establish a regional advisory council for each subsistence resource region to participate in the Federal Subsistence Program. The councils will be established, and conduct their activities, in accordance with the Federal Advisory Committee Act. The councils will provide a regional forum for the collection and expression of opinions and recommendations on matters related to subsistence taking and uses of fish and wildlife resources on Federal public lands. The councils will provide for public participation in the Federal regulatory process.

(b) *Establishment of councils—membership.* (1) The number of members of each council shall be established by the Board, and shall be an odd number. A council member must be a resident of the region in which he/she is appointed and be knowledgeable about the region and subsistence uses of the Federal public lands therein. The Board shall solicit nominations from the public. Appointments to the councils are made by the Board.

(2) Council members shall serve 3 year terms and may be reappointed. Initial members shall be appointed with staggered terms up to three years.

(3) The Chair of the council shall be elected by the council, from its membership, for a one year term and may be reelected.

(c) *Powers and duties.* (1) The councils are empowered to:

(i) Hold public meetings related to subsistence uses of fish and wildlife within their respective regions;

(ii) Elect officers;

(iii) In consultation with the local advisory committees, established



pursuant to this part, or State fish and game advisory committees, in its region; review, evaluate; and make recommendations to the Board on any existing or proposed regulation, policy, or management plan, or any other matter relating to the subsistence take of fish and wildlife within its region.

(2) The councils are authorized to:

(i) Prepare and submit to the Board an annual report containing:

(A) An identification of current and anticipated subsistence uses of fish and wildlife populations within the region;

(B) An evaluation of current and anticipated subsistence needs for fish and wildlife populations from the Federal public lands within the region;

(C) A recommended strategy for the management of fish and wildlife populations within the region to accommodate such subsistence uses and needs related to the Federal public lands; and

(D) Recommendations concerning policies, standards, guidelines, and regulations to implement the strategy.

(ii) [Reserved]

(3) The councils shall:

(i) Provide a forum for, and assist local advisory committees, established pursuant to this part, or State fish and game advisory committees, in obtaining the opinions and recommendations of rural residents interested in subsistence taking and uses of fish and wildlife.

(ii) Comply with rules of operation established by the Board.

(iii) Perform other duties specified by the Board.

(d) The U.S. Fish and Wildlife Service shall provide appropriate financial, technical and administrative assistance to the councils. Federal coordinators shall be assigned to provide assistance to the councils.

#### § \_\_\_\_\_ 12 Local advisory committees.

(a) The Board shall establish such local advisory committees within each region as necessary at such time that it is determined, after notice and hearing, that the existing State fish and game advisory committees do not adequately perform the functions of local advisory committees as set forth in Section 805 of ANILCA. Advisory committees will advise and assist the Regional Advisory Councils in fulfilling their responsibilities detailed in

§ \_\_\_\_\_ 11. Advisory committees will provide a local public forum for the collection and expression of opinions and recommendations on matters related to subsistence taking and uses of fish and wildlife on Federal public lands, may make recommendations to the councils concerning regulations affecting Federal public lands, and will

provide for public participation in the regulatory process to help adequately protect subsistence uses.

(b) Establishment and membership of local advisory committees. (1) Committees and their membership shall be recommended by the Regional Advisory Councils to the Board. The membership of each committee shall be an odd number. Members must be residents of the local area, and be knowledgeable about the area and subsistence uses of Federal public lands. Authorizations of, and appointments to, the committees are made by the Board.

(2) Committee members shall serve 3 year terms and may be reappointed. Initial members shall be appointed with staggered terms up to three years.

(3) The Chair of each committee shall be elected by the committee from its membership, for a one year term and may be reelected.

(4) When considering a request by a council to create a committee, the Board will consider:

(i) Whether existing representation of subsistence users of Federal public lands within the region is adequate, and

(ii) Whether participation in the Board's decision making process would be enhanced meaningfully.

(c) Powers and Duties. (1) The local advisory committees are empowered to:

(i) Elect officers;

(ii) Provide a local forum for proposing regulations of subsistence taking and uses of fish and wildlife on Federal public lands and assisting the councils in obtaining the opinions and recommendations of rural residents interested in subsistence taking and uses of fish and wildlife matters on Federal public lands;

(iii) Develop regulatory proposals for submission to the council;

(iv) Evaluate regulatory proposals submitted to the committees and make recommendations to the council and Board;

(v) Advise the appropriate regional council regarding the conservation, development, and subsistence use of fish and wildlife resources on Federal public lands;

(vi) Work with the appropriate regional council to accomplish the duties described in § \_\_\_\_\_ 11(c)(1)(iii); and

(vii) Cooperate and consult with interested persons and organizations, including government agencies, to accomplish their charge; and

(viii) Perform other duties specified by the Board.

