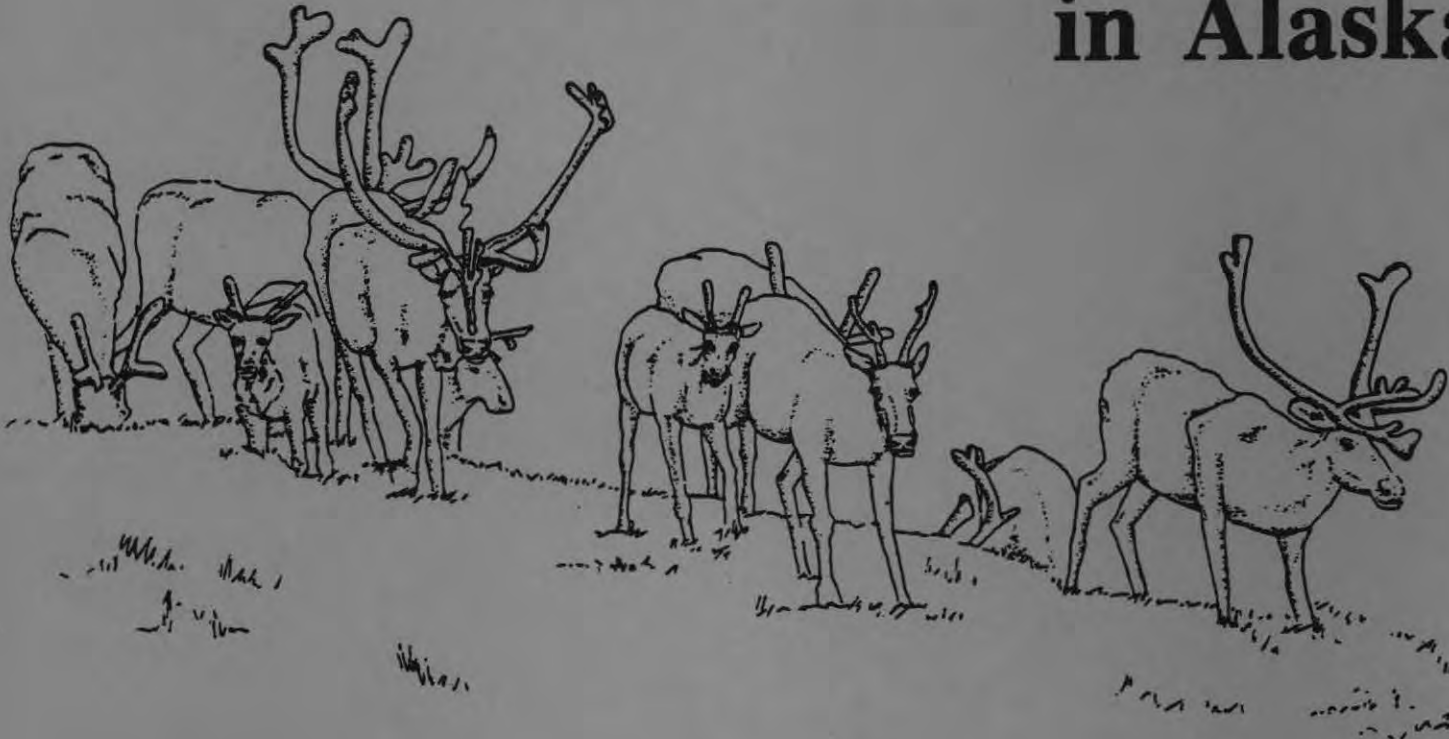


Subsistence  
Management  
for  
Federal Public Lands  
in Alaska



**Final**  
Environmental  
Impact Statement  
Volume II - Appendices

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

**VOLUME II  
APPENDICES**

**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**

**APPENDICES**

Another problem in some regions is personnel turnover in regional coordinator positions. Problems within the Southeast Alaska region and, to a lesser extent within the Southcentral Alaska region, stem mostly from competition between subsistence users and other user groups for the same or similar resources. Both these councils are very active and meet as often as funding allows. We heard few complaints from residents of the Interior Alaska region: in fact, the most frequent comment was that the council was working fine and that the Federal government should not try to fix it. This council is also as active as funding allows. The most common complaint regarding the Western Alaska Council concerned its composition - only four committees, but with each committee representing nine to fifteen communities.

The assessment of issues in the preceding section mentioned other reasons why the existing regional advisory councils have failed to meet the expectations of subsistence users. It should be noted that most of the criticisms focused on operational issues rather than on the basic organization of the councils and committees. Once identified, some of the weaknesses and deficiencies can be addressed and corrected. Even given these corrections, however, very serious doubts remain that the existing regional advisory councils can adequately fulfill the Secretary's Title VIII responsibilities in the future, particularly during the period of time that the Federal government retains subsistence management responsibilities on Federal public land. Perhaps the most significant factor is whether or not the same advisory system representatives can provide local input to the State on all resource uses and on behalf of all resource users while at the same time providing input to the Federal Subsistence Board. While there are certainly valid reasons for the needs of others to be heard and for differences to be resolved at the local level, it remains paramount that the Federal Subsistence Board provide for the unimpaired participation of rural subsistence users. This participation will become increasingly important in the future as the increasing human population of Alaska and the increasing accessibility to remote areas place additional pressures on fish and wildlife populations. The degree to which the participation of rural subsistence users will be impaired in the future by any inadequacies inherent in the existing council system is difficult to assess; however, the Federal Subsistence Board should avoid unnecessary handicaps to implementing and maintaining an effective subsistence management program.

### CONCLUSIONS

Based on a review of the information described in preceding sections of this report, we have reached the following conclusions:

1. The six existing subsistence resource regions are adequate to fulfill the Secretaries' responsibilities under Title VIII of ANILCA.
2. The existing regional advisory councils are not, as a whole, sufficiently adequate to fulfill the Secretaries' responsibilities under Title VIII of ANILCA.
3. The existing local advisory committees are, in all but a few cases, adequate to fulfill the Secretaries' responsibilities under Title VIII of ANILCA.

While this report includes information that will assist the Federal Subsistence Board in identifying management alternatives to address the adequacy and general responsiveness of the existing advisory system, identifying those alternatives is not within the scope of this report. These alternatives, to include a preferred alternative, will be presented in the draft regulatory environmental impact statement to be published in September 1991. Public meetings will be held throughout the state in October and November 1991 to obtain comments on the contents of the draft environmental impact statement; the Federal Subsistence Board will recommend, and the Secretary will approve, a selected alternative in December 1991; and a record of decision is expected to be made in April 1992.



**APPENDIX A**  
**SUMMARIES OF PUBLIC MEETINGS**

## PUBLIC MEETINGS

Juneau, 10/23/90

### Chuck Porter and Marcus Jensen

They both feel that committees/councils/boards are weighted (issue - composition), in other words, they are against the democratic way of soliciting members. For this reason, they don't think the system is working.

### Joe Miguel

Feels that the advisory system is working. He thinks that he has direct access to ADF&G because of the system. He has submitted a number of proposals which haven't gone forward but doesn't hold this against the system.

### Ronald Mallot

Advisory committee meetings at Anchorage and Matsu of 10/13-14 & 10/7 respectively were approached with a subsistence issue which they wouldn't deal with. Members of the committees weren't natives. Favors creation of Federal Subsistence Regional Councils. Favors the Councils because they could represent the people.

Petersburg, 10/24/90

### Charley Land - Wildlife Biologist, ADF&G

Says that the entire system is working fine at this time.

Loren Cloxton, Chairman, Petersburg Advisory Committee about the Believes the advisory committees are excellent and well functioning - Ad. Coms. must represent all user groups. Regional councils are confined to monitoring of activities and reporting to the Department of Interior. Regional councils haven't been functioning well. Lack of staff and not demographically constructed are two issues.

### Jim Mallot

Advisory committees should have representation of the subsistence community. The Petersburg committee doesn't have native representation although it has advertised for these positions. He is trying to separate native/non-natives. Says that Regional councils could be totally subsistence oriented. Petersburg is one of the 10 largest fishing ports of the U.S. Advisory committee is working but regional council is not.

### Gary McCollough, Advisory Board Member

Advisory system works well but should be strengthened. Regional councils need overhaul. Demographics need work. Petersburg is not adequately represented. Smaller areas with committees get as much representation as Petersburg.

Naknek, 10/23/90

### Ron Hood - Refuge Manager, Alaska Peninsula/Becharof NWR

Stated that advisory committee meetings are not advertised. He as a refuge manager is directly associated with five committees. The only one he feels is active is the Naknek group. He had recently attended a meeting at Pilot Point where committee members are proposing to split the southwest region.

Alan Aspelund Sr. - Chairman, Naknek Advisory Committee

Naknek/Qvichak committee meets about four times each year. It is composed of nine members. Another meeting is to be held in late November to deal with fishery issues. Function and duties of the regional council are not clear. Nobody knows their function—they have a title but no duties. System is adequate but needs fine tuning.

Seward, 11/8/90

Willard Dunham - Chairman, Advisory Committee

Willard testified that dealing with the Southcentral Regional Council was the most frustrating situation he had ever been associated with. People can't reach agreement. There is not enough funding to allow appropriate numbers of meetings. The councils function is unclear. The majority of funds for administering the State subsistence management program were utilized in the administration of the program. The money never reached the level that would allow the councils to operate efficiently. Proposals submitted in the Advisory Committee circumvent the Regional Council and go directly to the Boards of Fisheries or Game. The procedure for dealing with the Federal Subsistence Board was unknown.

Glennallen

No specific names were taken for comments at the public meeting. Comments were received on paper to be covered later in this document. The outstanding comment received at the public meeting concerning the operation of the advisory system was pertaining to the regional council. One person stated that only a small amount of money was made available to finance attendance by council members to the Boards of Fisheries and Game. She reported that the State Division of Boards would not pay for all of the necessary travel to these meetings and, if council members weren't there on official duty, they could not testify representing the council from which they came.

Nenana, 11/15/90

General

Would support a system of federal advisory system if the Federal Government would pay for more meetings than the State is currently paying for. The public gets no satisfaction for the operation of the State Boards. They frequently take no action. Won't address items not on their agenda. Boards are too political and don't allow enough time for people to present ideas.

Nome, 11/1/90

General

People were unsure how existing State system selects committee/council members. Felt voting for committee members needs to be better advertised. Others expressed that the system does work. Voting for advisory committees needs to be better advertised. Existing advisory system cannot serve two masters. Dual management will result in confusion and hurt the resource. Sport and commercial representation on advisory system unfairly outweighs subsistence representation.



Kotzebue, 11/2/90

General

The regional advisory committees are not getting any executive support in issues concerning management of fish and wildlife resources. Only two regional councils are active within the State of Alaska, the others are inactive because of the lack of funding. The Federal Subsistence Board should establish an advisory board with a representative from the villages of the Deering/Buckland area with a minimum of 4 meetings per year. Local advisory and regional councils in Seward and Kobuk areas basically failed due to a lack of funding and hope the Federal government can come up with the dollars. But the Federal government may listen too much to non-residents and this will not be good either.

Kaktovik, 10/31/90

No comments concerning advisory system.

Point Barrow, 11/1/90

General

Current advisory committees are detached from the North Slope Borough. Local advisory committees should have a meaningful role in Federal management. Local advisory system has failed due to inadequate funding. Local committees should be revamped and funded at a level to hold sufficient meetings. State has no staff in North Slope Borough to help us. Present region is too large; should be split into east and west regions for more efficiency in holding meetings. Federal Subsistence Board must pay attention to Regional Councils. We need a system based upon local control. Local committees established by Federal Board must be listened to.

The advisory committees established under ANILCA implemented by the State haven't been active, particularly on the North Slope. The advisory committees should comprise representatives from the communities of the north slope, who hold frequent meetings and make proposals about needed fish and game management changes. In addition, the committees should make sure the Departments and State government are aware of the concerns of local people.

The problems with the current State system have to be fixed so local people's needs are met. The majority of the committees are inactive. Committees are detached from the North slope. Support staff for the North slope is absent. We need to set up an alternate to enhance local participation of advisory committees. East and west Arctic advisory committees have vacancies and insufficient funds to hold regular meetings. Committees don't represent their constituencies. The present region is too big geographically so its too expensive and difficult to get people from all the communities together. The Regional council is not functioning. The Game Board is not following the recommendations of the Arctic Regional Council.

The present State advisory system was designed to bring local concerns to the ultimate decision makers but failed because of lack of funding, if adequately funded, some feel that progress can be made.

Anaktuvak Pass, 11/29/90

Name not noted

Current system does not work; inadequate local input on process. Regions too large. Need more local control over management-need effective local representation.

Chignik Bay, 12/4/90

Name not noted

Councils should meet more often.

Delta Junction, 11/13/90

Name not noted

Current local advisory committees have no authorities - only recommend actions & no obligation for Boards to take action on even respond. Recommend more local authority rather than mere advisory roles.

Egegik, 12/3/90

Name not noted

The system does not have enough money to meet sufficiently. Egegik feels the system would function better and meet their needs with additional funding.

Emmonak, 12/6/90

Name not noted

The advisory system needs more money to operate. The members of the local committee should have power to vote on a state level.

Fairbanks, 11/14/90

General

Pro-subsistence and anti-subsistence interests each claimed that current advisory system stacked in favor of other side. Current system good, if properly used. Federal Government should financially compensate State if State system used.

King Cove, 12/5/90

Name not noted

Regional councils and local advisory committees meet only twice each year. The funding is low; therefore, not everyone has enough money to attend the meeting. Local representatives often use their own money to attend these meetings. This is unfair representation.

Kodiak, 1/8/90

Jay Bellinger, Refuge Manager, Kodiak NWR

Jay has effectively outlined the present advisory system operation for the Kodiak area. There are 14 seats on the advisory committee, three of which come from six villages. There is one subsistence seat, one interested

citizen, eight from the commercial fishing enterprise, one from commercial hunting and one transporter/outfitter. Meetings are held in Kodiak and village representatives are paid travel, etc. to attend.

Jay feels this arrangement does not adequately serve the area with respect to subsistence management. All seats may be held by subsistence users of Kodiak, but the majority of the constituency is from commercial enterprise, primarily commercial fishing.

Jay feels that meetings should be held in the villages and that each village should be represented on the committee. This information from the villages has to be obtained by eyeball to eyeball contact and verbal communication, not from forms and voluntary reports.

Composition of one of the Advisory Committees:

- 1. Transporter/outfitter
- 1. Commercial hunting
- 1. Interested citizen
- 1. Westside gillnet
- 1. Southside gillnet
- 1. Large crab boat
- 1. Small crab boat
- 1. Small seiner boat
- 1. Travel boat
- 1. Fish processor
- 1. Subsistence seat
- 3. Village seats
  - (A) Port Lyons/Ouzinkie
  - (B) Karluk/Larson Bay
  - (C) Old Harbor/Akhiak

Total                      14

Seattle, 12/6/90

General

The State of Alaska should not be allowed to sit in on any of the local advisory committee/regional council meetings.

There was very little discussion of the advisory system in Seattle. The group was very representative of Indian groups of the lower 48 and seemingly much different than one would expect in Alaska.

Palmer, 11/8/90

No comments on the advisory system

Shageluk, 11/8/90

Name not noted

Fish and game advisory board leans more toward commercial fishing. Not enough money to send representatives - people have to take off from work - difficulty with lack of money support. Need dollars to send representatives from Shageluk to represent Shageluk's subsistence needs.

McGrath, 11/19/90

Name not noted

Supports the use of the present system.

Cantwell, 11/16/90

Name not noted

State boards don't have money to get people to meetings because the Federal government isn't supporting them. The State system is not working.

Anchorage, 11/29/90

General

The existing system is not working because State boards do not listen to and decisions often made on basis of personal gain and politics. People on committees, councils, boards should be users of resources. Separate fish and game boards are O.K. Should not have separate subsistence and sport/commercial boards. Suggest local committees be elected by people.

Native representation on advisory committees and boards lacking. Eliminate advisory system. Use village residents as part of the management system. Need more local involvement in subsistence management. Like format of current advisory board but would like to see more local involvement. Problems solved best by people closest to them. Subsistence management must recognize local customs (advisory system) and regional problems. Local knowledge of resource and problems invaluable.

Current system not satisfactory; inadequate and discriminatory. Advisory committees don't have Alaska Natives on them; individuals not knowledgeable of customs and traditions, have only sportsmen. Inadequate to Alaska as a whole. Advisory committees should have a balance of users (except for Anchorage and Matsu).

Get advisors to help committee members. Seek elders as advisors; first try to get natives on board, then try to get elders to help. Members from each community should be on the committee. Regional councils inadequate for purpose of intent. Regional councils have no force; can only recommend, local people should have say in law/rule making, local people should be given authority, not just advisory. Membership should be from all communities, not just a few.

Subsistence issue has placed the system in chaos; worked previously. Dillingham area system is working. political decision at board level. Problem in Kenai (unit 13) - regional councils should be beefed up.

Boards listen to the councils if changes are needed; more so than individuals. Appropriate to operate this way.

Homer, 11/27/90

General

Comments existed pro and con on the advisory system. Some wanted to see a system that deals only with subsistence issues. Whatever system is used, it must have local subsistence user on it to temper the influence from Washington D.C.

Kenai, 11/19/90

No comments on the advisory system

Minto, 11/8/90

Name not noted

Need more representation on local subsistence users on Boards of Fish and Game to offset political power of commercial interests.

Dual management not good for the resource. Agencies need to work together and have only one moose season.

Port Graham, 11/26/90

Name not noted

Keep existing system. Local representation is getting more interested in using this system. Was dormant for many years.

Tanana, 11/7/90

Name not noted

Keep existing system. It is working; just need to have adequate funding. Also, never consider appointees for committees and councils, these should be elected positions and voters should be the local subsistence user. Need to expand the number of regional councils to 12. Council members should be elected by the advisory committees.

Charlie Campbell

Funding is vital to health of the advisory system--so that rural areas can get fairly represented.

Stan Zuray

Public from geographic areas not near the regional fish and game meetings has no chance to influence. Should be methods established to allow teleconference, etc. with equal time to the public that can attend the meetings.

Valdez, 11/5/90

Name not noted

Fish and game boards are not responsive to the local community.

Cold Bay, 11/15/90

Name not noted

People were apathetic about the advisory system. They requested the names of their local representatives so that contacts could be made. Different system should be used so that these people can be represented.

Kogigiganak, 11/9/90

General

Only comment was that the committee can't meet because it doesn't have enough money.

Lime Village, 11/9/90

Name not noted

Advisory system had not heard of the desires of Lime Village.

Washington, D.C., 12/4/90

No comments on the advisory system

Kaltag, 11/13/90

General

Everyone agreed that the current use of an advisory committee and Interior Regional Council is working for their village and that they would want these same committees to voice their concerns on subsistence.

Arctic Village, 11/27/90

General

System is important and working well.

Fort Yukon, 11/26/90

Name not noted

Advisory committee should be a regulatory committee as it needs more authority. Important to have advisory committees but the system is underfunded. Committees need more funding and more contact time and more responsibility.

Tenakee Springs, 10/26/90

Name not noted

Have a subsistence person on the advisory committee.

Bethel, 11/1/90

General

Regional councils and advisory committees need to be paid more attention to their needs whenever they are short of monies for trips to other villages so that they can better represent their regions as special interests. Advisory committees are important to continue. But need more support through grants for trips needed to educate and inform the peoples' interests through education and special meetings.

YK Delta is vast and should be divided so as to have a better control over each peoples differences and needs of each community.

Togiak, 10/30/90

General

Advisory committee working O.K. Committee doesn't report to local people.

Illiama, 10/29/90

General

Not enough meetings of advisory committees and regional councils. Regional representatives to meet with local people. Need to do more mailings like ADF&G proposals, etc. to each box holder. Need more input from committee/council. Don't know who reps are.

Hoonah, 12/13/90

No comments on the advisory system

Sitka, 10/29/90

General

Most people that testified were satisfied with the existing advisory system but are frustrated that the State boards are not processing council recommendations in accordance with the requirements of ANILCA. A resolution from the Sitka City and Borough supports the existing local State Fish and Game Advisory Committee System and Regional Advisory Councils.

Allakaket, 10/29/90

Names not noted

Current committee system works well.

Instead of being an advisory committee, we need to be able to have a voting voice and need more authority. We are heard before the Board of Game, but get no action. Need local committees in addition to the Federal Subsistence Board—we could then deal with area by area.

Need more meetings per year. More funding to make the system work better.

I think this is a fair system, but more advice should be taken from the local committees.

Develop a Subsistence Commission. Select 3 individuals from each of the regional councils. This commission should serve just under the Federal Subsistence Board. This group will submit proposals to the Board.

Aniak, 11/6/90

Name not noted

Not so effective. Their meetings are not organized. Advisory council elects but has no money. Unit 19 wants to be separate from Bethel (control Kuskokwin River). Do not meet enough times per year.

Craig, 11/14/90

Name not noted

Unfair representation on the councils. Reports are not recognized. State Boards are not following ANILCA guidelines. Lack of funding and attendance.

Dillingham, 10/30/90

Names not noted

The local advisory system is working, but is not funded adequately. Group likes the local advisory board.

The local advisory committees should have more power. The Boards can prevent committee proposals from gaining support. Committee proposals are sometimes "lost" in the system.

Current funding levels do not permit local advisory committees to attend Board meetings but people with money can afford to go to Anchorage.

People strongly support the local advisory committee and the job that they are doing - system isn't broken so the Federal government should not try to fix it.

Keep the current system intact - don't create another level of bureaucracy.

Federal government has not lived up to the funding requirements under ANILCA.

Federal government should take over the whole council system - do so by spring, otherwise continue the existing system temporarily.



The Federal government should adopt the existing system similar to the way they adopted the state subsistence regulations and adequately fund it. Additional duties will require more money.

The Dillingham Advisory Committee is working well - it isn't broken, but it is underfunded.

Galena, 11/6/90

General

The group was happy with the job the local advisory committee was doing. Keep the existing system and increase local subsistence user representation on Board of Fish and Game and Federal Subsistence Board.

Haines, 11/1/90

Names not noted

Want a separate local subsistence committee. Advisory committees fail on subsistence issues because of complex commercial and sport fishing and hunting regulations. No response from yearly report of regional councils.

The present State system of local fish and game advisory committees and regional councils is totally inadequate as it does not represent the subsistence users within each community. It is out of compliance with the intent of ANILCA.

Holy Cross, 11/7/90

Name not noted

If the Federal Subsistence Board is planning to form regional councils, they should provide means for attending meetings.

Hooper Bay, 11/27/90

General

Hooper Bay felt that the Traditional Council could do a better job of representing their needs than the current advisory system. The Federal Subsistence Board should include at least one member from each of the regional councils to ensure their knowledge of actual subsistence practices

Mountain Village, 11/29/90

Harry Wilde, Chairman, Advisory Committee

The Federal government should use the existing system, however, should also increase the number of meetings held per year.

Quinhagak, 10/31/90

Name not noted

Local committees from each village should be formed to handle subsistence issues. It is important that we listen to the elders.

Unalakleet, 11/5/90

General

Local input from elders needed to make subsistence regulations. Recommend local IRA councils to set regulations for local subsistence users.

Ketchikan, 11/13/90

No comments on the advisory system

Yakutat, 11/26/90

General

Local system seems to be working well. There are some problems with the operation of the council. Federal Subsistence Board should allow Section 805 procedures with respect to Regional Councils. RAC chairman should attend Board meetings.

Mekoryuk, 11/26/90

General

People don't know who the members are. There is not enough money to make the system operate properly. The advisory system should hold more meetings.



**APPENDIX B**  
**CHARTS OBTAINED AT PUBLIC MEETINGS**

## CHARTS - PUBLIC MEETINGS

ANGOON  
30 October 1990

- Need more seats on the council that represent subsistence concerns.  
-Current make-up is biased for commercial fishing.
- Designate all seats
- The set up & concept is OK if set up and controlled differently

ANCHORAGE  
20 November 1990

- System did work but the 'Subsistence Issue' has placed the system in chaos.
- Dillingham area system is working and should continue
- Regional Councils should be beefed up
- Existing system is not working because State Board do not listen to them and decisions often made on basis of personnel gain and politics.
- People on the committees, councils and boards should be users of resource - split among sport, comm, and subsistence.
- Do NOT have separate subsistence and sport/comm. Boards. Sep. Fish & Game Bds is OK.
- Game Bds should be professional not political appointees. Suggest the local committees be elected by people.
- Use the same system as is used by judicial system  
Judge - Professionals  
2 - Gov, 2 - Judicial, 2 - Regional Council, 2 - DNR
- Some might be elected by the Regional Councils
- Current systems Not satisfactory inadequate = discriminatory
- Ad. committee = don't have Alaska Natives on their committee - individuals are not knowledgeable of customs + traditions - have only sportsmen. Inadequate as a whole.
- Ad. Committee should have a balance of users  
Ex-Anchorage Ad comm + Mat-Su Ad Comm.  
- voted against subsistence proposals  
- did reconsider their votes
- Recommendations: - Should get advisors to help.  
- Seek Elders to help - elders as advisors  
- Advisors could help committee members  
1st. Try to get Natives on the board

2nd. Try to get elders to help

- Members from each community should be on the committees
- Reg. Councils also inadequate to purpose/intent
  - No force - can only recommend.
  - Local people should have some say in law/rule making.
  - Local people should be given authority. Not just advisory
  - Membership should be from all communities - not just a few communities.

DILLINGHAM  
30 October 1990

- Federal govt hasn't lived up to funding of advisory committees as required by ANILCA
- Bypassed existing councils to get input
- Need at least 6 months to formulate proposals
- Why didn't Federal sector take over whole council system
- Putting existing system in abeyance
- Some sort of Federal advisory system needs to be in place by spring - otherwise cont. temporary regs. need to
- Local Advisory Comm. here is working well.
  - Isn't broken
  - It's underfunded. This adversely effects efficiency
- Adopt existing local/regional councils like Feds did with temp. regs.
  - Adequately fund the existing system
  - Added duties will require more \$
- What will scope of Fed.system be
- Existing system is still functioning but not getting into Federal subs. board

EAGLE  
20 November 1990

- 1. Local advisory committees & regional councils seem to be adequate. - "Don't reinvent the wheel".
- 2. Pamphlet - is NOT an option for fixing the existing system  
Currently is no option!
- 3. Local subsistence users should be making the rules - they should be able to give sufficient input.
- 4. Appointed positions should NOT be used -  
Positions should be elected locally

- 5. Current system - working well in Eagle area - Continue using!!

GALENA  
6 November 1990

- Subsistence users should be involved in decision making process as well as advisory function.
- Consensus that current advisory system IS adequate
- Localize decision making process
- Interior regional councils are adequate and should be retained -Suggestions made in the past should be accepted  
-(especially since created by ANILCA)
- Funding of local advisory committees is inadequate  
-Need to meet more often

GLENNALLEN  
15 November 1990

- Doing a good job - current system
- Need more funds  
Prob - filling positions  
work load/heavy at times
- More funds - more effective
- Two separate committees? - No Det. yet.
- Conflicts with two systems - State/Fed  
-i.e. with FSB - Regs  
-FSB only Fed lands
- Current State system - good
- If problem develops  
-Will they get input or just react  
-Emergency situations
- Funding for R.C.?  
-Will Feds fund?  
-Lack of funds  
-Need \$ for system to work  
-F.G. needs to live up to agreement - funds  
-\$ need to be made available  
-Not enough time / \$ for system to work  
-\$ Need to get to local level  
-Confusion on whether to pay for people to attend mtgs.

HAINES  
1 November 1990

- Local Advisory Committees are fine, it's the Regional Councils that need work!
- Regional Councils are orientated to commercial & sport use ONLY!!
- Sometimes local concerns don't get as far as the regional council
- There is low awareness of subsistence issues on some advisory committees due to sports & commercial interests.  
-They are not really working as expected within the ANILCA infrastructure.
- Councils & Committees are always under funded, so how can they work?
- Regional Councils should not be dominated by sports & commercial interests

HOMER  
27 November 1990

- Will Fed. Govt provide funding for local advisory committees and will this funding be maintained at an adequate level?
- Need a channel of input directly to the subsistence board from the general public.
- Can local State advisory boards cooperate with the Federal Subsistence Board. Especially when Federal agency restricts states management to a level below which the State feels is adequate.
- Should have a special set of Advisory Councils that deal specifically with subsistence issues.

Juneau

ARE STATE ADV COUNCILS & COMMITTEES WORKING?

- NO - Lack of funding for people to attend meetings, as well as to hold an adequate number of meetings.
- NO - Composition of advisory system is usually weighted to a particular user group.
- YES - but not if the Federal Government takes away state rights to manage fish and game for all of the citizens. The advisory councils & Fish and Game Boards could manage the resources perfectly well and provide for everyone's needs by means and methods, seasons and bag limits.
- They were before the new 'subsistence' regs. went into effect.

KENAI  
19 November 1990

- Sec. of Int. should require advisory councils and boards to come into compliance through court order before requiring Fed. takeover  
Keep it under local control



Too much duplication  
Interference by congress

- Develop Fed. advisory councils
- Involve tribal councils in local advisory councils

**KODIAK**  
16 November 1990

- Federal program is redundant to State program which is already set up.  
-Local system does a good balancing job (commercial/sport/subsistence).
- ANILCA mandated State advisory Board system - this process violates the advisory board provisions of ANILCA (Boards NOT consulted)

**MINTO**  
8 November 1990

- Representation needed by individuals other than commercial fishermen

**NAKNEK**  
October 1990

- No strong Federal direction - Title but no duty
- System is adequate & can do the job - fine tuning
- Naknek -Kvichak are doing well - other committees haven't met as consistently

**NOME**  
1 November 1990

- Fish & Game boards now have mostly sport& guide influence (commercial viewpoint mainly)  
-Need to set up system that appoints local residents that actually are involved with subsistence
- What is the process for appointing State committees
- Need one board member from St.Lawrence Island on local advisory committee.
- Need to have better notification of committee meetings & when there is a vacancy
- Local paper isn't a good source of announcements because it doesn't highlight Native issues
- ANILCA states advisory system must allow local participation through existing state system.
- Existing advisory board can't serve two masters (State and Federal) - Dual management is a problem.
- Subsistence representation on existing State councils and committees is limited  
-(Made up of sport & commercial users mainly)  
-This is a conflict and doesn't give subsistence a fair shake.

PALMER  
8 November 1990

No comments on advisory system recorded

PETERSBURG  
24 October 1990

- State advis. councils & committee working
- State bds have not been responsive to our recommendations.
- Local advisory committee is working fine - Regional S.E. Council isn't! Council only has funding to meet twice each year

PORT GRAHAM  
26 November 1990

- Local Advisory Committees (English Bay & Port Graham)  
-NOT used as much as would like to have been used in past years  
-Presently, seems to be more useful,
- The local subsistence user should be involved in ALL phases of subsistence management, i.e. Advisory Boards, Regional Councils, & policy
- Local subsistence user should be more directly involved in management of subsistence resources

QUINHAGAK  
31 October 1990

- Recommend that have local committees from each village to handle the subsistence issue
- Regional councils formed to eliminate confusion in implementing Federal subsistence regulations
- Regional Subsistence Advisory boards are supported consisting of residents of local area - serve as advisors in all appropriate subsistence matters
- If advisory committees are not formed how will the villagers survive in the future?
- Include that State legislator be included when action is taken to make sure we have representation on council
- Have one council for each 12 regions and one committee for each village

SEWARD

No comments on advisory system recorded

SITKA  
29 October 1990

- There is inefficiency in local committee meetings.
- Language and cultural problems
- The system is working - hundreds of people attend meetings and/or elections in course of year.
  - Anyone is welcome to participate in meetings
  - Anyone is welcome & encouraged to make proposals for regulation changes
  - Any public wishing to be heard is encouraged to speak at committee meetings
- The main problem is Board of Fisheries & State Fish & Game agency responsiveness to proposals.
- Local Fish & Game staff very supportive of & helpful to Sitka Adv. Committee
- Need more seats on committee that represent subsistence concerns.
  - Current make-up is biased by commercial interests.
- "Designate" all seats
- The Local Committee and the Southeast Regional Council have been actively working on the subsistence needs of Sitka but it is difficult for this volunteer system to respond quickly to the change in subsistence management without the funding and staff support that the Secretary is supposed to provide them with (ANILCA 805.(b)) - and they have not had any of that support.

TANANA  
7 November 1990

- Adequate funding
- Councils need representation to Federal Board level
- Current advisory system is adequate - need to keep it in place
- Advisory committee members are currently elected by local subsistence users & system should be retained
- System relying on appointees should be avoided
- State boards don't listen to the councils (Example: Pipeline corridor - Recommend closed by council but game board ignored.
- Additional Regional Council recommended
- Regional Council recommendation:
  - Need to be considered more than they have in the past.
  - Consideration by Federal Board
  - Need to be considered according to laws outlined in ANILCA
- Public participation in the regulatory process needs to comply with ANILCA
- Recommendations by the public should be weighted equally with professional recommendations

- Refine the existing system to assure a balanced representation between rural & non-rural areas.
- Local Advisory Councils should be elected by local committees
- Need 12 Regional Councils (same bounds. - elected by local Advisory Committees as 'ANCSA' Regional Corps.)

**TOK**  
20 November 1990

- Elect members - don't appoint them - This is a potential loophole that may prevent subsistence representation on local committees.
- Committees should come from rural areas, as opposed to current situation - committees from urban areas.
- Need new system of Regional councils & committees. Should deal w/subsistence issues only.
- Existing system adequate at local level--problem arises at State Board level.
- Funding has not been up to level (dollars) originally outlined in ANILCA.
- Work w/existing system - clarify what is needed in terms of subsistence.
- Power of local committees should be expanded to allow firing/hiring of those w/subs. mgmt. responsibilities -needs to be an independent function.

**UNALAKLEET**  
5 November 1990

- Recommend IRA Council be used in place of the existing Advisory Council
- Local input from Elders needed on Advisory Committees

**VALDEZ**  
5 November 1990

- Local advisory boards should make determination on who is subsistence user.
- Local advisory board should make determinations on need for subsistence.
- Existing advisory & game boards are not responsive to needs of local community

**YAKUTAT**  
26 November 1990

- Fairly happy w/LAC in Yakutat; however, significant number of RAC representatives do not accept the subsistence priority. More commercial and sport than subsistence
- Has worked well in the local area  
Good coverage of all segments.

**Agrees that there are problems at the Council level**

- **Local elections work well in Yakutat.  
Need further study before considering appointments**
- **Federal Subsistence Board should follow Sec. 805 procedures with respect to Regional Councils.  
RAC chairman should attend Board Meetings**

**APPENDIX C**  
**INTERVIEWS**

## INTERVIEWS

Angoon, 10/30/90.

Gabriel George, Chairman, Angoon Advisory Committee. The advisory system is not set up to address subsistence; subsistence is just an afterthought. The system is dominated by commercial and sport interests. Some chairmen are not subsistence representatives; but are there because of their popularity. The Pelican and Petersburg Advisory Committees, in particular, are not at all interested in a subsistence priority. So upset at one Council meeting that he walked out - one of the Council members said he didn't want to see any more subsistence fisheries. Feels that each Council should have a committee that represents only subsistence users. If a Federal system is established, appointments to the committees and councils is the wrong way to go. Coordinator has been helpful. Travel allowances are adequate. Council chairperson (Ann Lowe) is very effective and represents subsistence users well.

Walter Johnson, past member of Yakutat Advisory Committee.

Funding is inadequate - only one meeting a year and at an inappropriate time. Often discussion is cut off. Don't get the benefit of technical information in time to use it.

Gordon Williams, 1980-88 Angoon Advisory Committee Chairman, 1982-87 Council Chairman. Funding is inadequate - but increased funding alone is not sufficient. System is effective only on "softball" issues - it self-destructs on "hardball" issues. Unanimity on conservation issues but ineffective on subsistence issues. Dodges subsistence issues. An effective council chairman can be voted out by an organized group opposed to subsistence. The Southeast Regional Advisory Council is approaching the point where a minority promotes subsistence. The system is a "mess" and needs an overhaul in order to "get people excited again". Inadequate responses from Secretary of Interior to Council annual reports. Effectiveness of local advisory committee depends on support of community. Regional advisory councils lack bylaws. Regional coordinators are required to do too much routine clerical work for the Division of Boards that do not relate to their coordinator duties; however, they are of great assistance when they can do their real job. More permanent staff support is needed to make the system work effectively. Politics should be taken out of the committee activities. People are frustrated and going around the system. Suggests a workshop for committee/council members. Prefers that the system be fixed rather than set up a parallel Federal system - a separate system would be in a vacuum and wouldn't be effective. User groups need to talk.

Aniak, 11/6/90.

Harry Allain, former Chairman, Central Kuskokwim Advisory Committee. He recently gave up his position on the committee because of the lack of involvement by both the community and the ADF&G. Committee consists almost entirely of subsistence users. Committee ignores the regional advisory council - it is ineffective. The council lacks clerical support and technical expertise. It is difficult to get money for meetings - there were only 3 meetings last year - council should meet a minimum of 4 times a year. The state boards ignore committee testimony. Committee members are usually left on their own without technical advice - but the ADF&G biologist, Kaufman, did go to one meeting. Committee work takes a lot of time, it costs a lot of money (time off from work without pay), and it's frustrating.

Ray Peterson, member, Central Kuskokwim Advisory Committee. Hard to get people to attend committee meetings. All user groups should be represented on the committees - not just subsistence users.

George Morgan, member, Central Kuskokwim Advisory Committee.

Committees need more money for meetings - should meet at least 4 times a year. There should be separate councils for the upper and lower Kuskokwim, but the middle Yukon and middle Kuskokwim share many resources and should remain together in the same council. The Kuskokwim Native Association should have a role within the advisory system. Advisory committees should provide local input into seasons and bag limits.

General. Subsistence users should be on the Federal Subsistence Board. Existing advisory system can meet Federal needs with more help - meeting organization, technical data, and funding.

Craig, 11/14/90

Victor Burgess. The system is too political - everyone tries to address their own interests. Regional coordinator should be answerable to the councils rather than the Division of Boards. Secretary of the Interior is not responsive to annual reports from the councils. State boards have not been following ANILCA provisions when they elect not to accept council recommendations and proposals. Although not perfect, popular election of committee members will work best.

Jim Dennis, member, Craig Advisory Committee. No one on the Craig Advisory Committee represents subsistence - the Limited Entry System produces "have's and have not's" and only the "have not's" are really subsistence users.

Ralph Mackey, member, Craig Advisory Committee. Prefers local election, but at the minimum a Federal panel should come to the villages, hear testimony, before making appointments. Committees are not representing subsistence needs.

James Williams. Native organizations should be represented in the advisory system.

Eagle, 11/20/90

Richard Kozarik, Vice Chairman, Eagle Advisory Committee. A consensus of local residents polled at the last local committee meeting agreed that there were no problems with either the local advisory committee or the regional advisory council. At the October regional council meeting members were concerned that the Federal government is trying to do away with the current advisory system. Thinks it should be fixed where necessary, not replaced. They're happy with the system as it is - local people have a say. The concept of appointments would not work - must be elected

Bill Moser, new member, Eagle Advisory Committee. Sees no problem with the current system.

Larry Rickliefs, new member, Eagle Advisory Committee. Sees no problem with the current system.

David Helmer. The system is working well in Eagle. Proposals are forwarded and acted upon even if they are not ultimately approved. Board decisions are often political but that's the way it has to be.

Haines, 11/1/90

Steve Hay, member, Upper Lynn Canal Advisory Committee. The local advisory committee is dominated by sport and commercial interests. Need a "pure" subsistence advisory system. The Alaska Native Brotherhood needs recognition within the advisory system. Need more funding. Need items like telephones and copiers. Need government support in the form of technical information and data. Need a way to handle subsistence proposals for halibut - now proposals go to the International Halibut Commission and they aren't receptive. Even if the state should come into compliance with ANILCA, the Federal government must remain more involved in the advisory system.

Carmen DeFranko, past chairman, Upper Lynn Canal Advisory Committee. The present system can work with more Federal oversight. Popular elections, especially involving the Native community will not work. The Regional Advisory Council is lobbied by special interest groups. There is adequate subsistence representation



within the council but they don't get a chance to get their points across. Proposals from the committees need the same protection that proposals from the councils get from ANILCA.

Marilyn Wilson, member, Upper Lynn Canal Advisory Committee. Wants separate subsistence committees and councils. Alaska Native Sisterhood, Alaska Native Brotherhood, and Indian Reorganization Act councils should have representation - ANILCA is Native legislation. Haines should have their own committee - Skagway doesn't send true subsistence users as committee members.

Ellen Starr. Not enough subsistence representation on committees and councils.

David Nanney, member, Upper Lynn Canal Advisory Committee. Local advisory committees deal primarily with sport and commercial issues. Because of the complexity of these issues and the regulatory process, there is little time or energy left for subsistence issues. It's a delusion to expect the present system to deal effectively with subsistence. Only had one committee meeting last year due to lack of funds.. Need to have a system that deals only with subsistence.

Holy Cross, 11/7/90

Angela Demientieff. The local advisory committee is inactive - no meeting for over a year (cancellations because of weather). A central Kuskokwim/central Yukon regional advisory council would work for game, but not for fish. There has been too much socializing at committee meetings in the past - especially in those committees that include a number of villages. People want a means to get all the people on the Yukon together - especially units Y-1, Y-2, and Y-3.

Hooper Bay, 11/27/90

Mark Springer. The Federal Subsistence Board should work with the smallest unit - the villages. The Lower Yukon Advisory Committee covers too large and too diverse an area (14 villages) to be effective.

Joe Paniyak, past member, Lower Yukon Advisory Committee. The Lower Yukon Advisory Committee area is too large for a single committee.

Peter Seton, member, Lower Yukon Advisory Committee. Number of committee meetings have been reduced due to lack of funding - only one meeting last year, usually have three.

John Pingayak. Village Traditional Councils and Village Corporations should be part of the advisory system.

Ketchikan, 11/13/90

Forrest DeWitt, member, Saxman Advisory Committee. A separate Federal system is needed. Committee members have neither the time or the energy to deal effectively with subsistence issues. Funding is inadequate.

Richard Jackson. Saxman has its own advisory committee because Ketchikan and other large towns have no interest in subsistence. Regional Council members have other interests. The Ketchikan Advisory Committee opposed establishment of a separate committee in Saxman because it would "further unbalance the representation on the Regional Council towards subsistence".

Mekoryuk, 11/26/90

Charles Spud, member, Central Bering Sea Advisory Committee. Not enough funds for meetings - last meeting of the Central Bering Sea Advisory Committee was in Spring 1990.

Mountain Village, 11/29/90

Harry Wilde, Chairman, Lower Yukon Advisory Committee. It would be confusing to the people if a separate Federal advisory system was established for subsistence. Don't split up the Lower Yukon Advisory Committee. Send two people from each committee to the regional council meetings - there are only four committees within the Western Regional Council and four people are not enough. There have not been enough meetings of either the committees or the councils - only one committee meeting last year.

John Thompson, member, Lower Yukon Advisory Committee. Agrees with Harry Wide's comments.

Sitka, 10/29/90

Ann Lowe, Chairperson, Southeast Regional Advisory Council. Doesn't want a Federal take-over of the advisory system, but increased Federal oversight is needed. The Southeast Regional Advisory Council is now working well. The state boards are not responding to council recommendations as specified in ANILCA. Coordinators do too much work for the Division of Boards that is not related to subsistence - their coordinator is all she should be to the council but her other board duties interfere. Neither the Federal or state government makes timely distribution of all available relevant technical and scientific support data to the regional advisory councils as required by ANILCA. There are problems with local popular election of committee members. Lack of adequate funding makes it difficult for the council and the committees to function effectively. Concerned that the Federal Subsistence Board has not looked to the Advisory councils for input in developing the temporary subsistence management regulations or in holding public meetings.

Eric Jordan, Chairman, Sitka Advisory Committee. The Sitka Advisory Committee is working well. The system of designated seats insures that subsistence users are adequately represented. Should be a limit on the number of terms a person can serve - the power of incumbency makes it difficult for others to participate as a committee member. Council is not effective when commenting on proposals - 21 people is too big. The Sitka Advisory Committee places subsistence second only to conservation.

Mark Jacobs, member, Sitka Advisory Council. The committee was not working for subsistence users because of pressures by other user groups, but it is working now.

Ron Dick, member, Sitka Advisory Committee. In times of resource scarcity commercial interests will dominate the process as "people vote their pocketbooks".

Tok, 11/20/90

William Miller, Chairman, Upper Tanana/Fortymile Advisory Committee. Not enough funding for committee meetings - had three committee meetings last year but four are necessary just for game (one to respond to call for proposals, one to review proposals, and there are two Board of Game meetings a year). Also need more council meetings - only one last year. Interior regional council boundaries are OK. Inadequate responses by the Secretary of Interior to council annual reports. State boards do not comply with ANILCA in considering council proposals - hard to get good attendance at committee meetings because everyone's frustrated. State requires three user groups be represented but doesn't specify that subsistence users be one of them. Elections are better than appointments. Local people support the advisory committee - if a Federal system is established, it should include the present committees. Committees should be formed only in rural areas.

Paul Mullet, member, Upper Tanana/Fortymile Advisory Committee. The Upper Tanana/Fortymile Advisory Committee is required to have a specific number of representatives from other villages but these members often do not show up for meetings making it difficult at times to have a quorum

Frank Entminger, member, Upper Tanana/Fortymile Advisory Committee. Agrees with Paul's comment - committees should function on a local level.

Yakutat, 12/6/90

John Vale, Chairman, Yakutat Advisory Committee. There has been a lack of direction from the Federal government regarding the responsibilities of the councils and committees under Federal law. ANILCA intended that the councils have a major role in the development of subsistence management policy - a council representative should be present at every meeting of the Federal Subsistence Board and should be consulted before the Board makes a decision regarding that region.

Larry Powell, mayor, Yakutat; member, Yakutat Advisory Committee. The advisory system has worked well in the Yakutat area and has provided input from all user groups; however, there are problems at the regional council level. Local elections work in Yakutat - careful study and thought is needed before implementing an appointment system. The Federal Subsistence Board should follow Section 805 procedures with respect to recommendations and proposals from the regional councils. Council chairmen should attend Board meetings and be asked to provide recommendations.

Gary Gray, member, Yakutat Advisory Committee. Need a better system of keeping local advisory committee members informed regarding actions by the regional councils - often members don't even see the minutes of council meetings.

Henry Porter. Fairly satisfied with the local advisory committee; however, a significant number of committee members do not agree with the subsistence priority and are more inclined to promote commercial or sport interests.

Anchorage, 2/5/91

Ann Wilkinson, Coordinator, Southcentral Regional Advisory Committee. Advisory system members question that if the Federal government has the funds to establish a new Federal advisory system, why hasn't it provided more financial support in the past? She understands that the new state budget provides no funds for the regional councils and that the Division of Boards Deputy Director position has been eliminated. The Southcentral Regional Advisory Council did not meet in 1990, primarily because the chairman did not organize a meeting. She feels that the Department of Interior has adequately responded to the council's annual report and that the reply was courteous and addressed the issues that had been raised. At the October 1990 State board meeting, the board declined to hear the council reports - the coordinators and council members present were disappointed and some were very upset. It is true that committee members often do not get the technical information that they request - a lot depends on the attitude of the local biologist. It is hard to keep the interests of the committee members up - they get excited over a local issue and, once that passes, become apathetic. One of the greatest needs is a training program for committee members. On the issue of regional boundaries, she has recognized for some time that the Paxon, Tok, Cantwell, and Nabesna areas have issues more like the interior communities than the southcentral communities.

Juneau, 2/23/91 & 2/24/91  
(Joint Board Meeting)

Royce Purinton, Chairman, Interior Regional Advisory Council. There has been insufficient funding for the councils during the last 3 years - they've been limited to 2 council meetings and 1 board meeting a year. There's usually no problems between user groups in the Interior Region - commercial users are also subsistence users. Neither the state nor the Federal government has complied with Section 805(c) of ANILCA in accepting reports and recommendations from the councils. If the Federal government decides to establish a Federal

advisory system, members should be elected not appointed. The Interior Regional Council has not had a problem with receiving the technical information they need - local biologists have been very cooperative. There could be modifications to the region's boundaries - the Interior region was "what was left over" - the Northway region is a bit of a problem. There has been a lack of communication to date with the Federal Subsistence Board. The council has been frustrated in the past with the response of the Federal government to their annual reports.

Ida Alexie, Coordinator, Western Regional Advisory Council. There is no competition for fish and wildlife resources in the Western region since all the people are subsistence users. There is a problem with inadequate funding - there is not enough money for meetings. However, each of the four committees met at least once in 1990. It wouldn't work in the Western region to have an advisory committee for each village - there are just too many villages. The boundary of the Western region is OK. They sometimes have trouble getting the technical information they need for meetings. While the council is active, it has submitted no reports to the Department of the Interior.

Barbara Armstrong, Coordinator, Arctic Regional Advisory Council. When she began as coordinator a year ago there was only one active advisory committee but there are five now - a letter from the Joint Board stimulated interest. Committee meetings are often canceled because of weather - Gambell is the often not represented, it's hard for them to get to Nome. Still, funding is a problem. There is no problem between user groups nor do they have problems getting technical information for meetings. There is no problem with the council boundaries but some of the committee composition should be changed.

Joe Chythlook, Coordinator, Southwest Regional Advisory Council. There has not been enough money available to efficiently operate the Southwest Regional Council, but the advisory committees are "going great." The Southwest Council is attempting to put together an annual report for the first time and conducted their first meeting in two years in December of 1990. Advisory committees voted 6 for and 5 against splitting the Southwest Region. The reason stated is that the advisory councils cannot agree with each other. Voting for splitting the region was stimulated from the Bristol Bay area, although Kodiak doesn't agree.

Fairbanks, 3/12/91

Sherrill Peterson Booth, Coordinator, Interior Regional Council.