(2) Local advisory committees must operate in conformance with the provisions of the Federal Advisory Committee Act, and comply with rules of operation established by the Board.

(d) The U.S. Fish and Wildlife Service shall provide appropriate financial, technical, and administrative assistance to the local advisory committees.

#### § \_\_\_\_\_ 13 Board/agency relationships.

(a) General. (1) The Board, in making decisions or recommendations, shall consider and ensure compliance with specific statutory requirements regarding the management of resources on conservation system units or other Federal public lands, recognizing that the management policies applicable to some units may entail methods of resource and habitat management and protection different from methods appropriate for other units.

(2) The Board shall promulgate regulations for subsistence taking of fish and wildlife on Federal public lands. The Board is the final administrative authority on the promulgation of regulations relating to the subsistence taking of fish and wildlife on Federal public lands.

(3) Nothing in these regulations shall abrogate the authority of individual Federal agencies to promulgate regulations necessary for the proper management of lands under their jurisdiction in accordance with ANILCA and other existing laws.

(b) Section 808 of ANILCA establishes park and park monument Subsistence Resource Commissions. Nothing in these regulations affects the appointments, duties or authorities of those Commissions.

#### § \_\_\_\_\_ 14 Relationship to State procedures and regulations.

(a) State of Alaska fish and wildlife regulations apply to Federal public lands and such laws are hereby adopted and made a part of these regulations to the extent they are not inconsistent with, or superseded by this part.

(b) The Board may close Federal public lands to hunting and fishing, or take actions to restrict the taking of fish and wildlife as authorized by the State. The Board may review and adopt State closures which serve to achieve the objectives of title VIII of ANILCA.

(c) The Board may enter into agreements with the State in order to coordinate respective management responsibilities.

#### § \_\_\_\_\_ 15 Rural determination process.

(a) The Board shall determine the rural or non-rural status of all areas or communities within Alaska. In determining whether a specific area of Alaska is rural, the Board will use the following guidelines:



(1) A community or area with a population of 2500 or less will be deemed to be rural unless such a community or area possesses significant characteristics of a non-rural nature, or is considered to be socially and economically a part of an urbanized area.

(2) Communities or areas with populations between 2500 and 7000 will be determined to be rural or non-rural.

(3) A community with a population of 7000 or more is presumed non-rural, unless such a community or area possesses significant characteristics of a rural nature.

(4) Population data from the most recent census conducted by the United States Bureau of Census as updated by the Alaska Department of Labor will be utilized in this process.

(5) Community or area characteristics will be considered in evaluating a community's rural or non-rural status. The characteristics may include, but are not limited to:

- (i) Fish and wildlife use;
- (ii) History and tradition of the community; and,
- (iii) Development and diversity of educational and cultural institutions, the economy; transportation, communication links, community infrastructure, and government institutions.

(6) Communities or areas which are economically, socially and communally integrated will be considered in the aggregate.

(b) The Board will review and change rural and non-rural determinations as necessary.

(c) Current determinations are listed at \_\_\_\_\_23.

§ \_\_\_\_\_16 Customary and traditional use determination process.

(a) The Board shall determine which fish stocks and wildlife populations have been customarily and traditionally used for subsistence. These determinations will identify the specific community's or area's use of specific fish stocks and wildlife populations. For areas managed by the National Park Service, where subsistence uses are allowed, the determinations may be made on an individual basis.

(b) Residents of a community or area shall generally exhibit the following factors, which exemplify customary and traditional use. The Board shall make customary and traditional use determinations based on application of the following factors:

(1) A long-term consistent pattern of use, excluding interruptions beyond the users' control;

(2) A pattern of use recurring in specific seasons for many years;

(3) A pattern of use consisting of methods and means of harvest which are characterized by efficiency and economy of effort and cost, conditioned by local characteristics;

(4) The consistent harvest and use of fish or wildlife as related to past methods and means of taking; near, or reasonably accessible from the users' residence;

(5) A means of handling, preparing, preserving, and storing fish or wildlife which have been traditionally used by past generations, without excluding consideration of alteration of past practices due to recent technological advances, where appropriate;

(6) A pattern of use which includes the handing down of knowledge of fishing and hunting skills, values and lore from generation to generation;

(7) A pattern of use in which the harvest is shared or distributed within a definable community of persons; and

(8) A pattern of use related to the users' reliance upon a wide diversity of fish and wildlife resources of the area and which provides substantial cultural, economic, social, and nutritional elements of the users' lives.