The funding shortfall became critical in late 1989 when, for the first time, all six coordinator positions were filled. The turnover rate for coordinators has been high and replacing coordinators has been inefficient because of hiring policies (at one time it was necessary to hire off a lay-off list). Without adequate funding there is insufficient training for new coordinators. Funding also affects clerical help - could use full-time help instead of half-time. Sharing clerical help requires time-consuming coordination with other divisions and is a poor arrangement - better to just have someone come in part-time. Doesn't feel clerical help for council chairperson is appropriate - the coordinator is the one that needs the help. Funding has reduced the number of meetings that can be held - committees should meet 4 times a year and councils twice or maybe 3 times a year. It isn't enough just to have a council representative at board meetings - committee representatives should be there as well if proposals significantly affect their areas. She is usually successful in getting additional funds for this. The recent meetings in Galena and St Mary's on the Yukon River salmon fisheries had a big impact on the region's budget.

With respect to board actions on committee recommendations, she has never seen a written notification to a council on why a recommendation was not adopted, although at one time committees did receive written notification.

The response by the Department of the Interior to regional council annual reports is unsatisfactory. There was no response at all to the 1984 report. She waited 8 months for a response to the 1989 report and then learned that a response had been prepared but never sent. She has no response to date on the 1990 report she

forwarded in November. This is frustrating to the council and makes it difficult to retain good people on the committees.

Domination by user groups other than subsistence is not a big problem in the Interior Region. The Joint Board can designate seats if there is a problem but has not needed to do so in this region.

The council is opposed to appointing representatives to committees and councils if it becomes necessary to establish a Federal system as is now provided for in the temporary regulations and has included this as a recommendation in its annual report.

There hasn't been too much of a problem in getting technical information - committees go directly to area biologists. Committee members, however, seldom know what information the refuges and parks have so don't know to ask for it.

The boundaries for the region seem appropriate.

While it may not be appropriate for Native organizations to be represented as such on the council, the State regulations do provide for them to be represented on the committees as a user group. Furthermore, in the Interior region they play an important role in helping to conduct elections, particularly in the case of those committees that represent more than one community, and in disseminating information. They also often know who would make a good candidate for election and who wouldn't.

The Federal Subsistence Board has made a poor start in providing for input by the advisory system but agrees that the February meeting showed a big improvement. Having to purchase transcripts of the board meetings is especially irritating - they should be provided to the councils.

While it certainly would be easier for the coordinators if each community had its own committee, the balance provided where a committee represents more than one community adds to its effectiveness. However, there could be better combinations of communities and better use of designated seats.

As the Federal government considers whether or not to establish its own advisory system, a major consideration should be the burden it could place on individuals in the communities.

**APPENDIX D**

**WRITTEN COMMENTS - 55 FR 23522**

WRITTEN COMMENTS

55 FR 23522

Jeanine Kennedy  
Executive Director  
Rural Alaska Community Action Program

As demonstrated by an evaluation conducted by CAP, the state's regional and local advisory council system has not worked: the membership of the councils does not reflect subsistence interests or needs, the councils are inadequately trained and staffed, they have a bias towards sport and commercial users, and their recommendations are generally ignored. The state thus has violated on the fundamental aspects of Title VIII of ANILCA: to assure that rural residents have a full and meaningful opportunity to participate in and to affect fish and game management decisions.

Matthew Iya, Chairman  
Rural Alaska Resources Association  
P.O. Box 200908  
Anchorage, AK 99520

Establish 12 regional councils with similar boundaries to be similar to those established by ANCSA.

Robert W. Loescher  
Executive Vice President  
Sealaska Corporation  
One SeaAlaska Plaza, Suite 400  
Juneau, AK 99801

Advisory system is not working. Wants the Service to use the State system of regulatory and regional councils. Board of Fisheries is out of compliance with ANILCA.

Robert Willard, President  
Southeast Native Subsistence Commission  
P.O. Box 21828  
Juneau, AK 99802

Southeast regional council is not consistent with Title VIII, in that its agenda addresses other than subsistence. Both the regional council and local advisory councils should be reorganized. Any system should detail the exact process whereby local citizens be permitted meaningful input into the management process, either on their own, or through a representative organization.

Tanana Chiefs Conference, Inc.  
122 First Avenue  
Fairbanks, AK 99701-4897

Should be 12 regional councils consistent with ANSCA boundaries. Need adequate funding for the councils to operate. Oppose a super-board with rule making authority. In the absence of such a board, the regional councils would be allowed to function as provided by law.

John Starkey, Attorney  
Association of Village Council Presidents  
53 Villages, Yukon/Kuskokwim Delta

A Federal system of advisory committees and regional councils should be immediately implemented. The State system falls short of what was mandated by ANILCA, and should not be adopted. Councils and Committees lack representation, staffing and power. There should be a separate council for the lower Yukon and lower Kuskokwim River areas.

Elizabeth Keating  
Kawerak, Inc.  
P.O. Box 948  
Nome, AK 99762

Feels that there are problems with the State boards concerning proposals of the regional councils.

Pete Schaeffer  
Nana Regional Corporation, Inc.  
P.O. Box 49  
Kotzebue, AK 99752

Supports funding to activate the regional councils. The Arctic Regional Council only meets once a year.

Terry Hoeffler  
Executive Director  
Bristol Bay Native Association  
P.O. Box 310  
Dillingham, AK 99576

BBNA opposes use of the State advisory system, even in the short run. A separate regional council should be created for Bristol Bay. The area currently encompassed is too large. Inclusion with Kodiak and the Aleutian Chain has diluted our representation, fostered a commercial fishery bias, and introduced dysfunctional cultural and biological heterogeneity to deliberations of the regional council. We urge complete federal pre-emption of fish and game management on federal and Native lands.

Arnold Melsheimer, Chair  
Chugach Regional Resources Commission

State system is not working.

Joseph G. Wilson, President  
Goldbelt Corporation,  
Juneau, AK 99801

It is vital to replace the present regional councils and local advisory committees. Regional councils then need to adequately staffed and funded so that they can coordinate with the local committees and otherwise perform their intended function.



Fritz George  
Land Manager  
Akiachak Limited  
Akiachak, AK 99551

The State system is not working.

Carol H. Daniel  
Alaska Legal Services Corporation  
1016 W. 6th Avenue, Suite 200  
Anchorage, AK 99501

Establish 6 subsistence resource regions (or more) excluding the urban areas of Anchorage, Fairbanks, Juneau and Ketchikan. Establish advisory committees within each region, preferably one for each village. Establish regional advisory councils within each region composed of residents of the region. Assign adequate qualified staff to the regional councils and provide them with all pertinent data. Review past recommendations which were denied by the Boards and adopt them immediately.

The Secretary cannot simply adopt the existing State regional councils. Those councils are composed primarily of commercial fishermen and big game guides, rather than rural residents interested in protecting subsistence uses.

Julie E. Kitka, President  
Alaska Federation of Natives  
411 W. 4th Avenue, Suite 301  
Anchorage, AK 99501

Establish a Federal advisory system. Protect the native take for subsistence harvest. Establish 12 regional councils. Councils have been an abject failure.

Myra Olsen  
Box 74  
Egegik, AK 99579

This system is a very effective tool for providing input to regulations. As secretary of the Lower Bristol Bay Advisory Committee I have been authorized to say that we want to see this system kept in place. If it ain't broke, don't fix it. We need a way to affect change or effect control at local level, and this should be protected.

Paul Karczmarczyk  
Box 752  
Delta Jct., AK 99737

Local systems are a good alternative to "one man one vote" though I think there needs to be a screening of members to attempt to balance the viewpoints of the individual boards. Also proposals from the public should need to go through their local advisory committees first in order to be presented to the Game Board. This would reduce the number of ridiculous proposals moving up the line, reduce the "loud" at Board meetings and, encourage more public participation at the advisory committee level.

Six Residents  
McKinley Park, AK

We believe under ANILCA that the Federal Government was to help support the committees financially. Right now the State does not have the money to bring these committees together. What commitment will the Federal Government make to support these committees?

McKinley Village community, 216-231, of the Parks Highway to be represented once again by the Central Advisory Committee rather than the Clear/Healy.

Pete Shaeffer  
Past Vice Chairman  
Arctic Regional Fish and Game Council

Need new councils and committees - current ones not working; 12 councils, a committee for each village; committees selected by village, chairmen comprise councils; implement by the end of 1990; councils should not be limited to the Board agenda.

John Sky Starkey  
Attorney  
Association of Village Council Presidents

It is absolutely essential that a system of advisory committees and regional councils be immediately implemented - the state system falls far short of what was mandated by Section 805; some committees and councils are dominated by sport and commercial interests; committee and council members must be sufficiently trained and staffed to perform their functions; state regulations are based primarily on data and recommendations from biologists who are trained in programs oriented towards sport or commercial interests and who are often unfamiliar with local subsistence needs and fish and game populations rather than from input from councils and committees or local users; the boards are supposed to defer to the councils unless their recommendations are not supported by substantial evidence; councils and committees must be representative, well staffed, and given the power they are mandated; there should be enough councils and committees to adequately reflect the different needs of various users and locations in the state; the Western Regional Council represents the entire AVCP region - there should be separate councils for the Yukon and Kuskokwim rivers.

William L. Baumgartner  
Whale Pass

Regional advisory council members should not be appointed by the Board.

Donald Bremner  
Yakutat

Yakutat region should be a separate subsistence resource region; councils and committees should be formed and council budgets published within 45 days of effective date of regulations; there should be more than 6 regions - one for each ADF&G management area; Federal take-over should include local advisory committees and regional advisory councils.

Terry Hoeffler  
Executive Director  
Bristol Bay Native Association

ANILCA requires the Secretary of Interior to establish at least 6 regional advisory councils - it is not discretionary as is the case with local advisory councils; believes that reluctance to commit to a

separate Federal subsistence advisory system is related to Native contracting under the Indian Self Determination Act; advisory system is the heart of Title VIII and state system failed; urges separate Federal system with 12 regions based on Native Regional Corporations; Bristol Bay area should have its own region - there councils has never met on a regular basis and has not met in two years; although current committees may work well in some areas, separate Federal committees should be established - one for every village.

Tana K. Spense  
Administrator  
Chitna Native Corporation  
Boards-yes

Criteria or guidelines for council member appointments should be listed in the regulations.

D. W. Dean  
Juneau, AK

Was a former member of the Juneau Advisory Committee and the Southeast Regional Council; ;doesn't agree that principle input for management regulations should come from the local level - it is too big a job.

Steve Hay  
Chairperson  
Haines Alaska Native Brotherhood & Sisterhood  
ANB V.P. Camp #5

Haines and Skagway should each have their own local advisory committee; important that committees and councils be just for subsistence - they are now dominated by sport and commercial interests.

Marilyn R. Wilson  
Haines Alaska Native Brotherhood & Sisterhood

Haines and Skagway should each have their own local advisory committee.

Marlene Johnson  
Ahtna Region

Imperative for the Secretary of the Interior to establish regional councils and advisory committees; should include indigenous people - they are the experts; committees and councils need to be reorganized to include more Native people; establishment of subsistence regions should have input from local people and the consultation of the Alaska Federation of Natives.

Ben Mitchell  
Sitka

Was an alternate member of Sitka Fish and Game Advisory Committee; local advisory committees have not been representative of cross-section of fish and game users; in some communities commercial fishing interests predominate; interprets the regulations to mean that committees would be abolished and replaced with appointed members from Federal agencies and feels that this isn't good - prefers closer monitoring of existing committees.

Don Mitchell  
Anchorage

Doesn't believe Congress intended ANILCA to establish a second rulemaking authority in Alaska to regulate the taking of fish and game - but that the Secretary of the Interior's role would be limited to establishing local advisory committees and regional councils pursuant to Section 805(a) that would have authority to require him to supersede Board regulations in particular instances.

Jerry Meyers  
Skagway

Member of the Upper Lynn Canal Advisory Committee; concerned about how the new regional councils and advisory committees are to be formed - appears to be "top down" management rather than "grass roots up" management; included a motion passed by the Upper Lynn Canal Advisory Committee that the means for determining membership of advisory committees and regional councils follow Alaska Code Chapter 96, not as described in the draft Federal subsistence management regulations.

NANA Regional Corporation

A two year hiatus while the Department of Interior evaluates the existing state advisory system is too long - functioning regional councils should be in place by the end of 1990; main decisions are how many councils there should be, what are the boundaries, and what is the membership; should use the existing 12 regional corporation boundaries established under ANSCA; the regional council system does not function well under state management; each village should have its own local advisory committee.

Chuck Porter  
Juneau, AK 6/14/90

If the local advisory committees and regional advisory councils are composed only of residents of rural areas then there is not point in going through the exercise of holding public meetings because the outcome is preordained.

Ron Silas  
Fairbanks, AK

Feels that the existing state advisory committee and regional council system works and that there is no need to establish a new system.

Robert Willard  
President  
Southeast Native Subsistence Commission

The Southeast Regional Council is not consistent with Title VIII because its agenda addresses items other than subsistence; both the regional council and the local advisory committees should be reorganized; the new system should detail the exact process whereby local citizens would be permitted meaningful input into the management process, either on their own or through a representative organization; regional council and local advisory committees must meet the provisions of Section 805; the Secretary has the authority to establish separate councils if he finds the existing councils are inadequate; as a part of the regional council's role, the Secretary may choose not to follow the council's recommendation if the recommendation is not supported by substantial evidence, violates recognized principles of fish and wildlife conservation, or would be detrimental to the satisfaction of subsistence needs; the Commission intends to monitor the Southeast Regional Council and the

receptivity of the Alaska Boards of Fisheries and Game; regional councils must address, review, and take action under Section 810.

State of Alaska  
Department of Fish and Game

Development of a new system of regional councils and committees has serious implications; while the scope of the existing advisory system is broader than called for in Section 805, a new system would be cumbersome, expensive and duplicating and would further complicate and burden the public involvement process, particularly in rural communities; the existing system can serve the purposes required in a Federal management program; the state is not interested in bearing extra costs and administrative burden without reimbursement - this topic needs to be addressed in detail in a memorandum of agreement.

Michael J. Walleri  
General Council  
Tanana Chiefs Conference, Inc.

Parts 40.11 and 40.12 appear to misread Section 805 - while the Secretary of Interior has some discretion in establishing local advisory committees, he has no discretion in establishing regional subsistence resource regions and regional councils in the absence of a state subsistence statute; there should be 12 regional councils - one for each region established under ANCSA; current state regional councils and resource regions include state lands - the Federal subsistence resource regions should not include state lands; the local advisory system is inadequate in the absence of a state subsistence preference - the Secretary of the Interior should establish a local advisory committee in each village; the regulations generally provide for the appointment of all council members by the Federal Subsistence Board - this is exceedingly undemocratic; each village should have its own advisory committee elected by their communities and regional councils should be appointed by the local advisory committees.

Ron Sommerville, Director  
Wildlife Legislative Fund of America

The Secretary of Interior should either establish his own regional councils or use those that the state already has in place - they must be consulted, however.

**APPENDIX E**

**WRITTEN COMMENTS - 55 FR 39184**

## WRITTEN COMMENTS

55 FR 39184

Eric Jordan, Chairman  
Sitka Fish and Game Advisory Committee  
Sitka, AK

The Regional Council identifies the need for adequate funding for fish and game advisory committee members to attend Board meetings and other related meetings involving travel expenses and per diem. Sitka needs funding to develop a comprehensive subsistence plan and management strategy. Sitka has not comprehensive subsistence harvest plan.

There is a lack of clear procedures for local Fish and Game Advisory Committees participation in subsistence issues and specifically the drafting of an Annual Report to the Department of Interior.

Adequate funding should be made available by the State of Alaska and the Secretary of the Interior through a request to the Congress for attendance to at least two Regional Council meetings by one member of each to attend 5 days at the various Board meetings. Plus funding for staff, materials, and meeting rooms for as many Advisory Committee meetings as stationed in Sitka to help develop management plans, gather information and conduct research.

Clear procedures for Advisory Committee participation in development of Regional Council reports and recommendations need to be worked out. Regional Councils are given a mandate by the Alaska Lands Act to protect and monitor subsistence uses of fish and wildlife in the region, while the state mandate for Advisory Committees is to consider all conflict is inherent in the different mandates as the Advisory Committees may not always be eager to dedicate volunteer time and resources needed for subsistence demands.

Dave Lacey  
Dinyee Corporation

The present State system of local fish and game advisory committee/regional councils has worked reasonably well representing local positions in rural Alaska but needs more funding and staff support. The one part of the system that has not worked has been the local advisory committees from the urban areas. These committees have been special interest groups controlled by guides mostly. The general public is not represented. These groups have used the committees as a pulpit to press their anti-subsistence bias - plus they take positions on matters in rural Alaska. The State game board gives them greater influence in its decisions. The rural committees stay out of urban areas and affairs. Some way needs to be found to get a more cross section of people on these urban advisory committees.

Paul Hugo  
Anaktuvuk Pass, AK

Paul has referenced a problem with protection of caribou for subsistence purposes. Paul would like to see an advisory committee established for the community of Anaktuvuk Pass. Local people are not being well represented.

Hydro Yes  
Juneau, AK

Local advisory boards must include a balance of native, sport and commercial representatives. Probably the least qualified representatives are former enforcers or makers of fish and game laws. They should be utilized in their area of expertise only while still employed. The balance I have seen is overwhelming in favor of the moneying crops. In Southeast this may seem reasonable with the preponderance of commercial fisheries, but it in fact adversely affects all other user groups. The boards should be split into at least three, and possibly four groups. These groups should be identified by fisheries (subgroups of fresh and marine might be necessary), food animals, and furbearers.

The makeup of each group should include two representatives from the sport, native, and commercial groups. This makes six people to create recommendations from each locale on each type of resource. It should be a workable group in each case. If the various commercial specialty groups cannot work out a fair pair of representatives, that is their problem. It may identify that some gear types are already obsolete.

John Schandelmeier  
Mile 182.5 Parks Highway  
Paxson, AK

I believe the Federal Government should take a good look at the local advisory committees and try to encourage by regulation that knowledgeable local persons fill the advisory seats available. It is very easy in a larger community (Delta, Glennallen, etc.) for business and professional people to become members of the local advisory committees and dominate them – they are too busy to hunt or fish much and aren't true subsistence anyway. The trappers, hunters and fishermen who really know the area are not supported or encouraged to join.

Dave Helmick  
Box 913  
Petersburg, AK

I have heard one complaint that this committee is heavily weighted to the commercial fishing interests. I guess that I don't have a problem with that. From the meetings that I have attended, I have come away with the impression that these fishermen truly care about the conservation of the resources. Occasionally there are some gear group disagreements. The joint board can at its discretion assign a seat on the committee to represent a specific user group. Despite its warts, the system is in place; appears to be working reasonably well, so let's give it a chance to work.

Taylor Brelsford  
University of Alaska, Fairbanks  
Fairbanks, AK (Dillingham)

It is certain to take years for the villages to establish a sense of familiarity with the formality of the Board of Fisheries and Game, and this process of growing effectiveness for the committees and councils has been very seriously hampered by budget related cutbacks in meetings, travel funds and staff resources. Effective village participation requires an accumulation of expertise and familiarity with Board and Department procedures which can only be built up over many years. The original program of bi-annual meetings, regular attendance at Board meetings, and full-time professional staff assistance must be reinstated.



The effectiveness of the advisory committees and councils has also hampered by the lack of clarity about subsistence management policy. An affirmative Federal program could strengthen and streamline village involvement in decision-making by adopting appropriate principles for the subsistence program and by committing the necessary resources for the process to work.

Unalakleet Native Corporation  
P.O. Box 100  
Unalakleet, AK

It would seem logical that an advisory committee could be formed from the villages of Koyuk, Shaktoolik, Kaltag, Stebbins, St. Micheal and Unalakleet. Our corporation feels that a member from each village listed be represented on the local advisory committee that may be formed to manage subsistence activities in this sub-region.

Dale Rose  
Box 532  
Petersburg, AK

The Petersburg advisory board has done a good job in the past and has not denied anyone personal use of fish and game. This was not a problem to begin with. The local board has tried numerous times in the past to get native representation on the local board without success, and is still trying. As far as the regional councils go, there is room for much improvement.

Chuck Degnan  
Director  
Bering Straits Coastal Management Program  
Unalakleet, AK

Existing resource regions, regional advisory councils and local advisory committees don't adequately meet the needs of federal subsistence management. IRA and traditional councils, city councils and Native village corporations should be used to make Federal regulations on subsistence.

Fritz George  
Subsistence Hunter and Fisherman

Advisory Fish and Game committees bring up good proposals but are often dismissed by the State's game and fish boards. If they got management position, they would help us out, because they are from the villages. And they know what we want. The game and fish board takes care of the whole state's proposals. And they probably get confused after so many days of continuous sessions. Why not give them a break and start working with regional committees and get business done better in less time. By working together, we can get things done and hear praises for once instead of insults.

Interior Regional Council

The Interior Regional Council recommends that the Federal Subsistence Board recognize and utilize the existing local advisory committee and regional council, when their composition, responsibility, and operation meets the intent of ANILCA. The system is already in place.

The local advisory committees are community based, locally elected and broadly representative. A duplication of committees at the local level places an undue burden on the public. Using the existing

committees and councils would be more cost-effective as the cost of any statewide advisory system is considerable and costs could be shared by state and Federal government.

Subsistence issues should not be discussed in isolation from other issues and having different committees on the local or regional level would result in lack of coordination and greater confusion for the users of the resources and the managers.

Regardless of what system of regional councils and local advisory committees is utilized, the requirements of Title VIII of ANILCA can not be accomplished unless adequate funding is provided to allow for meetings, travel, and administrative support.

Kenneth Cameron  
Chairman of the Board  
Shee Atika, Incorporated

We also underscore the pronounced lack of support which has thus far been provided to the Regional Advisory Council by the Department of Interior. Establishment of the Regional Advisory Councils as mandated by 805 of ANILCA was to provide a "grass roots up" approach to subsistence management. Instead, by systematically depriving the Regional Advisory Councils of any meaningful federal support the Department of Interior has fostered a "top down" management system. This is especially true given the makeup and responsibilities of the Federal Subsistence Board. The result has been that the decisions Congress thought would be made by the regional advisory councils are instead being made by those removed from the resources being managed.

Bristol Bay Native Corporation  
P.O. Box 100220  
Anchorage, AK

We urge the Federal Subsistence Board to adopt an advisory committee system of rural subsistence users to make recommendations on proposed regulations received from the general public. In addition, the regulatory system should be fully funded from ANILCA moneys to ensure meeting the requirement of the law.

Alaska Federation of Natives  
411 W. 4th Avenue, Suite 301  
Anchorage, AK

Whatever the level of performance of State regional councils, the Secretaries have a nondiscretionary duty to establish their own councils and must do so forthwith. AFN supports the Arctic Regional Council in filing a complaint in United States District Court which requests the court to order the Board to comply with the requirements of section 805 and take administrative action.

Margaret Wilson  
Box 24  
Aniak, AK

The current State system works to a degree in gathering and presenting proposals that come from local people throughout the State. Unfortunately when these proposals pertaining to giving subsistence priority are presented to the board the proposals are usually voted down in favor of sport and commercial interests. Over the last ten years the state subsistence division has had to fight tooth and nail with the boards to obtain any subsistence priority. The problem with the board is that up until

recently there was no rural representation. Most members on the board represent sport and commercial interest and view subsistence as a threat to those interests. It is imperative that there be subsistence representation on the Federal and State Boards. We need both rural subsistence users, and Native persons sitting on the board to assist in the management decisions pertaining to subsistence. It is only fair that subsistence users be involved in the management decisions that directly affect us.

#### McKinley Park Citizens

We believe under ANILCA that the Federal Government was to help support the committees financially. Right now the State does not have the money to bring these committees together. What commitment will the Federal Government make to support these committees?

The Alaska Wildlife Alliance  
Box 202022  
Anchorage, AK

The Boards and councils do not represent the interests of all users, and they have long been dominated by consumptive user interests. While local input is essential for management decisions, those who harvest wildlife should not have more weight in the decision making process than any other user group. This is especially true of lands that are owned by the Federal government and subsequently all of the citizens of the United States. The State system subsidizes advisory councils and the Board of Game gives undue deference to their recommendations. Past Board of Game Chair Henry Springer has even stated that this is required by State law. Whether or not that is the case, we feel the comment and decision making process should be more open to encourage participation by everyone regardless of their type of use of wildlife.

Alaska Department of Fish and Game  
Office of the Commissioner

The present State fish and game advisory committee and regional council system has been continually plagued by a lack of funding. However, it remains a viable mechanism for public participation in the regulatory process specified in ANILCA. In fact, a separate system would complicate and confuse matters and effect local resources, especially in rural areas.

Additional funding and staff support is needed for the existing State system to function more effectively. This fact has repeatedly been brought to the attention of the Secretary of the Interior, often by the regional councils themselves. In addition, the obligations of the Secretary of the Interior concerning regional council recommendations and the specific subsistence responsibilities of the councils should be clarified. Fine tuning the existing system would minimize disruptions and confusion when management reverts back to the State.

From the State's perspective, the Federal government will be acting irresponsibly if it tries to establish a separate system of committees and councils. With a limited Federal subsistence budget, the Federal Subsistence Board cannot justify and adequately support a separate federal committee and council system, especially without a federal finding that the State system is inadequate. We object even more strenuously if Federal funding is withheld from the State in order to enable the Federal government to fund its own system. One advisory committee and regional council system, adequately funded and staffed, can be structured to meet the needs of both the State and Federal regulatory processes until the State again resumes management of all lands.

Southeast Regional Fish and Game Council  
Box 3-2000  
Juneau, AK

Some local committees, and especially the compositions of some committees, have been influenced by people who are not subsistence users. Therefore, not all recommendations advanced have been completely, or will in every instance be likely to be, in the advancement of subsistence interests above those of all other users.

Meetings of the council have not been as frequent as would be desirable. Any ineffectiveness arising from this situation, however, was a result of decisions made by State administrators not as a result of either lack of will or lack of effort.

Examples of needless impediments placed in the way of the Council's fulfillment of the role suggested for it by Congress are diversions of the time of the Regional Resource Program Assistant (RRPA) assigned to the Council to the business of the Boards of Fisheries and Board of Game and the refusal of the State of Alaska to provide adequate clerical support for Council meetings.

The Department should retain the existing regional council and community advisory committee system within the structure which is now being constructed for the administration of Title VIII in Alaska. A parallel system exclusively for handling the Federal side of the subsistence equation would be duplicative and wasteful. The input the system can provide to the Federal Subsistence Board would be in our estimation, invaluable.

William Reffalt  
Allen Smith  
The Wilderness Society

Be faithful to the Act's (ANILCA) intent.

Walter Tellman  
Box 88  
Unalaska, AK

Advisory committees created by ANILCA are ignored and lack of funding to operate. These committees are most knowledgeable of the resource and users in their regions and should be used when deciding policy.

Kawerak, Inc.  
Box 948  
Nome, AK

The existing system of State regional advisory councils and local advisory committees should not be used to meet the local participation requirement in ANILCA. Some of the members of these State committees are not subsistence users. Rather, separate federal advisory councils and federal advisory committees should be established. All of the members should be subsistence users, appointed by that areas rural villages.

There should be six Federal subregions in Alaska. For our particular area, the federal subregion would encompass the existing State game units of Unit 22, 23 and 26. The Federal Regional Councils, made up of the Chairpersons of the Federal local advisory committees, should be delegated the authority to

act on all fish and game proposals, since the area residents know about the resources and the implications of the problems. The Federal Advisory Board should sign a memorandum of agreement with the Federal Regional Councils in order to empower the regional councils with this authority to act on all of the proposals. Those subregions should be the clearinghouse for all proposed changes. This way, all regions would have meaningful role in the management of our fish and game resources.

Dot Lake Village Council  
Box 2272  
Dot Lake, AK

The present State Fish and Game Advisory Committees and Regional Advisory Councils are not working the way they should. The system established to select these committees and councils is excellent. Each committee member is elected by residents of the area and the councils are comprised of chairman of each committee within the region. It is the State required composition of the units that is not working. The State requires that at least three user groups be represented on each committee. Committees have been formed that are completely urban and have no subsistence representation at all on them. In addition to this, the State Boards of Fish and Game have in the past refused to act on the recommendations of these entities. Fish and Game Board members are political appointees and react to the political pressures within the State and/or outside the State.

We have a problem with the way the Temporary Subsistence Management Regulations for Public Lands of Alaska: Final Temporary Rule has established for the selection of Regional Councils and Local Advisory Committees. We feel that individuals serving on the councils and committees should be elected the way they under the present state system. Committees should only be formed in rural areas and should deal with issues that have a direct effect on subsistence, cultural and traditional uses of resources.

North Slope Borough  
Box 69  
Barrow, AK

The framework for local input on fish and game regulatory issues exists through the local fish and game advisory committee and regional advisory council systems. The systems, however, have not functioned well in practice. There has historically been inadequate funding and technical expertise and advice made available to the local advisory committees, with the result that many have remained inactive. This has left many communities without representation or direct input into fish and game management decisions. It is critical for effective management in a state as large and diverse as Alaska that there be frequent input from local users, great sensitivity to local concerns, and speedy responsiveness to changing circumstances and needs. The full regional and local advisory council and committee system should be immediately brought on-line through adequate funding and training. Until management is again unified within the state, federal managers can only benefit from a close partnership with local people whose traditional knowledge can be integrated with scientific data to provide a broader understanding of the State's resources.

Tenakee Springs F & G Advisory Committee  
Box 61  
Tenakee Springs, AK

It is clearly the responsibility of the Federal agencies involved to demonstrate their adherence to all of the congressional requirements of ANILCA by supporting the present local advisory committee/regional council structure as urged by Ms. Lowe in her letter to the Secretary. Any other course would be a dereliction of duty and a disregard for law.

Gretchen Golstem  
Box 14  
Point Baker, AK

I have served on a advisory committee since 1984 and have served as chair for three years. The major problem with the system has been that while the AC/RC's were given specific authority in ANILCA, State and Federal decision makers have not followed the recommendations made by them. There are three reasons AC/RC recommendations can be rejected, in theory but in fact many of our recommendations are ignored despite the fact that they are acceptable by the standards set up in ANILCA.

Another problem with the system has stemmed from its dual duties. It must deal with the State on commercial, sport and other non-subsistence issues. In dealing with the Federal government, the system is supposed to be exclusively subsistence - oriented. The result has been conflict between subsistence and commercial resource users and this has led to occasional problems.

Since all the subsistence villages have some commercial fishing as their traditional source of income it would be difficult to separate the two within the villages. At the Regional Council level, however, a council which did not include members who are actively opposed to subsistence would make it easier for the council to focus on subsistence production.

Federal subsistence management should incorporate the existing AC/RC system, which has been functioning for years and on which a lot of money has been spent. Regulations involving elections can be improved to ensure that participation in them is more inclusive of the whole village. I am sure the Southeastern Regional Council, given adequate funding to meet, could develop improvements which would make the existing system function more efficiently. Even without changes, the present system will protect subsistence villages better than a system set up by appointments from above.

Jay Bellinger  
Refuge Manager  
Kodiak NWR  
Kodiak, AK

Jay's comments are directed to the operation of the Kodiak advisory committee. He does not reference the regional council for the southwest region. Reports from the public meetings indicate that people support the advisory system, but with some fine tuning.

Villagers suggested that separate advisory committees be created to deal only subsistence issues. Each village would have a committee composed of from 5-7 people. One representative would then travel to Kodiak once each year to discuss subsistence concerns. Proposals from this meeting would then be reported by the chairmen of the committee directly to the Federal Subsistence Board for consideration as permanent regulation. This system would ensure that the true subsistence users are getting fair representation with the Federal Subsistence Board. Political strength of sport and commercial interest would be minimized.

Bristol Bay Native Association  
Box 310  
Dillingham, AK

The advisory system must be made stronger. Villagers feel that it is an "advisory" system only without real power. The FSB needs to beef up the system and do a better job than the state of deferring to the local advisory system.

We very much support the use of the present State system of local advisory fish and game committees and councils. The local advisory committees are representative of the users within a region. As well they are extremely useful for funneling more meaningful input into the process.

We support the separation of the Southwest Council into two separate council's - the Bristol Bay and the Southwest Councils. The separation will create two geographically and politically consolidated councils, enhance the consistency in addressing species to be harvested, enhance the homogeneity within the councils, and allow more access by the resident public since geographic distances will be reduced.

It is critical that funding and staff be devoted to the advisory committees and councils. Currently the councils are being deprived of their review and input because of the lack of funding and staff. We understand that federal funds of up to 50% are mandated, however have never been provided. This a major problem and one which we recommend for immediate attention. We feel that the process up to this point has been backwards. The councils should have been recognized and utilized to gain public comment and develop final regulations.

#### Bristol Bay Native Association 2

The advisory system must be fully implemented as intended by Section 805 of ANILCA. This will require increased funding and staff support and the creation of more advisory regions.

BBNA believes that the existing local advisory committees are adequate but that overall the advisory system has been a failure due to inadequate state and federal support, lack of state deference to the advisory system, and the geographic size of the regions.

In the Bristol Bay region most local advisory committee members are subsistence users, although most are also commercial fishermen. It would be impossible to separate those interests in Bristol Bay since most village residents of appropriate age are involved to some degree with commercial fishing. The most productive subsistence providers are frequently active commercial fishermen - both groups tend to be active people in the prime of life.

Since the village councils appoint village representatives to the local advisory committees it would be difficult to devise a better selection process. Moreover, the existing committees are composed of people with a demonstrated interest in fish and game management issues who have developed some expertise in regulatory issues.

Accordingly, we believe creating a duplicate advisory system at the local level would be counterproductive in the long run. There is already a burdensome number of boards at the village level - village corporations, cit councils, school boards and local education committees, tribal councils, regional Native corporations (three in our area) - and burn-out is a considerable problem. Unless the federal government is to create and adequately support a local advisory committee in each village, we would oppose the creation of a separate local advisory system.

The regional council members from Bristol Bay do adequately represent subsistence users since they are appointed by the local advisory committees. However, the Southwest Council has largely failed in its purpose due to inadequate funding and staff support and the unreasonable size of the region. The region should be divided into more compact, homogeneous units and the number of council members should be limited so that meeting by teleconference or in regional centers is practical.

BBNA has submitted a proposal to the state boards to split the Southwest Region and create a Bristol Bay region consisting of the six local committee areas within the BGNA service area. We strongly urge the FSB to do the same thing. Forming subsistence advisory regions along the lines of the Native corporation boundaries would likely be the best approach to follow statewide, as well.

If a separate federal system of local advisory committees is formed, perhaps the FSB could simply appoint the same individuals where the composition of the state committees is adequate. Another approach would be to allow the existing committees to appoint standing subcommittees of subsistence users on federal subsistence issues. Likewise, subsistence committees for specific federal areas such as the Togiak National Wildlife Refuge could be created by appointment from the appropriate local advisory committees, e.g., the Nushagak, Togiak, and Central Bering Sea.

For any advisory system to work, it must have adequate staff support and the ability to meet on a regular basis. Adequate staffing means more than a single person to provide clerical support and organize meetings, which is all that the Southwest Region has at present. Whether the FSB sets up a separate advisory system or adopts the state system, a substantial commitment of funds will be required. The existing committees cannot be expected to assume the additional burden of dealing with an entirely new management regime without additional support. Technical experts should be assigned full-time to the committees.

The most frequent complaint about the committees heard locally is not their composition, but their lack of effective power.

Citizens Advisory Commission  
250 Cushman St.  
Suite 4H  
Fairbanks, Ak

We would encourage the Federal Subsistence Board to retain the existing system. There are a number of reasons why we feel it should be retained:

1. It is a system that is familiar to the public and its retention and use by the federal program will help to avoid confusion on the part of the public.
2. Advisory committees and regional councils are supported by Federal and State statutes. While the advisory committees and councils also have responsibilities for non-subsistence use of fish and game, this should not interfere with their abilities to provide meaningful input to the federal board on subsistence uses on the Federal public lands.
3. Use of the existing system will also foster better cooperation and coordination between the State Boards of Fisheries and Game and the Federal Subsistence Board.
4. Creation of a separate federal system of advisory committees and regional councils will be costly and, with a limited federal budget for subsistence management, may not be justified. Cost sharing by the state and federal governments to provide adequate funding for the existing state system will help ensure an effective program of local and regional participation.

If the state system is determined to be inadequate to fulfill the functions described in ANILCA Section 805, the reasons for this determination should be provided in detail before a separate federal system is created.

Tanana Chiefs Conference

The absence of a State statute renders the State of Alaska system inadequate. ANILCA does not give the Secretary discretion to determine whether the State Regional Council system is adequate in the absence of an appropriate statute. TCC agrees with AFN that the Secretary should establish federal regional councils immediately. Moreover, we believe that each ANCSA region should be considered a



Subsistence Resource area with its own council. At a minimum, the TCC region should constitute a single subsistence resource region because of its cultural homogeneity, common resource base, and common use patterns.

Furthermore, TCC supports the election of Regional council members from the advisory councils, rather than appointment. The purpose of the Councils is to gain subsistence user input. If the federal agencies appoint the members, it is likely that the system will be viewed as unrepresentative.

Coastal Resource Service Area  
Box 849  
Dillingham, AK

We believe that the existing local advisory committees are adequate - at least those in Bristol Bay - and should constitute the local component of the public advisory system under the federal management program. However, we also feel that the advisory committees have been prevented from functioning the manner intended by Section 805 of ANILCA due to inadequate funding and, in the case of our region, because of the geographic size of the Southwest Region. Both impediments should be addressed if the State advisory committees are to serve as part of the federal public advisory system.

Inadequate state and federal funding has severely limited the number of advisory committee and regional council meetings needed to review and respond to regulatory proposals. The Joint Board of Fisheries and Game will be considering a proposal to establish a separate Bristol Bay Resource Region with boundaries which conform to the Bristol Bay Native Association service area. We encourage the Federal Subsistence Board to follow suit.

AVCP  
Box 219  
Bethel, AK

Regional councils and advisory committees should have authority to manage fish and game in their own geographical areas, and adequate funding ensured for them to carry out the task. The Federal Subsistence Board should include at least one voting member from each of the Regional Councils to ensure their knowledge of actual subsistence practices.

We feel that an advisory committee of true subsistence users should be created specifically to work with federal staff throughout the development period of the EIS which will form the basis of alternatives for the final subsistence regulations.

Carol Daniel  
Alaska Legal Services  
1016 West 6th Avenue  
Anchorage, AK

1. Establish twelve subsistence resource regions incorporating the boundaries of the twelve Native Regions established by Congress in ANILCA. Exclude urban areas referenced in the ACT;
2. Establish sufficient local advisory committees within each region, preferably one for each village.
3. Establish twelve regional advisory councils within each subsistence resource region composed of residents of the region (rural residents).

4. "Assign adequate qualified staff" to the regional councils and provide them with all pertinent data; and
5. Convene the regional councils as soon as possible, request their recommendations on subsistence regulations addressing the most pressing needs and concerns.
6. Begin contracting with regional tribal organizations and local Tribal councils for operation of the regional councils and local advisory committees. Federal law requires that Tribes and Tribal organizations be given an opportunity to contract with the Secretary before the Secretary may contract with some other entity, including the State of Alaska.

Michael Walleri  
Tanana Chiefs Conference  
122 First Avenue  
Fairbanks, AK

The mere absence of a State statute that allows rural resident priority for harvest of subsistence animals constitutes inadequacy of the State advisory system.

Establish Federal regional councils immediately. Each ANSCA region should be considered a subsistence resource area with its own council. At a minimum, TCC should constitute a single subsistence resource region because of its cultural homogeneity, common resource base, and common use patterns.

TCC supports the election of Regional council members from the advisory councils, rather than appointment. The purpose of the Councils is to gain subsistence user input. If the Federal agencies appoint the members, it is likely that the system will be viewed as unrepresentative.



**APPENDIX F**  
**FORMS RECEIVED**

FORMS RECEIVED

Ninety-One Forms Received  
Forty-Seven Address The Advisory System

5. Patricia Sever  
1706 Edgumbe Drive  
Sitka, AK

The greatest of weight should be placed on the input of the local fish and game advisory council opinions and knowledge. It is they, who are closest to the issue, and are most knowledgeable concerning local issues, and the effects which any proposed "rule making" will have on their communities.

6. Glorian Sever  
Same as above

The local advisory committees and councils should be the ultimate deciding body on the question of the subsistence status of those localities. They know all of the impacts (both local and regional) and are best equipped to make a viable, equitable decision.

8. No signature

Membership on many local advisory committees is mostly commercial interests. Subsistence takes a back seat until there is a big enough issue. It gets favorable treatment as long as there is not threat to commercial.

10. No signature

While it is not as effective as it should be it is probably the best we can hope for.

11. No signature

The local advisory boards seem to work well. I don't think the regional council part is working properly in that too much is lost on the way to the boards.

13. No signature

Less regional, more local input.

14. Gene Heckler  
Box 52  
Selawik, AK

Local state input and control on setting harvest limits must be kept.

15. No signature

The present process seems to work. Our advisory committee is strongly biased toward commercial fishing, but if the committee was given direction to respect subsistence rights - because it was the law - the process should work. There may be a need to designate several seats on the committee to represent subsistence (and sport fishing for that matter) to help balance the commercial fishing interests.

17. Jim Hannah  
Box 695  
Glennallen, AK

Local advisory committees are too narrowly focused on insuring that the sportsman and guide/outfitters are satisfied in not good game management concepts. They tend to bend under pressure and tend to get along.

19. Byron McDonough  
Box 315  
Copper Center, AK

I have nothing bad to say - am not unhappy with the advisory system.

20. Jim Day  
Box 57d  
Kotzebue, AK

The present State structure of committees/councils is a good one but has suffered acutely from lack of funding. Federal funding of the State system would preclude the expense of reinventing the wheel and would facilitate consistency between State and Federal regs.

21. No signature

System of public input currently used is better than anything the Federal government in DC could establish and administer.

23. No signature

Too much bias toward commercial and sport fishing. Subsistence use should have top priority on all lands above all other uses.

27. John Bitney  
Box 53  
Palmer, AK

Working fine - if Congress would now live up to its funding commitment, they could work even better.

28. Mane Adams  
Box 1012  
Barrow, AK

The local advisory fish and game committees need to have a meaningful role in establishing fish and game regulations and not be used just to indicate consultation with local residents.

30. C. Hans  
Box 1348  
Petersburg, AK

The best system available to allow public input into decisions, it is laughable to propose holding seven public meetings in Southeast to replace the meetings of twenty-two advisory committees that do meet several times a year.

35. Matthew Muik  
Box 4306  
Kodiak, AK

The State has a very workable system in place. The local advisory committees are familiar with the community needs and the ability of the environment to provide for the. Local management is essential. Each area in Alaska is different.

36. Fritz George  
Box 62  
Akiachak, AK

The committees presently try hard in introducing proposals, but most of the time they are dismissed by the Fish and Game Boards. Local management should be shared by the village councils, Elders and USFWS representative. By doing so, regulations would be more effective. Example: In most cases the game tickets and fish calendars are thrown away. And by using Lime Village system—

37. Ted Williams  
Box 91  
Glennallen, AK

Federal and State Boards concerned with mgmt of the environment (fauna and flora) need to be more responsive and responsible to local advisory F & G committees. It has been my observation that boards listen to advisory comm. when they are in agreement but often ignore the opinions of advisory committees when there is a difference.

40. Robert Chouinard  
510 Dunbar Ave  
Fairbanks, AK

Continue and strengthen the system. How about adding a Federal member to the committees and councils.

41. Harriet Beleal  
2705 Klamath  
Anchorage, AK

Those appointed to local fish and game committees/regional councils should be people who are directly linked with the fishing industry. AK native/people who are knowledgeable on the fish/game and who like our elders, did survive in harsh conditions of the land/sea.

43. Frank Mullen  
Box 805  
Soldotna, AK

Could be more participation from a grassroots standpoint. I don't see a federal system improving on this.

44. Frank Smith  
Box 872454  
Wasilla, AK

Should not be subservient to statewide political appointees.

46. Wayne Woods  
Box 3037  
Palmer, AK

Management of fish and wildlife should be by professionals with a goal of sustained yield & harvest; not be local politicians. Sometimes local advisory members look after their own interests, rather than that of the resource.

47. Earnest Buttcam  
Box 74  
Bettles Field, AK

What does the State system of local advisory fish and game do? We never see or hear about these things in Bettles. Decisions are made out of our community that set regulations for our town. So where do we stand? Which tribe do they represent?

49. Alan Keech  
Box 362  
Tok, AK

Feds should turn over function to the State. Short of that they should just take input from existing advisory committees - Don't form new ones and don't take or use input from people who don't live here.

50. Ronald B. Walker  
Box 522  
Soldotna, AK

It should also have a local board also & be made of a cross-section of the public.

56. Frank & Sue Entsminger  
Mile 91  
Tok Cutoff, AK

Will work fine if properly funded. The State has had too much tussle with the feds for funding, which causes low participation.

57. William A. Topsekok  
Box 514  
Teller, AK

The people don't even have a local advisory committee with there own villages. Its been in the region. Villages should have a say so on the management process they do the hunting more than the big wigs of the State. The present system does their work behind closed doors with out no input from the villages. All they do its send out the paper work and bulletins for the people to read. The villages need to have a say so on in the future process.

59. Arnold Shaul  
Box 2081  
Kodiak, AK

The advisory committees are very effective, however the regional councils are just another Federal idea forced on the State and is not needed or effective. The State Boards of Fish and Game are superior to anything the Federal government has ever attempted.



60. Mary-Lou Bonnau  
Box 157  
Tok, AK

Committee at local level by users of the resource also users of the resource should be on all levels of the Board. Better info at State/Fed level.

62. Miles Martin  
Box 363  
Nenana, AK

All board members are commercial lower river fishermen. There is not one interior fisherman, and not one subsistence member. I'd like to see this changed so the interior, and subsistence people got representation.

63. Willie Fitka, President  
Maserculig Inc.  
Box 90  
Marshall, AK

Have one representative from each village. Remain the same.

64. Michael F. Tolson, Chairman  
Edna Bay A/C  
Gen Del  
Edna Bay, AK

Good grass roots system. Needs proper funding to do a better job.

66. Myra J. Olsen  
Box 74  
Egegik, AK

This system is a very effective tool for input into the regulations that has proven to work. As secretary for the Lower Bristol Bay Advisory committee I've been authorized to say that we want to see this system kept in place. "If it ain't broke, don't fix it."

67. Ed Furns  
Box 26064  
Bettles, AK

Too much extra BS, cost too much for what its worth.

68. Paul Karczmarczyk  
Box 752  
Delta Jct., AK

Local systems are a good alternative to "one man one vote", though I think there needs to be a screening of members to attempt to balance the viewpoints of the individual boards. Also, proposals from the public need to go through their local advisory committees. First, to reduce the # of submissions, etc.

69. Chris  
Kennicott, AK

Excellent.

75. Igiugig Village Council  
Box 4008  
Igiugig, AK

If the board would use the information that is available through the local advisory Boards in a proper manner, the system could be very useful in managing a region. We as residents have first hand contact with our land and resources and put a lot of effort into communicating these things through the local advisory system. However, in observing the State Game/Fish Boards, it seems that ideas, observations and opinions of the Local Advisory Boards carry very little weight in decision making process.

76. Norman Jacra  
Gen Del  
Port Alsworth, AK

The present system is a farce. It caters to the moneyed sport hunters. We are presently operating on the rule. "He who has the gold makes the rules." Someone must be responsible for the thousands of lbs of moose and caribou meat that is allowed to rot yearly.

78. Dillingham Native Village Council  
Box 216  
Dillingham, AK

Feels there should be local \_\_\_\_ by local Boards to regulate and manage for subsistence use in the Bristol Bay watershed with enough funding to cover same.

82. No name

Officials to communicate more with village members.

83. No name

They are OK on some standards.

84. John Hannon  
Craig, AK

There needs to be more input from biologists on the ground.

85. Nathan Hedley  
Box 4  
Buckland, AK

We need State system local advisory, who know how we live in the bush. right now 1-53 gal stove oil is \$107 and 1-53 gal gasoline is \$160; propane \$140.

88. William Topsekok  
Teller, AK

The people don't have a local advisory committee with there own villages its been in \_\_\_\_\_ catering more to the big wigs of the State. The present system does the \_\_\_\_\_ behind closed doors with out no input from the villages. All they do its send out the paper work and bulletins for the people to read. The villages need to have a say so in the future process.

91. Gary R. Masog  
6114 E 22nd. Ave.  
Anchorage, AK

Was OK until subsistence came along.

**APPENDIX G**  
**TELEPHONE COMMENTS**

RECORD OF SCOPING COMMENTS RECEIVED BY TELEPHONE

Twenty-eight received  
Three Addressed The Advisory System

1. Rusty Pickus  
Fairbanks, AK

Really good. Handle on it now. Far superior to feds.

11. Dan Miller  
Kodiak, AK

Happy with the way the State Fish and Game is managing it.

20. Dave Kellyhouse

1. ANILCA mandated regional councils, they wouldn't exist otherwise, so they could be used and funded adequately.

2. Local people are being burdened with meetings. There is only a small group of people who are willing and able to be involved if you set up parallel systems the same people will be involved in each. These systems should be coordinated.

**APPENDIX H**  
**COMMENTS OF**  
**FEDERAL LAND MANAGEMENT AGENCIES**

COMMENTS  
FEDERAL LAND MANAGEMENT AGENCIES

U.S. Fish and Wildlife Service

Arctic National Wildlife Refuge, 12/26/90.

Effectiveness varies by region and area. Little interaction with the state boards occurs. Boards do not give council recommendations the consideration required by ANILCA. The advisory system lacks money and support staff. Evaluation of past performance is not as important as the ability of the system to meet the future needs of the Federal subsistence management program. The existing system can not be expected to fulfill the needs of the both the Federal and state laws - separate Federal councils and committees should be established focused only on Federal lands. Regional boundaries were established with little thought to the distribution of Federal lands.

Alaska Maritime National Wildlife Refuge, 12/20/90.

Unless the Federal government assumes responsibility for subsistence management on navigable waters, the Alaska Maritime NWR will have little involvement with the advisory system. The limited needs of the refuge are being met with the existing system.

Alaska Peninsula/Becharof National Wildlife Refuges, 12/31/90.