(c) The Board shall take into consideration the reports and recommendations of the appropriate regional council(s) regarding customary and traditional uses of subsistence resources.

(d) Current determinations are listed in \_\_\_\_\_24.

§ \_\_\_\_\_17 Determining priorities among subsistence users:

(a) In accordance with section 804 of ANILCA, whenever it is necessary to restrict the subsistence taking of fish and wildlife on Federal public lands in order to protect the continued viability of such populations, or to continue subsistence uses, the Board shall establish a priority among the users.

(b) The priority shall be implemented through appropriate limitations based on the application of the following criteria to each area, community, or individual determined to have customary and traditional use, as necessary:

(1) Customary and direct dependence upon the populations as the mainstay of livelihood;

(2) Local residency; and,

(3) The availability of alternative resources.

(c) If allocation on an area or community basis are not achievable, then the Board shall allocate subsistence opportunity on an individual

basis through application of the above criteria.

(d) In addressing a situation where prioritized allocation becomes necessary the Board shall seek the input of the Regional Advisory Council in the area affected.

§ \_\_\_\_\_18 Regulation adoption process.

(a) Proposals for changes to the Federal subsistence regulations in subpart D shall be accepted by the Board according to a published schedule, but at least once a year. Proposals for changes to subpart C will be accepted by the Board according to a published schedule.

(1) Public and governmental proposals will be made available for review by the regional councils. Regional councils will forward their recommendations on proposals to the Board. Such proposals with recommendations may be submitted as a part of the regional council's annual report described in § \_\_\_\_\_11.

(2) The Board shall publish notice throughout Alaska of the availability of proposals received.

(3) The public shall have at least 30 days to review and comment on proposals.

(4) After the comment period the Board shall meet to receive public testimony and consider the proposals. The Board shall consider traditional use patterns when establishing harvest levels and seasons, and methods and means. The Board may choose not to follow any recommendation which they determine is not supported by substantial evidence, violates recognized principles of fish and wildlife conservation, or would be detrimental to the satisfaction of subsistence needs. If a recommendation approved by a regional council is not adopted by the Board they shall set forth the factual basis and the reasons for their decision in writing to the regional council.

(5) Following consideration of the proposals the Board shall publish final regulations pertaining to subparts C and D in the Federal Register.

(b) [Reserved]

§ \_\_\_\_\_19 Closures and other special actions.

(a) The Board may make or direct temporary closures or restrictions of any or all taking of fish and wildlife including subsistence taking on Federal public lands, if necessary, for reasons of public safety, administration, or to ensure the continued viability of a particular fish stock or wildlife population or continuation of



subsistence opportunity. In so doing, the Board will consult with the State, and provide adequate notice and public hearing.

(b) In an emergency situation, the Board may direct immediate closures, restrictions, or other changes related to any or all taking of fish and wildlife, including subsistence taking, on Federal public lands, if necessary for the same reasons stated in § \_\_\_\_\_19(a). The Board shall publish notice and reasons justifying the emergency action in the Federal Register and in newspapers of the area(s) affected. The emergency action shall be effective when directed by the Board, may not exceed 60 days, and may not be extended unless it is determined, after notice and hearing, that such action should be extended.

(c) Individual agency regulations and authority to direct emergency or temporary closures or restrictions on lands under such agency's management and related to the taking of fish and wildlife, for the purposes stated in § \_\_\_\_\_19(a) or other purposes authorized by Federal statute are unaffected by the regulations of this part.

(d) Taking of fish or wildlife in violation of a Board closure restriction, or change implemented pursuant to this section is prohibited.

#### § \_\_\_\_\_20 Request for reconsideration.

(a) Regulatory actions of the Board are subject to requests for reconsideration.

(b) Any affected person may file a request for reconsideration.

(c) To file a request for reconsideration, the requestor must notify the Board in writing within 45 days of the effective date or date of publication of the notice, whichever is earliest, for which reconsideration is requested.

(d) It is the responsibility of a requestor to provide the Board with sufficient narrative evidence and argument to show why the action by the

Board should be reconsidered. The following information must be included in the request for reconsideration:

(1) The requestor's name, and mailing address;

(2) The action for which reconsideration is requested and the date of Federal Register publication of that action;

(3) A detailed statement of how the requestor is adversely affected by the action;

(4) A detailed statement of the facts of the dispute, the issues raised by the request, and specific references to any law, regulation, or policy that the requestor believes to be violated and the reason for such allegation;

(5) A statement of how the requestor would like the action changed.