Effectiveness of committees varies - the Naknek committee is very effective, the Port Heiden committee meets irregularly and addresses only commercial fishing issues, and the Chignik committee has met only once in 5 years. Regional council primarily squabbles over commercial fishing issues. Questions the ability of the existing system to carry the extra burden. Refuge information technicians could be used to get local input instead of depending on the advisory committees.

Innoko National Wildlife Refuge, 12/18/90.

Regional council is valuable to insure that land managers do not ignore local input; however, in some cases individuals have used the advisory system to pursue their own non-subsistence objectives. Regional councils should be Federal, not state so they could focus only on subsistence and resolve differences between the needs of the local residents and the needs of land managers. Land managers could hold meetings in every village instead of depending on the existing committees, some of which meet infrequently. Decision making should be decentralized in order to insure subsistence needs are met. This is a responsibility of the land manager.

Izembek National Wildlife Refuge, 12/31/90.

Local advisory committees are dominated almost entirely by commercial fishing interests and concerns, therefore the refuge has little interaction with them. Where the committees are functioning, there appears to be general satisfaction. The existing system is believed to be adequate to meet the refuge's subsistence objectives.

Kenai National Wildlife Refuge, 12/31/90.

Local advisory committees on the Kenai Peninsula do little to meet Title VIII mandates.

Kodiak National Wildlife Refuge, 12/26/90.

Residents of Kodiak's "hub" communities feel that the advisory system is either working well or would work well with more funding and some fine tuning. In Kodiak's villages, however, residents feel that the system is not adequately serving the needs of local subsistence users - it's hard for villagers to get to Kodiak to attend meetings and representation is dominated by City of Kodiak residents. Villagers want the Federal Subsistence Board to create separate committees in each village that deal only with subsistence issues. Committee chairmen would attend an annual meeting in Kodiak and would take the recommendations and proposals developed at this meeting directly to the Federal Subsistence Board. Funding such a system would require about \$15,000 annually.

Koyukuk/Nowitna Refuge Complex, 12/17/90.

The existing system works reasonably well. A new Federal system would further tax the relatively small number of people that dedicate their time and efforts to community affairs. Also, Subsistence and non-subsistence issues are best resolved locally by a single committee.

Tetlin National Wildlife Refuge, 12/31/90.

The local advisory committee was expanded to 15 members two years ago and has since had difficulty meeting a quorum with the result that interest has dwindled. Plan to return to the original 9 members. System has worked reasonably well and should remain as is. Sees no advantage in creating a new system - would probably consist of the same people anyway. The refuge should encourage local residents to participate.

Togiak National Wildlife Refuge, 12/31/90.

Adequate funding is the limiting factor. Local advisory committees well accepted, but the regional advisory councils are not as widely accepted. With the exception of commercial fishing concerns, the concerns and recommendations of the committees are not passed on effectively by the councils to the state boards. Committee members attend the state board meetings on their own because of the lack of funding, the lack of council consensus on matters of importance to local people, and the lack of regional representation. Membership in the Southwestern Regional Council is too diverse and geographically widespread. There has never been annual reports to the Joint Board, the Department of Fish and Game, or the Department of the Interior. Subsistence is not a priority in all the local advisory committees. Council meetings are held in Anchorage rather than within the region. The Southwest Regional Council should be reorganized into two councils. Consideration should be given to establishing a Refuge Advisory Committee comprised of membership of the existing local advisory committees. The refuge staff needs to become more involved in the advisory system. The Federal Subsistence Board membership should be increased to provide seats for subsistence user representation - perhaps 5 agency directors, 4 subsistence users, and 3 from other user groups. Increased funding should focus on the local area - complex local issues and language barriers can best be resolved at that level.

Bureau of Land Management  
2/6/91

The current system of Regional Councils and Local Advisory Committees should be modified to insure that Regional Councils are allowed to fulfill the mandates of Section 805 of ANILCA. Such a system would allow local residents to have a meaningful role in the management of fish and wildlife subsistence uses as envisioned by Congress and stated in Section 801. A system should be developed that allows the Councils to provide input to the Federal Subsistence Board that must be considered in the development of regulations. The Regional Councils should be adequately funded to insure that this process will work. Regional Councils should also be provided ready access to technical and scientific data collected by federal agencies pursuant to Section 812, as well as analyses of such data, if necessary, in order to prepare the report required by Section 805.

National Park Service  
1/24/91

Wrangell-St. Elias National Park and Preserve.

The existing advisory system does not function well. However, there is no reason to believe that an additional parallel subsistence advisory system would function any better. An additional advisory system would add another layer to an already cumbersome process and would further confuse the public. Efforts should be concentrated on making the existing advisory system function better by providing clear objectives, adequate funding and staffing, and perhaps requiring separate meetings to address subsistence concerns, etc. The advisory system must assure subsistence representation.





**APPENDIX I**  
**REGIONAL COUNCIL**  
**SECTION 806 REPORTS**

REGIONAL ADVISORY COUNCIL REPORTS TO THE  
DEPARTMENT OF THE INTERIOR

1990

Southeast Regional Advisory Council.

"Federal officials should utilize and act to strengthen the existing Regional Council/Advisory Committee system in their administration of the ANILCA subsistence priority on federal lands." The Council feels that no sufficient reason exists to replace or supplant the present structure, that the Secretary of the Interior has declared that the system is in compliance with ANILCA, that users are comfortable with the system, and that a new system would be confusing to the public. They oppose appointment of council and committee members and feel that it inhibits local knowledge from reaching decisionmakers; they support continued elections and feel that it creates confidence among the public that their concerns are being heard. Problems stem more from a lack of funding and staff support than from inadequacies in the system's structure.

"The workforce composition of the Federal Board's staff should be reflective of the diverse public of subsistence users protected by Title VIII of ANILCA." The council is concerned that neither the directors of the five Federal agencies that comprise the Federal Subsistence Board nor the staff members assigned to assist the Board live in rural areas or are subsistence users. They feel that, no matter how sincere or well intentioned these persons might be, their lack of subsistence use background handicaps their understanding of the needs of subsistence users.

Interior Regional Advisory Council.

"The Interior Regional Council recommends that the format of the USFWS responses to the Interior Annual Report to the Secretary of the Interior should fit the description given in ANILCA Section 805(c), namely if a recommendation of the Regional Council is rejected it must be rejected in writing for one of the following three reasons:

- (1) not supported by substantial evidence
- (2) violates recognized principals of Fish and Wildlife conservation,
- (3) or would be detrimental to the satisfaction of subsistence needs. If the rejection of the recommendation is based upon the lack of substantial evidence then the regional council would expect an indication of what would be substantial evidence. ANILCA Section 805(c)."

"The Interior Regional Council recommends that the federal subsistence board include in its budget or the secretary insure that funding is available that will allow for attendance at their meetings of at least one regional council member from each regional council and one advisory committee member from each advisory committee when agenda items indicate that topics concerning their areas will be discussed or acted upon. Also, adequate funding must be provided to allow for council and committee meetings." In their justification, the council explains that the advisory system cannot meet their responsibilities under Section 805 without adequate funding.

"The Interior Regional Council recommends that the Federal Subsistence Board recognize and utilize the existing state local advisory committees and regional council, when their composition, responsibility, and operation meets the intent of ANILCA.

JUSTIFICATION: The system is already in place.

The Regional Councils were created in response to ANILCA and were recognized by the Federal government as being in compliance with the McDowell decision.

The local advisory committees are community based, locally elected and broadly representative.

A duplication of committees at the local level places an undue burden on the public.

Using the existing committees and councils would be more cost-effective as the cost of any statewide advisory system is considerable and costs could be shared by state and Federal government.

Subsistence issues should not be discussed in isolation from other issues and having different committees on the local or regional level would result in lack of coordination and greater confusion for the users of the resources and the managers."

"The Interior Regional Councils recommends that the Federal Subsistence Board revise their Temporary Subsistence Management Regulations for Public Lands in Alaska: Final Temporary Rule in regards to establishment of regional advisory councils and local advisory committees. It is felt that members to these local advisory committees should be elected by the local communities and that the chairman or designee of each committee be seated on the regional council. This is the present system used by the state and has proven to be successful in the sense that they truly represent their areas.

JUSTIFICATION: 1. Appointed positions tend to be very political and individuals seldom feel they have to answer to the local people.

2. Local residents know who they can depend on and have trust in. They feel more involved if they have an opportunity to elect those that will represent them.

3. Qualifications of members can be established by the Federal Subsistence Board and elections could be certified by the Board. (If present system is used, the state could also certify).

1989

#### Southcentral Regional Advisory Council.

"Funding has been inadequate to fully implement the Subsistence title of ANILCA. This has resulted in fewer meetings of the Regional Council and decreasing representation of local committees in the Boards process. The Department of the Interior has failed to fully reimburse the State of Alaska as provided in ANILCA 805(e)(1)."

#### Southeast Regional Advisory Council.

"The problem of adequate funding for the regional councils and advisory committees to fulfill their ANILCA mandate continues to exist."

"Regional Councils are given a mandate by (the) Alaska Lands Act (ANILCA) to protect and monitor subsistence uses of fish and wildlife resources in the regions, while the State mandate for advisory committees is to consider all uses by all users of fish and wildlife resources in their local area. A potential conflict is inherent in the different mandates as advisory committees may not always be eager to dedicate volunteer time and resources needed for subsistence demands. The public advisory system may need some restructuring."

Note: Written comments by the Sitka and Hydaburg advisory committees supporting these concerns were included in the Council report.

#### Arctic Regional Advisory Council.

"There is some question whether the procedure used by the Board of Game satisfied requirements of Section VIII of ANILCA as petitions submitted by Regional Councils (RC) must be addressed differently than other proposals. The Board of Game is obligated to approve a RC's petition, unless it can be proven that the petition did not meet one of the three criteria in Section VIII of ANILCA. If not approved, the Board must notify the

RC's in writing of its decision, and include in the decision an explanation of the reason(s) why the petition was denied."

"Another area of concern was the obligation of shared expenses by both the State of Alaska and the Federal Government not to exceed \$5 million in a given fiscal year. It is the opinion of the ARC that the advisory committee and regional council system is inadequately funded, and that equal representation to Boards proceedings is favorable to urban residents, since most meetings occur in cities. The ARC formally recommends that the Department of Interior increase the federal share of funding."

"The Arctic Region lacked staff support inconsistently since 1985, until just recently. During that period of time, administration of the Advisory committees (AC) suffered greatly, and resulted in all AC's in the Arctic Region, with the exception of the Kotzebue Sound AC, to become dormant."

"The difficulty of dealing with this type of problem (note: the impact of sport hunting for caribou on local subsistence users) is an almost monumental task under the State system which further illustrates how important the AC and RC system could be."

The Arctic Regional Advisory Council report included a written summary of a teleconference held on April 20, 1989 among committee chairmen or their representatives for the purpose of providing input for an upcoming Joint Board meeting. The lack of rapport and productive communication with the state boards was discussed. The group felt that the boards tend to forget the intent of a council proposal or recommendation and focus on the legal context of what has been presented. They felt that the boards are too defense and are not using the councils for what they were intended. They also felt that the council representatives should sit up front during board meetings where they could participate in the discussions and answer questions that the board might have. They suggested that the current six regions aren't enough to accommodate the needs of the advisory system.

#### Interior Regional Advisory Council.

The Interior Regional Advisory Council recommended that all Regional Councils subsistence recommendations to the state boards be brought to the floor, discussed and voted upon, and that, in the event of a negative vote, a letter be sent from the board to the council setting forth the factual reasons according to ANILCA requirements and 5 ACC 96.610(e).

The council also recommended that the Department of Fish and Game budget annually for 3 advisory committee meetings, 2 regional council meetings, and sufficient funds for one representative from each advisory committee and from each regional council to attend any board meeting that affects them and that the Division of Boards provide the council with an estimate of the funds necessary to implement the necessary committee/council activities.

### 1988

#### Southeast Regional Advisory Council.

"More weight should be given to the recommendations made by local Advisory Committees to State planners regarding present and future subsistence needs in their area."

"The southeast Regional Council has been functioning for several years now. We have been trying to do our job as we understand it from ANILCA and State regulations. Your agency has recognized our efforts in a letter to us. Yet we have been forced to operate without the help of a Regional Coordinator, despite ANILCA, despite our constant pleas for a coordinator, and despite the fact that funding has existed all along for this position."

"The U>S> Secretary of the Interior, or his authorized agent, should take responsibility to insure that all Regional Councils have staff coordinators on an ongoing basis."

This year the Southeast Regional Council had to request extra funding from the State Legislature in order to have enough

meetings. The State already puts much more money Than the Federal Government into supporting the Regional Council?Advisory Committee system, even though it is a Federally-mandated system. Your own monitoring agency, U.S. Fish and Wildlife, recommends that the reimbursement is inadequate."

"The Federal Government should reimburse the State of Alaska for a full half of the costs of this program, up to \$5,000,000 as allowed for in ANILCA. If this sum is still inadequate to administer the program, The Secretary of the Interior should advise Congress that maximum payments are not adequate."



**APPENDIX J**  
**RURAL ALASKA COMMUNITY ACTION (RurAL CAP)**  
**REPORT**





**RESULTS OF A SURVEY:**

**Implementation of ANILCA'S Subsistence  
Priority and Advisory Committee System  
by the State of Alaska**

**Produced by the  
Rural Alaska Community Action Program, Inc.  
Subsistence Department**

**Bob Polasky, Director  
Eric Smith, Legal Consultant**

**September 1989**

## Executive Summary

The Alaska National Interest Lands Conservation Act (ANILCA) requires that subsistence uses of fish and game be given priority over sport and commercial uses in times of scarcity. As a further protection of subsistence, ANILCA also sets up an advisory committee system to allow local participation in fish and game management decisions.

The State of Alaska has authority to implement these requirements of ANILCA. After receiving information criticizing the State's implementation, Rural CAP decided to survey all of the members of the advisory committees to gain their perspective on this issue. The survey asked who the members felt they represented, how well the State has implemented the advisory committee system, how consistent state regulations were with local conditions and uses, and whether they supported some possible changes to state hunting regulations.

The results of the survey can be summarized quite simply: overall, the State's fish and game management system generally favors sport and commercial interests over subsistence interests. More committee members represent sport and/or commercial interests than subsistence interests. There is insufficient financial support and training of the committees, which tends to disfavor those in more remote areas who rely most heavily on subsistence. Finally, sport and commercial users were more comfortable with the nature of the regulations than were subsistence users. Taken together, these factors indicate that sport and commercial uses are more likely to be accommodated through the committee system than are subsistence uses.

## INTRODUCTION

Subsistence -- the taking of fish and game for food, clothing and shelter -- is essential to the way of life in rural Alaska, particularly for Alaska Natives. If subsistence is not protected, then that way of life will die. The Alaska National Interest Lands Conservation Act (ANILCA) is meant to provide that protection, by setting subsistence as the highest priority use of fish and game in rural Alaska.

ANILCA authorizes the State of Alaska to administer fish and game management throughout Alaska if it provides for the subsistence priority, and it sets up a system of fish and game advisory councils to allow local participation in decisions affecting the use of fish and game. These two programs are the heart of ANILCA; how well the State implements them therefore is crucial to protecting subsistence and those who engage in that way of life.

To date, there has not been an objective study of how well the State has implemented the subsistence priority or the fish and game advisory council system. Some of the people most knowledgeable about this issue are the members of these councils. Rural CAP accordingly sent a survey to every rural member of the fish and game advisory councils (some 800 individuals), to find out how they thought the State was doing. This Report presents what Rural CAP found out.

## BACKGROUND

One of the most important issues in Alaska has involved the assertion by Alaska Natives of their rights to hunt and fish according to their traditional ways and on their ancestral lands. Native claims of aboriginal title to most of Alaska held up State efforts to select lands, as well as construction of the Trans-Alaska Pipeline System after oil was found at Prudhoe Bay. To settle these claims of aboriginal title, Congress enacted the Alaska Native Claims Settlement Act (ANCSA) in 1971. That law terminated aboriginal title in exchange for granting Alaska Natives (as shareholders in corporations formed by ANCSA) some 44 million acres of land and \$1 billion in cash.

One of the initial versions of ANCSA contained a set of rules that were meant to protect Native fishing and hunting rights. Congress decided not to enact those rules, in the belief that the federal and state governments would protect those rights through their administration of fish and game. That belief turned out to be incorrect, for the State exhibited little interest in protecting subsistence -- in fact, subsistence uses generally were secondary to sport and commercial uses of fish and game. The result was that the subsistence way of life of Alaska Natives was put into jeopardy.

Congress decided to fix this situation in 1980 when it enacted ANILCA: it declared that the protection of the subsistence way of

life was essential to Alaska Natives for food, clothing, and shelter, and for economic and cultural survival. Recognizing that some non-Natives subsisted off the land, Congress provided that subsistence uses of fish and game by all persons living in "rural" Alaska would be entitled to priority over sport and commercial uses.

Congress also created a two-tiered system of fish and game advisory committees, for the purpose of allowing local residents to participate directly in, and to influence, fish and game decisions that affect them. The first tier consists of six regional councils, whose major function is to meet periodically to assess proposals for fish and game management and provide recommendations. Those recommendations must be given a great deal of deference -- indeed, the agency receiving them must have a very good reason to turn them down. Regional councils thus have a great deal of power in fish and game management.

The second tier consists of a number of local advisory committees within each region, who also review and submit proposals for fish and game management. These committees are more localized, so that people in each region have as direct a means of participating in fish and game management as possible.

The last important part of ANILCA regarding subsistence was Congress' decision to allow the State of Alaska to manage fish and game on federal lands if it provided a subsistence priority and set up the advisory committee system. Since the State met these conditions, it now manages fish and game on all lands in Alaska. This management is done through regulations issued by the Boards of Fish and Game. The Division of Boards (in the Department of Fish and Game) is responsible for implementing the advisory committee system.

#### THE RURAL CAP STUDY

Since the State undertook its responsibilities under ANILCA in 1981, there have been persistent criticisms of its implementation of both the subsistence priority and the advisory committee system. There have been charges that the Boards of Fish and Game often favor sport or commercial uses over subsistence uses; that the Boards impose regulations that are inconsistent with customary and traditional hunting and fishing practices; that the advisory committees do not receive sufficient financial support or staffing; and that the Boards often pay little or no attention to what the committees suggest.

The Subsistence Department at Rural CAP, having heard many of these criticisms over the years, decided that it would be valuable for all concerned -- the State, the federal government, Alaska Natives and other rural subsistence users, and other users of fish and game -- if an objective study were made of how the State has implemented ANILCA's subsistence requirements. Rural CAP concluded that members of the advisory committees were in a particularly good position to see first-hand how well the State has implemented the priority and committee system, since they were supposed to be monitoring and directly

participating in the entire process.

RurAL CAP accordingly sent out a questionnaire (attached as Appendix I) to every rural member of a fish and game advisory committee or regional council in the State. (Only rural residents were chosen, since they are the only ones eligible for the subsistence priority.) The questionnaire can be broken down into three parts. First, it asked who the committee member felt he or she represented: subsistence users, sport users, commercial users, or another category of users. Second, it asked generally about level of satisfaction with the State's implementation of ANILCA, as well as several questions meant to obtain information regarding specific elements of the State's implementation: how often the committees were able to meet, and whether their proposals were accepted; whether the State's regulations were consistent with local conditions and practices; and the extent to which there was compliance with the regulations. Finally, the questionnaire asked about the acceptability of some specific ways in which hunting regulations in particular could be improved.

The survey was mailed to 794 persons throughout Alaska. Due to cold weather, there was some difficulty getting the survey to some rural residents, and so a second mailing was made to some regions to give those residents another opportunity to respond. RurAL CAP then employed the IBM System 36 computer program to aid in gathering and analyzing the results.

## RESULTS

Of the 794 questionnaires which were mailed, RurAL CAP received 258 responses. 155 of those responding described themselves as representing subsistence users, 83 as sport users, 117 as commercial users, and 18 as all three types of users. (Several people stated that they represent more than one type of user, which is why these numbers add up to greater than 258.) The number of those responding from each region is presented in Table 1, broken down by the type of user. As can be seen from that table, the bulk of the responses came from Southcentral and Southeastern Alaska; relatively few responses were received from Western and Arctic Alaska. (Appendix II contains a map showing the boundaries of the regions.)

**Table 1.** Responses by region and type of user (some respondents stated they represent more than one user)

<u>Region</u>	<u>Sub</u>	<u>Sport</u>	<u>Com</u>	<u>All</u>	<u>Total</u>
Arctic	24	5	1	0	26
Western	14	3	9	0	18
Southwest	29	10	31	3	43
Southeast	35	24	38	5	66
Interior	33	18	15	1	47
Southcentral	20	23	23	9	58
Total	155	83	117	18	258

### Committee system effectiveness

The effectiveness of the committees and councils was addressed in several ways by the questionnaire. Questions were asked about the make-up of the committees, the number of meetings and proposals, assistance by the State, and the overall effectiveness of the committee system and the state's implementation. The results were mixed. As is revealed by Table 1, many committee members felt that they represented more than one interest; perhaps more important, the combined number of sport and commercial users was greater than that of subsistence users. Indeed, in the Southeast region, commercial users outnumbered subsistence users, and in the Southcentral region, both sport and commercial users outnumbered subsistence users. This result is of particular interest in light of the fact that the committee system was meant to be one of the principal protections of subsistence.

Most committees met three or more times a year from 1986 through 1988, and most submitted four or more proposals during 1987 and 1988. Responses on whether those proposals were accepted or denied were unreliable, as the tally of the number submitted was considerably less than that of the number acted on. It seems, however, that even though state law requires them to do so, the Boards rarely explained their reasoning in writing when they rejected a proposal (34 said they received explanations, 90 said they had not, 76 were not sure, and 21 had no proposals disapproved).

As for State assistance, the vast majority of respondents stated that they had received no training (32 said they had, 222 said they had not), and most indicated that they would like some training (143 yes, 47 no, and 42 not sure). A majority also felt that the level of funding for the committees was too low for the committees to carry out their functions (11 said funding was more than adequate, 92 said it was adequate, and 137 said it was too low), while a bare majority said that the committees received adequate staff support (19 said staffing was more than adequate, 113 said it was adequate, and 107 said it was too low). Subsistence users were the only sub-group where a majority felt that staffing was too low (74 said it was too low, 69 said it was adequate or more than adequate).

The results of the questions pertaining to the respondents' overall evaluation of the effectiveness of the committee system are presented in Tables 2 and 3. Overall, approximately 60% of all of the respondents felt that the committees met often enough to be effective, although subsistence users were equally divided on the matter. In addition, a majority of those in the more remote areas (Arctic, Western and Southwest) all felt that their committees did not meet enough; a strong majority of respondents in the other areas did feel that there were enough meetings. The same percentage of all users felt that their committees were very or somewhat effective, a result which held for all types of users and, interestingly, all regions.

The respondents were divided, however, over the adequacy of the State's implementation of ANILCA: overall, 93 (36%) felt it was excellent or good, 72 (28%) thought it was fair, and 92 (36%) thought

**Table 2. Evaluation of effectiveness of committee system, by user**

<u>Question</u>	<u>Sub</u>	<u>Sport</u>	<u>Com</u>	<u>All</u>	<u>Total</u>
Meets enough?					
Yes	65	56	64	15	142
No	64	16	40	2	83
Not sure	23	10	10	1	28
Overall effectiveness?					
Very	35	22	35	10	69
Somewhat	72	43	55	4	119
Not very	23	12	16	1	39
Very poorly	18	4	8	2	22
State's implementation?					
Excellent	8	6	8	2	16
Good	40	28	32	2	67
Fair	43	24	30	4	72
Poor	37	16	30	4	60
Very poor	21	5	14	5	32

**Table 3. Evaluation of effectiveness of committee system, by region**

<u>Question</u>	<u>AR</u>	<u>WE</u>	<u>SW</u>	<u>SE</u>	<u>IN</u>	<u>SC</u>
Meets enough?						
Yes	9	7	19	42	25	40
No	16	9	20	12	14	12
Not sure	1	1	3	11	8	4
Overall effectiveness?						
Very	5	3	9	20	14	18
Somewhat	12	7	21	31	20	28
Not very	3	4	7	11	8	6
Very poorly	5	2	4	2	5	4
State's implementation?						
Excellent	2	2	2	3	1	6
Good	5	3	8	17	12	22
Fair	8	4	13	14	22	11
Poor	6	5	11	19	7	12
Very poor	3	2	8	9	5	4

it was poor or very poor. Dissatisfaction was particularly high among subsistence users and residents of the Southwest and Southeast regions, while sport users and residents of the Southcentral region generally seemed to be more satisfied.

#### State's implementation of subsistence priority

Several questions were asked regarding the State's implementation of the subsistence priority, primarily as it related to subsistence



hunting. (Because most of the information received by Rural CAP concerned hunting, the questionnaire focused on hunting.) Respondents were asked about local understanding of hunting regulations, the level of compliance with the regulations, and whether the game regulations reflect local conditions and uses.

Overall, many of the respondents felt that the average hunter had a good (47%) or fair (40%) understanding of the hunting and fishing regulations; relatively few (13%) felt that there was little understanding. The same was true for each user group and region. A majority of all of the respondents (53% to 36%, with the remainder unsure) believed that the regulations had been explained to residents in their local language. This was also the case as far as sport and commercial users were concerned, but not for subsistence users: 69 said there had been no explanation, whereas 66 said there had (16 were unsure). The Arctic Region was the only region where a majority of respondents said there had been no explanation in the local language.

Respondents were asked about the level of compliance with hunting seasons, bag limits, and permits and tagging requirements. There was general agreement overall that compliance was high or medium; relatively few felt that there was low compliance with any of these requirements. The same was true for all types of users, and in all regions.

The results with regard to whether the game regulations reflect local conditions and uses are set out in Table 4. As that Table indicates, 47% of all respondents said that they do reflect local conditions, while 30% said that they do to some extent, and 23% said that they do not. The same general percentages applied to the different user groups, although the percentages for subsistence users indicated slightly less comfort with the regulations (the corresponding percentages were 41%, 32%, and 27%), while a majority of sport and commercial users were comfortable with them. As for the regions, a majority of respondents from the Arctic region felt the regulations did not reflect local conditions, and respondents from the Western and Interior regions also evidenced some discomfort along

**Table 4. Whether game regulations reflect local conditions and uses**

<u>Respondent</u>	<u>Yes</u>	<u>S'what</u>	<u>No</u>
All users	116	73	56
Subsistence users	61	48	39
Sport users	43	19	18
Commercial users	61	29	20
Subs/Sp/Comm users	10	4	3
Arctic Region	7	9	9
Western Region	7	6	4
Southwestern Region	18	12	10
Southeastern Region	38	15	9
Interior Region	17	17	11
Southcentral Region	29	14	13

these lines. On the other hand, a majority of repondents from the other regions did believe that the regulations reflected local uses.

**Possible changes to hunting regulations**

Information gathered by RURAL CAP prior to sending out the questionnaire indicated that concern had been expressed about the subsistence hunting regulations. Four areas seemed to come up the most: seasons, bag limits, permit requirements, and the lack of regulations specific to subsistence. Respondents were asked about these specific issues.

A majority of all respondents -- and of subsistence and commercial users -- felt that there should be separate subsistence hunting regulations. Sport hunters felt differently. All of the regions, except the Southcentral region, also supported separate regulations.

Tables 5-7 set out the responses with respect to the specific

**Table 5. Whether to use a community bag limit**

<u>Respondent</u>	<u>Yes</u>	<u>No</u>	<u>NS</u>
All users	65	137	34
Subsistence users	52	67	22
Sport users	16	53	9
Commercial users	26	64	17
Subs/Sp/Comm users	0	13	3
Arctic Region	12	8	5
Western Region	5	8	4
Southwestern Region	15	19	3
Southeastern Region	11	35	10
Interior Region	12	26	7
Southcentral Region	10	41	5

**Table 6. Whether to find alternatives to hunting licenses**

<u>Respondent</u>	<u>Yes</u>	<u>No</u>	<u>NS</u>
All users	66	150	25
Subsistence users	58	68	19
Sport users	10	62	8
Commercial users	23	71	14
Subs/Sp/Comm users	1	16	0
Arctic Region	16	7	3
Western Region	5	8	4
Southwestern Region	11	23	3
Southeastern Region	16	37	7
Interior Region	14	25	7
Southcentral Region	4	50	1

**Table 7. Whether to extend or eliminate hunting seasons**

<u>Respondent</u>	<u>Yes</u>	<u>No</u>	<u>NS</u>
All users	95	104	30
Subsistence users	63	52	21
Sport users	32	31	12
Commercial users	39	53	8
Subs/Sp/Comm users	6	10	1
Arctic Region	12	9	5
Western Region	7	7	1
Southwestern Region	19	15	2
Southeastern Region	18	32	7
Interior Region	21	11	9
Southcentral Region	18	30	6

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changes to subsistence regulations. A strong majority of all respondents opposed using a community bag limit in lieu of individual bag limits or of finding an alternative to requiring hunting licenses for subsistence hunters. A bare majority opposed extending or eliminating hunting seasons. Subsistence users also opposed community bag limits and alternatives to licenses, although by smaller numbers, but they supported extending or eliminating seasons. Sport and commercial users were strongly opposed to community bag limits and license alternatives; interestingly, sport users also supported extending or eliminating seasons, while commercial users opposed this. Respondents in the regions were in general agreement with these trends, except that those in the Arctic region supported all three changes, while those in the Southcentral region were vehemently opposed. (Subsistence users in Southcentral did support extending or eliminating seasons, while subsistence users in Southeast supported finding some alternative to hunting licenses; subsistence users in other regions followed the general trends.)

## DISCUSSION

### Interpreting the results

The overall impression that emerges from the responses to the questionnaire is that system as it has been implemented has favored sport and commercial uses over subsistence uses. The answers from subsistence users indicate that they are less comfortable with the way ANILCA is being implemented than are sport or commercial users. They have a lower opinion of the effectiveness of the committees and of the way in which current regulations meet local conditions and uses. And they are less uncomfortable with changes in hunting regulations that might conform more with traditional practices.

The slant of the system towards sport and commercial uses is reflected in a number of ways. First, the make-up of the committees strongly reflects sport and commercial interests, especially in the Southcentral and Southeastern regions. This is revealed by the number

of sport and commercial interests as opposed to subsistence interests, as well as the fact that many people believe that they represent more than one interest. Such multiple representation has to dilute the ability to represent each interest to the fullest extent. It should be noted in this respect that the largest "non-rural" areas in the State are in the Southcentral region, yet representatives from these areas sit on the Southcentral Regional Council. Since the responses from the Southcentral region reveal that respondents there are least sympathetic to subsistence, this places subsistence users from this region at the greatest disadvantage. Similar impacts may be felt by subsistence users in the Southeastern region, where commercial interests are represented the most strongly of all.

The makeup of the committees is no doubt influenced by the nature of the committee selection process. Members are elected from each community, but this is done at a meeting in the community. Those who do not show up do not vote. Ideally, this should mean that only those who are interested participate. But in fact, many who might be interested do not show up at the meeting, either due to a lack of understanding, a frustration with the system as it is (many comments on the questionnaire indicated that participation was felt to be futile -- that the Boards did not listen to committee input), or the fact that the process itself comes out of a non-Native culture. For whatever reason, it is probably safe to assume that those who are elected often are the most sophisticated in the ways of the State; especially where the region or community has a strong mix of Natives and non-Natives, those who do participate and get elected tend not to be the more traditional hunters and fishermen.

The lack of staff support and especially funding is another reason why the system may not favor subsistence users. Obviously, this precludes training and education as to the uses and powers of the committee system. In addition, low funding makes it hard to hold meetings, which probably explains why respondents in the more remote regions felt that they did not meet enough. These factors help explain why subsistence users generally were more distrustful of the State than were sport and commercial users.

Notwithstanding these difficulties, subsistence users did not generally feel that the committees were a waste of time. All respondents noted that several proposals were submitted, although there was dissatisfaction with the Boards' failure to explain just why they turned a proposal down. This suggests that notwithstanding any distrust of the State, all types of users support the concept of the system, and the value of their participation in it.

The level of satisfaction with the regulations themselves is harder to measure. The best conclusion is that while that level is not very low, it also is not very high. Much of the difficulty here springs from the fact that many respondents stated that the regulations were "somewhat" reflective of local conditions and uses. This can be taken to mean that the regulations only need minor improvement, or that there is a considerable need for change. Since some 30% gave this answer, it obviously is difficult to come to a definitive conclusion.

However, the responses do provide some indication of a preference in the regulations towards sport and commercial uses, for sport and commercial users were relatively satisfied with the regulations. Indeed, in some cases, their principal dissatisfaction, as revealed in their explanations, was with the fact that subsistence received special recognition. The answers from subsistence users indicated that they were less comfortable with the regulations, although even they did not appear totally uncomfortable with the current regulations.

The possible changes to the hunting regulations were drawn primarily from suggestions that have been made to make the regulations conform more to traditional practices. As would be expected, subsistence users by and large were more interested in these ideas, while sport and commercial users were more opposed. (Sport hunters did support extending or eliminating seasons, which is not very surprising, since this would improve the chances for hunter success.) However, subsistence users were far from overwhelming in their support for any of the proposals, which is somewhat surprising since these are meant to facilitate subsistence hunting. This may perhaps be explained by the fact that many of those who said they represented subsistence also represent other interests, a theory borne out by the fact that Western Alaska respondents generally did not favor the proposals: respondents in that very traditional region were, overall, almost equally divided among subsistence interests on the one hand, and sport and commercial interests on the other. In the Arctic region, where the respondents primarily represented subsistence, there was strong support for all three proposals.

By sending questionnaires to the members of the advisory committees, RURAL CAP's survey in part measured the way that the State's advisory committee system facilitates or hinders both that system and implementation of the subsistence priority. Aside from the funding and related reasons noted above, this is because the answers the respondents gave indicate the attitude they bring to the process. If that attitude is less protective of subsistence, then the advisory committee system is not working as a bulwark for subsistence. As the results discussed above indicate, the members' interests are very mixed, which can only mean that the ability of the system to help subsistence is mixed as well.

### Limitations of the study

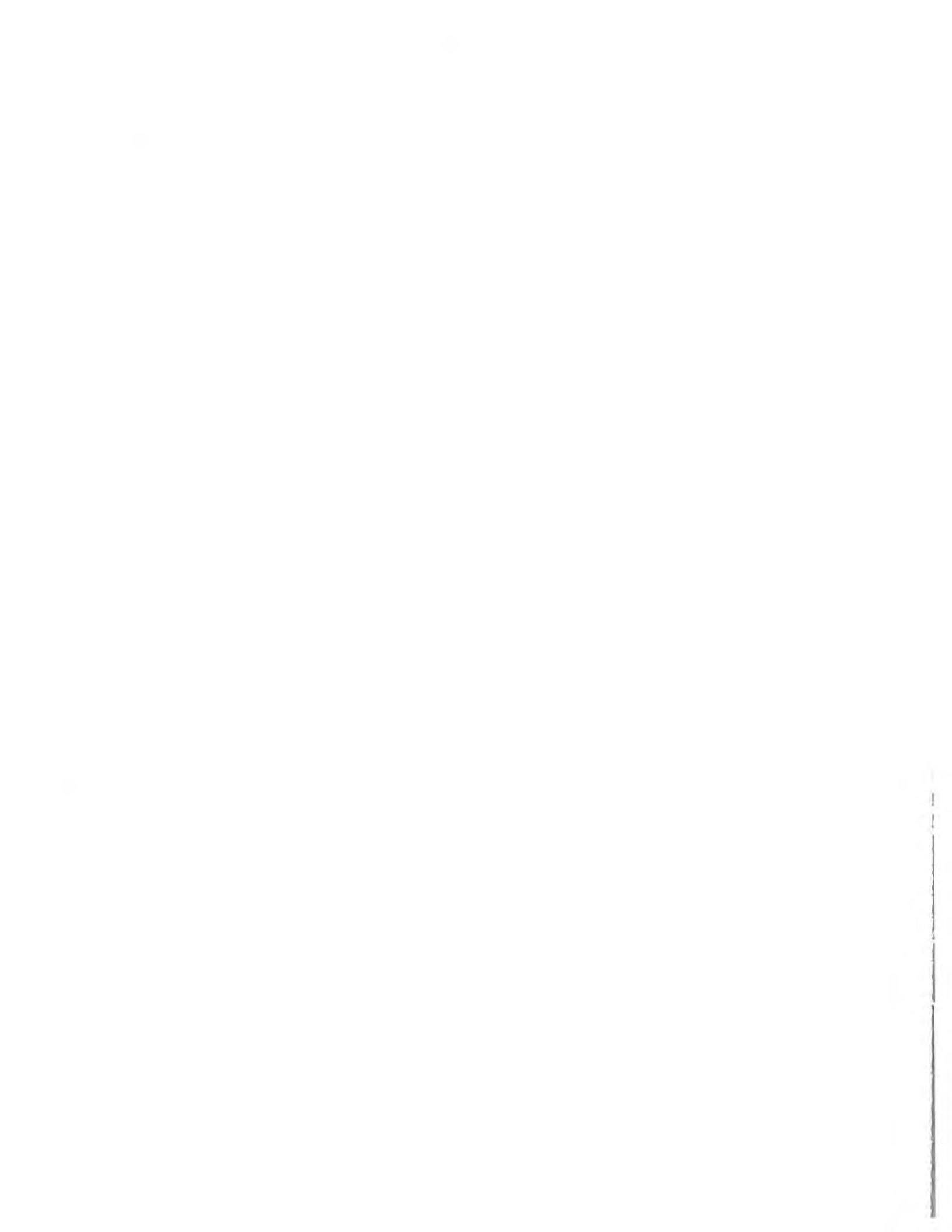
It must be recognized that this study has some rather important limitations. First, the questions may have been susceptible to different interpretations, which makes it more difficult to arrive at consistent results. Second, although the questionnaire asked which interest the respondent most represented, many respondents chose more than one category. This highlighted the fact that individual committee members feel they represent more than one interest, which means that their interpretation of how to assert that interest necessarily is colored by the other interests. As a result, any focus on subsistence protection may well have been lessened by the desire to protect other interests as well (and vice versa).

Most important, the statistical reliability of the results was influenced by who did or did not respond. Relatively few responses were received from the Western or Arctic regions, where sport and commercial uses are of relatively less importance. There is a related cultural dimension: questionnaires are a very western concept, which may make those who are uncomfortable with western culture (or the English language) less likely to fill them out. This is no doubt a particular problem in the Western and Arctic regions, but it would also hold for the other regions as well.

These latter two factors probably mean that the responses that were received were not fully representative of all subsistence users. Many subsistence users live in the Western and Arctic regions, and many are unfamiliar or uncomfortable with filling out questionnaires. As a result, the responses obtained by the survey may well be skewed against subsistence users.

### Conclusion

Notwithstanding its limitations, the results of this survey demonstrate that the State's fish and game management system generally favors sport and commercial interests over subsistence interests. The makeup of the advisory committees, the lack of support to the committees (which has a greater adverse effect on the more rural areas), and the level of comfort with the regulations all indicate that sport and commercial uses are more likely to be accommodated through the committee system. Structural changes in the committee system (such as in the makeup of the committees), as well as increase funding and training by the State, will be required if the system is to work as it was originally designed.



**APPENDIX F**

**RURAL -- FEDERAL REGISTER**



## **Introduction**

**This appendix is the publication of the decision of the Federal Subsistence Board in reconsidering the rural status of some communities in Alaska under the Temporary Federal Subsistence Regulations. The decision process is also presented.**

# Notices

Federal Register

Vol. 56, No. 2

Thursday, January 3, 1991

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## DEPARTMENT OF AGRICULTURE

### Forest Service

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### Subsistence Take of Fish and Wildlife on Public Lands in Alaska; Final Rural and Non-Rural Determinations

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

**ACTION:** Notice.

**SUMMARY:** This notice by the Federal Subsistence Board (Board), on behalf of the Department of Agriculture and Department of the Interior land managing agencies in Alaska, announces the final determinations of "rural" and "non-rural" areas and communities in accordance with the procedures described in "Temporary Subsistence Management Regulations For Public Lands in Alaska" published in the *Federal Register* (55 FR 27114) on June 29, 1990.

**DATES:** These determinations are effective as of January 1, 1991. The determinations constitute an action of the Board, subject to requests for reconsideration under the procedures outlined in 36 CFR 242.18 and 50 CFR 100.18; the last day for filing such a request for reconsideration of these determinations is February 14, 1991.

**ADDRESSES:** Appeals should be addressed to the Chairman, Federal Subsistence Board, c/o U.S. Fish and Wildlife Service, attn: Richard Pospahala, 1011 E. Tudor Road, Anchorage, Alaska 99503.

**FOR FURTHER INFORMATION CONTACT:** Richard Pospahala, U.S. Fish and Wildlife Service, 1011 E. Tudor Road, Anchorage, Alaska 99503; telephone (907) 287-1461.

**SUPPLEMENTARY INFORMATION:** Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) (16 U.S.C. 3111-3126) requires the Secretaries of Agriculture and the Interior to implement a program to grant preference in favor of subsistence uses of fish and wildlife on public lands unless the State of Alaska implements a subsistence program consistent with ANILCA's requirements. The State of Alaska had such a program that was found by the Department of the Interior to be consistent with ANILCA. In December 1989, however, the Alaska Supreme Court ruled in *McDowell v. State of Alaska* that the rural limitation in the State subsistence definition, which is required by ANILCA, violates the Alaska Constitution. The Court stayed the effect of the decision until July 1, 1990.

As a result of the decision, the Departments of Agriculture and the Interior were required to take over implementation of title VIII of ANILCA on public lands on July 1, 1990. Federal subsistence management would impact the subsistence use of fish and wildlife resources on public lands in Alaska managed by the Fish and Wildlife Service, National Park Service, Bureau of Land Management, Bureau of Indian Affairs, Forest Service, Air Force, Army and various other Federal land managing agencies.

The Board, as the managing entity, started by publication in the *Federal Register* (55 FR 40897) on October 5, 1990, the process of collecting public comments relating to a number of issues on subsistence management on public lands, including the rural determination process. Again on November 23, 1990 (55 FR 48877), the Board published Notices in the *Federal Register* explaining the proposed Federal process for making rural determinations, the criteria to be used and the application of those criteria in preliminary determinations. Public meetings were then held in some 56 communities throughout Alaska, specifically to solicit comments on the Federal Subsistence Program, including rural determinations. The period for submitting comments on rural determinations closed on December 10, 1990. In addition to comments in the public meetings attended by some 1,670 persons, the Board received a total of 140 written comments from 34 governmental entities, 33 comments

from organizations and 73 comments from individuals during the comment period.

The definition of rural is, perhaps, the key element in the regulations. The term "rural" was not defined in ANILCA. The Ninth Circuit Court of Appeals ruled in 1988 that the rural definition in the State's 1986 subsistence law was not consistent with ANILCA and the common meaning of the term rural. The legislative history of ANILCA provides some insight. Senate Report 96-413 identified Anchorage, Juneau, Fairbanks and Ketchikan as examples of non-rural communities in 1980 and Barrow, Kotzebue, Nome, Bethel and Dillingham as examples of rural communities. It further states that the rural nature of such communities is not a static condition and can change.

#### Analysis of Comments

(a) Several people commented that they felt the ANILCA subsistence preference for rural residents of Alaska was unconstitutional and objected to the establishment of regulations which allow for rural subsistence priority. Several comments called for an amendment to ANILCA.

The Departments of the Interior and Agriculture have no authority to make such an interpretation since the rural priority is a provision of Federal law. Only Congress may amend a law. Until such time as the law is changed, the Federal government must provide a subsistence priority to rural Alaskan residents for use of fish and wildlife resources on public lands.

(b) A large number of commentators felt that all Alaskans should receive equal treatment and access to subsistence resources.

Title VIII of ANILCA specifies that rural Alaska residents must be afforded a priority for subsistence use of fish and wildlife resources on public lands.

(c) Some comments addressed the issue of granting subsistence preference based on individual circumstances rather than by community or area.

Although not addressed in the Act, the legislative history clearly indicates the rural/non-rural determinations are to be made on a community or area basis and not on the basis of individual circumstance. The record also indicates that the designation of communities may change over time.

(d) Some commentors believed that the location of one's residence or the size of the community was not indicative of life style and the need for subsistence resources.

It is recognized that many urban residents utilize wild resources as part of their diet; however, as defined by Congress, "subsistence" applies to the customary and traditional usage of fish and wildlife by rural residents. We agree that population estimates are not the only component which should be used to define the character of a community. However, they are an important characteristic. The Ninth Circuit Court of Appeals in *Kenaitze Indian Tribe v State of Alaska* found the State's definition of rural to not be in accordance with ANILCA. The State definition relied totally on socioeconomic characteristics. The Court went on to state "the term rural is not difficult to understand \* \* \* it refers to areas of the country that are sparsely populated." It gave examples of existing Federal agency use where a base population figure is 2,500 and a set of community characteristic variables are used to allow the population of the community to exceed the 2,500 level and still be rural if the characteristics so indicated.

(e) Many commentors felt that a subsistence priority should be based on end as indicated by income level.

Many individuals may need assistance of various types. Congress did not include dependence as part of its subsistence definition in Section 803 of ANILCA. In contrast, Section 804 of ANILCA does include dependency on the resource and a criterion for implementing subsistence priority.

(f) Some commentors believe that being located on the road system should be used as a basis for making the rural/non-rural determination.

The Board believes that although being located on the road system might be an indicator of non-rural status, the road system is not in and of itself the primary determinant for dividing rural and non-rural communities. A much better primary characteristic is that of population.

(g) Many commentors felt that Alaska Natives, no matter where they live, should be afforded a subsistence priority; others disagreed.

Under ANILCA, a subsistence priority on Federal lands is to be provided only to rural Alaska residents regardless of ethnic background, meaning that Natives and non-Natives in rural areas only will receive this preference. Likewise, since ANILCA specifies rural residents, those individuals living in non-rural areas, even if they are

Natives, do not qualify for a subsistence preference.

(h) Many commentors spoke to a history of fish and wildlife use and customary and traditional practices, desiring that a preference be based on those grounds.

We agree that the use of natural resources are important to the social and cultural well being of many communities throughout Alaska. There is sharing of these resources in every community in Alaska, even Anchorage. The question is to what extent does this take place in a community. A decision to consider any Alaska community non-rural will not prohibit those residents from taking wild resources. It will mean that in times of fish and game scarcity on land, and waters included in the Federal subsistence program, they will not have a priority use of those resources.

(i) Some commentors felt that to qualify for a subsistence priority, a person should meet certain residency requirements.

A subsistence user must be an Alaskan resident and eligible to purchase a resident hunting, fishing or trapping license.

(j) Many comments related specifically to the proposed non-rural classification for Sitka. These included comments addressing:

1. Incorrect comparison of the 7,000 population level with the 1988 population of the Sitka City/Borough (8257) because Sitka has unified its city and borough boundaries. Thus, the Board should either compare the 1980 Ketchikan Borough population (11,316) to the 1988 Sitka Borough population (8257) or compare the 1980 Ketchikan City population (7200) to the 1988 population residing within the pre-city/borough unification Sitka City limits.

After evaluating public comments and reexamining community characteristics, it became clear that Sitka possesses both rural and non-rural characteristics; therefore, the Board has determined Sitka to be rural for the purposes of subsistence on Federal lands.

2. The fish and game harvest information for Sitka, obtained from the Tongass Resource Use Cooperative Study, isn't accurate because of the survey methodology. The survey employed a telephone sampling technique in Sitka while household interviews were used in the rest of the communities sampled.

The Study methodology is valid and it is the best data available. The Study does show very close correlation with an earlier study conducted by the Alaska Department of Fish and Game. Also, a comparison of the harvest rates

of Kodiak (a community where household studies have been done and with very similar characteristics) and Sitka shows very similar rates and adds credibility to the Sitka data.

3. If Congress intended communities greater than 7,000 to be non-rural why did they not identify Sitka City, with a 1980 population of 7,800, as non-rural.

The Senate report only identifies examples of non-rural and rural communities to be used as guidelines by the administering entity. The list is not intended to be all inclusive. For example, not all communities which are obviously rural were mentioned. Only Dillingham, Bethel Nome, Kotzebue, and Barrow were listed as examples of rural communities. Because of the borderline nature of Sitka and because of extensive public testimony indicating rural characteristics, the Board designated Sitka as rural.

4. Another way of defining rural communities is to use a population density approach.

This is a very misleading approach when some communities have a unified City/Borough boundary and other communities do not. Using this approach according to the Sitka position paper would show that Ketchikan has had a density of 9.1 persons/square mile in 1980 while Sitka has a density of 2.8 persons/square mile in 1988. This is very misleading. The unified Sitka City/Borough had a 1988 population of 8,257 people. The City/Borough boundary covers 4,710 square miles. However, approximately 95% of the people live in a core area of approximately 30 square miles. By way of comparison the Municipality of Anchorage only covers 1,958 square miles.

5. The Sitka economy is seasonal. It is based on the seafood, forest products and tourism industries as well as government employment. The first three are seasonal as is even government employment to some extent. Thus indicating a rural nature. In addition, Sitka's unemployment rate and taxable income level indicated it is rural.

All of the above factors are very similar when Sitka is compared to Ketchikan. The economy of Ketchikan is also based on the seafood, timber products and tourism industries as well as government employment. In addition, the taxable income and employment rates are very similar between the two communities.

(k) Many comments related specifically to the proposed non-rural classification for Saxman. These included comments addressing:

1. The use of subsistence resources as being very important to the social and

cultural well being of Saxman residents. This should be an important criterion to be considered when determining whether a community is rural or not.

We agree that the use of natural resources is important to the social and cultural well being of many communities throughout Alaska. There is sharing of these resources in every community in Alaska, even Anchorage. Because of the overriding socioeconomic and cultural characteristics of Saxman, differentiating it from Ketchikan, the Board determined Saxman to be a rural community.

2. Saxman is a rural community because of its character composition and personality not because of the number of people living there.

Saxman possesses both rural and non-rural characteristics; therefore, based on extensive public testimony, the Board has determined Saxman to be rural for the purposes of subsistence on Federal lands.

(1) A few comments related specifically to the proposed non-rural classification for Kodiak. These included comments relating to the high use of fish and game resources.