(e) Upon receipt of a request for reconsideration the Board shall transmit a copy of such request to the appropriate regional council(s) for review and recommendation. The Board shall consider any Council recommendations in making a final decision.

(f) The Board shall make a final decision on a request for reconsideration within 45 days after receiving such a request. The decision of the Board is the final administrative remedy except as specified in paragraph (g) of this section. Further relief is only available through the courts.

(g) The Secretary, at his discretion, may review actions by the Board.

(h) Decisions by a Federal agency outside its role on the Board are subject to appeal under the appeal procedures of that agency.

#### § \_\_\_\_\_21 [Reserved]

### Subpart C—Board Determinations

#### § \_\_\_\_\_22 Subsistence resource regions.

The following areas are hereby designated as subsistence resource regions:

(a) Southeast Region

- (b) Southcentral Region
- (c) Southwest Region
- (d) Bristol Bay Region
- (e) Western Region
- (f) Western Arctic Region
- (g) Northern Arctic Region
- (h) Interior Region

#### § \_\_\_\_\_23 Rural Determinations.

(a)(1) All communities and areas have been determined by the Board to be rural in accordance with § \_\_\_\_\_15 except the following:

Adak;

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, Kaslof, and Clam Gulch;

Ketchikan area—including Ketchikan City, Clover Pass, North Tongass Highway, Ketchikan East, Mountain Pass, Herring Cove, Saxman East, and parts of Pennock Island;

Municipality of Anchorage;

Seward area—including Seward and Moose Pass;

Valdez; and,

Wasilla area—including Palmer, Wasilla, Sutton, Big Lake, Houston, and Bodenbergt Butte.

(2) Maps delineating the precise boundaries of non-rural areas listed in paragraph (a)(1) are available from the U.S. Fish and Wildlife Service.

(b) [Reserved]

#### § \_\_\_\_\_24 Customary and traditional use determinations.

(a) The customary and traditional use determinations listed as follows were adopted from State determinations as of the 1989-90 regulatory year.

(b) Rural Alaska residents of the listed communities and areas have been determined to have customary and traditional subsistence use of the specified species in the specified areas:

Area	Species	Determination
GMU 1	Brown Bear	No determination, except no subsistence for residents of Wrangell, Kukwan, Haines and Skagway.
1(A)	Deer	Rural residents of 1(A) and 2.
1(B)	Deer	Rural residents of Unit 1(A), residents of 1(B), 2 and 3.
1(B)	Goat	No determination, except no subsistence for residents of Petersburg, Kuparukof and outlying areas.
1(B)	Moose	The Skikine River drainage only—residents of Wrangell.
1(B)	Moose	North of the LaConte Glacier and 1(C) Berner's Bay—no subsistence.
1(C)	Black Bear	Rural residents of Unit 1(C) and Haines, Gustavus, Klutovik and Hoonah.
1(C)	Deer	Rural residents of 1(C) and (D), and residents of Hoonah and Gustavus.
1(C)	Goat	Residents of Haines, Kukwan, and Hoonah.
1(D)	Deer	No subsistence.
1(D)	Moose	Residents of Unit 1(D).



	Aves	Species	Determination
GMU 2	Deer		Rural residents of Unit 1(A) and residents of Units 2 and 3.
GMU 3	Deer		Residents of Unit 1(B) and 3, and residents of Port Alexander, Port Protection, Pt. Baker, and Meyer's Creek.
GMU 4	Brown Bear		Residents of GMU 4 and Kake.
4	Deer		Residents of Unit 4 and residents of Kake, Gustava, Haines, Petersburg, Pt. Baker, Kluwun, Port Protection, and Wrangell.
GMU 5	Brown Bear		Residents of Yaquina.
5	Deer		Residents of Yaquina.
5	Moose		Residents of Yaquina.
GMU 6	Brown Bear		No substance.
6	Moose		No substance.
6	Wolf		No substance.
6(A)	Black Bear		Residents of Yaquina.
6(B) and (C)	Black Bear		Residents of Unit 6(B) and (C), except Cordova.
6(C) and (D)	Goat		Rural residents of Unit 6(C) and (D).
6(D)	Black Bear		Residents of Chignik.
GMU 8	Deer		Residents of Unit 8.
GMU 9	Wolf		Residents of Unit 9, 9, 10 (Ulmak Island only), 11-13 and 15-26.
9(A) and (B)	Caribou		Residents of Units 9(B), 9(C) and 17.
9(A), (B), (C) and (E)	Moose		Residents of Unit 9(A), (B), (C) and (E).
9(A), (C) and (D)	Brown Bear		No substance.
9(B)	Brown Bear		Residents of Unit 9(B).
9(C)	Caribou		Residents of Unit 9(C), 17 and residents of Egegik.
9(D)	Caribou		Residents of Unit 9(D), and residents of False Pass.
9(D)	Moose		No substance.
9(E)	Brown Bear		Residents of Chignik Lake, Hanoi Bay and Ferryville.
9(E)	Caribou		Residents of Units 9(B), (C), (E), 17, Nelson Lagoon and Sand Point.
GMU 10	Caribou		Unit 10—Ulmak Island; residents of False Pass. Remainder: no determination.
10	Wolf		Residents of Units 9, 9, 10 (Ulmak Island only), 11-13 and 15-26.
GMU 11	Caribou		Mentana Herd—Residents of Units 11, 12 (along Nabesna Road) and 13 (A)-(D).
11	Sheep		Residents of Orkana, Cristoforo, Orkana, Copper Center, Glenora, Glenneisen, Galsara, Kerry Lake, McCarty Road, Mentana Lake, Mentana Pass (milepost 79-110), Nabesna Road, Siana, McCarty/South Wintagui/South Park, Taz-Bre, and Torstene. However, no substance for Caribou, east Glenn Highway (milepost 110-180) and to milepost 14 on the Lake Louise Road, Homestead North, Homestead South, Lake Louise, Popova, Sourdough, Tanasoga, Tok and west Glenn Highway (milepost 79-110).
11	Moose		Residents of Unit 11, residents of Unit 12 (along Nabesna Road) and Unit 13 (A)-(D).
11	Wolf		Residents of Units 9, 9, 10 (Ulmak Island only), 11-13 and 15-26.
11	Grouse (Spruce, Blue, Ruffed and Sharp-tailed)		Residents of Units 11, 13, 15, 16, 20(D), 22 and 23.
11	Partridge (Rock, Willow and White-tailed)		Residents of Units 11, 13, 15, 16, 20(D), 22 and 23.
GMU 12	Caribou		Nelchwa Herd—Residents of Northern and Tedi, 40 Mile Herd—Residents of Unit 12, north of Wintagui Park Preserve and rural residents of Unit 20(D) and (E).
12	Moose		South of a line from Hoyas Mountain, southeast of the confluence of Talschunza Creek to Nabesna River—Residents of Unit 11 north of 82nd parallel and extending 8.44 parcels of north and south Sienzi, and residents of Unit 12, 13(A)-(D) and residents of Dot Lake.
12	Wolf		East of the Nabesna River, south of the Winter Trail from Puyallup Lake to the Canadian Border—Residents of Unit 12.
12	Moose		Remainder of Unit 12—Residents of Unit 12 and residents of Dot Lake and Makrass Lake.
12	Wolf		Residents of Units 9, 9, 10 (Ulmak Island only), 11-13 and 15-26.
GMU 13	Caribou		Nelchwa Herd—Residents of Units 11, 13, and 12 (along Nabesna Road).
13	Sheep		Tok Management Area—no substance.
13	Sheep		Delta Management Area—no substance.
13	Moose		Residents of Unit 13.
13	Wolf		Residents of Units 9, 9, 10 (Ulmak Island only), 11-13 and 15-26.
13	Grouse (Spruce, Blue, Ruffed & Sharp-tailed)		Residents of Units 11, 13, 15, 16, 20(D), 22 & 23.
13	Partridge (Rock, Willow and White-tailed)		Residents of Units 11, 13, 15, 16, 20(D), 22 & 23.
13(D)	Sheep		No substance.
13(D)	Goat		No substance.
GMU 14 (B) and (C)	Brown Bear		No substance.
GMU 15	Grouse (Spruce, Blue, Ruffed and Sharp-tailed)		Residents of Units 11, 13, 15, 16, 20(D), 22 and 23.
15	Partridge (Rock, Willow and White-tailed)		Residents of Units 11, 13, 15, 16, 20(D), 22 and 23.