After evaluating public comments and reexamining community characteristics, it became clear that Kodiak possesses both rural and non-rural characteristics. Therefore, because of the borderline nature of Kodiak as evidenced by extensive public testimony, Kodiak has been determined to be a rural community for the purposes of Federal subsistence management.

(m) Some individuals commented, asking that certain other specified communities be considered "rural", either continuing the State's prior designation or asking the Federal government to change a prior State non-rural designation. Many of these individuals pointed out a traditional use of the resources.

The level of past use is just one characteristic that is used only to modify a preliminary determination based on population level. Additionally, the level of past use is based on community-wide data, not on individual or single family history.

#### **Federal Subsistence Management Program—Rural/Non-rural Determination Process**

The Federal government recognized that communities of the same size may vary greatly in character for a variety of reasons. Therefore, no single population number adequately serves as a dividing line between rural and non-rural communities. Before examining community characteristics communities that are socially and economically

integrated were aggregated. The criteria used to determine if communities are socially and economically integrated includes: (1) Do 15% or more of the working people commute from one community to another; (2) do they share a common school district; (3) are daily or semi-daily shopping trips made. The aggregation criteria were developed by working with the Institute of Social & Economic Research, the Alaska Department of Labor and the Municipality of Anchorage.

Communities were aggregated according to these criteria; the population for the community or area was determined; and preliminary rural/non-rural screening of communities began. The process to determine rural was designed to incorporate the common meaning of rural and is based on two rebuttable presumptions as described below. A community or area of less than 2,500 population is deemed rural unless it exhibits characteristics of a non-rural nature or area or is part of an urbanized area. The number 2,500 was selected because it is the figure used by the U.S. Census Bureau to divide rural from non-rural. A community between 2,500 and 7,000 bears no presumption as to its rural or non-rural status. Some communities that fall in this population range may have rural characteristics.

Communities 7,000 or greater in population are presumed to be non-rural. The 7,000 population level was chosen because Ketchikan, the smallest of the non-rural communities mentioned in the Senate report, was approximately that size when ANILCA was passed and consequently is an indicator of Congressional intent. Communities in Alaska can approach and may rarely exceed a population level of 7,000 and still be rural in character.

This definition and process recognizes that population alone is not the sole indicator of a rural or non-rural community. This flexibility is consistent with approaches other Federal agencies have used to determine if communities are rural. Indicators which the Federal Subsistence Board evaluates to decide if a community is rural or non-rural in character are: use of fish and game; development and diversity of the economy, community infrastructure, transportation, and educational institutions.

Use of fish and game includes the variety of species used per household, the participation of households using subsistence resources (percent of households in community), and the level of harvest based on the average pounds per-capita consumed. The economy of an area was considered to include

whether employment was considered high, moderate, low, seasonal or year-round; the unemployment rate; and 1985 average taxable income level, the diversity of services within the community or area, and the cost of food index.

Community Infrastructure as a measure of urban development (based on the fact that electricity costs are normally lower in urban areas versus rural areas) included the 1988 average cost of electricity per kilowatt hour. Transportation included the variety and means, the predominate methods and the number of miles of road system. Evaluation of educational institutions included the level of education provided in a community.

The community characteristics were developed through coordination with the Alaska Department of Labor, Alaska Department of Revenue, the Institute of Social and Economic Research, the Alaska Department of Commerce and Economic Development, the Alaska Department of Fish & Game and the Alaska Energy Authority.

The following communities/areas have been determined by the Board to be non-rural. Communities which are grouped (below) are considered to be socially and economically integrated. All communities or areas not listed are determined to be rural.

#### **Non-Rural Communities/Areas in Alaska for the Determination of Subsistence Priorities**

Municipality of Anchorage  
Kenai Area (including Kenai, Soldotna, Sterling, Nikiaki, Salamatof, Kalifonsky, Kasilof and Clam Gulch)  
Wasilla Area (including Palmer, Wasilla, Sutton, Big Lake, Houston and Bodenbergt Butte)  
Fairbanks North Star Borough  
Juneau Area (including Juneau, West Juneau and Douglas)  
Ketchikan Area (including Clover Pass, North Tongass Highway, Ketchikan East, Mountain Pass, Herring Cove, Saxman East, and parts of Pennock Island)  
Homer Area (including Homer, Anchor Point, Kachemak City and Fritz Creek)  
Seward Area (including Seward and Moose Pass)  
Valdez Area, Valdez  
Adak

Title VIII allows for reasonable regulations to provide access and to protect the viability of all wild renewable resources. The protection of wild renewable resources and the opportunity to utilize those resources on public lands by rural Alaskan residents for subsistence purposes are of

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paramount importance to the Federal government and to the public as a whole.

**Curtis V. McVee,**

*Chairman, Federal Subsistence Board,  
Department of the Interior.*

**Michael A. Barton,**

*Regional Forester, USDA—Forest Service.*

[FR Doc. 91-11 Filed 1-2-91; 8:45 am]

SELLING CODE 4319-68-M

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**APPENDIX G**

**1991-1992 TEMPORARY REGULATIONS**

## **Introduction**

**This appendix is the current version of the Federal Temporary Subsistence Management Regulations.**

# **federal register**

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**Wednesday  
June 26, 1991**

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## **Part II**

### **Department of Agriculture**

**Forest Service**

**36 CFR Part 242**

### **Department of the Interior**

**Fish and Wildlife Service**

**50 CFR Part 100**

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**1991-1992 Seasons and Bag Limits for  
Subsistence Management Regulations for  
Public Lands in Alaska; Final Temporary  
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****1991-1992 Seasons and Bag Limits for Subsistence Management Regulations for Public Lands in Alaska, Final Temporary Rule**

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

**ACTION:** Final rule.

**SUMMARY:** This rule amends the Temporary Subsistence Management Regulations for Public Lands in Alaska implementing the subsistence priority for rural residents of Alaska under title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) of 1980 by making limited changes to subpart D to provide for the seasons and bag limits for the 1991-92 regulatory year, and by simplifying previous language. The changes are necessary because the Temporary Regulations were specific to conditions and biological knowledge that existed previously, the situation with regard to this program is changing rapidly, and opportunities exist to reduce public confusion relative to the program. This action clarifies the regulations and makes them more attuned to the subsistence user relative to the present status of wildlife populations, while still providing adequate protection for the fish and wildlife populations on public lands. Subpart D must be used in conjunction with subparts A, B and C.

**EFFECTIVE DATE:** July 1, 1991.

**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) 786-3447. For questions specific to National Forest System lands, contact Norman Howse, Assistant Director, Subsistence, USDA—Forest Service, Alaska Region, P.O. Box 21628, Juneau, Alaska 99802; telephone (907) 586-8890.

**SUPPLEMENTARY INFORMATION:****Background**

Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) (16 U.S.C. 3111-3126) requires the Secretary of the Interior and the Secretary of Agriculture (Secretaries) to

implement a joint program to grant a preference in favor of subsistence uses of fish and wildlife resources on public lands unless the State of Alaska enacts and implements laws of general applicability consistent with ANILCA's requirements for the definition, preference and participation specified in sections 803, 804 and 805. The State implemented such a program which the Department of the Interior previously found to be consistent with ANILCA. In December 1989, however, 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. The Court stayed the effect of the decision until July 1, 1990.

As a result of that decision, the Department of the Interior and the Department of Agriculture (Departments) were required to take over 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 were published in the *Federal Register* (55 FR 27114). This program is administered by a Federal Subsistence Board (Board) made up of representatives of the U.S. Fish and Wildlife Service, National Park Service, Bureau of Land Management, Bureau of Indian Affairs and USDA-Forest Service. These five agencies within the Federal Government are responsible for management of lands covered by title VIII of ANILCA. All agencies cooperatively developed these regulations. All Board members have reviewed this rule and concur in its implementation. Because these regulations relate to lands managed by agencies in both the Departments of Agriculture and the Interior, identical text is hereby incorporated into 36 CFR part 242 and 50 CFR part 100.

These season and bag limit changes will impact the subsistence uses of fish and wildlife resources on Federal public lands in Alaska managed by the Fish and Wildlife Service, National Park Service, Bureau of Land Management, USDA-Forest Service, Bureau of Indian Affairs, Air Force, Army and various other Federal land managing agencies.

The Board has realized that changes were needed in the seasons and bag limits in subpart D, to protect various wildlife populations, recognize changes in population status, better meet the needs of the subsistence users, and to simplify the earlier regulations. Because of these problems, the Board issued on December 15, 1990, a notice calling for proposed changes to the seasons and bag limits for the regulatory period

beginning July 1, 1991. The closing date for these proposals was January 15, 1991. The Board received 182 proposals which were then examined by an interagency Staff Committee. A number of those proposals were beyond the scope of regulation changes for the 1991-92 season. These included proposals to change the structure of Federal subsistence management, proposals dealing with the advisory council system, proposals addressing navigable waters, and proposals which address customary and traditional determination issues. There were 104 such proposals, which the Board referred to the environmental impact statement team and other members of the subsistence staff preparing final regulations and reviewing public comment on these specific subjects.

The remainder of the proposals were closely examined by the Board during a public meeting conducted March 4-7, 1991. At that time, comments were solicited on each proposal and the Board took formal action to propose regulations. The Proposed Regulations were published in the *Federal Register* (56 FR 15402) on April 16, 1991, and a public hearing to receive comments was conducted in Anchorage on April 24, 1991. Because of the short time available, the opportunity for public review and comment after publishing in the *Federal Register* was limited.

An extension of the effective date of the Temporary Federal Subsistence Management Regulations would provide adequate time for a detailed public review period during the development of permanent regulations and preparation of an environmental impact statement, and to align the regulations with the traditional regulatory year within the State of Alaska. A separate rulemaking to extend the Temporary Regulations will be pursued soon. Consequently the seasons and bag limits herein reflect a complete regulatory year although they presently will expire on December 1, 1991. During the public comment period for the Temporary Regulations, numerous entities were concerned about the short review period and requested more review time during the development of the final regulations. Historically, the regulatory year for hunting and fishing regulations begins on July 1 of each year. A six month extension will align the regulations to what has been customary and provide for ample public review of the final regulations and impact statement during their development.

Although the changes herein are quite lengthy, much of the material is merely a reformatting of prior regulations to make

the rules more readable and understandable by the user. The new format organizes the regulations geographically by Game Management Unit and then by species within each unit. This new format will allow a user to easily determine the regulation that affects him or her by reading under the Game Management Unit in which he or she may be hunting.

Subpart D continues to adopt extensively existing State regulations dealing with methods and means of take. The State regulations are codified in title 5 of the Alaska Administrative Code. In many cases the language is verbatim from the State regulations. In other cases minor modifications have been made to make the regulation specific to this Federal program or Federal public lands. Subpart D must be used in conjunction with subparts A-C which remain valid. These temporary regulations attempt throughout to limit change from the State regulations to that necessary to fulfill the Secretaries' responsibilities pursuant to title VIII.

#### Summary of Comments

There were 8 persons who offered oral comments at the meeting, and the Board received an additional 21 written comments from the public.

#### Analysis of Comments

##### (a) Alaska National Interest Lands Conservation Act

Several people commented that they felt the ANILCA subsistence preference for rural residents of Alaska was unconstitutional and objected to the establishment of these regulations which allow for rural subsistence priority. Several comments called for an amendment to ANILCA.

ANILCA mandates a priority for subsistence uses by rural residents on public lands. The Departments of the Interior and Agriculture have no authority to make any other interpretation since the rural priority is a provision of Federal law. Until such time as the law is changed, the Federal government must provide a subsistence priority to rural Alaskan residents for use of fish and wildlife resources on public lands.

##### (b) Definition of Public Lands

There were comments on the exclusion of navigable waters from the definition of public lands. There was a great deal of concern that the exclusion of navigable waters eliminated the majority of subsistence fishing, critical to the well being of rural communities. Some concerns here expressed also that the sport take of migratory species on

State lands affects their numbers for subsistence purposes on public lands.

The United States generally does not hold title to navigable waters and thus navigable waters generally are not included within the definition of public lands. Navigable waters are those waters used or susceptible of being used in their ordinary condition as highways for commerce over which trade and travel are or may be conducted in the customary modes of trade and travel on water.

The scope of these regulations is limited by the definition of public lands in section 102 of ANILCA. Lands validly selected by the State or Native corporations are therefore excluded from this public lands definition.

##### (c) Adoption of State Regulations

There were comments on both sides of the issue of adopting State regulations for Federal subsistence management. A number of commenters said the Federal government should not automatically adopt the State regulations, while others advocated working closely with the State and adopting existing regulations.

In view of the uncertainty over the resumption of State management of subsistence, a major objective of the Federal program has been to minimize disruption to Alaskans and the State's continuing fish and game management, yet still fulfill the requirements of title VIII. These regulations use existing State of Alaska regulations relevant to subsistence management as much as possible. The majority of seasons and bag limits and methods and means of harvest regulations in subpart D are very similar or identical to the current State regulations. State regulations promulgated prior to the effective date of the McDowell decision are presumed to fulfill the title VIII requirements since the State's program was considered to meet the general applicability requirements of section 805(d) of ANILCA. The relatively few changes made were to adapt the State regulations to address public lands or to conform to legal requirements, such as direction received from recent court rulings. Some changes were made in subsistence bag limits or seasons after a review revealed that existing State regulations may not provide adequate opportunity for subsistence use on public lands by rural residents.

##### (d) Public Involvement

One comment was received that the comment period was much too short. Certainly more public involvement would have been desirable and valuable, and under normal circumstances would have occurred; but

the time frame to develop the 1991-92 seasons and bag limits was very limited. During the development of these regulations, initial proposals were solicited from December 15, 1990, through January 15, 1991. After that, a summary of the proposals was sent out for review and the Board held a public meeting March 4-7, 1991, during which public testimony was accepted. Based on that testimony, the Board published a formal proposal (56 FR 15402) with a final comment period. These periods totaled in excess of 75 days in which the public could provide comments.

##### (e) Community Season and Bag Limits

There were a number of comments advocating that the Federal government should establish community bag limits for subsistence take rather than adopt the State's program of having only individual bag limits.

The issue of community season and bag limits is an important issue. To address this issue requires more time, public involvement and information than was available during the development of these regulations. Community season and bag limits and ceremonial uses, e.g., funeral potlatches, will be addressed during development of programmatic regulations and subsequent annual adjustments to subsistence use regulations. In addition, the Federal Government does not believe that the McDowell decision eliminated the State's ability to provide fish and wildlife for funeral potlatches.

##### (f) Customary and Traditional Issue

Comments were received that the proposed regulations should follow customary and traditional harvest seasons and patterns with those being designed to match as closely as possible the customary and traditional lifestyles of rural Alaskans, including accommodation of any religious use of fish and wildlife. Some commented more specifically that certain communities or areas should be determined to have customary and traditional uses of specific fish and wildlife populations on public lands.

As noted previously, the intent of these temporary regulations is to provide for the subsistence priority for rural Alaskans as required by AN-ILCA. Given the short time frame to prepare and implement these regulations existing State determinations of customary and traditional use were adopted. The State's customary and traditional determinations will be reviewed, as necessary, by the Board. This review could include consideration of prior cultural patterns wherein

traditional harvest seasons and patterns would be evaluated for possible changes to recent State seasons or bag limits. Also, any issues concerning customary and traditional religious use of fish and wildlife would be relevant for formal consideration, as would a wide range of other potential issues. Overall, the intent of the Federal program is to be sensitive to the customary and traditional patterns for subsistence use of fish and wildlife by rural Alaskans, meaning that Federal decisions related to this matter would try to reasonably accommodate any such use patterns.

#### (g) Closures

Some comments were received expressing concern that the temporary regulations do not allow for emergency closures to protect wildlife populations.

These regulations do allow for such closures. Section \_\_\_\_\_17(b) states, "In an emergency situation, the Board may direct immediate closure of public lands to any or all hunting or fishing, including subsistence take." The word "any" in this section allows the Board to close an area to sport and/or commercial harvest while allowing subsistence harvest to continue.

#### (h) Permits/Licenses

A number of commenters opposed the requirement for any kind of permit system, especially requiring individuals to obtain permits to use fish and wildlife resources. Commenters also objected to the requirement for State permits and licenses for subsistence take on public lands.

The intent of these regulations is to minimize Federal permit requirements. Where State and Federal season and bag limit regulations vary, Federal permits may be required to ensure that adequate subsistence opportunity is provided to rural residents while ensuring healthy fish and wildlife populations.

#### (i) Navigable Waters

Ever since publication of the Temporary regulations, there has been confusion over the statement about "navigable waters generally are not included \* \* \*."

These regulations still generally do not apply to navigable waters. However, clarification is being made for the benefit of the public, in those cases where withdrawals of Federal lands and waters were made prior to statehood and the Federal government continues to exercise control. It is not the intent of the Board to establish any season, bag limit or method of take different from that imposed by State regulations on navigable waters.

The introductory language to the specific regulations for each of the thirteen Fishery Management Areas describes the intended extent of Federal regulatory jurisdiction over subsistence fishing. This introductory language describes any exceptions to the general rule that Federal regulatory authority does not extend to navigable or marine waters. The introductory description of regulatory authority for each Fishery Management Area will control over any other specific provisions in the regulations for that Area.

#### (j) Other Comments

Several general comments were expressed on a limited basis by a few people. These comments included such topics as wording clarifications, editorial corrections, the need for maps of Federal lands, addresses and locations of all management offices; the need for more conservation, education, and so forth.

The Federal Government appreciates these comments, will make the corrections where appropriate, and will consider them in the development of a public information document describing these regulations.

#### (k) Unit or Species Specific Comments

(1) Numerous comments sought to restrict either seasons or bag limits of various species either without adequate justification or based on the assumption that the population might be particularly vulnerable during one part of the year.

The Board's primary functions are to protect both the wildlife resources and the subsistence opportunity. In order to do so, the Board will only make decisions based on substantial evidence.

(2) In three cases a commenter requested that a season be opened to coincide with a new State season.

The Board amended the proposed regulations to provide for similar subsistence seasons to allow adequate opportunity for subsistence harvest.

(3) In a few cases commenters requested more flexibility in the establishment of season to take into account vagaries in the weather that might restrict subsistence opportunities.

The Board amended the proposed regulations in those places to provide for a season to be opened through announcement.

#### Programmatic Regulations

The Temporary Regulations expire on December 31, 1991. The Federal government is now beginning development of programmatic regulations in the event that the State of Alaska is unable to resume subsistence management on Federal public lands.

Some 58 public meetings have already been held in the affected areas to solicit comments on a long-term program. The Federal government is preparing an Environmental Impact Statement on this program and will then publish proposed programmatic regulations. In response to public comments and agency and legislative mandates, those will be revised and published as final regulations within the effective period of the Temporary Regulations. Once implemented, these programmatic regulations will remain in effect permanently or until the State of Alaska brings its subsistence program back into compliance with ANILCA.

#### Conformance with Statutory and Regulatory Authorities

The impact of these regulations on subsistence uses has been evaluated under section 810 of ANILCA, even though it is not clear that this is an action subject to section 810. Subsistence use and access is expected to differ little from that previously allowed under State management. If change occurs it is expected to be beneficial to subsistence users. The regulations are consistent with the purposes and intent of section 810 and present no significant possibility of a significant restriction on subsistence activities.

Properly regulated and managed subsistence use is consistent with the purposes for which the various public lands in Alaska were established.

#### National Environmental Policy Act Compliance

The Federal assumption of subsistence management will generally maintain the status quo from the user's perspective. Changes in environmental effects will be negligible. Therefore, the implementation of reformatted regulations and minor season and bag limit changes in the Temporary Subsistence Management Regulations for Public Lands in Alaska is determined to be a categorical exclusion as detailed in the USDI Departmental Manual (516 DM 6, appendix 1), USDA regulations at 7 CFR 16.3, USDA Forest Service Manual 1950, I.D. 2 and 17, and USDA Forest Service Handbook 1909.15, I.D. 2 and 17.

#### 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 1018-0075.

Public reporting burden for this form is estimated to average .1382 hours per response, including time for reviewing instructions, gathering and maintaining data, and completing and reviewing the form. 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, NW., MS 224 ARLSQ, Washington, DC 20240; and the Office of Management and Budget, Paperwork Reduction Project (1018-0075), Washington, DC 20503. Additionally, 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.

#### 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 Federal 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 12812. Title VIII of ANILCA requires the Secretaries to administer a subsistence preference on 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 12830.

William Knauer, Subsistence Office, Alaska Regional Office, U.S. Fish and Wildlife Service, Anchorage, Alaska, is the primary author of this rulemaking document, working under the direction of Richard S. Pospahala and the Federal Subsistence Board, Curtis V. McVee, Chairman.

#### List of Subjects

##### 36 CFR Part 242

Administrative practice and procedure, Alaska, Fish, National Forests, Public Lands, Reporting and recordkeeping requirements, Wildlife.

##### 50 CFR Part 100

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

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 amended in an identical fashion in 36 CFR part 242 and 50 CFR part 100 as follows:

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

Authority: 16 U.S.C. 472, 551, 668dd *et seq.*, 3101 *et seq.*; 18 U.S.C. 7, 3559, 3571; 43 U.S.C. 1733.

#### PART \_\_\_\_\_—SUBSISTENCE MANAGEMENT REGULATIONS FOR PUBLIC LANDS IN ALASKA

##### § \_\_\_\_\_.14 [Amended]

2. Section \_\_\_\_\_.14(a) is revised to read as follows:

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

(a) State of Alaska fish and wildlife regulations apply to Federal public lands unless the Board finds it necessary to promulgate regulations which augment or supercede State regulations in order to ensure the priority for subsistence use of fish or wildlife on Federal public lands.

3. Subpart D—Subsistence Hunting, Trapping, and Fishing is revised to read as follows:

#### Subpart D—Subsistence Hunting, Trapping, and Fishing<sup>1</sup>

##### Sec.

- \_\_\_\_\_.23 Subsistence hunting and trapping.
- \_\_\_\_\_.24 Subsistence fishing.
- \_\_\_\_\_.25 Shellfish.

#### Subpart D—Subsistence Hunting, Trapping, and Fishing

##### § \_\_\_\_\_.23 Subsistence hunting and trapping.

(a) Definitions—The following definitions shall apply to all regulations contained in this subpart:

*ADF&G* means the Alaska Department of Fish and Game.

*Aircraft* means a fixed-wing machine or device that is used or intended to be used to carry persons or objects through the air, including airplanes and gliders.

*Airport* means an airport listed in the Federal Aviation Administration, Alaska Airman's Guide and chart supplement.

*Animal* means those species with a vertebral column (backbone).

*Bag limit* means the number of any one species permitted to be taken by any one person in the unit or portion of a unit in which the taking occurs; however, additional numbers of a species may be taken in another designated open unit or portion of a unit where a greater limit on that species is prescribed. In no case may the total or cumulative bag for one person or designated group exceed the limit set for the unit or portion of a unit in which the additional animals are taken. A subsistence bag limit and a general bag limit for the same species are not cumulative.

*Big game* means black bear, brown and grizzly bear, bison, caribou, deer, elk, mountain goat, moose, musk oxen, Dall sheep, wolf and wolverine.

*Bow* means long bow, recurve bow, or compound bow, but not crossbow.

*Broadhead* means an arrowhead with two or more steel cutting edges having minimum cutting diameter of not less than seven-eighths inch.

*Brow tine* means a tine on the front portion of a moose antler, typically projecting forward from the base of the antler toward the nose.

<sup>1</sup> Subpart D closely follows existing State Fish and Game regulations which are codified in title 5 of the Alaska Administrative Code. In many cases the language is identical to state regulation or modified so it applies only to this Federal program on public lands. The regulations note particular State of Alaska provisions from which they were derived.

**Bull moose** means any male moose.

**Closed season** means the time when wildlife may not be taken.

**Cub bear** means a brown or grizzly bear in its first or second year of life, or a black bear (including cinnamon and blue phases) in its first year of life.

**Dire emergency** means a situation in which a person:

- (i) Is in a remote area;
- (ii) is involuntarily experiencing an absence of food required for sustenance;
- (iii) will be unable to perform the functions necessary for survival, leading to a high risk of death or serious and permanent health problems if wild game food is not immediately taken and consumed; and
- (iv) cannot expect to obtain alternative food sources in time to avoid the consequences described in paragraph (iii) of this definition.

**Full curl horn** means the horn of a male Dall sheep, the tip of at least one of which has grown through 360 degrees of a circle described by the outer surface of the horn, as viewed from the side, or that both horns are broken or that the sheep is at least eight (8) years of age as determined by horn growth annuli.

**Fur animal** means coyote, arctic fox, red fox, lynx, or red squirrel, except domestically raised fur animals; "fur animals" is a classification of animals subject to taking with a hunting license.

**Furbearer** means beaver, coyote, arctic fox, red fox, lynx, marten, mink, weasel, muskrat, river (land) otter, red squirrel, flying squirrel, marmot, wolf or wolverine; "fur bearers" is a classification of animals subject to taking with a trapping license.

**Highway** means the drivable surface of any constructed road.

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

**Hunting area for a species** means that portion of a game management unit where a subsistence season and a bag limit for that species are set.

**Motorized vehicle** means a motor-driven land, air, or water conveyance.

**Open season** means the time when wildlife may be taken; each period prescribed as an open season includes the first and last days of the period prescribed.

**Permit hunt** means a hunt for which State or Federal permits are issued by drawing, registration or other means.

**Poison** means any substance which is toxic or poisonous upon contact or ingestion.

**Registration permit** means a hunting permit issued to a person who agrees to the conditions specified for each hunt; permits are issued in the order applications are received, and are issued:

(i) Beginning on a date announced and continuing throughout the open season, or until the season is closed by emergency order when a harvested quota is reached; or

(ii) Beginning on a date announced and continuing until a predetermined number of permits has been issued.

**Sealing** means placing a mark or tag on a portion of an animal by an authorized representative of the ADF&G; "sealing" includes collecting and recording information concerning the conditions under which the animal was harvested and measurements of the specimen submitted for sealing or surrendering a specific portion of the animal for biological information.

**Seven-eighths curl horn** means the horn of a Dall sheep, the tip of which has grown through seven-eighths of a circle (315 degrees), described by the outer surface of the horn, as viewed from the side, or with both horns broken.

**Skin, hide and pelt** are all the same thing, and mean any tanned or untanned external covering of an animal's body; skin, hide, or pelt of a bear shall mean the entire external covering with claws attached.

**Small game** means all species of grouse, hares, rabbits, ptarmigan, waterfowl, cranes and Wilson or jacksnipe.

**Tine or antler point** refers to any point on an antler whose length is at least one inch, and is greater in length than in width, measured one inch or more from the tip.

**Transport** means shipping, carrying, importing, exporting, or receiving or delivering for shipment, carriage or export.

**Unclassified game** means all species of game not otherwise classified in the definitions.

**Unit** means one of the 26 geographical areas listed under game management units in the ADF&G's codified hunting regulations and the Game Management Unit Map of Alaska.

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

(b) Small game and unclassified game, fur animals, furbearers, and big game may be taken for subsistence by any method, unless prohibited below or by other Federal statute.

(1) The following methods of taking game are prohibited:

(i) By shooting from, on, or across a highway;

(ii) With the use of any poison;

(iii) Knowingly, or with reason to know, with the use of a helicopter in any manner, including transportation to or from the field of any unprocessed game or parts of game, any hunter or hunting

gear, or any equipment used in the pursuit or retrieval of game; this paragraph does not apply to transportation of a hunter, hunting gear, or game during an emergency rescue operation in a life-threatening situation;

(iv) Unless otherwise provided in this chapter, from a mechanical vehicle, or from a motor-driven boat unless the motor has been completely shut off and the boat's progress from the motor's power has ceased, except that a motor-driven boat or snowmachine may be used to take caribou in Game Management Unit 23;

(v) With the use of an aircraft, snowmachine, motor-driven boat, or other motorized vehicle for the purpose of driving, herding, or molesting game;

(vi) With the use or aid of a machine gun, set gun, or a shotgun larger than 10 gauge;

(vii) With the aid of a pit, fire, artificial light (except that coyotes may be taken in Units 6(B) and 6(C) with the aid of artificial lights), radio communication, artificial salt lick, explosive, barbed arrow, bomb, smoke, chemical, or a conventional steel trap with a jaw spread over nine inches; however, the "conibear" style trap with a jaw spread of less than 11 inches may be used;

(viii) With a snare, except for taking unclassified game, furbearer, grouse, hare, or ptarmigan;

(ix) By intentionally feeding a bear, wolf, fox, or wolverine, or intentionally leaving human food or garbage in a manner that attracts these animals. This does not apply to bait used for trapping furbearers or hunting black bears.

(2) The following methods and means of taking big game for subsistence are prohibited in addition to the prohibitions in paragraph (b)(1) of this section:

(i) With the use of a firearm other than a shotgun, muzzle-loaded rifle without scope, or rifle or pistol using a center-firing cartridge, except that:

(A) In Unit 23, swimming caribou may be taken with a firearm using rimfire cartridges; (B) The use of a muzzleloading rifle is prohibited for brown bear, black bear, moose, musk ox and mountain goat unless such a firearm is .54 caliber or larger, or at least .45 caliber and a 250 grain or larger elongated slug is used;

(ii) With a crossbow in any area restricted to hunting by bow and arrow only;

(iii) With a longbow, recurve bow, or compound bow unless the bow is capable of casting a broadhead-tipped arrow at least 175 yards horizontally, the arrow is tipped with a broadhead of at least 7/8" width, and arrow and

broadhead together weigh at least one ounce (437.5 grains), and the broadhead is not barbed;

(iv) With the use of bait; except that black bears may be taken with the use of bait in Units 14 (A) (B) between April 15 and May 31; in Units 1 (A) (B) (D), 2, 3, 5, 6, 7 (except Resurrection Creek and its tributaries), 11, 13 and 16 (except Denali State Park) 15 and 17 between April 15 and June 15; and in Units 12, 19-21, 24, and 25 between April 15 and June 30. Baiting of black bears is subject to the following restrictions:

(A) Only biodegradable materials may be used for bait; only the head, bones, viscera, or skin of legally harvested fish and game may be used for bait;

(B) No person may use bait within one-quarter mile of a publicly maintained road or trail;

(C) No person may use bait within one mile of a house or other permanent dwelling, or within one mile of a developed campground or developed recreational facility;

(D) A hunter using bait shall clearly mark the site with a sign reading "black bear bait station" that also displays the person's hunting license number and ADF&G assigned number;

(E) A person using bait shall remove litter and equipment from the bait station site when hunting is completed;

(F) No person may give or receive remuneration for the use of a bait station, including barter or exchange of goods;

(G) No person may have more than two bait stations established (bait present) at any one time;

(H) No person may establish a black bear bait station unless he or she first registers the site with ADF&G;

(v) With the aid or use of a dog, except that a dog may be used to hunt black bear by permit issued at the discretion of the ADF&G;

(vi) With the use of a trap or snare;

(vii) While a big game animal is swimming, except that a swimming caribou may be taken in Unit 23;

(viii) No person who has been airborne, except in regularly scheduled commercial jet aircraft flights, may take for subsistence uses a big game animal in a National Preserve until 3:00 a.m. following the day in which the flying occurred.

(ix) No person who has been airborne, except in regularly scheduled commercial jet aircraft flights, may take or assist in taking for subsistence purposes a big game animal until after 3:00 a.m. following the day in which the flying occurred; however, this paragraph does not apply to subsistence taking of deer, or to subsistence taking of wolves during August 10-March 31 in the

portions of Units 9, 11, 12, 13 except 13 (E) west of the Parks Highway, 17, 19, 20, 21, 24, 25(B), 25(C), and 25(D) that are not in a national preserve (National Parks, Monuments, and Preserves are closed to same-day-airborne Wolf Hunting); additionally with respect to wolves:

(A) No person may take a wolf without first obtaining from ADF&G, a numbered registration permit and numbered, nontransferable locking tags;

(B) Shotguns may not be used to take wolves;

(C) A person taking a wolf shall immediately affix one of the tags to the skin of the wolf until the skin is sealed according to ADF&G procedures;

(x) From a boat in Units 1-5, except by the physically disabled.

(3) The following methods and means of taking fur animals for subsistence under a hunting license are prohibited, in addition to the prohibitions in paragraph (b)(1) of this section:

(i) By using a dog, trap, snare, net, or fish trap;

(ii) By disturbing or destroying a den;

(iii) By having been airborne and using a firearm to take or assist in taking an arctic or red fox until after 3 a.m. on the day following the day in which the flying occurred.

(4) The following methods and means of taking furbearers for subsistence under a trapping license are prohibited, in addition to the prohibitions in paragraph (b)(1) of this section:

(i) By disturbing or destroying a den, except that any muskrat pushup or feeding house may be disturbed in the course of trapping;

(ii) By disturbing or destroying any beaver house;

(iii) Taking beaver by any means other than a steel trap or snare, except that a firearm may be used to take beaver in Unit 18 from April 1 through June 10, and in Units 8, 22, and 23 throughout the seasons established herein;

(iv) Taking land otter with a steel trap having a jaw spread of less than five and seven-eighths inches during any closed mink and marten season in the same game management unit;

(v) Using a dog, net, or fish trap (except a blackfish or fyke trap);

(vi) Taking beaver in the Minto Flats Management Area with the use of an aircraft for ground transportation or by landing within one mile of a beaver trap or set used by the person transported;

(vii) Taking a wolf in Units 12 and 20 (E) during March, April or October with a steel trap, or with a snare smaller than 3X;

(viii) Having been airborne and using a firearm to take or assist in taking an

arctic fox, red fox, wolf, or wolverine until after 3 a.m. on the day following the day in which the flying occurred; this paragraph does not apply to a trapper using a firearm to dispatch a fox, wolf, or wolverine caught in a trap or snare;

(ix) Taking a red fox in Unit 15 by any means other than a steel trap or snare.

(c) Possession and Transportation of Wildlife. (1) Unless otherwise provided, no person may take a species of game in any unit or portion of a unit if that person's total statewide take of that species already equals or exceeds the bag limit for that species in that unit or portion of a unit except as specified in paragraph (c)(3) of this Section.

(2) The bag limit specified herein for a subsistence season for a species and the State bag limit set for a State season for the same species are not separate and distinct. This means that a person or designated group who has taken the bag limit for a particular species under a subsistence season specified herein may not after that, take any additional animals of that species under any other bag limit specified for a State season.

(3) The bag limit specified for a trapping season for a species and the bag limit set for a hunting season for the same species are separate and distinct. This means that a person who has taken a bag limit for a particular species under a trapping season may take additional animals under the bag limit specified for a hunting season or vice versa.

(4) A bear taken in any unit having a one bear per regulatory year limit does not count against the one bear every four regulatory years bag limit in other units; however, no more than one bear may be taken in any regulatory year.

(5) A bag limit applies to a regulatory year unless another time period is specified in the bag limit.

(6) Any person who gives or receives wildlife shall furnish upon request of a Federal agent a signed statement describing the following: names and addresses of persons who gave and received wildlife, when and where the wildlife was taken, and what wildlife was transferred.

(7) No person may possess, transport, or give, receive or barter wildlife that the person knows or should know were taken in violation of Federal or State statutes or a regulation promulgated thereunder.

(8) Evidence of sex and identity. (i) No person may possess or transport a Dall sheep unless both horns accompany the animal if the subsistence take is restricted to a single sex.

(ii) If the subsistence taking of a big game animal, except sheep, is restricted to one sex, no person may possess or

transport the carcass of an animal unless sufficient portions of the external sex organs remain attached to indicate conclusively the sex of the animal; however, this section does not apply to the carcass of a big game animal that has been cut and placed in storage or otherwise prepared for consumption upon arrival at the location where it is to be consumed.

(iii) If a moose bag limit includes an antler size or configuration restriction, no person may possess or transport the moose carcass or its parts unless both antlers accompany the carcass or its parts. A person possessing a set of antlers with less than the required number of brow tines on one antler shall leave the antlers naturally attached to the unbroken, uncut skull plate; however, this subsection does not apply to a moose carcass or its parts that have been cut and placed in storage or otherwise prepared for consumption after arrival at the place where it is to be stored or consumed.

(iv) Until the hide has been sealed by a representative of the ADF&G, no person may possess or transport the hide of a brown bear taken in Unit 4 which does not have the penis sheath or vaginal orifice naturally attached to indicate conclusively the sex of the bear.

(d) A person who takes an animal that has been marked or tagged for scientific studies must, within a reasonable time, notify the ADF&G or other agency, if identified on the collar or marker, when and where the animal was killed. Any ear tag, collar, radio, tattoo, or other identification must be retained with the hide until it is sealed, if sealing is required, and in all cases any identification equipment must be returned to the ADF&G or to an agency identified on such equipment.

(e) Sealing of bear skins and skulls. (1) As used in this section:

*Bear* means brown bears in all units, and black bears of all color phases taken in Units 1-7, 11-16, and 20;

*Sealing certificate* means a form used by the ADF&G for recording information when sealing a bear.

*Temporary sealing form* means a form available at ADF&G offices for providing information regarding date and location of a bear kill, species of bear, name and address of the hunter, name of the guide, and other information requested by the ADF&G on the form;

(2) No person may possess, transport, or export from Alaska, the untanned skin or skull of a bear unless the skin and skull have been sealed by an authorized representative of the ADF&G within 30 days after the taking, or a lesser time if requested by the ADF&G.

The seal must remain on the skin until the tanning process has commenced. A brown bear taken in Unit 8 may not be transported from that unit until it has been sealed. A brown bear taken in Unit 20(E) may not be transported from that unit, except to Tok, until it has been sealed.

(3) Except as provided in paragraph (c) of this Section, a person who kills a bear must personally present the skin and the skull to an authorized representative of the ADF&G for sealing within 30 days after the taking, or a shorter time if requested by the ADF&G, and must sign the sealing certificate at the time of sealing.

(4) A person who takes a bear but is unable to present the skin and skull in person must complete and sign a temporary sealing form and ensure that the completed temporary sealing form, along with the bear skin and skull, are presented to an authorized representative of the ADF&G for sealing within 30 days after the taking.

(5) A person who possesses a bear shall keep the skin and skull together until a representative of the ADF&G has removed a rudimentary premolar tooth from the skull and sealed both the skull and the skin. The ADF&G may require that the skull of the bear be skinned and that the skin and skull not be frozen at the time of sealing.

(6) No person may falsify any information required on the sealing certificate or temporary sealing form provided by the ADF&G.

(f) Sealing of Marten, Lynx, Beaver, Otter, Wolf, and Wolverine. (1) No person may possess, transport, or export from the state the untanned skin of a marten taken in Units 1-5, 7, and 15, or the untanned skin of a lynx, beaver, land otter, wolf, or wolverine, whether taken inside or outside the state, unless the ADF&G has sealed the skin. The seal must remain on the skin until the tanning process has commenced or the skin has been transported from the state; however, the seal may be removed from the skin of a marten taken in Units 1-5 when the skin has been prepared for shipment from the state.

(2) The sealing of marten, lynx, beaver, land otter, wolf, or wolverine must be accomplished as follows:

(i) Wolf (in Unit 15(A)) taken by hunting or trapping must be sealed on or before the 5th day after the date of taking;

(ii) Wolf (except in Unit 15(A)), wolverine, and lynx taken by hunting must be sealed on or before the 30th day after the date of taking;

(iii) Marten (Units 1-5, 7, and 15 only), wolf (except in Unit 15(A)), wolverine, lynx, beaver, and otter taken by

trapping must be sealed on or before the 30th day after the close of the season in the unit where taken.

(3) The sealing periods described in paragraph (f)(2) of this Section may be temporarily reduced by an authorized employee of the ADF&G.

(4) A person who takes a species listed in paragraph (f) of this section must bring the skin for sealing to an authorized representative of the ADF&G and must complete a report on a form provided by the ADF&G.

(g) Utilization of Game. (1) The following definitions shall apply to this paragraph:

*Edible meat* means, in the case of big game animals, the meat of the ribs, neck, brisket, front quarters as far as the juncture of the humerus and radius-ulna (knee), hindquarters as far as the distal joint of the tibia-fibula (hock) and that portion of the animal between the front and hindquarters; in the case of wild fowl, the Meat of the breast; however, *edible meat* of big game or wild fowl does not include: meat of the head; meat that has been damaged and made inedible by the method of taking bones, sinew and incidental meat reasonably lost as a result of boning or a close trimming of the bones; or viscera.

*Wild fowl* means species of wild bird for which seasons or bag limits have been established by State or Federal law.

(2) No person may use game as food for a dog or furbearer, or as bait, except for the following:

(i) The hide, skin, viscera, head, or bones of game;

(ii) The skinned carcass of a furbearer or fur animal;

(iii) Red squirrels and small game; however, the breast meat of small game birds may not be used as animal food or bait;

(iv) Legally taken unclassified game.

(3) A person taking game for subsistence shall salvage the following parts for human use:

(i) The hide of a wolf, wolverine, coyote, fox, lynx, marten, mink, weasel and land otter, and the hide or meat of a beaver or muskrat;

(ii) The hide, skull and edible meat of a brown bear;

(iii) The hide, skull and edible meat of a black bear.

(4) A person who takes a big game animal or a species of wild fowl may not intentionally, knowingly, recklessly, or with criminal negligence fail to salvage for human consumption the edible meat of the animal or fowl.

(5) Failure to salvage or possess the edible meat may not be a violation if due to circumstances beyond the control

of a person, including theft of the animal or fowl, unanticipated weather conditions or other acts of God, or unavoidable loss in the field to another wild animal.

(6) If a person is convicted of violating this section and in the course of that violation failed to salvage from a big game animal at least the hindquarters as far as the distal joint of the tibia-fibula (hock), the court shall impose a sentence of imprisonment of not less than seven consecutive days and a fine of not less than \$2,500.

(7) It is unlawful for a person to possess the horns or antlers of a big game animal that was killed after the opening of the current or most recent lawful season for the animal unless the person also possesses the edible meat of the animal. However, this does not apply to the acquisition of the horns or antlers as a gift after the edible meat of the big game animal was salvaged, or the edible meat is no longer present due to personal consumption or lawful transfer.

(h) Taking wildlife in defense of life & property. (1) Nothing in this subpart prohibits a person from taking wildlife in defense of life or property if:

(i) The necessity for the taking is not brought about by harassment or provocation of the animal or an unreasonable invasion of the animal's habitat;

(ii) The necessity for the taking is not brought about by the improper disposal of garbage or a similar attractive nuisance; and

(iii) All other practicable means to protect life and property are exhausted before the animal is taken.

(2) Wildlife taken in defense of life or property is the property of the State and is not a subsistence taking. A person taking such wildlife is required to salvage immediately the meat, or, in the case of a black bear, wolf, wolverine, or coyote, the hide and surrender it to the State immediately. All bear hides surrendered (brown or black) must include claws. In the case of brown or grizzly bear, the hide and skull must be salvaged and surrendered to the State immediately. The person taking the wildlife must notify the ADF&G of the taking immediately and must submit a written report of the circumstances of the taking of wildlife in defense of life or property to the ADF&G within 15 days of the taking.

(3) As used in this section, "property" is limited to:

(i) A dwelling, permanent or temporary.

(ii) An aircraft, boat, automobile, or other means of conveyance;

(iii) A domesticated animal.

(iv) Other property of substantial value necessary for the livelihood or survival of the owner. Game taken by hunters is not "property" in the sense of this regulation.

(i) Subsistence harvest of migratory birds, including waterfowl, will conform to provisions of the Migratory Bird Treaty Act, as amended, and its implementing regulations.

(j) Subsistence harvest of Endangered or Threatened species will conform to provisions of the Endangered Species Act, as amended, and its implementing regulations.

(k) Subsistence harvest of Marine Mammals will conform to the provisions of the Marine Mammal Protection Act, as amended, and its implementing regulations.

(l) There may be additional requirements for eligibility to hunt in National Parks. Contact your local National Park Service office for details.

(m) Ineligible rural or non-rural residents or sport hunters not specifically prohibited from hunting on Federal lands in an area may hunt there in accordance with the appropriate State regulations.

(n) Game Management Units and Specific Regulations. (1) GMU 1 Game Management Unit 1 consists of all mainland drainages from Dixon Entrance to Cape Fairweather, and those islands east of the center line of Clarence Strait from Dixon Entrance to Camano Point and all islands in Stephens Passage and Lynn Canal north of Taku Inlet;

(i) Unit 1(A) consists of all drainages south of the latitude of Lemesurier Point including all drainages into Behm Canal and excluding all drainages of Ernest Sound;

(ii) Unit 1(B) consists of all drainages between the latitude of Lemesurier Point and the latitude of Cape Fanshaw, including all drainages of Ernest Sound and Farragut Bay, and including the islands east of the center lines of Frederick Sound, Dry Strait (between Sergief and Kadin Islands), Eastern Passage, Blake Channel (excluding Blake Island), Ernest Sound and Seward Passage;

(iii) Unit 1(C) consists of that portion of Unit 1 draining into Stephens Passage and Lynn Canal north of Cape Fanshaw and south of the latitude of Eldred Rock, including Berner's Bay, Sullivan Island, and all mainland portions north of Chichagof Island and south of the latitude of Eldred Rock, and excluding drainages into Farragut Bay;

(iv) Unit 1(D) consists of that portion of Unit 1 north of the latitude of Eldred Rock, excluding Sullivan Island and the drainages of Berners Bay;

(v) Public lands within the following areas are closed to subsistence take or subsistence take is restricted as specified:

(A) Public lands within Glacier Bay National Park are closed to all subsistence take.

(B) Unit 1(A). (1) In the Ketchikan area, a strip one-fourth mile wide on each side of the Tongass Highway system, including the Ward, Connel, and Harriet Hunt Lake Roads, is closed to the taking of big game;

(2) in the Hyder area, the Salmon River drainage downstream from the Riverside Mine, excluding the Thumb Creek drainage, is closed to the taking of bears;

(C) Unit 1(B)—the Anan Creek drainage is closed to the taking of black bears;

(D) Unit 1(C). (1) in the Juneau area, that area between the coast and a line one-fourth mile inland of the following road systems is closed to the taking of big game: Glacier Highway from Mile 0 to Mile 24 at Peterson Creek, Douglas Highway from the Douglas city limits to Milepost 7 on the North Douglas Highway, Mendenhall Loop Road, and Thane Road;

(2) the area within one-fourth mile of Mendenhall Lake, the U.S. Forest Service Mendenhall Glacier Visitor's Center, and the Center's parking area, is closed to hunting;

(3) the area of Mt. Bullard bounded by the Mendenhall Glacier, Nugget Creek from its mouth to its confluence with Goat Creek, and a line from the mouth of Goat Creek north to the Mendenhall Glacier, is closed to the taking of mountain goat;

(4) Mt. Juneau drainage, bounded by the Glacier Highway, Salmon Creek and its reservoir, a line from the head of the Salmon Creek drainage to the head of Granite Creek, and down Granite Creek and Gold Creek to the Glacier Highway, is closed to the taking of mountain goat;

(E) Unit 1(D)—a strip one-fourth mile wide on each side of the Lutak Road between Mile 7 and Chilkoot Lake, and from the Chilkoot River bridge to the end of the Lutak Road spur at the head of Lutak Inlet, is closed to the taking of big game;

(vi) The following areas are closed to the trapping of furbearers for subsistence as indicated:

(A) Glacier Bay National Park;

(B) Unit 1(C) (Juneau area);

(1) A strip within one-quarter mile of the mainland coast between the end of Thane Road and the end of Glacier Highway at Echo Cove;

(2) Auke Lake and the area within one-quarter mile of Auke Lake;



(3) That area of the Mendenhall Valley bounded on the south by the Glacier Highway, on the west by the Mendenhall Loop Road and Montana Creek Road and Spur Road to Mendenhall Lake, on the north by Mendenhall Lake, and on the east by the Mendenhall Loop Road and Forest Service Glacier Spur Road to the Forest Service Visitor Center;

(4) A strip within one-quarter mile of the Douglas Island coast along the entire length of the Douglas Highway and a

strip within one-quarter mile of the Eaglecrest Road;

(5) That area within the U.S. Forest Service Mendenhall Glacier Recreation Area; (6) A strip within one-quarter mile of the following trails as designated on U.S. Geological Survey maps: Herbert Glacier Trail, Windfall Lake Trail, Peterson Lake Trail, Spaulding Meadows Trail (including the loop trail), Nugget Creek Trail, Outer Point Trail, Dan Moller Trail, Perseverance Trail, Granite Creek Trail, Mt. Roberts Trail and the Nelson Water Supply Trail.

Sheep Creek Trail, and Point Bishop Trail;

Note: There are private land areas within many Federal land units. These regulations apply only to Federal lands unless otherwise indicated. It is the responsibility of the subsistence user to be aware of private inholdings.