Area	Species	Determination
GMU 16	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11-13 and 16-26.
16	Grouse (Spruce, Blue, Ruffed and Sharp-tailed)	Residents of Units 11, 13, 15, 16, 20(D), 22 and 23.
16	Partridge (Rock, Willow and White-tailed)	Residents of Units 11, 13, 15, 16, 20(D), 22 and 23.
16(A)	Moose	No subsistence.
16(B)	Moose	Residents of Unit 16(B).
GMU 17	Caribou	Residents of Units 9(B), 17 and residents of Lime Village and Stony River.
17	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11-13 and 16-26.
17(A)	Brown Bear	Residents of Unit 17, Goodnews Bay and Platinum.
17(A)	Moose	Residents of Unit 17 and residents of Goodnews Bay and Platinum.
17 (A) and (B)	Brown Bear	Those portions north and west of a line beginning from the GMU 18 boundary at the northwest end of Nenevok Lake to the southern point of upper Togjak Lake, and northeast to the northern point of Nuyakuk Lake, northeast to the point where the GMU 17 boundary intersects the Shotgun Hills—Residents of Kwethluk.
17 (A) and (B)	Caribou	Those portions north and west of a line beginning from the GMU 18 boundary at the northwest end of Nenevok Lake to the southern point of upper Togjak Lake, and northeast to the northern point of Nuyakuk Lake, northeast to the point where the GMU 17 boundary intersects the Shotgun Hills—Residents of Kwethluk.
17 (A) and (B)	Moose	Those portions north and west of a line beginning from the GMU 18 boundary at the northwest end of Nenevok Lake to the southern point of upper Togjak Lake, and northeast to the northern point of Nuyakuk Lake, northeast to the point where the GMU 17 boundary intersects the Shotgun Hills—Residents of Kwethluk.
17 (B) and (C)	Brown Bear	Residents of Unit 17.
17 (B) and (C)	Moose	Residents of Unit 17, Nondalton, Levelock, Goodnews Bay and Platinum.
GMU 18	Brown Bear	Residents of Akiechek, Akiak, Esk, Goodnews Bay, Kwethluk, Mt. Village, Napasuek, Platinum, Qunhagak, St. Mary's and Tukusak.
18	Caribou	Residents of Kwethluk.
18	Moose	Residents of Unit 18 and Upper Kalstug.
18	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11-13 and 16-26.
GMU 19	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11-13 and 16-26.
19(A)	Brown Bear	Residents of Unit 19(A), (D), Tukusak, Lower Kalstug and Kwethluk.
19 (A) and (B)	Moose	Residents of Unit 18 within Kuskokwim River drainage upstream from and including the Johnson River and Unit 18. (fall season) Residents of Unit 19 (A) and (B) and Kwethluk—(winter season) Residents of Unit 18 in Kuskokwim Drainage and Bay. Residents of 19(A), (B) and Kwethluk.
19 (A) and (B)	Caribou	(fall season) Residents of Unit 19 (A) and (B) and Kwethluk—(winter season) Residents of Unit 18 in Kuskokwim Drainage and Bay. Residents of 19(A), (B) and Kwethluk.
19(B)	Brown Bear	Residents of Kwethluk.
19(C)	Brown Bear	No subsistence.
19(C)	Caribou	Residents of Unit 19(C), Lime Village, McGrath, Nikolai and Telida.
19(C)	Moose	Residents of Unit 19.
19(D)	Brown Bear	Residents of Unit 19(A), (D), Tukusak and Lower Kalstug.
19(D)	Caribou	Residents of Unit 19(D), Lime Village, Steetmute and Stony River.
19(D)	Moose	Residents of Unit 19 and residents of Lake Minchumina.
GMU 20	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11-13 and 16-26.
20(A)	Moose	Residents of Centwell, Minto, and Nenana.
20 (A) and (C)	Moose	No subsistence for residents of McKinley Village, the area along the Parks Highway between mileposts 216 and 239 and households of the Denali National Park Headquarters.
20(A), (C) (Delta, Yanert, and 20(C) herds) and (D)	Caribou	No determination, except no subsistence for residents of McKinley Village, the area along the Parks Highway between mileposts 216 and 239 and households of the Denali National Park Headquarters.
20(B)	Moose	Minto Flats Management Area—Residents of Minto and Nenana.
20(B)	Moose	Remainder—Rural residents of Unit 20(B), Nenana and Tanana.
20(C)	Moose	Rural residents of Unit 20(C) (except that portion within Denali National Park and Preserve and that portion east of the Toklatka River), and residents of Centwell, Merley, Minto, Nenana, the Parks Highway from milepost 300-306, Wiletal, Tanana and Telida.
20(D)	Grouse (Spruce, Blue, Ruffed and Sharp-tailed)	Residents of Units 11, 13, 15, 16, 20(D), 22 and 23.
20(D)	Partridge (Rock, Willow and White-tailed)	Residents of Units 11, 13, 15, 16, 20(D), 22 and 23.
20(D) and (E)	Caribou	40-Hills Herd—Residents of Unit 12 north of Waspell Park Preserve, rural residents of 20(D) and residents of 20(E).