- Those residents listed under eligibility are the qualified subsistence users.
  - “No open season” means no Federal subsistence season.
  - “No determination” indicates open to Alaska rural residents.
- (vii)

Eligibility determination	Bag limits	Open season
<b>Black Bear:</b> GMU 1—Unit 1(C)—Rural residents of Unit 1(C), and Haines, Gustavus, Klukwan, and Hoonah. GMU 1—Unit 1 (A), (B), (D)—No determination	Unit 1—2 bears, not more than one of which may be a blue or glacier bear.	Sept. 1–June 30.
<b>Brown Bear:</b> GMU 1—No subsistence for residents of Wrangell, Klukwan, Haines and Skagway. All others—No determination.	Unit 1—1 bear every four regulatory years by State registration permit only.	Sept. 15–Dec. 31 and Mar. 15–May 31.
<b>Deer:</b> GMU 1—Unit 1(A)—Rural residents of Units 1(A) and 2 GMU 1—Unit 1(B)—Rural residents of Unit 1(A), residents of 1(B), 2 and 3. GMU 1—Unit 1(C)—Rural residents of Units 1(C), 1(D) and residents of Hoonah and Gustavus. GMU 1—Unit 1(D)—No subsistence	Unit 1(A)—4 antlered deer Unit 1(B)—2 antlered deer Unit 1(C)—4 deer; however, antlerless deer may be taken only from Sept. 15–Dec. 31. Unit 1(D)	Aug. 1–Dec. 31 Aug. 1–Dec. 31 Aug. 1–Dec. 31 No open season
<b>Goat:</b> GMU 1—Unit 1(A)—No determination GMU 1—Unit 1(B)—No determination, except no subsistence for residents of Petersburg, Kupreanof, and outlying areas.	Unit 1(A)—Revillagigedo Unit 1(B)—that portion between Muddy River and LeConte Bay including the drainages into the North side of LeConte Bay—1 goat by State registration permit only; however, the taking of kids or nannies accompanied by kids is prohibited.	No open season Aug. 1–Dec. 31
GMU 1—Unit 1(C)—Residents of Haines, Klukwan, and Hoonah.	Unit 1(C)—that portion draining into Lynn Canal and Stephens Passage between Antler River and Eagle Glacier. Unit 1(C)—that portion draining into Lynn Canal and Stephens Passage between Antler River and Eagle Glacier and River—1 goat by State registration permit only.	Oct. 1–Nov. 30. Oct. 1–Nov. 30.
GMU 1—Unit 1(D)—No determination	Unit 1(C)—that portion draining into Stephens Passage and Taku Inlet between Eagle Glacier and River and Taku Glacier, and all drainages of the Chilkat Range south of the Endicott River. Remainder of Unit 1(C)—1 goat by State registration permit only Unit 1(D)—that portion lying between Tasya Inlet and River and the White Pass and Yukon Railroad. Unit 1(D)—that portion lying north of the Katzehin River and northeast of the Haines Highway—1 goat by State registration permit only. Remainder of Unit 1(D)—1 goat by State registration permit only	No open season. Aug. 1–Nov. 30. No open season. Sept. 15–Nov. 30. Aug. 1–Dec. 31.
<b>Moose:</b> GMU 1—Unit 1(A)—No determination GMU 1—Unit 1(B)—The Stikine River drainage only, residents of Wrangell. GMU 1—Unit 1(B)—North of the LeConte Glacier and 1(C) Berners Bay—No subsistence. GMU 1—Remainder of Unit 1(C)—No determination GMU 1—Unit 1(D)—Residents of Unit 1(D)	Unit 1(A) and 1(B) south of LeConte Glacier—1 bull Remainder of Unit 1(C)—1 bull by State registration permit only Unit 1(D)	Sept. 15–Oct. 15. Sept. 15–Oct. 15. No open season.
Bat, Shrew, Rat, Mouse and Porcupine: GMU 1—No determination	No limit	July 1–June 30.
Beaver: GMU 1—No determination	Trapping—Unit 1 (A), (B), (C)—No limit Unit 1(D)	Dec. 1–May 15. No open season.
Coyote: GMU 1—No determination	Hunting—2 Coyotes Trapping—No limit	Sept. 1–Apr. 30. Dec. 1–Feb. 15.
Fox, Red (including Cross, Black, and Silver Phases): GMU 1—No determination.	Hunting—2 Foxes	Nov. 1–Feb. 15.
Hares (Snowshoe and Arctic): GMU 1—No determination	Trapping—No limit Hunting—5 per day	Dec. 1–Feb. 15. Sept. 1–Apr. 30.
Lynx: GMU 1—No determination	Hunting—2 Lynx Trapping—No limit	Dec. 1–Feb. 15. Dec. 1–Feb. 15.
Marten: GMU 1—No determination	Trapping—No limit	Dec. 1–Feb. 15.
Mink and Weasel: GMU 1—No determination	Trapping—No limit	Dec. 1–Feb. 15.
Muskrat: GMU 1—No determination	Trapping—No limit	Dec. 1–Feb. 15.
Otter (land only): GMU 1—No determination	Trapping—No limit	Dec. 1–Feb. 15.
Squirrel (Red, Ground and Flying): GMU 1—No determination	Hunting—No limit Trapping—No limit	July 1–June 30. July 1–June 30.

Eligibility determination	Bag limits	Open season
Wolf: GMU 1—No determination.....	Hunting—No limit.....	July 1—June 30.
	Trapping—No limit.....	Nov. 10—Apr. 30.
Wolverine: GMU 1—No determination.....	Hunting—1 Wolverine.....	Nov. 10—Feb. 15.
	Trapping—No limit.....	Nov. 10—Apr. 30.
Crow: GMU 1—No determination.....	Hunting—40 per day.....	Sept. 1—Nov. 17.
		Mar. 1—Apr. 15.
Grouse (Spruce, Blue, Ruffed and Sharp-tailed): GMU 1—No determination.	Hunting—5 per day, 10 in possession.....	Aug. 1—May 15.
Ptarmigan (Rock, Willow and White-tailed): GMU 1—No determination.	Hunting—20 per day, 40 in possession.....	Aug. 1—May 15.

(2) GMU 2. (i) Game Management Unit 2 consists of Prince of Wales Island and all islands west of the center lines of Clarence Strait and Kashevarof Passage, south and east of the center lines of Sumner Strait, and east of the longitude of the westernmost point on Warren Island;

Note: There are private land areas within many Federal land units. These regulations apply only to Federal lands unless otherwise indicated. It is the responsibility of the subsistence user to be aware of private inholdings.

—Those residents listed under eligibility are the qualified subsistence users.

—“No open season” means no Federal subsistence season.

—“No determination” indicates open to Alaska rural residents.

(ii)

Eligibility determination	Bag limits	Open season
Black Bear: GMU 2—No determination.....	Unit 2—2 bears, not more than one of which may be a blue or glacier bear.	Sept. 1—June 30.
Deer: GMU 2—Rural residents of Unit 1(A), and residents of Units 2 and 3.	Unit 2—4 antlered deer.....	Aug. 1—Dec. 31.
Bat, Shrew, Rat, Mouse and Porcupine: GMU 2—No determination.....	No limit.....	July 1—June 30.
Beaver: GMU 2—No determination.....	Trapping—No limit.....	Dec. 1—May 15.
Coyote: GMU 2—No determination.....	Hunting—2 Coyotes.....	Sept. 1—Apr. 30.
	Trapping—No limit.....	Dec. 1—Feb. 15.
Fox, Red, (including Cross, Black and Silver Phases): GMU 2—No determination.	Hunting—2 Foxes.....	Nov. 1—Feb. 15.
	Trapping—No limit.....	Dec. 1—Feb. 15.
Hares (Snowshoe and Arctic): GMU 2—No determination.....	Hunting—5 per day.....	Sept. 1—Apr. 30.
Lynx: GMU 2—No determination.....	Hunting—2 Lynx.....	Dec. 1—Feb. 15.
	Trapping—No limit.....	Dec. 1—Feb. 15.
Marten: GMU 2—No determination.....	Trapping—No limit.....	Dec. 1—Feb. 15.
Mink and Weasel: GMU 2—No determination.....	Trapping—No limit.....	Dec. 1—Feb. 15.
Muskrat: GMU 2—No determination.....	Trapping—No limit.....	Dec. 1—Feb. 15.
Otter (land only): GMU 2—No determination.....	Trapping—No limit.....	Dec. 1—Feb. 15.
Squirrel (Red, Ground and Flying): GMU 2—No determination.....	Hunting—No limit.....	July 1—June 30.
	Trapping—No limit.....	July 1—June 30.
Wolf: GMU 2—No determination.....	Hunting—No limit.....	July 1—June 30.
	Trapping—No limit.....	Nov. 10—Apr. 30.
Wolverine: GMU 2—No determination.....	Hunting—1 Wolverine.....	Nov. 10—Feb. 15.
	Trapping—No limit.....	Nov. 10—Apr. 30.
Crow: GMU 2—No determination.....	Hunting—40 per day.....	Sept. 1—Nov. 17 and March 1—Apr. 15.
Grouse, (Spruce, Blue, Ruffed and Sharp-tailed): GMU 2—No determination.	Hunting—5 per day, 10 in possession.....	Aug. 1—May 15.
Ptarmigan (Rock, Willow and White-tailed): GMU 2—No determination.	Hunting—20 per day, 40 in possession.....	Aug. 1—May 15.

(3) GMU 3. (i) Game Management Unit 3 consists of all islands west of Unit 1(B), north of Unit 2, south of the center line of Frederick Sound, and east of the center line of Chatham Strait, including Coronation, Kuiu, Kupreanof, Mitkof, Zarembo, Kashevarof, Woronkofski, Etolin, Wrangell, and Deer Islands; (ii) Public lands within the following areas are closed to subsistence take or subsistence take is restricted as specified:

(A) A strip one-fourth mile wide on each side of the Stikine (Zimovia) Highway from the Wrangell city limits

to Milepost 9 is closed to the taking of big game;

(B) In the Petersburg vicinity, a strip one-fourth mile wide on each side of the Mitkof Highway from Milepost 0 to the Crystal Lake campground is closed to the taking of big game, except wolves;

(C) The Petersburg Creek drainage on Kupreanof Island is closed to the taking of black bears;

(D) Blind Slough, draining into Wrangell Narrows, and a strip one-fourth mile wide on each side of Blind Slough, from the hunting closure markers at the southernmost portion of

Blind Island to the hunting closure markers one mile south of the Blind Slough bridge, are closed to all hunting;

Note: There are private land areas within many Federal land units. These regulations apply only to Federal lands unless otherwise indicated. It is the responsibility of the subsistence user to be aware of private inholdings.

—Those residents listed under eligibility are the qualified subsistence users.

—“No open season” means no Federal subsistence season.

—“No determination” indicates open to Alaska rural residents.

(iii)

Eligibility determination	Bag limits	Open season
Black Bear: GMU 3—No determination.....	Unit 3—2 bears, not more than one of which may be a blue or glacier bear.	Sept. 1—June 30.
Deer: GMU 3—Residents of Unit 1(B) and 3, and residents of Port Alexander, Port Protection, Pt. Baker, and Meyer's Chuck.	Unit 3—that portion south of Sumner Strait and Decision Passage, including the Vank Island group, but not including Level, Conclusion, and Channel Islands—2 antlered deer. Unit 3—that portion of Mitkof Island, south of city limits of Petersburg only; Woewodski and Butterworth Islands—one antlered deer by State registration permit only.	Aug. 1—Nov. 30. Oct. 15—Oct. 31.
Moose: GMU 3—No determination.....	Remainder of Unit 3 Unit 3—Mitkof and Wrangell Islands—1 bull with spikefork or 50-inch antler. Unit 3—Remainder.....	No open season. Oct. 1—Oct. 15. No open season
Bat, Shrew, Rat, Mousse, and Porcupine: GMU 3—No determination.....	No limit.....	July 1—June 30.
Beaver: GMU 3—No determination.....	Trapping—Unit 3—Mitkof Island—No limit..... Trapping—Unit 3 (except Mitkof Island)—No limit.....	Dec. 1—Apr. 15. Dec. 1—May 15.
Coyote: GMU 3—No determination.....	Hunting—2 Coyotes..... Trapping—No limit.....	Sept. 1—Apr. 30. Dec. 1—Feb. 15.
Fox, Red (including Cross, Black and Silver Phases): GMU 3—No determination.	Hunting—2 Foxes..... Trapping—No limit.....	Nov. 1—Feb. 15. Dec. 1—Feb. 15.
Hares (Snowshoe and Arctic): GMU 3—No determination.....	Hunting—5 per day.....	Sept. 1—Apr. 30.
Lynx: GMU 3—No determination.....	Hunting—2 Lynx..... Trapping—No limit.....	Dec. 1—Feb. 15. Dec. 1—Feb. 15.
Marten: GMU 3—No determination.....	Trapping—No limit.....	Dec. 1—Feb. 15.
Mink and Weasel: GMU 3—No determination.....	Trapping—No limit.....	Dec. 1—Feb. 15.
Muskrat: GMU 3—No determination.....	Trapping—No limit.....	Dec. 1—Feb. 15.
Otter (land only): GMU 3—No determination.....	Trapping—No limit.....	Dec. 1—Feb. 15.
Squirrel (Red, Ground and Flying): GMU 3—No determination.....	Hunting—No limit..... Trapping—No limit.....	July 1—June 30. July 1—June 30.
Wolf: GMU 3—No determination.....	Hunting—No limit.....	July 1—June 30.
Wolverine: GMU 3—No determination.....	Trapping—No limit..... Hunting—1 Wolverine.....	Nov. 10—Apr. 30. Nov. 10—Feb. 15.
Crow: GMU 3—No determination.....	Trapping—No limit..... Hunting—40 per day.....	Nov. 10—Apr. 30. Sept. 1—Nov. 17 and Mar. 1—Apr. 15.
Grouse (Spruce, Blue, Ruffed and Sharp-tailed): GMU 3—No determination.	Hunting—5 per day, 10 in possession.....	Aug. 1—May 15.
Ptarmigan (Rock, Willow and White-tailed): GMU 3—No determination.	Hunting—20 per day, 40 in possession.....	Aug. 1—May 15.

(4) GMU 4. (i) Game Management Unit 4 consists of all islands south and west of Unit 1(C) and north of Unit 3, including Admiralty, Baranof, Chichagof, Yakobi, Inian, Lemesurier, and Pleasant Islands; (ii) Public lands within the following areas are closed to subsistence take or subsistence take is restricted as specified:

(A) In the Sitka area, a strip one-fourth mile wide on each side of all State highways is closed to the taking of big game;

(B) the Seymour Canal Closed Area (Admiralty Island), including all drainages into northwestern Seymour Canal between Staunch Point and the southernmost tip of the unnamed

peninsula separating Swan Cove and King Salmon Bay, and including Swan and Windfall Islands, is closed to the taking of bears;

(C) the Salt Lake Bay Closed Area (Admiralty Island), including all lands within one-fourth mile of Salt Lake above Klutchman Rock at the head of Mitchell Bay, is closed to the taking of bears;

(D) Port Althorp (Chichagof Island), that area within the Port Althorp watershed south of a line from Point Lucan to Salt Chuck Point (Trap Rock), is closed to the taking of brown bears;

(E) Northeast Chichagof Controlled Use Area, consisting of that portion of Unit 4 on Chichagof Island north of

Tenakee Inlet and east of Port Frederick, is closed to the use of any motorized land vehicle for brown bear hunting or for the taking of marten, mink, or weasel;

Note: There are private land areas within many Federal land units. These regulations apply only to Federal lands unless otherwise indicated. It is the responsibility of the subsistence user to be aware of private inholdings.

- Those residents listed under eligibility are the qualified subsistence users.
- “No open season” means no Federal subsistence season.
- “No determination” indicates open to Alaska rural residents.

(iii)

Eligibility determination	Bag limits	Open season
Brown Bear: GMU 4—Residents of Unit 4 and Kake.....	Unit 4—Chichagof Island south and west of a line that follows the crest of the island from Rock Point (58° N. lat., 136° 21' W. long.), to Rodgers Point (57°35' N. lat., 135°33' W. long.) including Yakobi and other adjacent islands; Baranof Island south and west of a line which follows the crest of the island from Nismeni Point (57°34' N. lat., 135°25' W. long.), to the entrance of Gut Bay (56°44' N. lat. 134°38' W. long.) including the drainages into Gut Bay and including Kruzof and other adjacent islands—1 bear every four regulatory years by State registration permit only. Unit 4—that portion in the Northeast Chichagof Controlled Use Area—1 bear every four regulatory years by State registration permit only. Remainder of Unit 4—1 bear every four regulatory years by State registration permit only.	Sept. 15—Dec. 31, Mar. 15—May 31.  Mar. 15—May 20.  Sept. 15—Dec. 31, Mar. 15—May 20.

Eligibility determination	Bag limits	Open season
Deer: GMU 4—Residents of Unit 4 and residents of Kake, Gustavus, Haines, Petersburg, Pt. Baker, Klukwan, Port Protection, and Wrangell.	Unit 4—6 deer; however, antlerless deer may be taken only from Sept. 15—Jan. 31.	Aug. 1—Jan. 31.
Goat: GMU 4—No determination	1 goat by State registration permit only	Aug. 1—Dec. 31.
Bat, Shrew, Rat, Mouse, and Porcupine: GMU 4—No determination	No limit	July 1—June 30.
Beaver: GMU 4—No determination	Trapping—Unit 4 (that portion east of Chatham Strait)—No limit Unit 4 (that portion west of Chatham Strait)	Dec. 1—May 15. No open season.
Coyote: GMU 4—No determination	Hunting—2 Coyotes Trapping—No limit	Sept. 1—Apr. 30. Dec. 1—Feb. 15.
Fox, Red (including Cross, Black and Silver Phases): GMU 4—No determination	Hunting—2 Foxes Trapping—No limit	Nov. 1—Feb. 15. Dec. 1—Feb. 15.
Hares (Snowshoe and Arctic): GMU 4—No determination	Hunting—5 per day	Sept. 1—Apr. 30.
Lynx: GMU 4—No determination	Hunting—2 Lynx Trapping—No limit	Dec. 1—Feb. 15. Dec. 1—Feb. 15.
Marten: GMU 4—No determination	Trapping—No limit	Dec. 1—Feb. 15.
Mink and Weasel: GMU 4—No determination	Trapping—No limit	Dec. 1—Feb. 15.
Muskrat: GMU 4—No determination	Trapping—No limit	Dec. 1—Feb. 15.
Otter (land only): GMU 4—No determination	Trapping—No limit	Dec. 1—Feb. 15.
Squirrel (Red, Ground and Flying): GMU 4—No determination	Hunting—No limit Trapping—No limit	July 1—June 30. July 1—June 30.
Wolf: GMU 4—No determination	Hunting—No limit Trapping—No limit	July 1—June 30. Nov. 10—Apr. 30.
Wolverine: GMU 4—No determination	Hunting—1 Wolverine Trapping—No limit	Nov. 10—Feb. 15. Nov. 10—Apr. 30.
Crow: GMU 4—No determination	Hunting—40 per day	Sept. 1—Nov. 17 and Mar. 1—Apr. 15.
Grouse (Spruce, Blue, Ruffed and Sharp-tailed): GMU 4—No determination.	Hunting—5 per day, 10 in possession	Aug. 1—May 15.
Parmigan (Rock, Willow and White-tailed): GMU 4—No determination.	Hunting—20 per day, 40 in possession	Aug. 1—May 15.

(5) GMU 5. (i) Game Management Unit 5 consists of all Gulf of Alaska drainages and islands between Cape Fairweather and the center line of Icy Bay, including the Guyot Hills;

(A) Unit 5(A) consists of all drainages east of Yakutat Bay, Disenchantment Bay, and the eastern edge of Hubbard Glacier, and includes the islands of Yakutat and Disenchantment Bays;

(B) Unit 5(B) consists of the remainder of Unit 5; (ii) Public lands within Glacier Bay National Park are closed to subsistence hunting and trapping.

Note: There are private land areas within many Federal land units. These regulations apply only to Federal lands unless otherwise indicated. It is the responsibility of the subsistence user to be aware of private inholdings.

—“No open season” means no Federal subsistence season.

—Those residents listed under eligibility are the qualified subsistence users. “No determination” indicates open to Alaska rural residents. However, National Parks, Monuments, and Preserves are open only to Park Service qualified subsistence users. Subsistence users must be local rural residents of National Park Service areas. For more information, contact the National Park Service in Anchorage, Alaska (telephone 907/257-2572).

(iii)

Eligibility determination	Bag limits	Open season
Black Bear: GMU 5—No determination	Unit 5—2 bears, not more than 1 of which may be a blue or glacier bear.	Sept. 1—June 30.
Brown Bear: GMU 5—Residents of Yakutat	1 bear every four regulatory years	Sept. 1—May 31.
Deer: GMU 5—Residents of Yakutat	Unit 5(A)—1 buck Unit 5—Remainder	Nov. 1—Nov. 30. No open season.
Goat: GMU 5—No determination	1 goat by State registration permit only	Aug. 1—Dec. 31.
Moose: GMU 5—Residents of Yakutat	Unit 5(A), except Nunatak Bench—1 bull by State registration permit only. The season will be closed when 60 bulls have been taken from the unit. The season will be closed in that portion west of the Dangerous River when 30 bulls have been taken in that area. From Oct. 15–21 Federal public lands will be closed to moose hunting, except for residents of Yakutat. Unit 5(A)—Nunatak Bench Unit 5(B)—1 bull by State registration permit only	Oct. 15—Nov. 15. No open season. Sept. 1—Nov. 15.
Bat, Shrew, Rat, Mouse, and Porcupine: GMU 5—No determination.	No limit	July 1—June 30.
Beaver: GMU 5—No determination	Trapping—No limit	Nov. 10—May 15.
Coyote: GMU 5—No determination	Hunting—2 Coyotes Trapping—No limit	Sept. 1—Apr. 30. Dec. 1—Feb. 15.
Fox, Red (including Cross, Black and Silver Phases): GMU 5—No determination.	Hunting—2 Foxes Trapping—No limit	Nov. 1—Feb. 15. Dec. 1—Feb. 15.
Hares (Snowshoe and Arctic): GMU 5—No determination	Hunting—5 per day	Sept. 1—Apr. 30.
Lynx: GMU 5—No determination	Hunting—2 Lynx Trapping—No limit	Dec. 1—Feb. 15. Dec. 1—Feb. 15.
Marten: GMU 5—No determination	Trapping—No limit	Nov. 10—Feb. 15.
Mink and Weasel: GMU 5—No determination	Trapping—No limit	Nov. 10—Feb. 15.
Muskrat: GMU 5—No determination	Trapping—No limit	Dec. 1—Feb. 15.
Otter (land only): GMU 5—No determination	Trapping—No limit	Nov. 10—Feb. 15.
Squirrel (Red, Ground and Flying): GMU 5—No determination.	Hunting—No limit Trapping—No limit	July 1—June 30. July 1—June 30.

Eligibility determination	Bag limits	Open season
Wolf: GMU 5—No determination	Hunting—No limit	July 1—June 30.
	Trapping—No limit	Nov. 10—Apr. 30.
Wolverine: GMU 5—No determination	Hunting—1 Wolverine	Nov. 10—Feb. 15.
	Trapping—No limit	Nov. 10—Apr. 30.
Crow: GMU 5—No determination	Hunting—40 per day	Sept. 1—Nov. 17 and Mar. 1—Apr. 15.
Grouse (Spruce, Blue, Ruffed and Sharp-tailed): GMU 5—No determination.	Hunting—5 per day, 10 in possession	Aug. 1—May 15.
Ptarmigan (Rock, Willow and White-tailed): GMU 5—No determination.	Hunting—20 per day, 40 in possession	Aug. 1—May 15.

(6) GMU 6. Game Management Unit 6 consists of all Gulf of Alaska and Prince William Sound drainages from the center line of Icy Bay (excluding the Guyot Hills) to Cape Fairfield, including Kayak, Hinchinbrook, Montague, and adjacent islands, and Middleton Island, but excluding the Copper River drainage upstream from Miles Glacier, and excluding the Nellie Juan and Kings River drainages;

(i) Unit 6(A) consists of Gulf of Alaska drainages east of Palm Point near Katalla, including Kanak, Wingham, and Kayak Islands;

(ii) Unit 6(B) consists of Gulf of Alaska and Copper River Basin drainages west of Palm Point near Katalla, east of the west bank of the Copper River, and east of a line from Flag Point to Cottonwood Point;

(iii) Unit 6(C) consists of drainages west of the west bank of the Copper River, and west of a line from Flag Point to Cottonwood Point, and drainages east of the east bank of Rude River and drainages into the eastern shore of Nelson Bay and Orca Inlet;

(iv) Unit 6(D) consists of the remainder of Unit 6;

(v) Public lands within the following areas are closed to subsistence take or subsistence take is restricted as specified: (A) The Goat Mountain goat observation area, which consists of that portion of Unit 6 bounded on the north by Miles Lake and Miles Glacier, on the south and east by Pleasant Valley River and Pleasant Glacier, and on the west by the Copper River, is closed to the taking of mountain goat;

(B) The Heney Range goat observation area, which consists of that portion of

Unit 6(C) south of the Copper River Highway and west of the Eyak River, is closed to the taking of mountain goat;

Note—There are private land areas within many Federal land units. These regulations apply only to Federal lands unless otherwise indicated. It is the responsibility of the subsistence user to be aware of private inholdings.

—“No open season” means no Federal subsistence season.

Those residents listed under eligibility are the qualified subsistence users. “No determination” indicates open to Alaska rural residents. However, National Parks, Monuments, and Preserves are open only to Park Service qualified subsistence users. Subsistence users must be local rural residents of National Park Service areas. For more information, contact the National Park Service in Anchorage, Alaska (telephone 907/257-2572).

(vi)

Eligibility determination	Bag limits	Open season
<b>Black Bear:</b>		
GMU 6—Unit 6(A)—Residents of Yakutat	Unit 6(A)—1 bear	Sept. 1—June 30.
GMU 6—Unit 6 (B) and (C)—Residents of Unit 6 (B) and (C), except Cordova.	Unit 6 (B), (C)—1 bear	Sept. 1—June 30.
GMU 6—Unit 6(D)—Residents of Chenega Bay and Tatitlek	Unit 6(D)—1 bear	Sept. 1—June 30.
Brown Bear: GMU 6—No subsistence		No open season.
Deer: GMU 6—No determination	Unit 6—4 deer; however, antlerless deer may be taken only from Nov. 1—Dec. 31.	Aug. 1—Dec. 31.
Moose: GMU 6—No subsistence		No open season.
<b>Goats:</b>		
GMU 6—Unit 6 (A) and (B)—No determination	Unit 6 (A), (B)—1 goat by State registration permit only	Aug. 20—Jan. 31.
GMU 6—Unit 6 (C), and (D)—Rural residents of Unit 6 (C) and (D).	GMU 6 (D) (subareas 822, 823, 824, 828, 879 only)—1 goat by Federal registration permit only. The taking of goats on Federal public land in GMU 6(D), subareas 823 and 824, is closed except to rural residents of GMU 6(C) and 6(D). The season in Subareas 829 and 830 may be opened by emergency order. The season will be closed when harvest limits are reached.	Aug. 20—Jan. 31.
	Unit 6(C) and remainder of Unit 6(D)	No open season.
	No limit	July 1—June 30.
Bat, Shrew, Rat, Mouse and Porcupine: GMU 6—No determination.		
Beaver: GMU 6—No determination	Trapping—20 person season	Feb. 1—Mar. 31.
Coyote: GMU 6—No determination	Unit 6 (A), (D)—Hunting—2 Coyotes	Sept. 1—Apr. 30.
	Unit 6(A)—Trapping—No limit	Nov. 10—Mar. 31.
	Unit 6(B)—Hunting—No limit	July 1—June 30.
	Unit 6(B)—Trapping—No limit	Nov. 10—Mar. 31.
	Unit 6(C)—South of the Copper River Highway and east of the Heney Range—Hunting—No limit	July 1—June 30.
	Trapping—No limit	Nov. 10—Apr. 30.
	Unit 6(C)—Remainder—Hunting—No limit	July 1—June 30.
	Trapping—No limit	Nov. 10—Mar. 31.
Fox, Red (including Cross, Black and Silver Phases): GMU 6—No determination.	Hunting—2 Foxes	Nov. 1—Feb. 15.
	Trapping—No limit	Nov. 10—Feb. 28.
Hares (Snowshoe and Arctic): GMU 6—No determination	Hunting—No limit	July 1—June 30.
Lynx: GMU 6—No determination	Hunting—2 Lynx	Dec. 15—Jan. 15.
	Trapping—No limit	Dec. 15—Jan. 15.
Marten: GMU 6—No determination	Trapping—No limit	Nov. 10—Jan. 31.
Mink and Weasel: GMU 6—No determination	Trapping—No limit	Nov. 10—Jan. 31.

Eligibility determination	Bag limits	Open season
Muskrat: GMU 6—No determination.....	Trapping—No limit.....	Nov. 10—June 10.
Otter (land only): GMU 6—No determination.....	Trapping—No limit.....	Nov. 10—Mar. 31.
Squirrel (Red, Ground, Flying): GMU 6—No determination.....	Hunting—No Limit.....	July 1—June 30.
	Trapping—No limit.....	July 1—June 30.
Wolf: GMU 6—Residents of Units 6, 9, 10 (Unimak Island only), 11-13, and 16-26.	Hunting—2 Wolves.....	Aug. 10—Apr. 30.
Wolverine: GMU 6—No determination.....	Trapping—No limit.....	Nov. 10—Mar. 31.
	Hunting—1 Wolverine.....	Sept. 1—Mar. 31.
	Trapping—No limit.....	Nov. 10—Feb. 28.
Crow: GMU 6—No determination.....	Hunting—40 per day.....	Sept. 1—Nov. 17 and Mar. 1—Apr. 15.
Grouse (Spruce, Blue, Ruffed and Sharp-tailed): GMU 6—No determination.	Hunting—5 per day, 10 in possession.....	Aug. 1—May 15.
Ptarmigan (Rock, Willow and White-tailed): GMU 6—No determination.	Hunting—20 per day, 40 in possession.....	Aug. 1—May 15.

(7) GMU 7. (i) Game Management Unit 7 consists of Gulf of Alaska drainages between Gore Point and Cape Fairfield, including the Nellie Juan and Kings River drainages, and including the Kenai River drainage upstream from the Russian River, the drainages into the south side of Turnagain Arm west of and including the Portage Creek drainage, and east of 150° W. long., and all Kenai Peninsula drainages east of 150° W. long., from Turnagain Arm to the Kenai River;

(ii) Public lands within the following areas are closed to subsistence take or subsistence take is restricted as specified:

(A) The Portage Glacier Closed Area in Unit 7, which consists of Portage Creek drainages between the Anchorage-Seward Railroad and Placer Creek in Bear Valley, Portage Lake, the mouth of Byron Creek, Glacier Creek and Byron Glacier, is closed to hunting; however, migratory birds and small

game may be hunted with shotguns after September 1;

(B) The Exit Glacier Closed Area in Unit 7, which consists of the south side drainages of the Resurrection River downstream from the mouth of Redman Creek, and Resurrection Bay drainages between the mouth of the Resurrection River and the mouth of Lowell Creek, is closed to the taking of big game; Kenai Fjords National Park is closed to all subsistence uses;

(C) The Cooper Landing Closed Area, which consists of that portion of Units 7 and 15 bounded by a line from the junction of the Sterling Highway and the Chugach National Forest boundary, then along the national forest boundary to Thurman Creek, then southeasterly along Thurman Creek and the northeast side of Trout Lake, then to the confluence of Juneau Creek and Falls Creek, then easterly along Falls Creek and the North Fork of Falls Creek and over the connecting saddle to Devils

Creek, then southeasterly along Devils Creek to its confluence with Quartz Creek, then southwesterly along Quartz Creek to the Sterling Highway and then to the point of beginning, is closed to the taking of Dall sheep and mountain goat;

(D) The Resurrection Creek Closed Area, which consists of the drainage of Resurrection Creek downstream from the including the drainage of Rimrock and Highlands Creeks, (and including Palmer Creek), is closed to the taking of moose;

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- Those residents listed under eligibility are the qualified subsistence users.
  - “No open season” means no Federal subsistence season.
  - “No determination” indicates open to Alaska rural residents.
- (iii)

Eligibility determination	Bag limits	Open season
Black Bear: GMU 7—No determination.....	Unit 7—3 bears.....	July 1—June 30.
Brown Bear: GMU 7—No subsistence.....		No open season.
Caribou: GMU 7—No subsistence.....		No open season.
Moose: GMU 7—No subsistence.....		No open season.
Bat, Shrew, Rat, Mouse, and Porcupine: GMU 7—No determination.	No limit.....	July 1—June 30.
Beaver: GMU 7—No determination.....	Trapping—20 per season.....	Feb. 1—Mar. 31.
Coyote: GMU 7—No determination.....	Hunting—No limit.....	Sept. 1—Apr. 30.
	Trapping—No limit.....	Nov. 10—Feb. 28.
Fox, Red (including Cross, Black and Silver Phases): GMU 7—No determination.	Hunting—2 Foxes.....	Nov. 1—Feb. 15.
Hares (Snowshoe and Arctic): GMU 7—No determination.....	Trapping—1 Fox.....	Nov. 10—Feb. 28.
Marten: GMU 7—No determination.....	Hunting—No limit.....	July 1—June 30.
Mink and Weasel: GMU 7—No determination.....	Trapping—No limit.....	Nov. 10—Jan. 31.
Muskrat: GMU 7—No determination.....	Trapping—No limit.....	Nov. 10—Jan. 31.
Otter (land only): GMU 7—No determination.....	Trapping—No limit.....	Nov. 10—May 15.
Squirrel (Red, Ground, Flying): GMU 7—No determination.....	Hunting—No limit.....	Nov. 10—Feb. 28.
	Trapping—No limit.....	July 1—June 30.
Wolf: GMU 7—No determination.....	Hunting—1 Wolf.....	July 1—June 30.
	Trapping—No limit.....	Aug. 10—Apr. 30.
Wolverine: GMU 7—No determination.....	Hunting—1 Wolverine.....	Nov. 10—Feb. 28.
	Trapping—No limit.....	Sept. 1—Mar. 31.
Crow: GMU 7—No determination.....	Hunting—40 per day.....	Nov. 10—Feb. 28.
		Sept. 1—Nov. 17 and Mar. 1—Apr. 15.
Grouse (Spruce, Blue, Ruffed and Sharp-tailed): GMU 7—No determination.	Hunting—15 per day, 30 in possession.....	Aug. 10—Mar. 31.
Ptarmigan (Rock, Willow and White-tailed): GMU 7—No determination.	Hunting—20 per day, 40 in possession.....	Aug. 10—Mar. 31.

(6) GMU 8. (i) Game Management Unit 8 consists of all islands southeast of the centerline of Shelikof Strait, including Kodiak, Afognak, Whale, Raspberry, Shuyak, Spruce, Marmot, Sitkalidak, Amook, Uganik, and Chirikof Islands,

the Trinity Islands, the Semidi Islands, and other adjacent islands;

Note: There are private land areas within many Federal land units. These regulations apply only to Federal lands unless otherwise indicated. It is the responsibility of the subsistence user to be aware of private inholdings.

—Those residents listed under eligibility are the qualified subsistence users.

—“No open season” means no Federal subsistence season.

—“No determination” indicates open to Alaska rural residents.

(ii)

Eligibility determination	Bag limits	Open season
Caribou: GMU 8—No determination.....	No limit.....	July 1–June 30.
Deer: GMU 8—Residents of Unit 8.....	Unit 8, that portion of Kodiak Island north of a line from the head of Settlers Cove to Crescent Lake (57° 52' N. lat., 152° 58' W. long.), and east of a line from the outlet of Crescent Lake to Mount Ellison Peak and from Mount Ellison Peak to Pokati Point at Whale Passage, and that portion of Kodiak Island east of a line from the mouth of Saltery Creek to Crag Point, and adjacent small islands in Chiniak Bay—1 deer; however, antlerless deer may be taken only from Oct. 25–Oct. 31.	Aug. 1–Oct. 31.
	Unit 8—that portion of Kodiak Island and adjacent islands south and west of a line from the head of Terror Bay to the head of the south western-most arm of Ugak Bay—5 deer; however, antlerless deer may be taken only from Oct. 1–Dec. 31.	Aug. 1–Dec. 31.
	Remainder of Unit 8—5 deer; however, antlerless deer may be taken only from Oct. 1–Nov. 30.	Aug. 1–Dec. 31.
Bat, Shrew, Rat, Mouse, and Porcupine: GMU 8—No determination.	No limit.....	July 1–June 30.
Beaver: GMU 8—No determination.....	Trapping—30 Beaver per season.....	Nov. 10–Apr. 30.
Fox, Red (including Cross, Black and Silver Phases): GMU 8—No determination.	Hunting—2 Foxes.....	Nov. 1–Feb. 15.
Hares (Snowshoe and Arctic): GMU 8—No determination.....	Trapping—No limit.....	Nov. 10–Mar. 31.
Marten: GMU 8—No determination.....	Hunting—No limit.....	July 1–June 30.
Mink and Weasel: GMU 8—No determination.....	Trapping—No limit.....	Nov. 10–Jan. 31.
Muskrat: GMU 8—No determination.....	Trapping—No limit.....	Nov. 10–Jan. 31.
Otter (land only): GMU 8—No determination.....	Trapping—No limit.....	Nov. 10–June 10.
Squirrel (Red, Ground and Flying): GMU 8—No determination.....	Hunting—No limit.....	Nov. 10–Jan. 31.
	Trapping—No limit.....	July 1–June 30.
Crow: GMU 8—No determination.....	Hunting—40 per day.....	June 1–June 30.
		Sept. 1–Nov. 17 and Mar. 1–Apr. 15.
Ptarmigan (Rock, Willow and White): GMU 8—No determination.....	20 per day, 40 in possession.....	Aug. 10–Apr. 30.

(9) GMU 9. Game Management Unit 9 consists of the Alaska Peninsula and adjacent islands, including drainages east of False Pass, Pacific Ocean drainages west of and excluding the Redoubt Creek drainage, drainages into the south side of Bristol Bay, drainages into the north side of Bristol Bay east of Etolin Point, and including the Sanak and Shumagin Islands;

(i) Unit 9(A) consists of that portion of Unit 9 draining into Shelikof Strait and Cook Inlet between the southern boundary of Unit 18 (Redoubt Creek) and the northern boundary of Katmai National Park and Preserve;

(ii) Unit 9(B) consists of the Kvichak River drainage;

(iii) Unit 9(C) consists of the Alagnak (Branch) River drainage, the Naknek River drainage, and all land and water within Katmai National Park and Preserve;

(iv) Unit 9(D) consists of all Alaska Peninsula drainages west of a line from the southernmost head of Port Moller to the head of American Bay, including the Shumagin Islands and other islands of Unit 9 west of the Shumagin Islands;

(v) Unit 9(E) consists of the remainder of Unit 9;

(vi) Public lands within the following areas are closed to subsistence take or subsistence take is restricted as specified.

(A) In Unit 9 in the McNeil River State Game Sanctuary, the McNeil River drainage, Mikfik Creek drainage, and all drainages into McNeil Cove from Akjemguiga Cove to McNeil Head, are closed to hunting, and the remainder of the McNeil River State Game Sanctuary and contiguous tidelands are closed to brown bear hunting; access to the sanctuary is by permit only issued by the State of Alaska;

(B) That portion of Unit 9 extending south and east of McNeil River State Game Sanctuary to the boundary of Katmai National Park and Preserve, and including any State land within the boundaries of Katmai National Park and Preserve, is closed to brown bear hunting;

(vii) The following areas are closed to the trapping of furbearers for subsistence as indicated: The drainages of McNeil River, Mikfik Creek and all

other drainages into McNeil Cove which extends from Akjemguiga Cove on the north to McNeil Head on the south, located at the head of Kamishak Bay, in the lower Cook Inlet are closed to trapping; access to the McNeil River State Game Sanctuary is by permit only;

(viii) Katmai National Park is closed to all subsistence uses;

Note: There are private land areas within many Federal land units. These regulations apply only to Federal lands unless otherwise indicated. It is the responsibility of the subsistence user to be aware of private inholdings.

—“No open season” means no Federal subsistence season.

—Those residents listed under eligibility are the qualified subsistence users. “No determination” indicates open to Alaska rural residents. However, National Parks, Monuments, and Preserves are open only to Park Service qualified subsistence users. Subsistence users must be local rural residents of National Park Service areas. For more information, contact the National Park Service in Anchorage, Alaska (telephone 907/257-2572).

(ix)

Eligibility determination	Bag limits	Open season
Black Bear: GMU 9—No determination.....	Unit 9—3 bears.....	July 1—June 30.
Brown Bear: GMU 9—Unit 9 (A), (C), and (D)—No subsistence.....	Unit 9(B)—1 bear every four regulatory years.....	Oct. 1—Oct. 21 (odd years only).
GMU 9—Unit 9(B)—Residents of Unit 9(B).....	May 10—May 25 (even years only).....	May 10—May 25 (even years only).
GMU 9—Unit 9(E)—Residents of Chignik Lake, Ivanof Bay and Perryville.....	Unit 9(E)—1 bear (Federal registration permit is required May 10—May 25 (odd years only) and Oct. 7—Oct. 21 (even years only). Remainder of Unit 9.....	Oct. 7—Oct. 21, and May 10—May 25. No open season.
Caribou: GMU 9—Unit 9 (A) and (B)—Residents of Units 9 (B), (C), and 17.....	Units 9 (A), (B) and (C)—4 caribou; however, no more than 2 caribou may be taken Aug. 10—Aug. 31 and no more than 1 caribou may be taken Sept. 1—Nov. 30.	Aug. 10—Mar. 31.
GMU 9—Unit 9(C)—Residents of Units 9 (B), (C), 17 and residents of Egegik.....	Unit 9(E)—4 caribou; however, no more than 2 caribou may be taken Aug. 10—Nov. 30. A Federal registration permit is required Sept. 1—Nov. 30.	Aug. 10—Mar. 31.
GMU 9—Unit 9(D)—Residents of Unit 9(D) and residents of False Pass.....	Unit 9(D)—1 bull (Federal lands are closed to the hunting of caribou except by rural Alaska residents of Unit 9(D) and False Pass.	Aug. 10—Sept. 30, and Dec. 1—Mar. 31.
GMU 9—Unit 9(E)—Residents of Units 9 (B), (C), (E), 17, Nelson Lagoon and Sand Point.....	Unit 9—1 ram with 1/2 curl horn.....	Aug. 10—Sept. 20.
Sheep: GMU—9—No determination.....	Unit 9(A)—1 bull.....	Sept. 1—Sept. 15.
Moose: GMU—9—Unit 9 (A), (B), (C), (E)—Residents of Unit 9 (A), (B), (C), (E).....	Unit 9(B)—1 bull.....	Sept. 1—Sept. 15, and Dec. 1—Dec. 31.
	Unit 9(C)—that portion draining into the Naknek River—1 moose; however, antlerless moose may be taken only from Dec. 1—Dec. 31; a State registration permit is required for the December hunt.	Sept. 1—Sept. 15, and Dec. 1—Dec. 31.
	Unit 9(C)—Remainder—1 moose; however, antlerless moose may be taken only from Dec. 1—Dec. 31.	Sept. 1—Sept. 15, and Dec. 1—Dec. 31.
GMU 9—Unit 9(D)—No subsistence.....	Unit 9(D).....	No open season.
	Unit 9(E)—1 bull.....	Sept. 1—Sept. 15, and Dec. 1—Dec. 31.
Bat, Shrew, Rat, Mouse and Porcupine: GMU 9—No determination.....	No limit.....	July 1—June 30.
Beaver: GMU 9—No determination.....	Trapping—40 Beavers per season.....	Jan. 1—Mar. 31.
Coyote: GMU 9—No determination.....	Hunting—2 Coyotes.....	Sept. 1—Apr. 30.
	Trapping—No limit.....	Nov. 10—Mar. 31.
Fox, Arctic (Blue and White): GMU 9—No determination.....	Hunting—No limit.....	Dec. 1—Mar. 15.
	Trapping—No limit.....	Nov. 10—Feb. 28.
Fox, Red (including Cross, Black and Silver Phases): GMU 9—No determination.....	Hunting—2 Foxes.....	Nov. 1—Feb. 15.
	Trapping—No limit.....	Nov. 10—Feb. 28.
Hares (Snowshoe and Arctic): GMU 9—No determination.....	Hunting—No limit.....	July 1—June 30.
Lynx: GMU 9—No determination.....	Hunting—2 Lynx.....	Nov. 10—Feb. 28.
	Trapping—No limit.....	Nov. 10—Feb. 28.
Marten: GMU 9—No determination.....	Trapping—No limit.....	Nov. 10—Feb. 28.
Mink and Weasel: GMU 9—No determination.....	Trapping—No limit.....	Nov. 10—Feb. 28.
Muskrat: GMU 9—No determination.....	Trapping—No limit.....	Nov. 10—June 10.
Otter (land only): GMU 9—No determination.....	Trapping—No limit.....	Nov. 10—Mar. 31.
Squirrel (Red, Ground and Flying): GMU 9—No determination.....	Hunting—No limit.....	July 1—June 30.
	Trapping—No limit.....	July 1—June 30.
Wolf: GMU 9—Residents of Units 8, 9, 10 (Unimak Island only), 11-13, and 16-26.....	Hunting—10 Wolves.....	Aug. 10—Apr. 30.
Wolverine: GMU 9—No determination.....	Trapping—No limit.....	Nov. 10—Mar. 31.
	Hunting—1 Wolverine.....	Sept. 1—Mar. 31.
	Trapping—No limit.....	Nov. 10—Feb. 28.
Crow: GMU 9—No determination.....	Hunting—40 per day.....	Sept. 1—Nov. 17, and Mar. 1—Apr. 15.
Grouse (Spruce, Blue, Ruffed and Sharp-tailed): GMU 9—No determination.....	Hunting—15 per day, 30 in possession.....	Aug. 10—Apr. 30.
Parmigan (Rock, Willow and White-tailed): GMU 9—No determination.....	Hunting—20 per day, 40 in possession.....	Aug. 10—Apr. 30.

(10) GMU 10 Game Management Unit 10 consists of the Aleutian Islands, Unimak Island and the Pribilof Islands;

(i) Public lands within the following area are closed to subsistence take or subsistence take is restricted as

specified. Otter Island in the Pribilof Islands is closed to hunting;

Note: There are private land areas within many Federal land units. These regulations apply only to Federal lands unless otherwise indicated. It is the responsibility of the subsistence user to be aware of private inholdings.

—Those residents listed under eligibility are the qualified subsistence users.

—“No open season” means no Federal subsistence season.

—“No determination” indicates open to Alaska rural residents.

(ii)

Eligibility determination	Bag limits	Open season
Caribou: GMU 10—Unit 10 Unimak Island—Residents of False Pass.....	Unit 10—Unimak Island only—1 bull (Federal lands are closed to the hunting of caribou except by rural Alaska residents of False Pass.	Aug. 10—Sept. 30, and Dec. 1—Mar. 31.



Eligibility determination	Bag limits	Open season
GMU 10—Remainder of Unit 10—No determination	Unit 10—Unimak and Adak Islands only	No open season.
Bat, Shrew, Rat, Mouse and Porcupine: GMU 10—No determination.	Unit 10—Remainder—No limit	July 1—June 30.
Coyote: GMU 10—No determination.	No limit	July 1—June 30.
Fox, Arctic (Blue and White Phase): GMU 10—No determination	Hunting—2 Coyotes	Sept. 1—Apr. 30.
Fox, Red (including Cross, Black and Silver Phases): GMU 10—No determination.	Trapping—No limit	Nov. 10—Mar. 31.
Hares (Snowshoe and Arctic): GMU 10—No determination	Hunting—No limit	July 1—June 30.
Mink and Weasel: GMU 10—No determination	Trapping—No limit	Nov. 10—Feb. 28.
Muskkrat: GMU 10—No determination	Hunting—2 Foxes	Nov. 1—Feb. 15.
Otter (land only): GMU 10—No determination	Trapping—No limit	Nov. 10—Feb. 28.
Squirrel (Red, Ground and Flying): GMU 10—No determination	Hunting—No limit	July 1—June 30.
Wolf: GMU 10—Residents of Units 6, 9, 10 (Unimak Island only), 11-13, and 16-26.	Trapping—No limit	Nov. 10—Feb. 28.
Wolverine: GMU 10—No determination	Hunting—2 Wolves	Aug. 10—Apr. 30.
Cormorant: GMU 10—No determination	Trapping—No limit	Nov. 10—Mar. 31.
Ptarmigan (Rock, Willow and White-tailed): GMU 10—No determination.	Hunting—1 Wolverine	Sept. 1—Mar. 31.
	Trapping—No limit	Nov. 10—Feb. 28.
	No limit	July 1—June 30.
	20 per day, 40 in possession	Aug. 10—Apr. 30.

(11) GMU 11. (i) Game Management Unit 11 consists of that area draining into the headwaters of the Copper River south of Suslota Creek and the area drained by all tributaries into the east bank of the Copper River between the confluence of Suslota Creek with the Siana River and Miles Glacier;

Note: There are private land areas within many Federal land units. These regulations apply only to Federal lands unless otherwise indicated. It is the responsibility of the subsistence user to be aware of private inholdings.

- “No open season” means no Federal subsistence season.
- Those residents listed under eligibility are the qualified subsistence users. “No

determination” indicates open to Alaska rural residents. However, National Parks, Monuments, and Preserves are open only to Park Service qualified subsistence users. Subsistence users must be local rural residents of National Park Service areas. For more information, contact the National Park Service in Anchorage, Alaska (telephone 907/257-2572).

(ii)

Eligibility determination	Bag limits	Open season
Black Bear: GMU 11—No determination.	Unit 11—3 bears	July 1—June 30.
Caribou: GMU 11—Mentasta Herd—Residents of Units 11, 12 (along Nabesna Road), and 13 (A)-(D).	Unit 11—1 bull by Federal registration permit only. Up to 30 bulls may be taken in Unit 11 (Source of permits—Wrangell-St. Elias National Park, mile 105.5 Old Richardson Highway, Copper Center; or the Siana District Station, Siana).	Aug. 10—Sept. 30.
Sheep: GMU 11—Residents of Chisana, Chistochina, Chitina, Copper Center, Gakona, Glennallen, Gulikana, Kenny Lake, McCarthy Road, Mantasta Lake, Mantasta Pass (milepost 79-110), Nabesna Road, Siana, McCarthy/South Wrangell/South Park, Tazina, and Tonina, however, No subsistence for Cantwell, east Glenn Highway (milepost 110-180), and to milepost 14 on the Lake Louise Road, Homestead North, Homestead South, Lake Louise, Paxson, Sourdough, Tanacross, Tok, and west Glenn Highway (milepost 78-110).	Unit 11—1 sheep	Aug. 10—Sept. 20.
Moose: GMU 11—Residents of Unit 11, Residents of Unit 12 (along Nabesna Road), and GMU 13 (A)-(D).	Unit 11—1 bull	Sept. 1—Sept. 20.
Bat, Shrew, Rat, Mouse, and Porcupine: GMU 11—No determination.	No limit	July 1—June 30.
Beaver: GMU 11—No determination.	Trapping—30 Beaver per season	Nov. 10—Apr. 30.
Coyote: GMU 11—No determination.	Hunting—2 Coyotes	Sept. 1—Apr. 30.
Fox, Red (including Cross, Black and Silver Phase): GMU 11—No determination.	Trapping—No limit	Nov. 10—Mar. 31.
Hares (Snowshoe and Arctic) GMU 11—No determination	Hunting—2 Foxes	Nov. 1—Feb. 15.
Lynx: GMU 11—No determination	Trapping—No limit	Nov. 10—Feb. 28.
Marten: GMU 11—No determination	Hunting—No limit	July 1—June 30.
Mink and Weasel: GMU 11—No determination	Hunting—2 Lynx	Dec. 15—Jan. 15.
Muskkrat: GMU 11—No determination	Trapping—No limit	Dec. 15—Jan. 15.
Otter (land only): GMU 11—No determination	Trapping—No limit	Nov. 10—Jan. 31.
Squirrel (Red, Ground, Flying): GMU 11—No determination	Trapping—No limit	Nov. 10—Jan. 31.
Wolf: GMU 11—Residents of Units 6, 9, 10 (Unimak Island only), 11-13, and 16-26.	Trapping—No limit	Nov. 10—June 10.
Wolverine: GMU 11—No determination	Hunting—No limit	Nov. 10—Mar. 31.
	Hunting—10 wolves	July 1—June 30.
	Trapping—No limit	July 1—June 30.
	Hunting—1 Wolverine	Aug. 10—Apr. 30.
	Trapping—No limit	Nov. 10—Mar. 31.
	Hunting—1 Wolverine	Sept. 1—Mar. 31.
	Trapping—No limit	Nov. 10—Feb. 28.

Eligibility determination	Bag limits	Open season
Grouse (Spruce, Blue, Ruffed and Sharp-tailed): GMU 11—Residents of Units 11, 13, 15, 16, 20(D), 22, and 23.	15 per day, 30 in possession.....	Aug. 10-Mar. 31.
Ptarmigan (Rock, Willow and White-tailed): GMU 11—Residents of Units 11, 13, 15, 16, 20(D), 22, and 23.	20 per day, 40 in possession.....	Aug. 10-Mar. 31.

(12) GMU 12. (i) Game Management Unit 12 consists of the Tanana River drainage upstream from the Robertson River, including all drainages into the east bank of the Robertson River, and the White River drainage in Alaska, but excluding the Ladue River drainage;

Note: There are private land areas within many Federal land units. These regulations

apply only to Federal lands unless otherwise indicated. It is the responsibility of the subsistence user to be aware of private inholdings.

—“No open season” means no Federal subsistence season.  
 —Those residents listed under eligibility are the qualified subsistence users. “No determination” indicates open to Alaska rural residents. However, National Parks,

Monuments, and Preserves are open only to Park Service qualified subsistence users. Subsistence users must be local rural residents of National Park Service areas. For more information, contact the National Park Service in Anchorage, Alaska (telephone 907/257-2572).

(ii)

Eligibility determination	Bag limits	Open season
Black Bear: GMU 12—No determination.....	Unit 12—3 bears.....	July 1-June 30.
Caribou: GMU 12—Mentasta Herd—No Determination.....	Unit 12—that portion west of the Nabesna River within the drainages of Jack Creek, Platinum Creek and Totschunda Creek—1 bull by Federal registration permit only; Up to 50 bulls total may be taken in Units 11 and 12 fall and winter hunts combined (Source of permits-Wrangell-St. Elias National Park, mile 105.5 Old Richardson Highway, Copper Center; or the Slana District Station, Slana). Remainder of Unit 12—1 bull.....	Aug. 10-Sept. 30. Sept. 1-Sept. 20. To be announced.
GMU 12—Chisana Herd—No Determination.....	1 caribou of either sex may be taken by a Federal registration permit during a winter season to be announced for the residents of Tetlin and Northway only.	
GMU 12—40 mile Herd—Residents of GMU 12 north of Wrangell Park Preserve and rural residents of GMU 20 (D) and (E). GMU 12—Nelchiria Herd—Residents of Northway and Tetlin.....	Unit 12—that portion drained by the Tanana, Nabesna and Chisana Rivers east of the Tetlin Reservation boundary and north of the winter trail from Pickeral Lake to the Canadian border—1 bull. Unit 12—that portion lying east of the Nabesna River and south of the Winter Trail running southeast from Pickeral Lake to the Canadian border—1 bull. Unit 12—Remainder—1 bull.....	Sept. 1-Sept. 15 and Nov. 20-Nov. 30. Sept. 1-Sept. 30. Sept. 1-Sept. 15.
Moose: GMU 12—Unit 12 south of a line from Noyes Mountain, southeast of the confluence of Tatschunda Creek to Nabesna River—Residents of Unit 11 north of 62nd parallel and excluding BLM parcels of north and south Slana; and residents of Units 12, 13 (A)-(D) and residents of Dot Lake. GMU 12—Unit 12 east of the Nabesna River, south of the winter trail from Pickeral Lake to the Canadian Border—Residents of Unit 12. GMU 12—Remainder of Unit 12—Residents of Unit 12 and residents of Dot Lake and Mentasta Lake.	No limit.....	July 1-June 30.
Bat, Shrew, Rat, Mouse and Porcupine: GMU 12—No determination.	Trapping—15 Beaver per season..... Hunting—2 Coyotes.....	Nov. 1-Apr. 15. Sept. 1-Apr. 30.
Beaver: GMU 12—No determination.....	Trapping—No limit..... Hunting—2 Foxes.....	Nov. 1-Feb. 28. Nov. 1-Feb. 28.
Coyote: GMU 12—No determination.....	Trapping—No limit..... Hunting—2 Lynx.....	Nov. 1-Feb. 28. July 1-June 30.
Fox, Red (including Cross, Black and Silver Phases): GMU 12—No determination.	Trapping—No limit..... Hunting—2 Lynx.....	Nov. 1-Jan. 31. Nov. 1-Jan. 31.
Hares (Snowshoe and Arctic): GMU 12—No determination.....	Trapping—No limit..... Hunting—2 Lynx.....	Nov. 1-Jan. 31. Nov. 1-Feb. 28.
Lynx: GMU 12—No determination.....	Trapping—No limit..... Hunting—2 Lynx.....	Nov. 1-Feb. 28. Sept. 20-June 10.
Marten: GMU 12—No determination.....	Trapping—No limit..... Hunting—2 Lynx.....	Nov. 1-Apr. 15. July 1-June 30.
Mink and Weasel: GMU 12—No determination.....	Trapping—No limit..... Hunting—2 Lynx.....	July 1-June 30. July 1-June 30.
Muskrat: GMU 12—No determination.....	Trapping—No limit..... Hunting—2 Lynx.....	Aug. 10-Apr. 30. Oct. 1-Apr. 30.
Otter (Land only): GMU 12—No determination.....	Trapping—No limit..... Hunting—2 Lynx.....	Sept. 1-Mar. 31. Nov. 1-Feb. 28.
Squirrel (Red, Ground and Flying): GMU 12—No determination.....	Trapping—No limit..... Hunting—2 Lynx.....	Aug. 10-Mar. 31. Aug. 10-Mar. 31.
Wolf: GMU 12—Residents of Units 6, 8, 10 (Unimak Island only), 11-13, and 16-26.	Trapping—No limit..... Hunting—2 Lynx.....	Aug. 10-Apr. 30.
Wolverine: GMU 12—No determination.....	Trapping—No limit..... Hunting—2 Lynx.....	
Grouse (Spruce, Blue, Ruffed and Sharp-tailed): GMU 12—No determination.	15 per day, 30 in possession.....	
Ptarmigan (Rock, Willow and White-tailed): GMU 12—No determination.	20 per day, 40 in possession.....	

(13) GMU 13. (i) Game Management Unit 13 consists of that area westerly of the east bank of the Copper River and drained by all tributaries into the west bank of the Copper River from Miles

Glacier and including the Slana River drainages north of Suslota Creek; the drainages into the Delta River upstream from Falls Creek and Black Rapids Glacier; the drainages into the Nenana

River upstream from the southeast corner of Denali National Park at Windy; the drainage into the Susitna River upstream from its junction with the Chulitna River; the drainage into the

east bank of the Chulitna River upstream to its confluence with Tokositna River; the drainages of the Chulitna River (south of Denali National Park) upstream from its confluence with the Tokositna River; the drainages into the north bank of the Tokositna River upstream to the base of the Tokositna Glacier; the drainages into the Tokositna Glacier; the drainages into the east bank of the Susitna River between its confluences with the Talkeetna and Chulitna Rivers; the drainages into the north bank of the Talkeetna River; the drainages into the east bank of the Chickaloon River; the drainages of the Matanuska River above its confluence with the Chickaloon River;

(A) Unit 13(A) consists of that portion of Unit 13 bounded by a line beginning at the Chickaloon River bridge at Mile 77.7 on the Glenn Highway, then along the Glenn Highway to its junction with the Richardson Highway, then south along the Richardson Highway to the foot of Simpson Hill at Mile 111.5, then east to the east bank of the Copper River, then northerly along the east bank of the Copper River to its junction with the Gulkana River, then northerly along the west bank of the Gulkana River to its junction with the West Fork of the Gulkana River, then westerly along the west bank of the West Fork of the Gulkana River to its source, an unnamed lake, then across the divide into the Tyone River drainage, down an unnamed stream into the Tyone River, then down the Tyone River to the Susitna River, then down the southern bank of the Susitna River to the mouth of Kosina Creek, then up Kosina Creek to its headwaters, then across the divide and down Aspen Creek to the Talkeetna River, then southerly along the boundary of Unit 13 to the Chickaloon River bridge, the point of beginning;

(B) Unit 13(B) consists of that portion of Unit 13 bounded by a line beginning at the confluence of the Copper River and the Gulkana River, then up the east bank of the Copper River to the Gakona River, then up the Gakona River and Gakona Glacier to the boundary of Unit 13, then westerly along the boundary of Unit 13 to the Susitna Glacier, then southerly along the west bank of the Susitna Glacier and the Susitna River to the Tyone River, then up the Tyone River and across the divide to the headwaters of the West Fork of the Gulkana River, then down the West Fork of the Gulkana River to the confluence of the Gulkana River and the Copper River, the point of beginning;

(C) Unit 13(C) consists of that portion of Unit 13 east of the Gakona River and Gakona Glacier;

(D) Unit 13(D) consists of that portion of Unit 13 south of Unit 13(A);

(E) Unit 13(E) consists of the remainder of Unit 13;

(ii) Public lands within the following areas are closed to subsistence take or subsistence take is restricted as specified.

(A) Lands within Mount McKinley National Park as it existed prior to December 2, 1980 are closed to subsistence. Denali National Preserve and lands added to Denali National Park on December 2, 1980 are open to subsistence.

(B) Delta Controlled Use Area:

(1) The area consists of the drainages of the Tanana River south of the Alaska Highway, from the west bank of the Johnson River to and including drainages of the Delta River north of the north bank of Miller Creek and Canwell Glacier in Units 13(B), 20(A), and 20(D);

(2) The area is closed to the use of any motorized vehicle or pack animal for hunting, from August 5 through August 25; however, this does not prohibit motorized access to the area for hunting, or transportation of game on the Richardson Highway;

(C) The Paxson Closed Area in Unit 13(B), which consists of the eastern drainage of the Gulkana River lying west of the Richardson Highway and the western drainage of the Gulkana River between the Denali Highway and the north end of Paxson Lake where the Gulkana River enters Paxson Lake, is closed to the taking of big game;

(D) The Sheep Mountain Closed Area which lies along the Glenn Highway in Unit 13(A) and is bounded by a line from Caribou Creek, Milepost 107 Glenn Highway, then easterly along the Glenn Highway to Milepost 123, then north to Squaw Creek, then downstream to Caribou Creek, then down Caribou Creek to the point of beginning, is closed to the taking of mountain goat and Dall sheep;

(E) The Sourdough Controlled Use Area:

(1) The area consists of that portion of Unit 13(B) bounded by a line beginning at the confluence of Sourdough Creek and the Gulkana River, then northerly along Sourdough Creek to the Richardson Highway at approximately Mile 148, then northerly along the Richardson Highway to the Meiers Creek Trail at approximately Mile 170, then westerly along the trail to the

Gulkana River, then southerly along the east bank of the Gulkana River to its confluence with Sourdough Creek, the point of beginning;

(2) The area is closed to the use of any motorized vehicle for hunting; however, this does not prohibit motorized access or transportation of game on the Richardson Highway, Sourdough and Haggard Creeks, Meiers Lake trails, or other trails designated by the Alaska Department of Fish and Game;

(F) The Clearwater Creek Controlled Use Area:

(1) The area consists of that portion of Unit 13(B) north of the Denali Highway, west of and including the MacLaren River drainage, east of and including the eastern bank drainages of the Middle Fork of the Susitna River downstream from and including the Susitna Glacier, and the eastern bank drainages of the Susitna River downstream from its confluence with the Middle Fork;

(2) The area is closed to the use of any motorized vehicle for hunting; however, this does not prohibit motorized access, or transportation of game, on the Denali Highway;

(G) The Tonsina Controlled Use Area:

(1) The area consists of that portion of Unit 13(D) bounded on the west by the Richardson Highway from the Tiekell River to the Tonsina River at Tonsina, on the north along the south bank of the Tonsina River to where the Edgerton Highway crosses the Tonsina River, then along the Edgerton Highway to Chitina, on the east by the Copper River from Chitina to the Tiekell River, and on the south by the north bank of the Tiekell River;

(2) The area is closed to the use of any motorized vehicle or pack animal for hunting, from August 5 to September 30;

Note: There are private land areas within many Federal land units. These regulations apply only to Federal lands unless otherwise indicated. It is the responsibility of the subsistence user to be aware of private inholdings.

—“No open season” means no Federal subsistence season.

—Those residents listed under eligibility are the qualified subsistence users. “No determination” indicates open to Alaska rural residents. However, National Parks, Monuments, and Preserves are open only to Park Service qualified subsistence users. Subsistence users must be local rural residents of National Park Service areas. For more information, contact the National Park Service in Anchorage, Alaska (telephone 907/257-2572).

(iii)

Eligibility determination	Bag limits	Open season
Black Bear: GMU 13—No determination	Unit 13—3 bears	July 1—June 30.
Caribou: GMU 13—Nelchina Herd—Residents of Units 11, 13, and 12 (along the Nabesna Road).	Unit 13—2 caribou by Federal registration permit only. Hunting within the Trans Alaska Oil Pipeline right-of-way is prohibited. The right-of-way is identified as the area occupied by the pipeline (buried or above ground) and the cleared area 25 feet on either side of the pipeline.	Aug. 10—Sept. 20 and Jan. 5—Mar. 31.
Sheep: GMU 13—Tok Management Area—No subsistence	Unit 13—excluding Unit 13(D) and the Tok and Delta Management Areas—1 Ram with 7/8 curl horn.	Aug. 10—Sept. 20.
GMU 13—Delta management Area—No subsistence		
GMU 13—Unit 13(D)—No subsistence		
GMU 13—Remainder of Unit 13—No determination		
Goats: GMU 13—Unit 13(D)—No subsistence		No open season.
Moose: GMU 13—Residents of Unit 13	Unit 13—1 bull moose by Federal registration permit only; only 1 permit will be issued per household. Source of permits—Bureau of Land Management, Glennallen District Office, Glennallen AK.	Aug. 25—Sept. 20.
Bat, Shrew, Rat, Mouse and Porcupine: GMU 13—No determination.	No limit	July 1—June 30.
Beaver: GMU 13—No determination	Trapping—30 Beaver per season	Nov. 10—Apr. 30.
Coyote: GMU 13—No determination	Hunting—2 Coyotes	Sept. 1—Apr. 30.
	Trapping—No limit	Nov. 10—Mar. 31.
Fox, Red (including Cross, Black and Silver Phases): GMU 13—No determination.	Hunting—2 Foxes	Nov. 1—Feb. 15.
	Trapping—No limit	Nov. 10—Feb. 28.
Hares (Snowshoe and Arctic): GMU 13—No determination	No limit	July 1—June 30.
Lynx: GMU 13—No determination	Hunting—2 Lynx	Dec. 15—Jan. 15.
	Trapping—No limit	Dec. 15—Jan. 15.
	Trapping—No limit	Nov. 10—Jan. 31.
Marten: GMU 13—No determination	Trapping—No limit	Nov. 10—Jan. 31.
Mink and Weasel: GMU 13—No determination	Trapping—No limit	Nov. 10—June 10.
Muskrat: GMU 13—No determination	Trapping—No limit	Nov. 10—Mar. 31.
Otter (land only): GMU 13—No determination	Trapping—No limit	July 1—June 30.
Squirrel (Red, Ground and Flying): GMU 13—No determination	Hunting—No limit	July 1—June 30.
	Trapping—No limit	Aug. 10—Apr. 30.
Wolf: GMU 13—Residents of Units 6, 9, 10 (Unimak Island only), 11-13, and 16-26.	Hunting—10 Wolves	Nov. 10—Mar. 31.
Wolverine: GMU 13—No determination	Trapping—No limit	Sept. 1—Mar. 31.
	Hunting—1 Wolverine	Nov. 10—Feb. 28.
	Trapping—No limit	Aug. 10—Mar. 31.
Grouse (Spruce, Blue, Ruffed and Sharp-tailed): GMU 13—Residents of Units 11, 13, 15, 16, 20(D), 22 and 23.	15 per day, 30 in possession	Aug. 10—Mar. 31.
Ptarmigan (Rock, Willow and White-tailed): GMU 13—Residents of Units 11, 13, 15, 16, 20(D), 22 and 23.	20 per day, 40 in possession	Aug. 10—Mar. 31.

(14) GMU 14. (i) Game Management Unit 14 consists of drainages into the north side of Turnagain Arm west of and excluding the Portage Creek drainage, drainages into Knik Arm excluding drainages of the Chickaloon and Matanuska Rivers in Unit 13, drainages into the north side of Cook Inlet east of the Susitna River, drainages into the east bank of the Susitna River downstream from the Talkeetna River, and drainages into the south bank of the Talkeetna River;

(A) Unit 14(A) consists of drainages in Unit 14 bounded on the west by the Susitna River, on the north by Willow Creek, Peters Creek, and by a line from the head of Peters Creek to the head of the Chickaloon River, on the east by the eastern boundary of Unit 14, and on the south by Cook Inlet, Knik Arm, the south bank of the Knik River from its mouth to its junction with Knik Glacier, across the face of Knik Glacier and along the north side of Knik Glacier to the Unit 6 boundary;

(B) Unit 14(B) consists of that portion of Unit 14 north of Unit 14(A);

(C) Unit 14(C) consists of that portion of Unit 14 south of Unit 14(A);

(ii) Public lands within the following areas are closed to subsistence take or subsistence take is restricted as specified:

(A) The Fort Richardson Management Area, consisting of the Fort Richardson Military Reservation, is open to the taking of big game by permit only;

(B) The Eagle River Management Area, consisting of the Eagle River drainage upstream from the Glenn Highway in Unit 14(C) is closed to hunting, except sheep hunting by permit;

(C) The Anchorage Management Area:  
(1) The area consists of all Cook Inlet drainages south of the Elmendorf and Fort Richardson military reservations and north of and including Rainbow Creek, but excluding the Anchorage Coastal Wildlife Refuge;

(2) The Anchorage Management Area is closed to hunting, except that moose hunting is allowed by State of Alaska permit only; and small game and waterfowl may be taken by falconry, except that waterfowl may not be taken in the Ship Creek drainage west of Post Road;

(D) The Eklutna Lake Management Area:

(1) The area consists of the drainages of Eklutna River and Eklutna Lake in Unit 14(C) upstream from the Glenn Highway, excluding those drainages flowing into the East Fork of Eklutna River upstream from the bridge above the Lake and Thunderbird Creek;

(2) The area is closed to hunting, except that:

(i) Small game may be taken by bow and arrow only, from the day after Labor Day through April 30;

(ii) Moose hunting is allowed by permit with bow and arrow only;

(iii) Black bear may be taken by bow and arrow only, from the day after Labor Day to May 20, for one bear only;

(iv) Sheep may be taken by permit, and by bow and arrow only, from the day after Labor Day through September 30;

(E) The Peters Creek Management Area:

(1) The area consists of all lands bounded on the south and west by Eagle River and the Fort Richardson Military Reservation, on the east by the old Glenn Highway, and on the north by Peters Creek;

(2) The area is closed to hunting except that:

(i) Small game may be taken by shotgun or bow and arrow only, north and west of the Alaska Railroad;

(ii) Moose hunting is allowed by drawing permit, by bow and arrow only.

(iii) The following areas in Unit 14(C) (Anchorage Area) are closed to the trapping of furbearers for subsistence as indicated:

(A) The drainages into Eklutna River and Eklutna Lake, excluding those drainages flowing into the East Fork of the Eklutna River, upstream from the bridge above the lake, within the

Chugach State Park except Thunderbird Creek;

(B) Eagle River and all drainages into Eagle River;

(C) That portion of Chugach State Park outside of the Eagle River, Anchorage, and Eklutna Management areas is open to trapping under Unit 14(C) seasons and bag limits, except no trapping of wolf, wolverine, land otter, or beaver is allowed;

(D) All land and water within the Anchorage Management Area as described in the preceding subsection;

(E) In the Anchorage Coastal Wildlife Refuge in Unit 14(C), described in Alaska Statute 18.20.031: all land and

water south and west of and adjacent to the toe of the bluff that extends from Point Woronzof southeasterly to Potter Creek.

Note: There are private land areas within many Federal land units. These regulations apply only to Federal lands unless otherwise indicated. It is the responsibility of the subsistence user to be aware of private inholdings.

—Those residents listed under eligibility are the qualified subsistence users.

—“No open season” means no Federal subsistence season.

—“No determination” indicates open to Alaska rural residents.

(iii)

Eligibility department	Bag limits	Open season
Black Bear: GMU 14—Units 14 (A) and (C)—No determination.....	Unit 14 (A), (C)—1 bear.....	July 1–June 30.
Brown Bear: GMU 14—Unit 14(A)—No determination.....	Unit 14(A)—1 bear every four regulatory years.....	Sept. 1–Oct. 10.
Bat, Shrew, Rat, Mouse and Porcupine: GMU 14—No determination.	No limit.....	July 1–June 30.
Beaver: GMU 14—No determination.....	Trapping—Unit 14(A)—30 Beaver per season.....	Nov. 10–Apr. 30.
	Trapping—Unit 14(C)—That portion within the drainages of Glacier Creek, Kern Creek, Peterson Creek, and the Twentymile River—20 per season.	Feb. 1–Mar. 31.
	Unit 14(C)—Remainder.....	No Open Season.
Coyote: GMU 14—No determination.....	Hunting—Unit 14 (A) and (C)—2 Coyotes.....	Sept. 1–Apr. 30.
	Trapping—Unit 14(A)—No limit.....	Nov. 10–Mar. 31.
	Trapping—Unit 14(C)—No limit.....	Nov. 10–Feb. 28.
Fox, Red (including Cross, Black and Silver Phases): GMU 14—No determination.	Hunting—Unit 14—2 Foxes.....	Nov. 1–Feb. 15.
	Trapping—Unit 14(A)—No limit.....	Nov. 10–Feb. 28.
	Trapping—Unit 14(C)—1 Fox.....	Nov. 10–Feb. 28.
Hares (Snowshoe and Arctic): GMU 14—No determination.....	Hunting—Unit 14(A)—5 Hares per day.....	July 1–June 30.
	Hunting—Unit 14(C)—5 Hares per day.....	Day after Labor Day–Apr. 30.
Lynx: GMU 14—No determination.....	Hunting—2 Lynx.....	Dec. 15–Jan. 15.
	Trapping—No limit.....	Dec. 15–Jan. 15.
Marten: GMU 14—No determination.....	Trapping—No limit.....	Nov. 10–Jan. 31.
Mink and Weasel: GMU 14—No determination.....	Trapping—No limit.....	Nov. 10–Jan. 31.
Muskrat: GMU 14—No determination.....	Trapping—No limit.....	Nov. 10–May 15.
Otter (land only): GMU 14—No determination.....	Trapping—Unit 14(a)—No limit.....	Nov. 10–Mar. 31.
	Trapping—Unit 14(C)—No limit.....	Nov. 10–Feb. 28.
Squirrel (Red, Ground and Flying): GMU 14—No determination.....	Hunting—No limit.....	July 1–June 30.
	Trapping—No limit.....	July 1–June 30.
Wolf: GMU 14—No determination.....	Hunting—Unit 14(A)—4 Wolves.....	Aug. 10–Apr. 30.
	Trapping—No Limit.....	Nov. 10–Mar. 31.
	Hunting—Unit 14(C)—1 Wolf.....	Aug. 10–Apr. 30.
	Trapping—No Limit.....	Nov. 10–Feb. 28.
Wolverine: GMU 14—No determination.....	Hunting—1 Wolverine.....	Sept. 1–Mar. 31.
	Trapping—No limit.....	Nov. 10–Feb. 28.
Grouse (Spruce, Blue, Ruffed and Sharp-tailed): GMU 14—No determination.	Unit 14(A)—15 per day, 30 in possession.....	Aug. 10–Mar. 31.
	Unit 14(C)—5 per day, 10 in possession.....	Day after Labor Day–Mar. 31.
Ptarmigan (Rock, Willow and White-tailed): GMU 14—No determination.	Unit 14(A)—10 per day, 20 in possession.....	Aug. 10–Mar. 31.
	Unit 14(C)—10 per day, 20 in possession.....	Day after Labor Day–Mar. 31.

(15) GMU 15. (i) Game Management Unit 15 consists of that portion of the Kenai Peninsula and adjacent islands draining into the Gulf of Alaska, Cook Inlet and Turnagain Arm from Gore Point to the point where longitude line 150° 00' W. crosses the coast line of Chickaloon Bay in Turnagain Arm, including that area lying west of longitude line 150° 00' W. to the mouth of the Russian River, then southerly along the Chugach National Forest boundary to the upper end of Upper Russian Lake; and including the

drainages into Upper Russian Lake west of the Chugach National Forest boundary;

(A) Unit 15(A) consists of that portion of Unit 15 north of the Kenai River and Skilak Lake;

(B) Unit 15(B) consists of that portion of Unit 15 south of the Kenai River and Skilak Lake, and north of the Kasilof River, Tustumena Lake, Glacier Creek, and Tustumena Glacier;

(C) Unit 15(C) consists of the remainder of Unit 15;

(ii) Public lands within the following areas are closed to subsistence take or subsistence take is restricted as specified.

(A) The Kenai Controlled Use Area, consisting of that portion of Unit 15(A) north of the Sterling Highway, is closed during moose-hunting season to the use of aircraft for hunting moose, including transportation of a moose hunter or moose part; however, this does not apply after 12:01 a.m., September 11, and does not apply to transportation of a moose hunter or moose part by aircraft

between publicly owned airports in the Controlled Use Area or from a publicly owned airport within the area to points outside of the area;

(B) The Lower Kenai Controlled Use Area, consisting of Unit 15(C), is closed to the use of any motorized vehicle except an aircraft or boat for hunting moose from September 11 through September 20, including transportation of a moose hunter or moose part; however this does not apply to a motorized vehicle on a State- or Borough-maintained highway;

(C) the Skilak Loop Management Area: consisting of that portion of Unit 15(A) bounded by a line beginning at the easternmost junction of the Sterling Highway and the Skilak Loop (milepost 76.3), then due south to the south bank of the Kenai River, then southerly along

the south bank of the Kenai River to its confluence with Skilak Lake, then westerly along the north shore of Skilak Lake to Lower Skilak Lake Campground, then northerly along the Lower Skilak Lake Campground Road and the Skilak Loop Road to its westernmost junction with the Sterling Highway, then easterly along the Sterling Highway to the point of beginning; is closed to hunting and trapping except that small game may be taken only from October 1 through March 1 by bow and arrow only, and antlerless moose may be taken by permit only.

(iii) The following areas are closed to the trapping of furbearers for subsistence as indicated:

(A) Within the city limits of Homer (Unit 15) as those limits existed in November 1987;

(B) The Skilak Loop Wildlife Management Area;

(C) That portion of Unit 15(B) east of the Kenai River, Skilak Lake, Skilak River, and Skilak Glacier is closed to the trapping of marten;

Note: There are private land areas within many Federal land units. These regulations apply only to Federal lands unless otherwise indicated. It is the responsibility of the subsistence user to be aware of private inholdings.

—Those residents listed under eligibility are the qualified subsistence users.

—“No open season” means no Federal subsistence season.

—“No determination” indicates open to Alaska rural residents.

(iv)

Eligibility determination	Bag limits	Open season
Black Bear: GMU 15—No determination.....	Unit 15—3 bears.....	July 1—June 30.
Bat, Shrew, Rat, Mouse and Porcupine: GMU 15—No determination.....	No limit.....	July 1—June 30.
Beaver: GMU 15—No determination.....	Trapping—20 Beaver per season.....	Feb. 1—Mar. 31.
Coyote: GMU 15—No determination.....	Hunting—No limit.....	Sept. 1—Apr. 30.
	Trapping—No limit.....	Nov. 10—Feb. 28.
Fox, Red (including Cross, Black and Silver Phase): GMU 15—No determination.....	Trapping—1 Fox.....	Nov. 10—Feb. 28.
Hares (Snowshoe and Arctic): GMU 15—No determination.....	Hunting—No limit.....	July 1—June 30.
Marten: GMU 15—No determination.....	Trapping—Unit 15(B)—that portion east of the Kenai River, Skilak Lake, Skilak River and Skilak Glacier. Unit 15—Remainder—No limit.....	No open season.
Mink and Weasel: GMU 15—No determination.....	Trapping—No limit.....	Nov. 10—Jan. 31.
Muskrat: GMU 15—No determination.....	Trapping—No limit.....	Nov. 10—May 15.
Otter (land only): GMU 15—No determination.....	Trapping—Unit 15(A), (B)—No limit..... Trapping—Unit 15(C)—No limit.....	Nov. 10—Jan. 31. Nov. 10—Feb. 28.
Squirrel (Red, Ground and Flying): GMU 15—No determination.....	Hunting—No limit.....	July 1—June 30.
	Trapping—No limit.....	July 1—June 30.
Wolf: GMU 15—No determination.....	Hunting—1 Wolf.....	Aug. 10—Apr. 30.
	Trapping—No limit.....	Nov. 10—Feb. 28.
Wolverine: GMU 15—No determination.....	Hunting—Unit 15—1 Wolverine..... Trapping—Unit 15(A)..... Trapping—Unit 15(B), (C)—No limit.....	Sept. 1—Mar. 31. No open season. Nov. 10—Feb. 28.
Crow: GMU 15—No determination.....	40 per day.....	Sept. 1—Nov. 17 and Mar. 1—Apr. 15.
Grouse (Spruce, Blue, Ruffed and Sharp-tailed): GMU 15—Residents of Units 11, 13, 15, 16, 20(D), 22 and 23.	15 per day, 30 in possession.....	Aug. 10—Mar. 31.
Ptarmigan (Rock, Willow and White-tailed): GMU 15—Residents of Units 11, 13, 15, 16, 20(D), 22 and 23.	Unit 15(A), (B)—20 per day, 40 in possession..... Unit 15(C)—20 per day, 40 in possession.....	Aug. 10—Mar. 31. Aug. 10—Dec. 31. Jan. 1—Mar. 31.

(16) GMU 16. (i) Game Management Unit 16 consists of the drainages into Cook Inlet between Redoubt Creek and the Susitna River, including Redoubt Creek drainage, Kalgin Island, and the drainages on the west side of the Susitna River (including the Susitna River) upstream to its junction with the Chulitna River; the drainages into the west side of the Chulitna River (including the Chulitna River) upstream to the Tokositna River, and drainages into the south side of the Tokositna River upstream to the base of the Tokositna Glacier, including the drainage of the Kanitula Glacier;

(A) Unit 16(A) consists of that portion of Unit 16 east of the east bank of the Yentna River from its mouth upstream to the Kahiltna River, east of the east bank of the Kahiltna River, and east of the Kahiltna Glacier;

(B) Unit 16(B) consists of the remainder of Unit 16;

(ii) Public Lands within the following areas are closed to subsistence take or subsistence take is restricted as specified. (A) Lands within Mount McKinley National Park as it existed prior to December 2, 1980 are closed to subsistence. Denali National Preserve and lands added to Denali National

Park on December 2, 1980 are open to subsistence.

(B) [Reserved]

Note: There are private land areas within many Federal land units. These regulations apply only to Federal lands unless otherwise indicated. It is the responsibility of the subsistence user to be aware of private inholdings.

—“No open season” means no Federal subsistence season.

—Those residents listed under eligibility are the qualified subsistence users. “No determination” indicates open to Alaska rural residents. However, National Parks, Monuments, and Preserves are open only to Park Service qualified subsistence users.

Subsistence users must be local rural residents of National Park Service areas.

For more information, contact the National Park Service in Anchorage, Alaska

(telephone 907/257-2572).

Eligibility determination	Bag limits	Open season
Black Bear: GMU 16—No determination	Unit 16—3 bears	July 1—June 30.
Caribou: GMU 16—No determination	Unit 16 —1 caribou	Aug. 10—Oct. 31.
Moose:		
GMU 16—Unit 16(A)—No subsistence	Unit 16(b)—Kalgin Island—No Federal land	No open season.
GMU 16—Unit 16(B)—Residents of Unit 16(B)	Unit 16(B)—Redoubt Bay Drainages south and west of, and including the Kustatan River drainage—1 bull. Unit 16(B)—Remainder—1 moose, however antlerless moose may be taken only from Sept. 25—Sept. 30 and from Dec. 1 to Feb. 28 by Federal registration permit only.	Sept. 1—Sept. 15. Sept. 1—Sept. 30 and Dec. 1—Feb. 28.
Bat, Shrew, Rat, Mouse and Porcupine: GMU 16—No determination	No limit	July 1—June 30.
Beaver: GMU 16—No determination	Trapping—30 Beaver per season	Nov. 10—Apr. 30.
Coyote: GMU 17—No determination	Hunting—2 Coyotes Trapping—No limit	Sept. 1—Apr. 30. Nov. 10—Mar. 31.
Fox, Red (including Cross, Black and Silver Phases): GMU 16—No determination.	Hunting—2 Foxes Trapping—No limit	Nov. 1—Feb. 15. Nov. 10—Feb. 28.
Hares (Snowshoe and Arctic): GMU 16—No determination	Hunting—No limit	July 1—June 30.
LYNX: GMU 16—No determination	Hunting—2 Trapping—No limit	Dec. 15—Jan. 15. Dec. 15—Jan. 15.
Marten: GMU 16—No determination	Trapping—No limit	Nov. 10—Jan. 31.
Mink and Weasel: GMU 16—No determination	Trapping—No limit	Nov. 10—Jan. 31.
Muskrat: GMU 16—No determination	Trapping—No limit	Nov. 10—June 10.
Otter (land only): GMU 16—No determination	Trapping—Not limit	Nov. 10—Mar. 31.
Squirrel (Red, Ground and Flying): GMU 16—No determination	Hunting—No limit Trapping—No limit	July 1—June 30. Aug. 10—Apr. 30.
Wolf: GMU 16—Residents of Units 5, 9, 10 (Unimak Island Only), 11-13, and 16-26.	Hunting—4 Wolves Trapping—No limit	Nov. 10—Mar. 31. Sept. 1—Mar. 31.
Wolverine: GMU 16—No determination	Hunting—1 Wolverine Trapping—No limit	Nov. 10—Feb. 28. Aug. 10—Mar. 31.
Grouse (Spruce, Blue, Ruffed and Sharp-tailed): GMU 16—Residents of Units 11, 13, 15, 16, 20(D), 22 and 23.	15 per day, 30 in possession	Aug. 10—Mar. 31.
Ptarmigan (Rock Willow and White-tailed): GMU 16—Residents of Units 11, 13, 15, 16, 20(D), 22 and 23.	20 per day, 40 in possession	Aug. 10—Mar. 31.

(17) GMU 17. (i) Game Management Unit 17 consists of drainages into Bristol Bay and the Bering Sea between Etolin Point and Cape Newenham, and all islands between these points, including Hagemeister Island and the Walrus Islands;

(A) Unit 17(A) consists of the drainages between Cape Newenham and Cape Constantine, and Hagemeister Island and the Walrus Islands;

(B) Unit 17(B) consists of the Nushagak River drainage upstream from and including the Mulchatna River drainage, and the Wood River drainage upstream from the outlet of Lake Beverley;

(C) Unit 17(C) consists of the remainder of Unit 17;

(ii) Public lands within the following areas are closed to subsistence take or

subsistence take is restricted as specified.

(A) All islands and adjacent waters within one-half mile of each island in the Walrus Islands State Game Sanctuary, as described in Alaska Statute 16.20.110, except for those islands known as the Twins and their adjacent waters are closed to hunting;

(B) The Upper Mulchatna Controlled Use Area consisting of Unit 17(B), is closed to the use of any motorized vehicle, except aircraft and boats and in legally permitted hunting camps, for hunting big game from August 1 to November 1, including transportation of big game hunters and parts of big game.

(iii) The following areas are closed to the trapping of furbearers for subsistence as indicated: all islands within the Walrus Islands State Game

Sanctuary as described in Alaska Statute 16.20.110.

Note: There are private land areas within many Federal land units. These regulations apply only to Federal lands unless otherwise indicated. It is the responsibility of the subsistence user to be aware of private inholdings.

—“No open season” means no Federal subsistence season.

—Those residents listed under eligibility are the qualified subsistence users. “No determination” indicates open to Alaska rural residents. However, National Parks, Monuments, and Preserves are open only to Park Service qualified subsistence users. Subsistence users must be local rural residents of National Park Service areas. For more information, contact the National Park Service in Anchorage, Alaska (telephone 907/257-2572).

(iv)

Eligibility determination	Bag limits	Open season
Black Bear: GMU 17—No determination	Unit 17—3 bears	July 1—June 30.
Brown Bear:		
GMU 17— Unit 17(A)—Residents of Unit 17, Goodnews Bay and Platinum.	Unit 17(A), (C)—1 bear every four regulatory years	Sept. 10—Oct. 10 and April 10—May 25.
GMU 17—Unit 17 (B) and (C)—Residents of Unit 17	Unit 17(B)—1 bear every four regulatory years	Sept. 10—Oct. 10 and May 10—May 25.

Eligibility determination	Bag limits	Open season
GMU 17—Unit 17 (A) and (B)—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 Togiak Lake, and northeast to the northern point of Nuyakuk Lake, north-east to the point where the GMU 17 boundary intersects the Shotgun Hills—Residents of Kwethluk		
<b>Caribou:</b>		
GMU 17—Residents of Unit 9(B), 17, and residents of Lime Village and Stony River.	Unit 17(A), and (C)—that portion of Unit 17(C) west of Nushagak River.	No open season.
GMU 17—Unit 17 (A) and (B) portions as described above—Residents of Kwethluk.	Unit 17(B), and (C)—that portion of 17(C) east of the Nushagak River—4 caribou; however, no more than 2 caribou may be taken Aug. 10–Aug. 31, and no more than 1 caribou may be taken Sept. 1–Nov. 30.	Aug. 10–Mar. 31.
<b>Sheep:</b> GMU 17—Unit 17—No determination	Unit 17—1 ram with full curl horn or larger	Aug. 10–Sept. 20.
<b>Moose:</b>		
GMU 17—Unit 17(A)—Residents of Unit 17 and residents of Goodnews Bay and Platinum.	Unit 17(A)	No open season.
GMU 17—Unit 17 (B), (C)—Residents of Unit 17, Nondalton, Levelock, Goodnews Bay and Platinum.	Unit 17(B)—that portion that includes all the Mulchatna River drainage upstream from and including the Chichitna River drainage—1 bull.	Sept. 1–Sept. 20.
GMU 17—Unit 17 (A) and (B) portions as described above—Residents of Kwethluk.	Unit 17(B)—Remainder—1 bull	Aug. 20–Sept. 15 and Dec. 1–Dec. 31.
	Unit 17(C)—that portion that includes the lowithla drainage and Sunshine Valley and all lands west of Wood River and south of Aleknagik Lake—1 bull.	Aug. 20–Sept. 15.
	Unit 17(C)—Remainder—1 bull	Aug. 20–Sept. 15 and Dec. 1–Dec. 31.
<b>Bat, Shrew, Rat, Mouse and Porcupine:</b> GMU 17—No determination	No limit	July 1–June 30.
<b>Beaver:</b> GMU 17—No determination	Trapping—Unit 17(A)—20 Beavers per season	Jan. 1–Jan. 31.
	Trapping—Unit 17(B), (C)—20 Beavers per season	Jan. 1–Feb. 28.
<b>Coyote:</b> GMU 17—No determination	Hunting—2 Coyotes	Sept. 1–Apr. 30.
	Trapping—No limit	Nov. 10–Mar. 31.
<b>Fox, Arctic (Blue and White Phase):</b> GMU 17—No determination	Hunting—No limit	Dec. 1–Mar. 15.
	Trapping—No limit	Nov. 10–Feb. 28.
<b>Fox, Red (including Cross, Black and Silver Phases):</b> GMU 17—No determination.	Hunting—2 Foxes	Nov. 1–Feb. 15.
	Trapping—No limit	Nov. 10–Feb. 28.
<b>Hares (Snowshoe and Arctic):</b> GMU 17—No determination	Hunting—No limit	July 1–June 30.
<b>Lynx:</b> GMU 17—No determination	Hunting—2 Lynx	Nov. 10–Feb. 28.
	Trapping—No limit	Nov. 10–Feb. 28.
<b>Marten:</b> GMU 17—No determination	Trapping—No limit	Nov. 10–Feb. 28.
<b>Mink and Weasel:</b> GMU 17—No determination	Trapping—No limit	Nov. 10–Feb. 28.
<b>Muskrat:</b> No determination	Trapping—No limit	Nov. 10–Feb. 28.
<b>Otter (land only):</b> GMU 17—No determination	Trapping—No limit	Nov. 10–Mar. 31.
<b>Squirrel (Red, Ground and Flying):</b> GMU 17—No determination	Hunting—No limit	July 1–June 30.
	Trapping—No limit	July 1–June 30.
<b>Wolf:</b> GMU 17—Residents of Units, 6, 9, 10 (Unimak Island only), 11–13, and 16–26.	Hunting—10 Wolves	Aug. 10–Apr. 30.
<b>Wolverine:</b> GMU 17—No determination	Trapping—No limit	Nov. 10–Mar. 31.
	Hunting—1 Wolverine	Sept. 1–Mar. 31.
	Trapping—No limit	Nov. 10–Feb. 28.
<b>Cormorant:</b> GMU 17—No determination	No limit	July 1–June 30.
<b>Grouse (Spruce, Blue, Ruffed and Sharp-tailed):</b> GMU 17—No determination.	15 per day; 30 in possession	Aug. 10–Apr. 30.
<b>Partridge (Rock, Willow and White-tailed):</b> GMU 17—No determination.	20 per day; 40 in possession	Aug. 10–Apr. 30.
<b>Snowy Owl:</b> GMU 17—No determination	No limit	July 1–June 30.

(18) GMU 18. (i) Game Management Unit 18 consists of that area draining into the Yukon and Kuskokwim Rivers downstream from a straight line drawn between Lower Kalskag and Paimiut and the drainages flowing into the Bering Sea from Cape Newenham on the south to and including the Pastolik River drainage on the north; Nunivak, St. Matthews, and adjacent islands between Cape Newenham and the Pastolik River;

(ii) Public lands within the following area are closed to subsistence take or subsistence take is restricted as

specified. The Kalskag Controlled Use Area consisting of that portion of Unit 18 bounded by a line from Lower Kalskag on the Kuskokwim River, northwesterly to Russian Mission on the Yukon River, then east along the north bank of the Yukon River to the old site of Paimiut, then back to Lower Kalskag is closed to the use of aircraft for hunting big game, including transportation of any big game hunter and big game part; however, this does not apply to transportation of a big game hunter or big game part by aircraft between publicly owned airports in the

controlled use area or from a publicly owned airport within the area to points outside the area;

Note. There are private land areas within many Federal land units. These regulations apply only to Federal lands unless otherwise indicated. It is the responsibility of the subsistence user to be aware of private inholdings.

- Those residents listed under eligibility are the qualified subsistence users.
- “No open season” means no Federal subsistence season.
- “No determination” indicates open to Alaska rural residents.

(iii)



Eligibility determination	Bag limits	Open season
Black Bear: GMU 18—No determination	Unit 18—3 bears	July 1—June 30.
Brown Bear: GMU 18—Residents of Akiachak, Akiak, Eek, Goodnews Bay, Kwethluk, Mt. Village, Napaskiak, Platinum Quinhagak, St. Mary's, and Tuluksak.	Unit 18—Residents domiciled in Kwethluk—1 bear	Sept. 10—Oct. 10. Apr. 10—May 25.
Caribou: GMU 18—Residents of Kwethluk	All others—1 bear every four regulatory years Unit 18—north of the Yukon River—1 caribou	Feb. 1—Mar. 31. No open season.
Moose: GMU 18—Residents of GMU 18 and Upper Kalskag	Unit 18—Remainder Unit 18—that portion north and west of a line from Cape Romanzof to Kuzivak Mountain, and then to Mountain Village, and west of (but not including) the Andreafsky River drainage; and those portions contained in the Kanektok and Goodnews drainages. Unit 18—Remainder—1 antlered moose. A 10 day hunt falling sometime between Dec. 1 and Feb. 28 shall also be opened by announcement of the Federal Subsistence Board. Federal lands in Unit 18 are closed to the hunting of moose except by rural Alaska residents of Unit 18 and Upper Kalskag.	No open season (Closed to all moose hunting). Sept. 1—Sept. 30 (Winter season to be announced).
Bat, Shrew, Rat, Mouse, and Porcupine: GMU 18—No determination	No limit	July 1—June 30.
Beaver: GMU 18—No determination	Trapping—No limit	Nov. 1—June 10.
Coyote: GMU 18—No determination	Hunting—2 Coyotes Trapping—No limit	Sept. 1—Apr. 30. Nov. 10—Mar. 31
Fox, Arctic (Blue and White Phase): GMU 18—No determination	Hunting—2 Foxes Trapping—No limit	Sept. 1—Apr. 30. Nov. 10—Mar. 31
Fox, Red (including Cross, Black and Silver Phases): GMU 18—No determination	Hunting—2 Foxes Trapping—No limit	Nov. 1—Feb. 15. Nov. 10—Mar. 31
Hares (Snowshoe and Arctic): GMU 18—No determination	No limit	July 1—June 30.
Lynx: GMU 18—No determination	Hunting—2 Lynx Trapping—No limit	Nov. 10—Mar. 31. Nov. 10—Mar. 31.
Marten: GMU 18—No determination	Trapping—No limit	Nov. 10—Mar. 31.
Mink and Weasel: GMU 18—No determination	Trapping—No limit	Nov. 10—Jan. 31.
Muskrat: GMU 18—No determination	Trapping—No limit	Nov. 10—June 10.
Otter (land only): GMU 18—No determination	Trapping—No limit	Nov. 10—Mar. 31.
Squirrel (Red, Ground and Flying): GMU 18—No determination	Hunting—No limit Trapping—No limit	July 1—June 30. July 1—June 30.
Wolf: GMU 18—Residents of Units 6, 9, 10 (Unimak Island only), 11-13, and 16-26.	Hunting—4 Wolves Trapping—No limit	Aug. 10—Apr. 30. Nov. 10—Mar. 31.
Wolverine: GMU 18—No determination	Hunting—1 Wolverine Trapping—No limit	Sept. 1—Mar. 31. Nov. 10—Mar. 31.
Cormorant: GMU 18—No determination	No limit	July 1—June 30.
Grouse (Spruce, Blue, Ruffed and Sharp-tailed): GMU 18—No determination	15 per day, 30 in possession	Aug. 10—Apr. 30.
Ptarmigan (Rock, Willow and White-tailed): GMU 18—No determination	20 per day, 40 in possession	Aug. 10—Apr. 30.
Snowy Owl: GMU 18—No determination	No limit	July 1—June 30.

(19) GMU 19. (i) Game Management Unit 19 consists of the Kuskokwim River drainage upstream from Lower Kalskag;

(A) Unit 19(A) consists of the Kuskokwim River drainage downstream from and including the Moose Creek drainage on the north bank and downstream from and including the Stony River drainage on the south bank, excluding Unit 19(B);

(B) Unit 19(B) consists of the Aniak River drainage upstream from and including the Salmon River drainage, the Holitna River drainage upstream from and including the Bakbuk Creek drainage, that area south of a line from the mouth of Bakbuk Creek to the radar dome at Sparrevohn Air Force Base, including the Hoholitna River drainage upstream from that line, and the Stony River drainage upstream from and including the Can Creek drainage;

(C) Unit 19(C) consists of that portion of Unit 19 south and east of a line from Benchmark M#1.26 (approximately 1.26 miles south of the northwest corner of the original Mt. McKinley National Park boundary) to the peak of Lone Mountain, then due west to Big River,

including the Big River drainage upstream from that line, and including the Swift River drainage upstream from and including the North Fork drainage;

(D) Unit 19(D) consists of the remainder of Unit 19;

(ii) Public lands within the following areas are closed to subsistence take or subsistence take is restricted as specified:

(A) Lands within Mount McKinley National Park as it existed prior to December 2, 1980 are closed to subsistence. Denali National Preserve and lands added to Denali National Park on December 2, 1980 are open to subsistence.

(B) The Upper Kuskokwim Controlled Use Area consisting of that portion of Unit 19(D) upstream from the mouth of Big River including the drainages of the Big River, Middle Fork, South Fork, East Fork, and Tonzona River, and bounded by a line following the west bank of the Swift Fork (McKinley Fork) of the Kuskokwim River to 152° 50' W. long., then north to the boundary of Denali National Preserve, then following the western boundary of Denali National

Preserve north to its intersection with the Minchumina-Telida winter trail, then west to the crest of Telida Mountain, then north along the crest of Munsatli Ridge to elevation 1,610, then northwest to Dyckman Mountain and following the crest of the divide between the Kuskokwim River and the Nowitna drainage, and the divide between the Kuskokwim River and the Nixon Fork River to Loaf bench mark on Halfway Mountain, then south to the west side of Big River drainage, the point of beginning, is closed during moose hunting seasons to the use of aircraft for hunting moose, including transportation of any moose hunter or moose part; however, this does not apply to transportation of a moose hunter or moose part by aircraft between publicly owned airports in the Controlled Use Area or from a publicly owned airport within the area to points outside the area;

(C) The Lime Village Management Area consists of that portion of Unit 19(A) drained by the Stony River from the mouth of the Stink River, including the Stink River drainage, upstream to

but not including the Can Creek drainage.