Area	Species	Determination
20(E)	Brown Bear	No subsistence.
20(F)	Moose	Residents of Unit 20(F), Manley, Minto and Stevens Village.
GMU 21	Brown Bear	Rural residents of Unit 21 and 23.
21	Wolf	Residents of Units 8, 9, 10 (Unimak Island only), 11-13 and 16-26.
21	Caribou	Western Arctic Caribou Herd only—Residents of Unit 21(D) west of the Koyukuk and Yukon Rivers, 22(A), (B), 23 and 26(A).
21(A)	Moose	Residents of Unit 21(A), (E), Takotna, McGrath, Aniak and Crooked Creek.
22(A) and (E)	Caribou	Residents of Unit 21(A) and Aniak, Chuathbuk, Crooked Creek, Grayling, Holy Cross, McGrath, Shageluk and Takotna.
21(B) and (C)	Moose	Residents of Unit 21(B) and (C), Tanana and Galena.
21(D)	Moose	Residents of Unit 21(D), Huslia and Ruby.
21(E)	Moose	Residents of Unit 21(E) and Russian Mission.
GMU 22	Brown Bear	Residents of Unit 22.
22	Caribou	Western Arctic Caribou Herd only—Residents of Unit 21(D) west of the Koyukuk and Yukon Rivers, and residents of Units 22(A), (B), 23 and 26(A).
22	Moose	Residents of Unit 22.
22	Wolf	Residents of Units 8, 9, 10 (Unimak Island only), 11-13 and 16-26.
22	Grouse (Spruce, Blue, Ruffed and Sharp-tailed)	Residents of Units 11, 13, 15, 16, 20(D), 22 and 23.
22	Ptarmigan (Rock, Willow and White-tailed)	Residents of Units 11, 13, 15, 16, 20(D), 22 and 23.
GMU 23	Brown Bear	Rural residents of Units 21 and 23.
23	Caribou	Western Arctic Caribou Herd only—Residents of Unit 21(D) west of the Koyukuk and Yukon Rivers, and residents of Units 22 (A), (B), 23 and 26(A).
23	Sheep	Residents of Unit 23 north of the Arctic Circle.
23	Moose	Residents of Unit 23.
23	Wolf	Residents of Units 8, 9, 10 (Unimak Island only), 11-13 and 16-26.
23	Grouse (Spruce, Blue, Ruffed and Sharp-tailed)	Residents of Units 11, 13, 15, 16, 20(D), 22 and 23.
23	Ptarmigan (Rock, Willow and White-tailed)	Residents of Units 11, 13, 15, 16, 20(D), 22 and 23.
GMU 24	Brown Bear	Residents of Unit 24 and Wiseman, but not including any other residents of the Dalton Corridor.
24	Sheep	Residents of Unit 24 residing north of the Arctic Circle and residents of Atkasook, Aialna and Anaktuvuk Pass.
24	Moose	Residents of Unit 24, Anaktuvuk Pass, Koyukuk and Galena.
24	Wolf	Residents of Units 8, 9, 10 (Unimak Island only), 11-13 and 16-26.
GMU 25	Wolf	Residents of Units 8, 9, 10 (Unimak Island only), 11-13 and 16-26.
25(A)	Sheep	Residents of Arctic Village, Chalkytsik, Fort Yukon, Kaktovik and Veneta.
25(A)	Moose	Residents of Unit 25(A) and residents of Veneta only.
25 (B) and (C)	Sheep	No subsistence.
25(D)	Moose	West—Residents of Beaver, Birch Creek and Stevens Village.
25(D)	Moose	Remainder—Residents of "Remainder of Unit 25".
GMU 26	Brown Bear	Residents of Unit 26 (except the Prudhoe Bay-Deerhorn Industrial Complex) and residents of Anaktuvuk Pass and Point Hope.
26	Caribou	Western Arctic Caribou Herd only—Residents of Unit 21(D) west of the Koyukuk and Yukon Rivers, and residents of Units 22 (A), (B), 23 and 26(A).
26	Moose	Residents of Unit 26, (except the Prudhoe Bay-Deerhorn Industrial Complex), and residents of Point Hope and Anaktuvuk Pass.
26	Wolf	Residents of Units 8, 9, 10 (Unimak Island only), 11-13 and 16-26.
26 (A) and (B)	Sheep	Residents of Anaktuvuk Pass, Kaktovik, Nulqsut and Wiseman.
26(B)	Caribou	Central Arctic Herd—Residents of Anaktuvuk Pass, Kaktovik, Nulqsut and Wiseman.
26 (B) and (C)	Musk Oxen	Residents of Kaktovik.
26(C)	Sheep	Residents of Arctic Village, Chalkytsik, Fort Yukon, Kaktovik and Veneta.