Note: There are private land areas within many Federal land units. These regulations apply only to Federal lands unless otherwise indicated. It is the responsibility of the

subsistence user to be aware of private inholdings.

- "No open season" means no Federal subsistence season.
- Those residents listed under eligibility are the qualified subsistence users. "No determination" indicates open to Alaska rural residents. However, National Parks,

Monuments, and Preserves are open only to Park Service qualified subsistence users. Subsistence users must be local rural residents of National Park Service areas. For more information, contact the National Park Service in Anchorage, Alaska (telephone 907/257-2572).

(iii)

Eligibility determination	Bag limits	Open season.
Black Bear: GMU 19—No determination	Unit 19—3 bears	July 1—June 30.
Brown Bear:		
GMU 19—Unit 19(A)—Residents of Unit 19(A), (D), Tulusak, Lower Kalskag and Kwethluk.	Unit 19(A), (D)—1 bear every four regulatory years	Sept. 1—May 31.
GMU 19—Unit 19(B)—Residents of Kwethluk.	Unit 19(B)—1 bear every four regulatory years	Sept. 10—May 25.
GMU 19—Unit 19(D)—Residents of Unit 19(A), (D), Tulusak and Lower Kalskag.		
GMU 19—Unit 19(C)—No subsistence	Unit 19(C)	No open season.
Caribou:		
GMU 19—Unit 19(A), (B)—(fall season) Residents of Unit 19(A), (B) and Kwethluk; (winter season) Residents of Unit 18 in Kuskokwim Drainage and Bay, residents of 19(A), (B) and Kwethluk.	Unit 19(A) north of Kuskokwim River—1 caribou	Aug. 10—Sept. 30 and Nov. 1—Feb. 28
	Unit 19(A) south of the Kuskokwim River, and Unit 19(B) (excluding residents of Lime Village)—4 caribou.	Aug. 10—Mar. 31.
GMU 19—Unit 19(C)—Residents of Unit 19(C), Lime Village, McGrath, Nikolai, and Telida.	Unit 19(C)—1 caribou	Aug. 10—Oct. 10.
GMU 19—Unit 19(D)—Residents of Unit 19(D), Lime Village, Sleetmute, and Story River.	Unit 19(D) south and east of the Kuskokwim River and North Fork of the Kuskokwim River—1 caribou.	Aug. 10—Sept. 30 and Nov. 1—Jan. 31.
	Unit 19(D)—Remainder—1 caribou	Aug. 10—Sept. 30.
	Unit 19—Lime Village Management Area—Residents domiciled in Lime Village only; no individual bag limit but a village harvest quota of 100 caribou; cows and calves may not be taken from Apr. 1—Aug. 9.	July 1—June 30.
Sheep: GMU 19—No determination	Unit 19—1 ram with 1/4 curl	Aug. 10—Sept. 20.
Moose:		
GMU 19—Unit 19(A), (B)—Residents of Unit 18 within Kuskokwim River drainage upstream from and including the Johnson River and Unit 19.	Unit 19—Lime Village Management Area—Residents of Lime Village only—No individual bag limit but a village harvest quota of 30 moose; either sex.	July 1—June 30.
	Unit 19(A)—1 moose; however, antlerless moose may be taken only from Nov. 20—Nov. 30 and Feb. 1—Feb. 10.	Sept. 1—Sept. 20; Nov. 20—Nov. 30; Feb. 1—Feb. 10.
GMU 19—Unit 19(C)—Residents of Unit 19	Unit 19(B)—1 bull	Sept. 1—Sept. 30.
GMU 19—Unit 19(D)—Residents of Unit 19 and residents of Lake Minchumina.	Unit 19(C)—1 bull	Sept. 1—Oct. 10.
	Unit 19(D)—that portion of the Upper Kuskokwim Controlled Use Area within the North Fork drainage upstream from the confluence of the South Fork to the mouth of the Swift Fork—1 bull.	Sept. 1—Sept. 30.
	Unit 19(D)—remainder of the Upper Kuskokwim Controlled Use Area—1 bull.	Sept. 1—Sept. 30 and Dec. 1—Feb. 28.
	Unit 19(D)—Remainder—1 bull	Sept. 1—Sept. 30 and Dec. 1—Dec. 15.
Bat, Shrew, Rat, Mouse and Porcupine: GMU 19—No determination	No limit	July 1—June 30.
Beaver: GMU 19—No determination	Trapping—50 Beaver per season	Nov. 1—Apr. 15.
Coyote: GMU 19—No determination	Hunting—2 Coyotes	Sept. 1—Apr. 30.
	Trapping—No limit	Nov. 1—Mar. 31.
Fox, Red (including Cross, Black and Silver Phases): GMU 19—No determination.	Hunting—2 Foxes	Nov. 1—Feb. 15.
Hares (Snowshoe and Arctic): GMU 19—No determination	Trapping—No limit	Nov. 1—Mar. 31.
Lynx: GMU 19—No determination	No limit	July 1—June 30.
	Hunting—2 Lynx	Nov. 1—Feb. 28.
	Trapping—No limit	Nov. 1—Feb. 28.
Marten: GMU 19—No determination	Trapping—No limit	Nov. 1—Feb. 28.
Mink and Weasel: GMU 19—No determination	Trapping—No limit	Nov. 1—Feb. 28.
Muskrat: GMU 19—No determination	Trapping—No limit	Nov. 1—June 10.
Otter (land only): GMU 19—No determination	Trapping—No limit	Nov. 1—Apr. 15.
Raccoon: GMU 19—No determination	No limit	July 1—June 30.
Squirrel (Red, Ground and Flying): GMU 19—No determination	Hunting—No limit	July 1—June 30.
	Trapping—No limit	July 1—June 30.
Wolf: GMU 19—Residents of Units 6, 9, 10 (Unimak Island only), 11-13, and 16-26.	Hunting—10 Wolves	Aug. 10—Apr. 30.
Wolverine: GMU 19—No determination	Trapping—No limit	Nov. 1—Mar. 31.
	Hunting—1 Wolverine	Sept. 1—Mar. 31.
	Trapping—No limit	Nov. 1—Mar. 31.
Grouse (Spruce, Blue, Ruffed and Sharp-tailed): GMU 19—No determination.	15 per day, 30 in possession	Aug. 10—Apr. 30.
Ptarmigan (Rock, Willow and White-tailed): GMU 19—No determination.	20 per day, 40 in possession	Aug. 10—Apr. 30.

(20) GMU 20. (i) Unit 20 consists of the Yukon River drainage upstream from and including the Tozitna River drainage to and including the Hamlin Creek drainage, drainages into the south bank of the Yukon River upstream from and including the Charley River drainage, the Ladue River and Fortymile River drainages and the Tanana River drainage north of Unit 13 and downstream from the east bank of the Robertson River;

(A) Unit 20(A) consists of that portion of Unit 20 bounded on the south by the Unit 13 boundary, bounded on the east by the west bank of the Delta River, bounded on the north by the north bank of the Tanana River from its confluence with the Delta River downstream to its confluence with the Nenana River, and bounded on the west by the east bank of the Nenana River;

(B) Unit 20(B) consists of drainages into the north bank of the Tanana River from and including Hot Springs Slough upstream to and including the Banner Creek drainage;

(C) Unit 20(C) consists of that portion of Unit 20 bounded on the east by the east bank of the Nenana River and on the north by the north bank of the Tanana River downstream from the Nenana River;

(D) Unit 20(D) consists of that portion of Unit 20 bounded on the east by the east bank of the Robertson River and on the west by the west bank of the Delta River, and drainages into the north bank of the Tanana River from its confluence with the Robertson River downstream to, but excluding, the Banner Creek drainage;

(E) Unit 20(E) consists of drainages into the south bank of the Yukon River upstream from and including the Charley River drainage, and the Ladue River drainage;

(F) Unit 20(F) consists of the remainder of Unit 20.

(ii) Public lands within the following areas are closed to subsistence take or subsistence take is restricted as specified:

(A) Lands within Mount McKinley National Park as it existed prior to December 2, 1980 are closed to subsistence. Denali National Preserve and lands added to Denali National Park on December 2, 1980 are open to subsistence.

(B) Delta Controlled Use Area consisting of the drainages of the Tanana River south of the Alaska Highway, from the west bank of the Johnson River to and including drainages of the Delta River north of the north bank of Miller Creek and Canwell Glacier in Units 13(B), 20(A), and 20(D) is closed to the use of any motorized

vehicle or pack animal for hunting from August 5 through August 25; however, this does not prohibit motorized access to the area for hunting, or transportation of game on the Richardson Highway;

(C) The Dalton Highway Corridor Management Area, consisting of those portions of Units 20, 24, 25, and 26 extending five miles from each side of the Dalton Highway from the Yukon River to the Prudhoe Bay Closed Area, is closed to hunting; however, big game and small game may be taken in the area by bow and arrow only; no motorized vehicle, except aircraft, boats, and licensed highway vehicles, may be used to transport game or hunters within the Dalton Highway Corridor Management Area;

(D) Birch Lake and the area within one-half mile of Birch Lake (Mile 56 Richardson Highway) is closed to the taking of big game;

(E) Harding Lake and the area within one-half mile of Harding Lake (Mile 44 Richardson Highway) is closed to the taking of big game;

(F) Lost Lake and the area within one-half mile of Lost Lake (Mile 56 Richardson Highway) is closed to the taking of big game with firearms and crossbows;

(G) The Delta Junction Closed Area (Unit 20(D) near Delta Junction), which consists of that portion of Unit 20(D) bounded by a line beginning at the confluence of Donnelly Creek and the Delta River, then up Donnelly Creek to the Richardson Highway (Mile 238), then north along the east side of the highway to the "12 mile crossing trail" (Mile 252.4), then east along the south side of the "12 mile crossing trail" and across Jarvis Creek to the 33-Mile Loop Road then northeast along the 33-Mile Loop Road to the intersection with the Alaska Highway (Mile 1414), then southeast along the north side of the Alaska Highway to the bridge at Sawmill Creek (Mile 1403.9), then down the west bank of Sawmill Creek to its confluence with Clearwater Creek and down the south bank of Clearwater Creek to its confluence with the Tanana River, then down the Tanana River to its confluence with the Delta River, and upstream along the east bank of the Delta River to the point of beginning at Donnelly Creek, is closed to the taking of moose;

(H) The Glacier Mountain Controlled Use Area consisting of that portion of Unit 20(E) bounded by a line beginning at Mile 140 of the Taylor Highway, then north along the highway to Eagle, then west along the cat trail from Eagle to Crooked Creek, then from Crooked Creek southwest along the west bank of Mogul Creek to its headwaters on North Peak, then west across North Peak to

the headwaters of Independence Creek, then southwest along the west bank of Independence Creek to its confluence with the North Fork of the Fortymile River, then easterly along the south bank of the North Fork of the Fortymile River to its confluence with Champion Creek, then across the North Fork of the Fortymile River to the south bank of Champion Creek and easterly along the south bank of Champion Creek to its confluence with Little Champion Creek, then northeast along the east bank of Little Champion Creek to its headwaters, then northeasterly in a direct line to Mile 140 on the Taylor Highway is closed to the use of any motorized vehicle for hunting, from August 5 to September 20; however, this does not prohibit motorized access via, or transportation of game on, the Taylor Highway or any airport;

(I) The Wood River Controlled Use Area consisting of that portion of Unit 20(A) bounded on the north by the south side of the Rex Trail beginning at its intersection with the Totatlanika River then easterly along the Rex Trail to Gold King airstrip, then from Gold King airstrip along the trail's extension along the north side of Japan Hills to the Wood River; on the east by the Wood River, including the Wood River drainage upstream from and including the Snow Mountain Gulch Creek drainage; on the south by the divide separating the Yanert River drainage from the drainages of Healy Creek, Moody Creek, Montana Creek and the Wood River; and on the west by the east bank of the Nenana River from the divide separating the drainage of the Yanert River and Montana Creek north to Healy Creek, then easterly along the south bank of Healy Creek to the north fork of Healy Creek, then along the north fork of Healy Creek to its headwaters, then along a straight line to the headwaters of Dexter Creek, then along Dexter Creek to the Totatlanika River, and then down the east bank of the Totatlanika River to the Rex Trail is closed to the use of any motorized vehicle except aircraft for big game hunting and transportation of any big game part from August 1 through September 30;

(J) The Macomb Plateau Controlled Use Area, consisting of that portion of Unit 20(D) south of the Alaska Highway, draining into the south side of the Tanana River between the east bank of the Johnson River upstream to Prospect Creek, and the east bank of Bear Creek (Mile 1357.3), is closed to the use of any motorized vehicle, except a floatplane on Fish Lake, for hunting or

transportation of any game part, from August 10 through September 30;

(K) The Yanert Controlled Use Area, consisting of that portion of Unit 20(A) drained by the Nenana River upstream from and including the Yanert Fork drainage, is closed to the use of any motorized vehicle, except aircraft, for big game hunting and transportation of any big game part; however, this does not prohibit motorized access via, and transportation of game on, the Parks Highway;

(L) The Minto Flats Management Area consisting of that portion of Unit 20 bounded by the Elliot Highway beginning at Mile 118, then northeasterly to Mile 96, then east to the Tolovana Hot Springs Dome, then east to the Winter Cat Trail, then along the Cat Trail south to the Old Telegraph Trail at Dunbar, then westerly along the trail to a point where it joins the Tanana River three miles above Old Minto, then along the north bank of the Tanana River (including all channels and sloughs except Swan Neck Slough), to the confluence of the Tanana and Tolovana Rivers and then northerly to the point of beginning, is open to moose hunting by permit only;

(M) The Fairbanks Management Area consists of the Goldstream subdivision (SE¼SE¼ section 28 and section 33, Township 2 North, Range 1 West, and Fairbanks Meridian) and that portion of Unit 20(B) bounded by a line from the confluence of Rosie Creek and the Tanana River, northerly along Rosie Creek to the divide between Rosie

Creek and Cripple Creek, then down Cripple Creek to its confluence with Ester Creek, then up Ester Creek to its confluence with Ready Bullion Creek, then up Ready Bullion Creek to the summit of Ester Dome, then down Sheep Creek to its confluence with Goldstream Creek, then easterly along Goldstream Creek to its confluence with First Chance Creek, then up First Chance Creek to Tungsten Hill, then southerly along Steele Creek to its intersection with the Trans-Alaska Pipeline, then southerly along the pipeline right-of-way to the Chena River, then along the north bank of the Chena River to the Moose Creek dike, then southerly along Moose Creek dike to its intersection with the Tanana River, and then westerly along the north bank of the Tanana River to the point of beginning is open to moose hunting by bow and arrow only;

(N) The Ferry Trail Management Area consisting of that portion of Unit 20(A) bounded on the north by the Rex Trail; on the west by the east bank of the Nenana River from its intersection with the Rex Trail south to the divide forming the north boundary of the Lignite Creek drainage; on the south by that divide easterly and southerly to the headwaters of Sanderson Creek at Usibelli Peak, then along a southwesterly line to the confluence of Healy Creek and Coal Creek, then upstream easterly along the south bank of Healy Creek to the north fork of Healy Creek, then along the north fork of Healy Creek to its headwaters; on the east by a straight line from the

headwaters of Healy Creek to the headwaters of Dexter Creek, then along Dexter Creek to the Totatlanika River, then down the east bank of the Totatlanika River to the Rex Trail is open to caribou hunting by permit only;

(o) The Healy-Lignite Management Area consisting of that portion of Unit 20 (A) that includes the entire Lignite Creek drainage, and that portion of the Nenana River drainage south of the Lignite Creek drainage and north of a boundary beginning at the confluence of the Nenana River and Healy Creek, then easterly along the south bank of Healy Creek to its confluence with Coal Creek, then northeasterly to the headwaters of Sanderson Creek at Usibelli Peak is open to hunting by bow and arrow only.

Note: There are private land areas within many Federal land units. These regulations apply only to Federal lands unless otherwise indicated. It is the responsibility of the subsistence user to be aware of private inholdings.

—"No open season" means no Federal subsistence season.

—Those residents listed under eligibility are the qualified subsistence users. "No determination" indicates open to Alaska rural residents. However, National Parks, Monuments, and Preserves are open only to Park Service qualified subsistence users. Subsistence users must be local rural residents of National Park Service areas. For more information, contact the National Park Service in Anchorage, Alaska (telephone 907/257-2572).

(iii)

Eligibility determination	Bag limits	Open season
Black bear: GMU 20—No determination	Unit 20—3 bears	July 1—June 30.
Brown bear: GMU 20—Unit 20 (A), (B), (C), (D), and (F)—No determination.	Unit 20—except Unit 20(E)—1 bear every four regulatory years	Sept. 1—May 31.
GMU 20—Unit 20(E)—No subsistence	Unit 20 (E)	No open season.
Caribou: GMU 20—Unit 20(A), (C) (Delta, Yanert, and 20(C) herds), (D)—No determination except no subsistence for residents of McKinley Village, the area along the Parks Highway between milepost 216 and 239 and households of the Denali National Parks Headquarters.	Units 20(A), (B), (C) and (D)	No open season.
GMU 20—Unit 20(D) and (E) 40-Mile Herd—Residents of Unit 12 north of Wrangell Park-Preserve, rural residents of 20(D) and residents of 20(E).	Unit 20(E)—that portion drained by the Yukon River downstream from and including the Seventy-mile and Charley Rivers, the North Fork Forty-mile River upstream from and including Independence Creek, the Middle Fork Forty-mile River upstream from Fish Creek, and the Mosquito Fork Forty-mile River upstream from and including Ketchumstuck Creek—1 caribou.	Aug. 10—Sept. 30 and Dec. 1—Feb. 28.
GMU 20—Unit 20(B) and (F)—No determination	Unit 20(E)—Remainder of Unit 20(E) accessible by the Taylor Highway and associated trails, as described in the permit—1 caribou by State registration permit only; however, only bulls may be taken prior to Dec. 1.	Aug. 10—Sept. 30 and Dec. 1—Feb. 28.
	Unit 20(F)—South of the Yukon River and west of the Dalton Highway—1 bull.	Aug. 10—Sept. 20.
	Unit 20(F)—Tozitna River drainage—1 caribou; however, only bull caribou may be taken Aug. 10—Sept. 30.	Aug. 10—Sept. 30, Nov. 26—Dec. 10 and Mar. 1—Mar. 15.
	Unit 20(F)—Remainder—1 bull	Aug. 10—Sept. 30.
Moose: GMU 20—Unit 20(A)—Residents of Cantwell, Minto, and Nenana.	Unit 20(A)—the Ferry Trail Management Area and the Yanert Controlled Use Area—1 bull with a spike-fork or 50-inch antlers.	Sept. 1—Sept. 20.
GMU 20—Unit 20(A) and (C)—No subsistence for residents of McKinley Village, the area along the Parks Highway between milepost 216 and 239 and households of the Denali National Park Headquarters.	Unit 20(A)—Remainder 1 bull	Sept. 1—Sept. 20.

Eligibility determination	Bag limits	Open season
GMU 20—Unit 20(B) Minto Flats Management Area—Residents of Minto and Nenana.	Unit 20(B)—that portion within the Minto Flats Management Area—1 bull by Federal registration permit only (Source of permits—Yukon Flats National Wildlife Refuge, Fairbanks AK).	Sept. 1—Sept. 20 and Jan. 10—Feb. 28.
GMU 20—Remainder of Unit 20(B)—Rural residents of GMU 20(B) Nenana and Tanana.	Unit 20(B)—the drainage of the Middle Fork of the Chena River and that portion of the Salcha River Drainage upstream from and including Goose Creek—1 bull. Unit 20(B)—Remainder—(except the Fairbanks Management Area; no subsistence)—1 bull.	Sept. 1—Sept. 20. Sept. 1—Sept. 20
GMU 20—Unit 20(C)—Rural residents of Unit 20(C) (except that portion within Denali National Park and Preserve and that portion east of the Teklanika River), and residents of Cantwell, Manley, Minto, Nenana, the Parks Highway from milepost 300-309, Nikolai, Tanana, and Telida.	Unit 20(C)—1 bull; however, white-phased or partial albino (more than 50 percent white) moose may not be taken.	Sept. 1—Sept. 20.
GMU 20—Unit 20(E)—No determination	Unit 20(E)—that portion drained by the Ladue, Sixty-mile, and Forty-mile Rivers (all forks) from Mile 9½ to Mile 145 Taylor Highway, including the Boundary Cutoff Road—1 bull. Unit 20(E)—Remainder—that portion draining into the Yukon River upstream from and including the Charley River drainage to and including the Boundary Creek drainages and the Taylor Highway from mile 145 to Eagle—1 bull.	Sept. 1—Sept. 10. Sept. 5—Sept. 25.
GMU 20—Unit 20(F)—Residents of Unit 20(F), Manley, Minto, and Stevens Village	Unit 20(F)—1 bull.	Sept. 1—Sept. 25.
Bat, Shrew, Rat, Mouse and Porcupine: GMU 20—No determination.	No limit	July 1—June 30.
Beaver: GMU 20—No determination	Trapping—Unit 20(A)—25 Beaver per season Trapping—Unit 20(B)—that portion of the Chena River downstream from its confluence with the Little Chena River, and Badger (Piledriver) Slough downstream from Plack Road. Trapping—Unit 20(B)—Remainder of Unit 20(B) and Unit 20(C), (E), and that portion of 20(D) draining into the north bank of the Tanana River, including the islands in the Tanana River—25 Beaver per season.	Feb. 1—Apr. 15 No open season. Nov. 1—Apr. 15.
Coyote: GMU 20—No determination	Trapping—Unit 20(D)—Remainder—15 Beaver per season Trapping—Unit 20(F)—50 Beaver per season Hunting—Unit 20—2 Coyotes Trapping—Unit 20(E)—No limit Trapping—Unit 20—Remainder (except 20(D))—No limit Unit 20(D)	Feb. 1—Apr. 15. Nov. 1—Apr. 15. Sept. 1—Apr. 30. Nov. 1—Feb. 28. Nov. 1—Mar. 31. No open season. Nov. 1—Feb. 15.
Fox, red (including Cross, Black and Silver Phases): GMU 20—No determination.	Hunting—2 Foxes	Nov. 1—Feb. 28.
Hares (Snowshoe and Arctic): GMU 20—No determination	Trapping—No limit	Nov. 1—Feb. 28.
Lynx: GMU 20—No determination	No limit Hunting—Unit 20(E)—2 Lynx Trapping—Unit 20(E)—No limit Hunting—Unit 20—Remainder (except (D))—2 Lynx Trapping—Unit 20—Remainder (except (D))—No limit Unit 20(D)	July 1—June 30. Nov. 1—Jan. 31. Nov. 1—Jan. 31. Dec. 1—Jan. 31. Dec. 1—Jan. 31. No open season. Nov. 1—Feb. 28.
Marten: GMU 20—No determination	Trapping—No limit	Nov. 1—Feb. 28.
Mink and weasel: GMU 20—No determination	Trapping—No limit	Nov. 1—Feb. 28.
Muskrat: GMU 20—No determination	Trapping—Unit 20(E)—No limit Trapping—Unit 20—Remainder (except (D))—No limit Unit 20(D)	Sept. 20—June 10 Nov. 1—June 10. No open season. Nov. 1—Apr. 15.
Otter (land only): GMU 20—No determination	Trapping—No limit	July 1—June 30.
Squirrel (Red, Ground and Flying): GMU 20—No determination	Hunting—No limit	July 1—June 30.
Wolf: GMU 20—Residents of Units 6, 8, 10 (Unmak Island only), 11-13, and 18-26.	Trapping—No limit Hunting—Unit 20—10 Wolves per season	July 1—June 30. Aug. 10—Apr. 30.
Wolverine: GMU 20—No determination	Trapping—Unit 20(E)—No limit Trapping—Unit 20—Remainder (except (D))—No limit Unit 20(D) Hunting—1 Wolverine Trapping—No limit	Oct. 1—Apr. 30. Nov. 1—Mar. 31. No open season. Sept. 1—Mar. 31. Nov. 1—Feb. 28.
Grouse (Spruce, Blue, Ruffed and Sharp-tailed): GMU 20(D)—Residents of Units 11, 13, 15, 16, 20(D), 22, and 23.	Unit 20(D)—that portion south of the Tanana River and west of the Johnson River—15 per day, 30 in possession, provided that not more than 5 per day and 10 per day are sharp-tailed grouse. Unit 20—Remainder—15 per day, 30 in possession	Aug. 25—Mar. 31.
GMU 20—Remainder—No determination	Unit 20(D)—those portions within five miles of Alaska Route 5 (Taylor Highway, both to Eagle and the Alaska-Canada boundary) and that portion of Alaska Route 4 (Richardson Highway) south of Delta Junction—20 per day, 40 in possession.	Aug. 10—Mar. 31.
Ptarmigan (Rock, Willow and White-tailed): GMU 20(D)—Residents of Units 11, 13, 15, 16, 20(D), 22, and 23.	Unit 20—Remainder—20 per day, 40 in possession	Aug. 10—Mar. 31.
GMU 20—Remainder—No determination	Unit 20—Remainder—20 per day, 40 in possession	Aug. 10—Apr. 30.

(21) GMU 21. (i) Game Management Unit 21 consists of drainages into the Yukon River upstream from Paimiut but not including the Tozitna River drainage on the north bank and to, but not including the Tanana River drainage

on the south bank; and excluding the Koyukuk River upstream to and including the Dulbi River drainage;

(A) Unit 21(A) consists of the Innoko River drainage upstream from and including the Iditarod River drainage.

and the Nowitna River drainage upstream from the Little Mud River;

(B) Unit 21(B) consists of the Yukon River drainage upstream from Ruby and east of the Ruby-Poorman Road, downstream from and excluding the

Tozinta River and Tanana River drainages, and excluding the Nowitna River drainage upstream from the Little Mud River, and excluding the Melozitna River drainage upstream from Grayling Creek;

(C) Unit 21(C) consists of the Melozitna River drainage upstream from Grayling Creek, and the Dulbi River drainage upstream from and including the Cottonwood Creek drainage;

(D) Unit 21(D) consists of the Yukon River drainage from and including the Blackburn Creek drainage upstream to Ruby, including the area west of the Ruby-Poorman Road, excluding the Koyukuk River drainage upstream from the Dulbi River drainage, and excluding the Dulbi River drainage upstream from Cottonwood Creek;

(E) Unit 21(E) consists of the Yukon River drainage from Paimiut upstream to but not including the Blackburn Creek drainage, and the Innoko River drainage downstream from the Iditarod River drainage;

(ii) Public Lands within the following areas are closed to subsistence take or subsistence take is restricted as specified:

(A) The Koyukuk Controlled Use Area consisting of those portions of Units 21 and 24 bounded by a line from the north bank of the Yukon River at Koyukuk, then northerly to the confluences of the

Honhosa and Kateel Rivers, then northeasterly to the confluences of Billy Hawk Creek and the Huslia River (65° 57' N. lat., 156° 41' W. long), then easterly to the south end of Solsmunket Lake, then east to Hughes, then south to Little Indian River, then southwesterly to the crest of Hochandochtla Mountain, then southwest to the mouth of Cottonwood Creek then southwest to Bishop Rock, then westerly along the north bank of the Yukon River (including Koyukuk Island) to the point of beginning is closed during moose-hunting seasons to the use of aircraft for hunting moose, including transportation of any moose hunter or moose part; however, this does not apply to transportation of a moose hunter or moose part by aircraft between publicly owned airports in the controlled use area or from a publicly owned airport within the area to points outside the area; all hunters on the Koyukuk River passing the Department of Fish and Game operated check station at Ella's Cabin (15 miles upstream from the Yukon on the Koyukuk River) are required to stop and report to department personnel at the check station;

(B) Paradise Controlled Use Area consisting of that portion of Unit 21 bounded by a line beginning at the old village of Paimiut, then north along the

west bank of the Yukon River to Paradise, then northwest to the mouth of Stanstrom Creek on the Bonasila River, then northeast to the mouth of the Anvik River, then along the west bank of the Yukon River to the lower end of Eagle Island (approximately 45 miles north of Grayling), then to the mouth of the Iditarod River, then down the east bank of the Innoko River to its confluence with Paimiut Slough, then south along the east bank of Paimiut Slough to its mouth, and then to the old village of Paimiut, is closed during moose hunting seasons to the use of aircraft for hunting moose, including transportation of any moose hunter or part of moose by aircraft between publicly owned airports in the Controlled Use Area or from a publicly owned airport within the area to points outside the area;

Note: There are private land areas within many Federal land units. These regulations apply only to Federal lands unless otherwise indicated. It is the responsibility of the subsistence user to be aware of private inholdings.

—Those residents listed under eligibility are the qualified subsistence users.

—"No open season" means no Federal subsistence season.

—"No determinatin" indicates open to Alaska rural residents.

(iii)

Eligibility determination	Bag limits	Open season
Black Bear: GMU 21—No determination.....	Unit 21—3 bears.....	July 1—June 30.
Brown Bear: GMU 21—Rural residents of Unit 21 and 23.....	Unit 21—1 bear every four regulatory years.....	Sept. 1—May 31.
Caribou: GMU 21—Unit 21(A) and (E)—Residents of Unit 21(A) and Aniak, Chuathbaluk, Crooked Creek, Grayling, Holy Cross, McGrath, Shageluk, and Takotna.	Unit 21(A), (B), (C), (E)—1 caribou.....	Aug. 10—Sept. 30.
GMU 21—Unit 21 (Western Arctic Caribou Herd only)—Residents of Unit 21(D) west of the Koyukuk and Yukon Rivers, 22(A), (B), 23, and 26(A).	Unit 21(D) North of the Yukon River and east of the Koyukuk River—1 caribou; however, 2 additional caribou may be taken during a winter season to be announced.	Aug. 10—Sept. 30, Winter season to be announced.
GMU 21—Units 21 (C) and (D)—(Galena Mountains Herd)—No Determination.	Unit 21(D)—Remainder (Western Arctic Caribou herd)—5 caribou per day, however, cow caribou may not be taken May 16—June 30.	July 1—June 30.
Moose: GMU 21—Unit 21(A)—Residents of Unit 21(A), (E), Takotna, McGrath, Aniak, and Crooked Creek.	Unit 21(A)—1 bull.....	Sept. 5—Sept. 30 and Nov. 1—Nov. 30.
GMU 21—Unit 21(B) and (C)—Residents of Unit 21(B), (C), Tanana and Galena.	Unit 21(B) and (C)—1 bull.....	Sept. 5—Sept. 25.
GMU 21—Unit 21(D)—Residents of 21(D), Huslia and Ruby.....	Unit 21(D)—1 moose; antlerless moose may be taken only from Sept. 21—Sept. 25 and Feb. 1—Feb. 5; moose may not be taken within one-half mile of the Yukon River during the February season.	Sept. 5—Sept. 25 and Feb. 1—Feb. 5.
GMU 21—Unit 21(E)—Residents of Unit 21(E) and Russian Mission.	Unit 21(E)—1 moose; however, only bulls may be taken from Sept. 5—Sept. 25.	Sept. 5—Sept. 25 and Feb. 1—Feb. 10.
Bat, Shrew, Rat, Mouse and Porcupine: GMU 21—No determination.	No limit.....	July 1—June 30.
Beaver: GMU 21—No determination.....	Trapping—50 Beaver per season.....	Nov. 1—Apr. 15.
Coyote: GMU 21—No determination.....	Hunting—2 Coyotes.....	Sept. 1—Apr. 30.
	Trapping—No limit.....	Nov. 1—Mar. 31.
	Hunting—2 Foxes.....	Nov. 1—Feb. 15.
	Trapping—No Limit.....	Nov. 1—Feb. 28.
	No limit.....	July 1—June 30.
	Hunting—2 Lynx.....	Nov. 1—Feb. 28.
	Trapping—No limit.....	Nov. 1—Feb. 28.
	Trapping—No limit.....	Nov. 1—Feb. 28.
	Trapping—No limit.....	Nov. 1—Feb. 28.
	Trapping—No limit.....	Nov. 1—June 10.
	Trapping—No limit.....	Nov. 1—Apr. 15.
	Hunting—No limit.....	July 1—June 30.
	Trapping—No limit.....	July 1—June 30.

Eligibility determination	Bag limits	Open season
Wolf: GMU 21—Residents of Units 6, 9, 10 (Unimak Island only), 11-13, and 16-26.	Hunting—10 Wolves Trapping—No limit	Aug. 10-Apr. 30. Nov. 1-Mar. 31.
Wolverine: GMU 21—No determination	Hunting—1 Wolverine Trapping—No limit	Sept. 1-Mar. 31. Nov. 1-Mar. 31.
Grouse (Spruce, Blue, Ruffed and Sharp-tailed): GMU 21—No determination.	15 per day, 30 in possession	Aug. 10-Apr. 30.
Ptarmigan (Rock, Willow and White): GMU 21—No determination	20 per day, 40 in possession	Aug. 10-Apr. 30.

(22) GMU 22. (i) Game Management Unit 22 consists of Bering Sea, Norton Sound, Bering Strait, Chukchi Sea, and Kotzebue Sound drainages from, but excluding, the Postolik River drainage in southern Norton Sound to, but not including the Goodhope River drainage in Southern Kotzebue Sound, and all adjacent islands in the Bering Sea between the mouths of the Goodhope and Pastolik Rivers;

(A) Unit 22(A) consists of Norton Sound drainages from, but excluding, the Pastolik River drainage to, and including, the Ungalik River drainage, and Stuart and Besboro Islands;

(B) Unit 22(B) consists of Norton Sound drainages from, but excluding,

the Ugalik River drainage to, and including, the Topkok Creek drainage;

(C) Unit 22(C) consists of Norton Sound and Bering Sea drainages from, but excluding, the Topkok Creek drainage to, and including, the Tisuk River drainage, and King and Sledge Islands;

(D) Unit 22(D) consists of that portion of Unit 22 draining into the Bering Sea north of but not including the Tisuk River to and including Cape York, and St. Lawrence Island;

(E) Unit 22(E) consists of Bering Sea, Bering Strait, Chukchi Sea, and Kotzebue Sound drainages from Cape York to, but excluding, the Goodhope River drainage, and including Little Diomed Island and Fairway Rock;

Note: There are private land areas within many Federal land units. These regulations apply only to Federal lands unless otherwise indicated. It is the responsibility of the subsistence user to be aware of private inholdings.

—“No open season” means no Federal subsistence season.

—Those residents listed under eligibility are the qualified subsistence users. “No determination” indicates open to Alaska rural residents. However, National Parks, Monuments, and Preserves are open only to Park Service qualified subsistence users. Subsistence users must be local rural residents of National Park Service areas. For more information, contact the National Park Service in Anchorage, Alaska (telephone 907/257-2572).

(ii)

Eligibility determination	Bag limits	Open season
Black Bear: GMU 22—No determination	Unit 22—3 bears	July 1-June 30.
Brown Bear: GMU 22—Residents of Unit 22	Unit 22(A)—1 bear every four regulatory years Unit 22(C)—1 bear every four regulatory years Unit 22—Remainder—1 bear every four regulatory years	Sept. 1-Oct. 31 and Apr. 15-May 25. Sept. 1-Oct. 31 and May 10-May 25. Sept. 1-Oct. 31 and Apr. 15-May 25.
Caribou: GMU 22—Unit 22 (Western Arctic Caribou Herd)—Residents of Unit 21(D) west of the Koyukuk and Yukon Rivers, and residents of Units 22 (A), (B), 23, and 26(A).	Unit 22(A) and (B)—5 caribou per day; however, cow caribou may not be taken May 16-June 30. Unit 22 (C), (D) and (E)	July 1-June 30. No open season.
Moose: GMU 22—Residents of Unit 22	Unit 22(A)—1 bull Unit 22(B)—1 moose; however, antlerless moose may be taken only from Dec. 1-Dec. 31—no person may take a cow accompanied by a calf. Unit 22(C)—1 bull Unit 22(D)—1 moose; however, antlerless moose may be taken only from Aug. 1-Dec. 31—no person may take a cow accompanied by a calf. Unit 22(E)—1 moose; No person may take a cow accompanied by a calf.	Aug. 1-Sept. 30 and Dec. 1-Dec. 31. Aug. 1-Jan. 31. Sept. 1-Sept. 14. Aug. 1-Jan. 31. Aug. 1-Mar. 31.
Bat, Shrew, Rat, Mouse and Porcupine: GMU 22—No determination	No limit	July 1-June 30.
Beaver: GMU 22—No determination	Trapping—Unit 22 (A) and (B)—50 Beaver per season Trapping—Unit 22 (C), (D) and (E)—50 Beaver per season	Nov. 1-June 10. Nov. 1-Apr. 15.
Coyote: GMU 22—No determination	Hunting—2 Coyotes Trapping—No limit	Sept. 1-Apr. 30. Nov. 1-Apr. 15.
Fox, Arctic (Blue and White Phases): GMU 22—No determination	Hunting—2 Foxes Trapping—No limit	Sept. 1-Apr. 30. Nov. 1-Apr. 15.
Fox, Red (including Cross, Black and Silver Phases): GMU 22—No determination.	Hunting—2 Foxes Trapping—No limit	Nov. 1-Feb. 15. Nov. 1-Apr. 15.
Hares (Snowshoe and Arctic): GMU 22—No determination	No limit	July 1-June 30.
Lynx: GMU 22—No determination	Hunting—2 Lynx Trapping—No limit	Nov. 1-Apr. 15. Nov. 1-Apr. 15.
Marten: GMU 22—No determination	Trapping—No limit	Nov. 1-Apr. 15.
Mink and Weasel: GMU 22—No determination	Trapping—No limit	Nov. 1-Jan. 31.
Muskrat: GMU 22—No determination	Trapping—No limit	Nov. 1-June 10.
Otter (land only): GMU 22—No determination	Trapping—No limit	Nov. 1-Apr. 15.
Squirrel (Red, Ground and Flying): GMU 22—No determination	Hunting—No limit Trapping—No limit	July 1-June 30. July 1-June 30.
Wolf: GMU 22—Residents Units 6, 9, 10 (Unimak Island only), 11-13, 16-26.	Hunting—No limit Trapping—No limit	Aug. 10-Apr. 30. Nov. 1-Apr. 15.

Eligibility determination	Bag limits	Open season
Wolverine: GMU 22—No determination .....	Hunting—1 Wolverine .....	Sept. 1–Mar. 31.
	Trapping—No limit.....	Nov. 1–Apr. 15.
Cormorant: GMU 22—No determination .....	No limit.....	July 1–June 30.
Grouse (Spruce, Blue Ruffed and Sharp-tailed): GMU 22—Residents of Units 11, 13, 15, 16, 20(D), 22, and 23.	15 per day, 30 in possession.....	Aug. 10–Apr. 30.
Ptarmigan (Rock, Willow and White-tailed): GMU 22—Residents of Units 11, 13, 15, 16, 20(D), 22, and 23.	20 per day, 40 in possession.....	Aug. 10–Apr. 30.
Snowy Owl: GMU 22—No determination.....	No limit.....	July 1–June 30.

(23) GMU 23. (i) Game Management Unit 23 consists of Kotzebue Sound, Chukchi Sea, and Arctic Ocean drainages from and including the Goodhope River drainage to Cape Lisburne;

(ii) Public lands within the following area are closed to subsistence take or subsistence take is restricted as specified: The Noatak Controlled Use Area, consisting of that portion of Unit 23 in a corridor extending five miles on either side of the Noatak River beginning at the mouth of the Kugururok

River, and extending easterly along the Noatak River to the mouth of Sapun Creek, is closed for the period August 20–September 20 to the use of aircraft in any manner for big game hunting, including transportation of big game hunters or game.

Note: There are private land areas within many Federal land units. These regulations apply only to Federal lands unless otherwise indicated. It is the responsibility of the subsistence user to be aware of private inholdings.

—“No open season” means no Federal subsistence season.

—Those residents listed under eligibility are the qualified subsistence users. “No determination” indicates open to Alaska rural residents. However, National Parks, Monuments, and Preserves are open only to Park Service qualified subsistence users. Subsistence users must be local rural residents of National Park Service areas. For more information, contact the National Park Service in Anchorage, Alaska (telephone 907/257–2572).

(iii)

Eligibility determination	Bag limits	Open season
Black Bear: GMU 23—No determination .....	Unit 23—3 bears .....	July 1–June 30.
Brown Bear: GMU 23—Rural residents of Units 21 and 23.....	Unit 23—1 bear every four regulatory years.....	Sept. 1–Oct. 10 and Apr. 15–May 25.
Caribou: GMU 23—Unit 23 (Western Arctic Caribou Herd)—Residents of Unit 21(D) west of the Koyukuk and Yukon Rivers, and residents of Units 22 (A), (B), 23, and 26(A).	Unit 23—5 caribou per day; however, cow caribou may not be taken May 16–June 30.	July 1–June 30.
Sheep: GMU 23—Residents of Unit 23 north of the Arctic Circle.....	Unit 23—1 ram with 1/2 curl horn or larger. In that portion of Unit 23 south and east of the Noatak River (excluding Gates of the Arctic National Park), a State registration permit is required. A harvest quota will be announced before the permit hunt. Unit 23—1 sheep. In that portion of Unit 23 south and east of the Noatak River (excluding Gates of the Arctic National Park), the hunt will be closed when 30 sheep have been taken. From Oct. 1–Apr. 30, Federal public lands will be closed to sheep hunting, except by residents of Unit 23 living north of the Arctic Circle.	Aug. 10–Sept. 20. Oct. 1–Apr. 30.
Moose: GMU 23—Residents of Unit 23.....	Unit 23—that portion north and west of and including the Kivalina River drainage—1 moose; however, antlerless moose may be taken only from Sept. 1–Mar. 31; no person may take a cow accompanied by a calf. Unit 23—Remainder—1 moose; however, antlerless moose may be taken only from Sept. 1–Mar. 31; no person may take a cow accompanied by a calf.	July 1–Mar. 31. Aug. 1–Mar. 31.
Bat, Shrew, Rat, Mouse and Porcupine: GMU 23—No determination.....	No limit.....	July 1–June 30.
Beaver: GMU 23—No determination .....	Trapping—Unit 23—the Kobuk and Selawik River drainages—50 Beaver per season. Trapping—Unit 23—Remainder—30 Beaver per season.....	Nov. 1–June 10. Nov. 1–June 10.
Coyote: GMU 23—No determination .....	Hunting—2 Coyotes .....	Sept. 1–Apr. 30.
	Trapping—No limit.....	Nov. 1–Apr. 15.
Fox, Arctic (Blue and White Phases): GMU 23—No determination .....	Hunting—2 Foxes.....	Sept. 1–Apr. 30.
	Trapping—No limit.....	Nov. 1–Apr. 15.
Fox, Red (Including Cross, Black and Silver Phases): GMU 23—No determination.	Hunting—2 Foxes.....	Nov. 1–Feb. 15.
	Trapping—No limit.....	Nov. 1–Apr. 15.
Hares (Snowshoe and Arctic): GMU 23—No determination .....	Hunting—No limit.....	July 1–June 30.
Lynx: GMU 23—No determination .....	Hunting—2 Lynx .....	Dec. 1–Jan. 15.
	Trapping—3 Lynx .....	Dec. 1–Jan. 15.
Marten: GMU 23—No determination .....	Trapping—No limit.....	Nov. 1–Apr. 15.
Mink and Weasel: GMU 23—No determination .....	Trapping—No limit.....	Nov. 1–Jan. 31.
Muskrat: GMU 23—No determination.....	Trapping—No limit.....	Nov. 1–June 10.
Otter (land only): GMU 23—No determination .....	Trapping—No limit.....	Nov. 1–Apr. 15.
Squirrels (Red, Ground and Flying): GMU 23—No determination .....	Hunting—No limit.....	July 1–June 30.
	Trapping—No limit.....	July 1–June 30.
Wolf: GMU 23—Residents of Units 6, 9, 10 (Unimak Island only), 11–13, and 16–26.	Hunting—10 Wolves.....	Aug. 10–Apr. 30.
	Trapping—No limit.....	Nov. 1–Apr. 15.
Wolverine: GMU 23—No determination .....	Hunting—1 Wolverine .....	Sept. 1–Mar. 31.
	Trapping—No limit.....	Nov. 1–Apr. 15.
Cormorant: GMU 23—No determination .....	No limit.....	July 1–June 30.
Grouse (Spruce, Blue, Ruffed and Sharp-tailed): GMU 23—Residents of Units 11, 13, 15, 16, 20(D), 22 and 23.	15 per day, 30 in possession.....	Aug. 10–Apr. 30.



Eligibility determination	Bag limits	Open season
Ptarmigan (Rock, Willow and White-tailed): GMU 23—Residents of Units 11, 13, 15, 16, 20(D), 22 and 23.	20 per day, 40 in possession.....	Aug. 10–Apr. 30.
Snowy Owl: GMU 23—No determination.....	No limit.....	July 1–June 30.

(24) GMU 24. (i) Game Management Unit 24 consists of the Koyukuk River drainage upstream from but not including the Dulbi River drainage;

(ii) Public lands within the following areas are closed to subsistence take or subsistence take is restricted as specified. (A) The Dalton Highway Corridor Management Area, consisting of those portions of Units 20, 24, 25, and 26 extending five miles from each side of the Dalton Highway from the Yukon River to the Prudhoe Bay Closed Area, is closed to hunting; however, big game and small game may be taken in the area by bow and arrow only; no motorized vehicle, except aircraft, boats, and licensed highway vehicles, may be used to transport game or hunters within the Dalton Highway Corridor Management Area;

(B) The Kanuti Controlled Use Area, consisting of that portion of Unit 24 bounded by a line from the Bettles Field VOR to the east side of Fish Creek Lake, to Old Dummy Lake, to the south end of Lake Todatonten (including all waters of these lakes), to the northernmost headwaters of Siruk Creek, to the highest peak of Double Point Mountain, then back to the Bettles Field VOR, is closed during moose-hunting seasons to

the use of aircraft for hunting moose, including transportation of any moose hunter or moose part; however, this does not apply to transportation of a moose hunter or moose part by aircraft between publicly owned airports in the controlled use area or from a publicly owned airport within the area to points outside the area;

(C) The Koyukuk Controlled Use Area consists of those portions of Units 21 and 24 bounded by a line from the north bank of the Yukon River at Koyukuk, then northerly to the confluences of the Honhosa and Kateel Rivers, then northeasterly to the confluences of Billy Hawk Creek and the Huslia River (65°57' N. Lat., 156°41' W. long.), then easterly to the south end of Solsmunket Lake, then east to Hughes, then south to Little Indian River, then southwesterly to the crest of Hochandochtla Mountain, then southwest to the mouth of Cottonwood Creek then southwest to Bishop Rock, then westerly along the north bank of the Yukon River (including Koyukuk Island) to the point of beginning. The area is closed during moose-hunting seasons to the use of aircraft for hunting moose, including transportation of any moose hunter or moose part; however, this does not

apply to transportation of a moose hunter or moose part by aircraft between publicly owned airports in the controlled use area or from a publicly owned airport within the area to points outside the area; all hunters on the Koyukuk River passing the Department of Fish and Game operated check station at Ella's Cabin (15 miles upstream from the Yukon on the Koyukuk River) are required to stop and report to department personnel at the check station.

Note: There are private land areas within many Federal land units. These regulations apply only to Federal lands unless otherwise indicated. It is the responsibility of the subsistence user to be aware of private inholdings.

—“No open season” means no Federal subsistence season.

—Those residents listed under eligibility are the qualified subsistence users. “No determination” indicates open to Alaska rural residents. However, National Parks, Monuments, and Preserves are open only to Park Service qualified subsistence users. Subsistence users must be local rural residents of National Park Service areas. For more information, contact the National Park Service in Anchorage, Alaska (telephone 907/257-2572).

(iii)

Eligibility determination	Bag limits	Open season
Black Bear: GMU 24—No determination.....	Unit 24—3 Bears.....	July 1–June 30.
Brown Bear: GMU 24—Residents of Unit 24 and Wiseman, but not including any other residents of the Dalton Corridor.....	Unit 24—that portion of the Koyukuk River drainage upstream from, and including the Alatna River drainage. (Residents of Anaktuvuk Pass 1 bear every regulatory year) All other subsistence hunters—1 bear every four regulatory years.	Sept. 1–May 31.
Caribou: GMU 24—No determination.....	Unit 24—Remainder—1 bear every four regulatory years.....	Sept. 1–May 31.
	Unit 24—the Kanuti River drainage upstream from Kanuti, Chalatna Creek, the Fish Creek drainage (including Bonanza Creek)—1 bull.	Aug. 10–Sept. 30.
	Unit 24—Remainder—5 caribou per day; however, cow caribou may not be taken May 16–June 30.	July 1–June 30.
Sheep: GMU 24—Residents of Unit 24 residing north of the Arctic Circle and residents of Allakaket, Alatna, and Anaktuvuk Pass.....	Unit 24—that portion within the Gates of the Arctic National Park—3 sheep.	Aug. 1–Apr. 30.
	Unit 24—Remainder—1 ram with 3/4 curl horn or larger.....	Aug. 10–Sept. 20.
Moose: GMU 24—Residents of Unit 24, Anaktuvuk Pass, Koyukuk and Galena.....	Unit 24—that portion within the Koyukuk Controlled Use Area—1 moose; however, antlerless moose may be taken only from Sept. 21–Sept. 25, Dec. 1–Dec. 10, and Mar. 1–Mar. 10.	Sept. 5–Sept. 25. Dec. 1–Dec. 10 and Mar. 1–Mar. 10.
	Unit 24—that portion that includes the John River drainage upstream from but excluding the Hunt Fork drainage—1 moose.	Aug. 1–Dec. 31.
	Unit 24—the Alatna River drainage upstream from and including Helpmejack Creek drainage, the John River drainage upstream from and including the Malemute Fork drainage and downstream from and including the Hunt Fork drainage, the Wild River drainage upstream from and including the Michigan Creek drainage, and the North Fork Koyukuk River drainage north of the Bettles/Coldfoot winter trail—1 moose; however, antlerless moose may be taken only from Sept. 21–Sept. 25 and Mar. 1–Mar. 10.	Aug. 25–Sept. 25 and Mar. 1–Mar. 10.
Bat, Shrew, Rat, Mouse and Porcupine: GMU 24—No determination.....	Unit 24—Remainder—1 bull.....	Aug. 25–Sept. 25.
Beaver: GMU 24—No determination.....	No limit.....	July 1–June 30.
Coyote: GMU 24—No determination.....	Trapping—50 Beaver per season.....	Nov. 1–Apr. 15.
	Hunting—2 Coyotes.....	Sept. 1–Apr. 30.
	Trapping—No limit.....	Nov. 1–Mar. 31.