For the reasons set out in the preamble, chapter I, subchapter H of title 50 and chapter II of title 36 of the Code of Federal Regulations are proposed to be amended as follows:

#### TITLE 36—PARKS, FORESTS AND PUBLIC PROPERTY

##### CHAPTER II—FOREST SERVICE, DEPARTMENT OF AGRICULTURE

Part 242 of title 36 is proposed to be revised as set forth at the end of the common rule.

#### PART 242—SUBSISTENCE MANAGEMENT REGULATIONS FOR FEDERAL PUBLIC LANDS IN ALASKA

##### Subpart A—General Provisions

Sec.  
242.1 Purpose.  
242.2 Authority.  
242.3 Applicability and scope.

Sec.  
 242.4 Definitions.  
 242.5 Eligibility for subsistence use.  
 242.6 Licenses, permits, harvest tickets, tags, and fees.  
 242.7 Restriction on use.  
 242.8 Penalties.  
 242.9 Information collection requirements.

**Subpart B—Program Structure.**

242.10 Federal Subsistence Board.  
 242.11 Regional advisory councils.  
 242.12 Local advisory committees.  
 242.13 Board/agency relationships.  
 242.14 Relationship to State procedures and regulations.  
 242.15 Rural determination process.  
 242.16 Customary and traditional use determination process.  
 242.17 Determining priorities among subsistence users.  
 242.18 Regulation adoption process.  
 242.19 Closures and other special actions.  
 242.20 Request for reconsideration.  
 242.21 [Reserved]

**Subpart C—Board Determinations**

242.22 Subsistence resource regions.  
 242.23 Rural determinations.  
 242.24 Customary and traditional use determinations.

Authority: 16 U.S.C. 3, 472, 551, 668dd *et seq.*, 3101 *et seq.*; 18 U.S.C. Chapter 227; 43 U.S.C. 1733.

**TITLE 50—WILDLIFE AND FISHERIES**

**CHAPTER I—UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR**

Part 100 of title 50 is proposed to be revised as set forth at the end of the common rule.

**PART 100—SUBSISTENCE MANAGEMENT REGULATIONS FOR FEDERAL PUBLIC LANDS IN ALASKA**

**Subpart A—General Provisions**

Sec.  
 100.1 Purpose.  
 100.2 Authority.  
 100.3 Applicability and scope.  
 100.4 Definitions.  
 100.5 Eligibility for subsistence use.  
 100.6 Licenses, permits, harvest tickets, tags, and fees.  
 100.7 Restriction on use.  
 100.8 Penalties.  
 100.9 Information collection requirements.

**Subpart B—Program Structure**

100.10 Federal Subsistence Board.

100.11 Regional advisory councils.  
 100.12 Local advisory committees.  
 100.13 Board/agency relationships.  
 100.14 Relationship to State procedures and regulations.  
 100.15 Rural determination process.  
 100.16 Customary and traditional use determination process.  
 100.17 Determining priorities among subsistence users.  
 100.18 Regulation adoption process.  
 100.19 Closures and other special actions.  
 100.20 Request for reconsideration.  
 100.21 [Reserved]

**Subpart C—Board Determinations**

100.22 Subsistence resource regions.  
 100.23 Rural determinations.  
 100.24 Customary and traditional use determinations.

Authority: 16 U.S.C. 3, 472, 551, 668dd *et seq.*, 3101 *et seq.*; 18 U.S.C. Chapter 227; 43 U.S.C. 1733.

John F. Turner,

*Director, U.S. Fish and Wildlife Service.*

Michael A. Barton,

*Regional Forester, USDA—Forest Service.*

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UNITED STATES  
DEPARTMENT OF THE INTERIOR  
FISH AND WILDLIFE SERVICE  
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1011 E. TUDOR ROAD  
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