Eligibility determination	Bag limits	Open season
Fox, Red (including Cross, Black and Silver Phases): GMU 24—No determination.	Hunting—2 Foxes.....	Nov. 1–Feb. 15.
Hares (Snowshoe and Arctic): GMU 24—No determination .....	Trapping—No limit.....	Nov. 1–Feb. 28.
Lynx: GMU 24—No determination .....	Hunting—No Limit .....	July 1–June 30.
Marten: GMU 24—No determination .....	Hunting—2 Lynx .....	Nov. 1–Feb. 28.
Mink and Weasel: GMU 24—No determination .....	Trapping—No limit.....	Nov. 1–Feb. 28.
Muskrat: GMU 24—No determination.....	Trapping—No limit.....	Nov. 1–Feb. 28.
Otter (land only): GMU 24—No determination.....	Trapping—No limit.....	Nov. 1–June 10.
Squirrel (Red, Ground, Flying): GMU 24—No determination.....	Trapping—No limit.....	Nov. 1–Apr. 15.
Wolf: GMU 24—Residents of Units 5, 9, 10 (Unimak Island only), 11–13, and 16–26.	Hunting—No limit.....	July 1–June 30.
Wolverine: GMU 24—No determination.....	Hunting—10 Wolves.....	July 1–June 30.
Grouse (Spruce, Blue, Ruffed and Sharp-tailed): GMU 24—No determination.	Trapping—No limit.....	Aug. 10–Apr. 30.
Ptarmigan (Rock, Willow and White-tailed): GMU 24—No determination.	Hunting—1 wolverine.....	Nov. 1–Mar. 31.
	Trapping—No limit.....	Sept. 1–Mar. 31.
	15 per day, 30 in possession.....	Nov. 1–Mar. 31.
	20 per day, 40 in possession.....	Aug. 10–Apr. 30.

(25) GMU 25. (i) Game Management Unit 25 consists of the Yukon River drainage upstream from but not including the Hamlin Creek drainage, and excluding drainages into the south bank of the Yukon River upstream from the Charley River;

(A) Unit 25(A) consists of the Hodzana River drainage upstream from the Narrows, the Chandalar River drainage upstream from and including the East Fork drainage, the Christian River drainage upstream from Christian, the Sheenjek River drainage upstream from and including the Thluichohnjek Creek, the Coleen River drainage, and the Old Crow River drainage;

(B) Unit 25(B) consists of the Little Black River drainage upstream from but not including the Big Creek drainage, the Black River drainage upstream from and including the Salmon Fork drainage, the Porcupine River drainage upstream from the confluence of the Coleen and Porcupine Rivers, and drainages into the north bank of the Yukon River upstream from Circle, including the islands in the Yukon River;

(C) Unit 25(C) consists of drainages into the south bank of the Yukon River upstream from Circle to the Subunit 20(E) boundary, the Birch Creek drainage upstream from the Steese Highway bridge (milepost 147), the Preacher Creek drainage upstream from and including the Rock Creek drainage, and the Beaver Creek drainage upstream from and including the Moose Creek drainage;

(D) Unit 25(D) consists of the remainder of Unit 25;

(ii) Public lands within the following areas are closed to subsistence take or subsistence take is restricted as specified: (A) The Dalton Highway Corridor Management Area, consisting of those portions of Units 20, 24, 25 and 28 extending five miles from each side of the Dalton Highway from the Yukon River to the Prudhoe Bay Closed Area, is closed to hunting; however, big game and small game may be taken in the area by bow and arrow only; no motorized vehicle, except aircraft, boats, and licensed highway vehicles, may be used to transport game or hunters within the Dalton Highway Corridor Management Area;

(B) The Arctic Village Sheep Management Area encompasses approximately 587,680 acres north and west of Arctic Village. The area consists of that portion of State Game Management Unit 25(A) which is bounded on the east by the East Fork Chandalar River beginning at the confluence of Cane Creek and proceeding southwesterly downstream past Arctic Village to the confluence with Crow Nest Creek, continuing up Crow Nest Creek, through Portage Lake, to its confluence with the Junjik River; then down the Junjik River past Timber Lake and a larger tributary, to a major, unnamed tributary located directly south of Little Njoo Mountain. The boundary leaves the river and continues upstream along this unnamed tributary, northwesterly, for approximately 6 miles where the stream forks into two roughly equal drainages. The boundary follows the eastern most fork, proceeding almost

due north to the headwaters and intersects the Continental Divide. The boundary then follows the Continental Divide easterly, through Carter Pass, then easterly and northeasterly approximately 20 miles along the most southerly major fork of the headwaters of Cane Creek. From this peak the boundary continues due south 1.5 miles to the high point of a saddle, then down the headwaters tributary to Cane Creek and down the creek to the confluence of Cane Creek and the East Fork Chandalar. Sheep hunting in this area is restricted to residents of Arctic Village, Venetie, Fort Yukon, Kaktovik and Chalkytsik. A map showing the Arctic Village Sheep Management Area may be obtained by contacting the U.S. Fish and Wildlife Service, Office of Subsistence Management, 1011 East Tudor Road, Anchorage, Alaska 99503.

Note: There are private land areas within many Federal land units. These regulations apply only to Federal lands unless otherwise indicated. It is the responsibility of the subsistence user to be aware of private inholdings.

—“No open season” means no Federal subsistence season.

—Those residents listed under eligibility are the qualified subsistence users. “No determination” indicates open to Alaska rural residents. However, National Parks, Monuments, and Preserves are open only to Park Service qualified subsistence users. Subsistence users must be local rural residents of National Park Service areas. For more information, contact the National Park Service in Anchorage, Alaska (telephone 907/257-2572).

(iii)

Eligibility determination	Bag limits	Open season
Black Bear: GMU 25—No determination	Unit 25—3 Bears	July 1—June 30.
Caribou: GMU 25—No determination	Unit 25(A), (B), and the remainder of Unit 25(D)—10 caribou; however, no more than 5 caribou may be transported from these units per regulatory year.	July 1—Apr. 30.
	Unit 25(D)—that portion of Unit 25(D) drained by the west fork of the Dall River west of 150° W. long.—1 bull.	Aug. 10—Sept. 30.
Sheep:		
GMU 25—Unit 25(A)—Residents of Arctic Village, Chaikytzik, Fort Yukon, Kaktovik, and Venetie.	Units 25(A)—Arctic Village Sheep Management Area—2 rams by Federal registration permit only. Federal public lands are closed to sheep hunting except by residents of Arctic Village, Venetie, Fort Yukon, Kaktovik and Chaikytzik.	Aug. 10—Apr. 30.
GMU 25—Units 25(B) and (C)—No subsistence	Unit 25(A)—Remainder—3 sheep per year; the Aug. 10—Sept. 20 season is restricted to 1 ram with 3/4 curl horn or larger. A State registration permit is required for the Oct. 1—Apr. 30 season.	Oct. 1—Apr. 30 and Aug. 10—Sept. 20.
Moose:		
GMU 25—Unit 25(A)—Residents of Unit 25(A) and residents of Venetie only.	Unit 25(A)—1 bull	Aug. 25—Sept. 25 and Dec. 1—Dec. 10
GMU 25—Unit 25(B) and (C)—No determination	Unit 25(B)—that portion within the Porcupine River drainage upstream from but excluding the Coleen River drainage—1 bull.	Aug. 25—Sept. 25 and Dec. 1—Dec. 10.
	Unit 25(B)—that portion within the Yukon River drainage upstream from and including the Kandik River drainage—1 bull.	Sept. 5—Sept. 25 and Dec. 1—Dec. 10.
	Unit 25(B)—Remainder—1 bull	Aug. 25—Sept. 25 and Dec. 1—Dec. 10.
	Unit 25(C)—1 bull	Sept. 1—Sept. 15.
GMU 25—Unit 25(D) (West)—Residents of Beaver, Birch Creek, and Stevens Village.	Unit 25(D) (West)—that portion of Unit 25(D) lying west of a line extending from the Unit 25(D) boundary on Preacher Creek, then downstream along Preacher Creek, Birch Creek and Lower Mouth Birch Creek to the Yukon River, then downstream along the north bank of the Yukon River (including islands) to the confluence of the Hadweenzik River, then upstream along the west bank of the Hadweenzik River to the confluence of Forty and One-Half Mile Creek, then upstream along Forty and One-Half Mile Creek to Nelson Mountain on the Unit 25(D) boundary—1 bull by permit only.	Aug. 25—Sept. 25, Dec. 1—Dec. 10 and Feb. 18—Feb. 28.
GMU 25—Unit 25(D)—Remainder—Residents of "Remainder of Unit 25"	Unit 25(D)—Remainder—1 bull	Aug. 25—Sept. 25 and Dec. 1—Dec. 20
Bat, Shrew, Rat, Mouse and Porcupine: GMU 25—No determination	No limit	July 1—June 30.
Beaver: GMU 25—No determination	Trapping—Unit 25—Remainder—50 Beaver per season.	Nov. 1—Apr. 15.
	Trapping—Unit 25(C)—25 Beaver per season	Nov. 1—Apr. 15.
Coyote: GMU 25—No determination	Hunting—2 Coyotes	Sept. 1—Apr. 30.
	Trapping—No limit	Nov. 1—Mar. 31.
Fox, Red (including Cross, Black and Silver Phases): GMU 25—No determination.	Hunting—2 Foxes	Nov. 1—Feb. 15.
Hares (Snowshoe and Arctic): GMU 25—No determination	Trapping—No limit	Nov. 1—Feb. 28.
Lynx: GMU 25—No determination	Hunting—No limit	July 1—June 30.
	Hunting—Unit 25(C)—2 Lynx	Dec. 1—Jan. 31.
	Trapping—Unit 25(C)—No limit	Dec. 1—Jan. 31.
	Hunting—Unit 25—Remainder—2 Lynx	Nov. 1—Feb. 28.
	Trapping—Unit 25—Remainder—No limit	Nov. 1—Feb. 28.
Marten: GMU 25—No determination	Trapping—No limit	Nov. 1—Feb. 28.
Mink and Weasel: GMU 25—No determination	Trapping—No limit	Nov. 1—Feb. 28.
Muskrat: GMU 25—No determination	Trapping—No limit	Nov. 1—June 10.
Otter (land only): GMU 25—No determination	Trapping—No limit	Nov. 1—Apr. 15.
Squirrel (Red, Ground and Flying): GMU 25—No determination	Hunting—No limit	July 1—June 30.
	Trapping—No limit	July 1—June 30.
Wolf: GMU 25—Residents Units 6, 8, 10 (Unimak Island only), 11-13, and 16-26.	Hunting—Unit 25(A)—No limit	Aug. 10—Apr. 30.
	Trapping—No limit	Nov. 1—Mar. 31.
	Hunting—Unit 25—Remainder—10 Wolves	Aug. 10—Apr. 30.
	Trapping—No limit	Nov. 1—Mar. 31.
Wolverine: GMU 25—Unit 25(C)—No determination	Hunting—1 Wolverine	Sept. 1—Mar. 31.
	Trapping—Unit 25(C)—No limit	Nov. 1—Feb. 28.
	Hunting—1 Wolverine	Sept. 1—Mar. 31.
	Trapping—Unit 25—Remainder—No limit	Nov. 1—Mar. 31.
Grouse (Spruce, Blue, Ruffed and Sharp-tailed): GMU 25—No determination.	Unit 25(C)—15 per day, 30 in possession	Aug. 10—Mar. 31.
Ptarmigan (Rock, Willow and White-tailed): GMU 25—No determination.	Unit 25(C)—Remainder—15 per day, 30 in possession	Aug. 10—Apr. 30.
	Unit 25(C)—those portions within 5 miles of Alaska Route 6 (Steese Highway) and Route 5 (Taylor Highway, both to Eagle and the Alaska-Canada boundary), and that portion of Route 4 (Richardson Highway) south of Delta Junction—20 per day, 40 in possession.	Aug. 10—Mar. 31.
	Unit 25—Remainder—20 per day, 40 in possession	Aug. 10—Apr. 30.

(26) GMU 26. (i) Game Management Unit 26 consists of Arctic Ocean drainages between Cape Lisburne and the Alaska-Canada border, including the Firth River drainage within Alaska.

(A) Unit 26(A) consists of that portion of Unit 26 lying west of the Itkillik River drainage, and west of the east bank of

the Colville River between the mouth of the Itkillik River and the Arctic Ocean;

(B) Unit 26(B) consists of that portion of Unit 26 east of Unit 26(A), west of the west bank of the Canning River and west of the west bank of the Marsh Fork of the Canning River;

(C) Unit 26(C) consists of the remainder of Unit 26.

(ii) Public lands within the following areas are closed to subsistence take or subsistence take is restricted as specified. (A) The GMU 26(A) Controlled Use Area, consisting of Unit 26(A), from August 1 through August 31

is closed to the use of aircraft in any manner for moose hunting, including transportation of moose hunters or parts of moose. No hunter may take or transport a moose, or part of a moose in GMU 26(A) after having been transported by aircraft into the unit. However, this does not apply to transportation of moose hunters or moose parts by regularly scheduled flights to and between villages by carriers that normally provide scheduled service to this area, nor does it apply to transportation by aircraft to or between publicly owned airports.

(B) The Prudhoe Bay Closed Area is closed to the taking of big game; this closed area consists of the area bounded by a line beginning at 70° 22' N. lat., 148° W. long., then running south approximately 14 miles to a point at 70° 10' N. lat., 148° W. long., then west approximately 15 miles to a point at 70° 10' N. lat., 148° 40' W. long., then north approximately two miles to a point at 70° 12' N. lat., 148° 40' W. long., then

west approximately eight miles to a point at 70° 12' N. lat., 148° 56' W. long., then north approximately two miles to a point at 70° 15' N. lat., 148° 56' W. long., then west approximately 12 miles to a point at 70° 15' N. lat., 149° 28' W. long., then north approximately 12 miles to a point at 70° 26' N. lat., 149° 28' W. long., then east approximately 14 miles to a point at 70° 26' N. lat., 148° 52' W. long., then south approximately 2 miles to a point at 70° 24' N. lat., 148° 52' W. long., then east approximately 16 miles to a point at 70° 24' N. lat., 148° 11' W. long., then south approximately 2 miles to a point at 70° 24' N. lat., 148° 11' W. long., then east approximately 6 miles to the point of beginning.

(C) The Dalton Highway Corridor Management Area, consisting of those portions of Units 20, 24, 25, and 26 extending five miles from each side of the Dalton Highway from the Yukon River to the Prudhoe Bay Closed Area, is closed to hunting; however, big game and small game may be taken in the

area by bow and arrow only; no motorized vehicle, except aircraft, boats, and licensed highway vehicles, may be used to transport game or hunters within the Dalton Highway Corridor Management Area;

Note: There are private land areas within many Federal land units. These regulations apply only to Federal lands unless otherwise indicated. It is the responsibility of the subsistence user to be aware of private inholdings.

—"No open season" means no Federal subsistence season.

—Those residents listed under eligibility are the qualified subsistence users. "No determination" indicates open to Alaska rural residents. However, National Parks, Monuments, and Preserves are open only to Park Service qualified subsistence users. Subsistence users must be local rural residents of National Park Service areas. For more information, contact the National Park Service in Anchorage, Alaska (telephone 907/257-2572).

(iii)

Eligibility Determination	Bag Limits	Open Season
Black Bear: GMU 26—No determination .....	Unit 26—3 Bears .....	July 1—June 30.
Brown Bear: GMU 26—Residents of Unit 26 (except the Prudhoe Bay-Deadhorse Industrial Complex) and residents of Anaktuvuk Pass and Point Hope.	Unit 26(A)—east of 159° W. long. (residents of Anaktuvuk Pass)—1 bear every regulatory year. Unit 26(A)—Other subsistence hunters—1 bear every four regulatory years. Unit 26—Remainder—1 bear every four regulatory years .....	Sept. 1—May 31. Sept. 1—May 31. Sept. 1—May 31.
Caribou:		
GMU 26—(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).	Unit 26(A)—5 caribou per day; however, cow caribou may not be taken May 16—June 30..	July 1—June 30.
GMU 26—Unit 26(B) (Central Arctic Herd)—Residents of Anaktuvuk Pass, Kaktovik, Nuiqsut, and Wiseman.	Unit 26(B)—5 caribou; however, cow caribou may be taken only from Oct. 1—Apr. 30.	July 1—Apr. 30.
GMU 26—Unit 26(C) (Porcupine Herd)—No Determination .....	Unit 26(C)—10 caribou; however, not more than 5 caribou may be transported from Unit 26 per regulatory year.	July 1—Apr. 30.
Sheep:		
GMU 26—Unit 26(A) and (B)—Residents of Anaktuvuk Pass, Kaktovik, Nuiqsut, and Wiseman.	Unit 26(A)—those portions within the Gates of the Arctic National Park—3 sheep. Unit 26(A) and (B)—including the Gates of the Arctic National Preserve—1 ram with 3/4 curl horn or larger.	Aug. 1—Apr. 30. Aug. 10—Sept. 30.
GMU 26—Unit 26(C)—Residents of Arctic Village, Chalkytsik, Fort Yukon, Kaktovik, and Venetie.	Unit 26(C)—3 sheep per year; the Aug. 10—Sept. 20 season is restricted to 1 ram with 3/4 curl horn or larger. A State registration permit is required for the Oct. 1—Apr. 30 season.	Oct. 1—Apr. 30, Aug. 10—Sept. 20.
Moose: GMU 26—Residents of Unit 26, (except the Prudhoe Bay-Deadhorse Industrial Complex), and residents of Point Hope and Anaktuvuk Pass.	Unit 26(A)—1 moose; however, no person may take a cow accompanied by a calf. Unit 26(B)—that portion within two miles of the Dalton Highway— Unit 26(B) Remainder and (C)—1 moose .....	Aug. 1—Dec. 31. No open season. Aug. 1—Dec. 31.
Musk Oxen: GMU 26—Unit 26(B) and (C)—Residents of Kaktovik .....	Unit 26(B) and (C)—1 bull by Federal registration permit only .....	Oct. 1—Oct. 31, Mar. 1—Mar. 31.
Bat, Shrew, Rat, Mouse and Porcupine: GMU 26—No determination .....	No limit .....	July 1—June 30.
Coyote: GMU 26—No determination .....	Hunting—2 Coyotes .....	Sept. 1—Apr. 30.
	Trapping—No limit .....	Nov. 1—Apr. 15.
Fox, Arctic (Blue and White Phase): GMU 26—No determination .....	Hunting—2 Foxes .....	Sept. 1—Apr. 30.
	Trapping—No limit .....	Nov. 1—Apr. 15.
Fox, Red (including Cross, Black and Silver Phases): GMU 26—No determination.	Hunting—2 Foxes .....	Nov. 1—Feb. 15.
	Trapping—No limit .....	Nov. 1—Apr. 15.
Hares (Snowshoe and Arctic): GMU 26—No determination .....	No limit .....	July 1—June 30.
Lynx: GMU 26—No determination .....	Hunting—2 Lynx .....	Nov. 1—Apr. 15.
	Trapping—No limit .....	Nov. 1—Apr. 15.
Marten: GMU 26—No determination .....	Trapping—No limit .....	Nov. 1—Apr. 15.
Mink and Weasel: GMU 26—No determination .....	Trapping—No limit .....	Nov. 1—Apr. 15.
Muskrat: GMU 26—No determination .....	Trapping—No limit .....	Nov. 1—Jan. 31.
Otter (land only): GMU 26—No determination .....	Trapping—No limit .....	Nov. 1—June 10.
Squirrel (Red, Ground and Flying): GMU 26—No determination .....	Hunting—No limit .....	Nov. 1—Apr. 15.
	Trapping—No limit .....	July 1—June 30.
	Trapping—No limit .....	July 1—June 30.
Wolf: GMU 26—Residents of Units 6, 8, 10 (Unimak Island only), 11-13, and 16-26.	Hunting—No limit .....	Aug. 10—Apr. 30)
	Trapping—No limit .....	Nov. 1—Apr. 15.
Wolverine: GMU 26—No determination .....	Hunting—1 Wolverine .....	Sept. 1—Mar. 31.
	Trapping—No limit .....	Nov. 1—Apr. 15.

Eligibility Determination	Bag Limits	Open Season
Grouse (Spruce, Blue, Ruffed and Sharp-tailed): GMU 26—No determination.	15 per day, 30 in possession.....	Aug 10—Apr. 30.
Ptarmigan (Rock, Willow and White-tailed): GMU 26—No determination.	20 per day, 40 in possession.....	Aug 10—Apr. 30.
Snowy Owl: No determination.....	No limit.....	July 1—June 30.

#### § 24 Subsistence fishing

(a) Regulations in this section apply to subsistence fishing for salmon, herring, pike, bottomfish, smelt, and other types of finfish or their parts except halibut, and aquatic plants only on public lands in Alaska. At this time Federal Subsistence Fishing Regulations only apply to non-navigable waters on Federal lands unless a specific exception is noted for a specific area. All subsistence harvest of fish in navigable waters is under the regulations of the State of Alaska unless specifically excepted.

(b) Aquatic plants and finfish other than salmon may be taken for subsistence purposes at any time on any public lands in the State of Alaska by any method unless restricted by the subsistence fishing regulations in this section. Salmon may be taken for subsistence purposes only as provided in this section.

(c) The following definitions shall apply to all regulations contained in this document.

**Abalone Iron**—is a flat device used for taking abalone and which is more than one inch (24mm) in width and less than 24 inches (61 cm) in length and with all prying edges rounded and smooth.

**Anchor** is a device used to hold a salmon fishing vessel or net in a fixed position relative to the beach; this includes using part of the seine or lead, a ship's anchor or being secured to another vessel or net that is anchored.

**Bag Limit** means the maximum legal take per person or designated group, per specified time period, even if part or all of the fish are preserved.

**Beach seine** is a floating net designed to surround fish which is set from and hauled to the beach.

**Crab** means the following species: *Paralithodes camshatica* (red king crab); *Paralithodes platypus* (blue king crab); *Lithodes couesi*; *Lithodes aequispina* (brown king crab); all species of the genus *Chionoecetes* (tanner or snow crab); *Cancer magister* (Dungeness crab).

**Dip net** is a bag-shaped net supported on all sides by a rigid frame; the maximum straight-line distance between any two points on the net frame, as measured through the net opening, may not exceed five feet; the depth of the bag must be at least one-half of the greatest

straight-line distance, as measured through the net opening; no portion of the bag may be constructed of webbing that exceeds a stretched measurement of 4.5 inches; the frame must be attached to a single rigid handle and be operated by hand.

**Diving Gear** is any type of hard hat or skin diving equipment, including SCUBA equipment.

**Drainage** means all of the waters comprising a watershed including tributary rivers, streams, sloughs, ponds and lakes which contribute to the supply of the watershed.

**Drift gill net** is a drifting gill net that has not been intentionally staked, anchored or otherwise fixed.

**Fishwheel** is a fixed, rotating device for catching fish which is driven by river current or other means of power.

**Freshwater of streams and rivers** means the line at which freshwater is separated from saltwater at the mouth of streams and rivers by a line drawn between the seaward extremities of the exposed tideland banks at the present stage of the tide.

**Fyke net** is a fixed, funneling (fyke) device used to entrap fish.

**Gear** means any type of fishing apparatus.

**Gill net** is a net primarily designed to catch fish by entanglement in the mesh and consisting of a single sheet of webbing hung between cork line and lead line, and fished from the surface of the water.

**Grappling hook** is a hooked device with flukes or claws and attached to a line and operated by hand.

**Groundfish—Bottomfish** means any marine finfish except halibut, osmerids, herring and salmonids.

**Hand purse seine** is a floating net designed to surround fish and which can be closed at the bottom by pursing the lead line; pursing may only be done by hand power, and a free-running line through one or more rings attached to the lead line is not allowed.

**Hand troll gear** consists of a line or lines with lures or baited hooks which are drawn through the water from a vessel by hand trolling, strip fishing or other types of trolling, and which are retrieved by hand power or hand-powered crank and not by any type of electrical, hydraulic, mechanical or other assisting device or attachment.

**Herring pound** is an enclosure used primarily to retain herring alive over extended periods of time.

**Hung measure** means the maximum length of the cork line when measured wet or dry with traction applied at one end only.

**Inclusive season dates** means whenever the doing of an act between certain dates or from one date to another is allowed or prohibited, the period of time thereby indicated includes both dates specified; the first date specified designates the first day of the period, and the second date specified designates the last day of the period.

**Lead** is a length of net employed for guiding fish into a seine or set gill net.

**Legal limit of fishing gear** means the maximum aggregate of a single type of fishing gear permitted to be used by one individual or boat, or combination of boats in any particular regulatory area, district or section.

**Long line** is a stationary buoyed or anchored line or a floating, free drifting line with lures or baited hooks attached.

**Net gear site** means the in-water location of stationary net gear.

**Possession limit** means the maximum number of fish a person or designated group may have in possession if the fish have not been canned, salted, frozen, smoked, dried or otherwise preserved so as to be fit for human consumption after a 15-day period.

**Pot** is a portable structure designed and constructed to capture and retain fish and shellfish alive in the water.

**Purse seine** is a floating net designed to surround fish and which can be closed at the bottom by means of a free-running line through one or more rings attached to the lead line.

**Ring net** is a bag-shaped net suspended between no more than two frames; the bottom frame may not be larger in perimeter than the top frame; the gear must be non-rigid and collapsible so that when fishing it does not prohibit free movement of fish or shellfish across the top of the net.

**Rockfish** means all species of the genus *Sebastes*.

**Salmon stream** means any stream used by salmon for spawning or for travelling to a spawning area.

*Salmon stream terminus* means a line drawn between the seaward extremities of the exposed tideland banks of any salmon stream at mean lower low water.

*Set gill net* is a gill net that has been intentionally set, staked, anchored, or otherwise fixed.

*Shovel* is a hand-operated implement for digging clams or cockles.

*Stretched measure* means the average length of any series of 10 consecutive meshes measured from inside the first knot and including the last knot when wet after use, the 10 meshes, when being measured, shall be an integral part of the net, as hung, and measured perpendicular to the selvages; measurements shall be made by the means of a metal tape measure while the 10 meshes being measured are suspended vertically from a single peg or nail, under the five-pound weight, except as otherwise provided.

*To operate fishing gear* means the deployment of gear in the waters of Alaska, the removal of gear from the waters of Alaska, the removal of fish or shellfish from the gear during an open season or period, or possession of a gill net containing fish during an open fishing period, except that a gill net which is completely clear of the water is not considered to be operating for the purposes of minimum distance requirement.

*Trawl* is a bag-shaped net towed through the water to capture fish or shellfish.

(d) **Methods, Means, and General Restrictions.** (1) The bag limit specified herein for a subsistence season for a species and the State bag limit set for a State general season for the same species are not cumulative. This means that a person or designated group who has taken the bag limit for a particular species under a subsistence season specified herein may not after that, take any additional fish of that species under any other bag limit specified for a State general season.

(2) Unless otherwise provided in this chapter, the following are legal types of gear for subsistence fishing:

(i) gear specified in definitions in subsection c.

(ii) jigging gear which consists of a line or lines with lures or baited hooks which are operated during periods of ice cover from holes cut in the ice and are drawn through the water by hand;

(iii) a spear which is a shaft with a sharp point or fork-like implement attached to one end, used to thrust through the water to impale or retrieve fish and is operated by hand;

(iv) a lead which is a length of net employed for guiding fish into a seine or

a length of net or fencing employed for guiding fish into a fishwheel, fyke net or dip net.

(3) Gill nets used for subsistence fishing for salmon may not exceed 50 fathoms in length, unless otherwise specified by the regulations in particular areas set forth in this section.

(4) It is prohibited to buy or sell subsistence-taken fish, their parts, or their eggs, unless otherwise specified in this section or unless, prior to the sale, the prospective buyer or seller obtains a determination from the Board that the sale constitutes customary trade.

(5) Fishing for, taking or molesting any fish by any means, or for any purpose, is prohibited within 300 feet of any dam, fish ladder, weir, culvert or other artificial obstruction.

(6) The use of explosives and chemicals is prohibited.

(7) Subsistence fishing by the use of a line attached to a rod or pole is prohibited except when fishing through the ice in the Kotzebue-Northern, Norton Sound-Port Clarence, Yukon, Kuskokwim and Bristol Bay areas.

(8) Each person subsistence fishing shall plainly and legibly inscribe his/her first initial, last name, and address on his/her fishwheel, or on a keg or buoy attached to gill nets and other unattended subsistence fishing gear.

(9) All pots used to take fish must contain an opening in the webbing of a side wall of the pot which has been laced, sewn or secured together by untreated cotton twine or other natural fiber no larger than 120 thread, which upon deterioration or parting of the twine produces an opening in the web with a perimeter equal to or exceeding one half of the tunnel eye opening perimeter.

(10) Persons licensed by the State of Alaska under Alaska Statutes to engage in a fisheries business may not receive for commercial purposes or barter or solicit to barter for subsistence taken salmon or their parts. Further restrictions on the bartering of subsistence taken salmon or their parts may be implemented by the Federal Subsistence Board if necessary.

(11) Gill net web must contain at least 30 filaments and all filaments must be of equal diameter, or the web must contain at least six filaments, each of which must be at least 0.20 millimeter in diameter.

(12) Except as provided elsewhere in this regulation, the taking of rainbow trout and steelhead is prohibited.

(13) Fish taken for subsistence use or under subsistence fishing regulations may not be subsequently used as bait for commercial and sport fishing purposes.

(14) The use of live non-indigenous fish as bait is prohibited.

(e) **Unlawful Possession of Subsistence Finfish**—No person may possess, transport, give, receive or barter subsistence-taken fish or their parts that the person knows or should know were taken in violation of Federal or State statute or a regulation promulgated thereunder.

(f) For detailed descriptions of Fishery Management Areas and Pertinent Restrictions—for defined descriptions of Fishery Management Areas, see Alaska Fishing Regulations. (1) Kotzebue-Northern Area—At this time, the Federal Government is exerting its control only on subsistence fishing in non-navigable fresh waters on Federal lands in the Kotzebue-Northern Area. (i) Allowed gear and specifications:

(A) Salmon may be taken only by gill nets or beach seines.

(B) Fish other than salmon may be taken by set gill net, drift gill net, beach seine, fishwheel, pot, long line, fyke net, dip net, jigging gear, spear, and lead.

(C) A gill net may obstruct not more than one-half the width of any fish stream. A stationary fishing device may obstruct not more than one-half the width of any salmon stream.

(D) Each fishwheel must have the first initial, last name, and address of the operator plainly and legibly inscribed on the side of the fishwheel facing midstream of the river.

(E) For all gill nets and unattended gear that are fished under the ice, the first initial, last name, and address of the operator must be plainly and legibly inscribed on a stake inserted in the ice and attached to the gear.

(F) Fish may be taken for subsistence purposes without a subsistence fishing permit.

(G) Fish may be taken at any time except that during the weekly fishing closures of the commercial salmon fishing season in the Kotzebue District commercial fishermen may not fish for subsistence purposes.

(ii) Northern District. Only those residents domiciled in the Northern District, except for those domiciled in State of Alaska Game Management Unit 26-B, may take fish in that district.

(iii) Kotzebue District. (A) In the Kotzebue District, kegs or buoys attached to subsistence gill nets may be any color except red.

(B) In the Kotzebue District, gill nets used to take sheefish may not be more than 50 fathoms in aggregate length nor 12 meshes in depth, nor have a mesh size larger than seven inches.

(C) Only those residents domiciled in the Kotzebue District may take

subsistence salmon, sheefish, and char in the district.

(2) Norton Sound-Port Clarence Area. At this time, the Federal Government is exerting its control only on subsistence fishing in non-navigable fresh waters on the Federal lands in the Norton Sound-Port Clarence Area. (i) General Area Regulations. (A) Salmon may only be taken by gill net, beach seine, or fishwheel.

(B) Fish other than salmon may be taken by set gill net, drift net, beach seine, fishwheel, pot, long line, fyke net, jigging gear, spear, and lead.

(C) A gill net may not obstruct more than one-half the width of any fish stream. A stationary fishing device may obstruct not more than one-half the width of any salmon stream.

(D) Each fishwheel must have the first initial, last name, and address of the operator plainly and legibly inscribed on the side of the fishwheel facing midstream of the river.

(E) For all gill nets and unattended gear that are fished under the ice, the first initial, last name, and address of the operator must be plainly and legibly inscribed on a stake inserted in the ice and attached to the gear.

(F) Except as provided in this subsection, fish may be taken for subsistence purposes without a subsistence fishing permit. A subsistence fishing permit is required as follows:

(1) In the Port Clarence District: Pilgrim River drainage including Salmon Lake;

(2) In the Norton Sound District: for net fishing in all waters from Cape Douglas to Rocky Point.

(C) Only one subsistence fishing permit will be issued to each household per year.

(H) Only those residents domiciled in the Norton Sound-Port Clarence Area may take salmon in that area.

(I) Only those residents domiciled within 20 miles of the coast between Point Romanof and Cape Prince of Wales and on the St. Lawrence Island, may take herring and herring roe in those locations.

(ii) The Norton Sound District. (A) In the Norton Sound District, fish may be taken at any time except as follows:

(B) In Subdistrict 1 from June 15 through August 31, salmon may be taken only from 6 p.m. Monday until 6 p.m. Wednesday and from 6 p.m. Thursday until 6 p.m. Saturday.

(C) In Subdistricts 2 through 6, commercial fishermen may not fish for subsistence purposes during the weekly closures of the commercial salmon fishing season, (except that from July 15 through August 1, commercial fishermen

may take salmon for subsistence purposes seven days per week in the Unalakleet and Shaktoolik River drainages with gill nets which have a mesh size that does not exceed 4½ inches, and with beach seines.)

(D) In the Unalakleet River from June 1 through July 15, salmon may be taken from 8 a.m. Monday until 8 p.m. Saturday.

(E) In the Norton Sound District, kegs or buoys attached to subsistence gill nets may be any color except red.

(F) In the Unalakleet River from June 1 through July 15, no person may operate more than 25 fathoms of gill net in the aggregate.

(G) Gill nets with a mesh size of less than four and one-half inches and beach seines may not be used in the Sinuk River upstream from Alaska Department of Fish and Game regulatory markers placed two miles above the mouth, in the Nome River, and in the Solomon River upstream from Alaska Department of Fish and Game regulatory markers placed near the village of Solomon.

(H) In the Nome River, no person may operate more than 50 feet of gill net in the aggregate.

(I) The Nome River, from its terminus upstream for a distance of 200 yards and upstream from an Alaska Department of Fish and Game regulatory marker located near Osborn, is closed to the taking of fish.

(iii) The Port Clarence District (A) In the Port Clarence District, fish may be taken at any time except that during the period July 1 through August 15, salmon may only be taken from 6 p.m. Thursday until 6 p.m. Tuesday.

(B) In the Port Clarence District, Salmon Lake, its tributaries, and within 300 feet of the Alaska Department of Fish and Game regulatory markers placed at the outlet of Salmon Lake, are closed to subsistence fishing from July 15 through August 31.

(3) Yukon Area. Federal subsistence regulations for the subsistence harvest of fish, are in effect for all waters (navigable and non-navigable) in the area north of 61° north latitude, south of 61°21' north latitude, west of 163°40' longitude and east of the Bering Sea shoreline including Hozen Bay. In the remainder of the Yukon Area Federal subsistence fishing regulations only apply to non-navigable waters on Federal lands.

(i) Unless otherwise restricted, salmon may be taken in the Yukon Area at any time.

(ii) Salmon may only be taken by gill net, beach seine, or fishwheel subject to the restrictions set forth in this section.

(iii) Unless otherwise specified in this section, fish other than salmon may be

taken only by set gill net, drift gill net, beach seine, fishwheel, long line, fyke net, dip net, jigging gear, spear, or lead, subject to the following restrictions, which also apply to subsistence salmon fishing:

(A) During the open weekly fishing periods of the commercial salmon fishing season, a commercial fisherman may not operate more than one type of gear at a time, for commercial and subsistence purposes, except that in Subdistrict 4-A, upstream from the mouth of Stink Creek, a commercial fisherman may, at any time, assist subsistence fishermen in the operation of subsistence fishing gear:

(B) The aggregate length of set gill net in use by an individual may not exceed 150 fathoms and each drift gill net in use by an individual may not exceed 50 fathoms in length:

(C) In Subdistricts 4, 5 and 6, it is unlawful to set subsistence fishing gear within 200 feet of other operating commercial or subsistence fishing gear:

(D) A gill net may obstruct not more than one-half the width of any fish stream; a stationary fishing device may obstruct not more than one-half width of any salmon stream.

(iv) Salmon may be taken only by set gill net or fishwheel. No person may operate a gill net having a mesh size larger than six inches after a date specified by emergency order issued between July 5 through July 25.

(v) Each fishwheel must have the first initial, last name, and address of the operator plainly and legibly inscribed on the side of the fishwheel facing midstream of the river.

(vi) For all gill nets and unattended gear that are fished under the ice, the first initial, last name, and address of the operator must be plainly and legibly inscribed on a stake inserted in the ice and attached to the gear.

(vii) In Districts 1, 2, and 3, commercial fishermen may not take salmon for subsistence purposes by gill nets larger than six-inch mesh during periods established by emergency order.

(viii) In Districts 4, 5 and 6, salmon may not be taken for subsistence purposes by drift gill nets, except as follows:

(A) In Subdistrict 4-A, upstream from the mouth of Stink Creek king salmon may be taken by drift gill nets from June 21 through July 14, and chum salmon may be taken by drift gill nets after August 2;

(B) No person may operate a drift gill net that is more than 150 feet in length during the seasons described in this section.

(ix) Except as provided in this section, fish may be taken for subsistence purposes without a subsistence fishing permit.

(x) A subsistence fishing permit is required as follows:

(A) For the Yukon River drainage from the mouth of Hess Creek to the mouth of the Dall River;

(B) For the Yukon River drainage from Alaska Department of Fish and Game regulatory markers placed near the upstream mouth of 22 Mile Slough upstream to the U.S.—Canada border;

(C) For the Tanana River drainage above the mouth of the Wood River;

(D) For whitefish and suckers in the waters listed;

(E) For the taking of pike in waters of the Tolovana River drainage upstream of its confluence with the Tanana River;

(F) For the taking of salmon in Subdistricts 6-A and 6-B.

(xi) Except as otherwise provided, and except as may be provided by the terms of a subsistence fishing permit, there is no closed season on fish other than salmon.

(xii) In addition to the subsistence fishing permit conditions, permits issued for fish other than salmon may also designate restrictive measures for the conservation of salmon.

(xiii) Only one subsistence fishing permit will be issued to each household per year.

(xiv) Only those residents domiciled within 20 miles of the coast between the terminus of the Black River and the westernmost point of the Nasonat Peninsula may take herring and herring roe in that location.

(xv) Only those residents domiciled in rural locations in the Yukon Area, as determined by the Federal Subsistence Board, including the community of Stebbins, may take salmon in the Yukon Area.

(xvi) Only those residents domiciled in rural locations in the Yukon River drainage, as determined by the Federal Subsistence Board including the communities of Stebbins, Scammon Bay, Hooper Bay, and Chevak may take Yukon River Fall chum salmon for subsistence purposes.

(xvii) Only those residents domiciled in rural locations in the Yukon Area, as determined by the Federal Subsistence Board, may take freshwater fish species, including sheefish, whitefish, lamprey, burbot, sucker, grayling, pike, char, and blackfish, in the Yukon Area.

(xviii) The following locations in the upper Yukon River drainage are closed to subsistence fishing, except that whitefish and suckers may be taken under the authority of a subsistence fishing permit designating measures for

the protection of other fish: the following streams and within 500 feet of their mouths: Birth Creek; Dall River, June 10 through September 10;

(xix) The following drainages located north of the main Yukon River are closed to subsistence fishing:

(A) Kanuti River, upstream from a point five miles downstream of the State highway crossing;

(B) Fish Creek, upstream from the mouth of Bonanza Creek;

(C) Bonanza Creek;

(D) Jim River, including Prospect Creek and Douglas Creek;

(E) South Fork of the Koyukuk River system upstream from the mouth of Jim River;

(F) Middle Fork of the Koyukuk River system upstream from the mouth of the North Fork;

(G) North Fork of the Chandalar River system upstream from the mouth of Quartz Creek.

(xx) The main Tanana River and its adjoining sloughs are closed to subsistence fishing between the mouth of the Salcha River and the mouth of the Gerstle River, except that salmon may be taken in the area upstream of the Richardson Highway bridge to the mouth of Clearwater Creek after November 20.

(xxi) Waters of the Tanana River drainage are closed to the subsistence taking of pike between the mouth of the Kantishna River and Delta River at Black Rapids on the Richardson Highway and Cathedral Rapids on the Alaska Highway, except that pike may be taken for subsistence purposes in the Tolovana River drainage upstream from its confluence with the Tanana River.

(xxii) The Delta River is closed to subsistence fishing, except that salmon may be taken after November 20.

(xxiii) The following locations are closed to subsistence fishing:

(A) The following rivers and creeks and within 500 feet of their mouths: Delta Clearwater River (Clearwater Creek at 64° 06' N.lat., 145° 34' W. long), Richardson Clearwater Creek (Clear Creek at 64° 14' N. lat., 146° 16' W. long), Goodpaster River, Chena River, Little Chena River, Little Salcha River, Blue Creek, Big Salt River, Shaw Creek, Bear Creek, McDonald Creek, Moose Creek, Hess Creek, and Beaver Creek;

(B) Ray River and Salcha River upstream of a line between Alaska Department of Fish and Game regulatory markers located at the mouth of the rivers;

(C) Deadman, Jan, Boleo, Birch, Lost, Harding, Craig, Fielding, Two-Mile, Quartz, and Little Harding lakes;

(D) Piledriver and Badger (Chena) sloughs.

(xxiv) The following waters are closed to the taking of chum salmon from August 15 through December 31:

(A) Toklat River.

(B) Kantishna River from the mouth of the Toklat River to its confluence with the Tanana River.

(xxv) Salmon may be taken only by set gill nets in those locations described in below after July 19:

(A) Waters of the Black River including waters within one nautical mile of its terminus;

(B) Waters of Kwikluak Pass downstream of Agmulegut and the waters of Kwemeluk Pass;

(C) Waters of Alakanuk Pass downstream from the mouth of Kuiuupak Slough;

(D) Waters of Kwiguk Pass downstream to the mouth of Kawokhawik Slough;

(E) Waters of Kawanak Pass downstream from Sea Gull Point;

(F) Waters of Apoon Pass downstream from the mouth of the Kotlik River and waters of Okwegga Pass downstream from its confluence with Apoon Pass;

(G) Waters within one nautical mile seaward from any grassland bank in District 1.

(xxvi) In the following locations, salmon may be taken only during the open weekly fishing periods of the commercial salmon fishing season and may not be taken for 24 hours before the opening and 24 hours after the closure of the commercial salmon fishing season except:

(A) Through July 19 in Districts 1 and 2 subsistence fishing periods will be established by emergency order every other weekend during commercial salmon fishing closures;

(B) After July 19 in District 1, except for the set net only locations, and in District 2, a 24 hour subsistence fishing period will be established by emergency order each weekend during commercial salmon fishing closures;

(C) In Subdistrict 4-A from June 15 through August 1, salmon may be taken from 6 p.m. Sunday until 6 p.m. Tuesday and from 6 p.m. Wednesday until 6 p.m. Friday;

(D) In Subdistricts 4-B and 4-C from June 15 through September 30, salmon may be taken from 6 p.m. Sunday until 6 p.m. Tuesday and from 6 p.m. Wednesday until 6 p.m. Friday;

(E) District 5, excluding the Tozitna River drainage and Subdistrict 5-D;

(F) District 6, excluding (1) The Kantishna River drainage and that portion of the Tanana River drainage upstream of the mouth of the Salcha River;



(2) Subdistrict 6-B, from the downstream end of Crescent Island to three miles upstream of the mouth of the Totchaket Slough, where salmon may be taken from 6 p.m. Friday until 6 p.m. Wednesday.

(xxvii) During any commercial salmon fishing season closure of greater than five days in duration, salmon may not be taken during the following periods in the following districts:

(A) In District 4, excluding the Koyukuk and Innoko River drainages, salmon may not be taken from 6 p.m. Friday until 6 p.m. Sunday;

(B) In District 5, excluding the Tozitna River drainage and Subdistrict 5-8, salmon may not be taken from 6 pm. Sunday until 6 pm. Tuesday;

(C) In Subdistrict 6-A and 6-B, excluding the Kantishna River drainage and that portion of the Tanana River drainage upstream of the mouth of the Salcha River, salmon may not be taken from 6 p.m. Wednesday until 6 p.m. Friday.

(xxviii) In Subdistrict 6-C and that portion of the Tanana River drainage upstream to the mouth of the Salcha River, salmon may not be taken following the closure of the commercial salmon fishing season from 6 p.m. Monday until 6 pm. Friday.

(xxix) Adjustments may have to be made to the subsistence salmon fishing seasons and fishing periods to protect healthy populations.

(xxx) Pike may not be taken with gill nets in the waters of the Tolovana River drainage from October 15 through April 14.

(xxxii) An Alaska Commercial Fisheries Entry Commission salmon permit holder registered for the set net only locations may not use drift gill nets for the subsistence taking of salmon in Districts 1, 2, and 3.

(xxxiii) Commercial salmon fisherman who is registered for Districts 1, 2, or 3 may not take salmon for subsistence purposes in any other district located downstream from Old Paradise Village.

(xxxiiii) During any commercial salmon fishing season closure of greater than five days in duration, salmon may not be taken during the following periods in the following districts:

(A) In District 4, excluding the Koyukuk and Innoko River drainages, salmon may not be taken from 6 p.m. Friday until 6 p.m. Sunday;

(xxxi) In District 4, commercial fishermen may not take salmon for subsistence purposes during the commercial salmon fishing season by gill nets larger than six inch mesh after a date specified by emergency order issued between July 10 and July 31.

(xxxv) In Districts 4, 5 and 6, salmon may not be taken for subsistence purposes by drift gill nets, except as follows:

(A) In Subdistrict 4-A, upstream from the mouth of Stink Creek king salmon may be taken by drift gill nets from June 21 through July 14, and chum salmon may be taken by drift gill nets after August 2;

(B) No person may operate a drift gill net that is more than 150 feet in length during the seasons described in this section.

(xxxvi) In Subdistricts 5-A, 5-B, 5-C, and that portion of Subdistrict 5-D downstream from Long Point, no person may possess salmon taken for subsistence purposes during a commercial fishing period unless the dorsal fin has been immediately removed from the salmon. A person may not sell or purchase salmon from which the dorsal fin has been removed.

(xxxvii) In addition to the subsistence fishing permit conditions, permits issued for the taking of salmon in Subdistricts 6-A and 6-B must also contain the following requirements:

(A) Salmon may be taken only by set gill net or fishwheel. No household may operate more than one fishwheel.

(B) Each person subsistence fishing shall keep accurate daily records of his/her catch, the number of fish taken by species, location and date of the catch, and other information that the Alaska Department of Fish and Game may require for management or conservation purposes.

(C) In that portion of Subdistrict 6-B three miles or more upstream of the mouth of Totchaket Slough, each permittee shall report the number of salmon taken to the Alaska Department of Fish and Game once each week, or as specified on the permit. In the remainder of Subdistrict 6-B and in Subdistrict 6-A, each permittee shall report the total number of salmon taken to the Alaska Department of Fish and Game no later than October 31.

(xxxviii) Subsistence fishermen taking salmon in Subdistrict 6-C shall report their salmon catches at designated Alaska Department of Fish and Game check stations by the end of each weekly fishing period. Immediately after salmon have been taken, catches must be recorded on a harvest form provided by the department.

(xxxix) The annual possession limit for the holder of a Subdistrict 6-C subsistence salmon fishing permit is 10 king salmon and 75 chum salmon for periods through August 15 and 75 chum and coho salmon for periods after August 15.

(xl) Subsistence salmon harvest limits in Subdistrict 6-C are 750 king salmon and 5,000 chum salmon taken through August 15 and 5,200 chum and coho salmon combined taken after August 15. When either the king or chum salmon harvest limit for periods before August 16 has been taken, the subsistence salmon fishing season in Subdistrict 6-C will close. A later season will open after August 15 to allow the taking of the harvest limit for periods after August 15. If the chum salmon harvest limit has not been obtained through August 15, the remaining harvest will not be added to the chum salmon harvest level for periods after August 15.

(xli) Subsistence salmon fishing seasons and weekly fishing periods for Subdistrict 6-C are as follows:

(A) Salmon may be taken at any time except salmon may not be taken for 24 hours before the opening and after the closing of the commercial salmon fishing seasons and during closed weekly commercial salmon fishing periods;

(B) Weekly subsistence salmon fishing periods that follow closures of the commercial salmon fishing seasons will be established by emergency order;

(C) The annual harvest limit for the holder of a Subdistrict 6-A or 6-B subsistence salmon fishing permit is 60 chinook salmon and 500 chum salmon for the period through August 15 of a year, and 2,000 chum and coho salmon combined for the period after August 15. Upon request, permits for additional salmon may be issued by the department.

(D) Unless otherwise provided, from June 20 through September 30, open subsistence salmon fishing periods are concurrent with open commercial salmon fishing periods. During closures of the commercial salmon fishery, open subsistence salmon fishing periods are as specified in 5 Alaska Administrative Code 05.367.

(E) In the Kantishna River drainage, the open subsistence salmon fishing periods are seven days per week.

(F) In Subdistrict 6-B from the downstream end of Crescent Island to a line three miles upstream from the mouth of the Totchaket Slough, the open subsistence salmon fishing periods are from 6 p.m. Friday through 6 p.m. Wednesday.

(4) Kuskokwim Area. Federal subsistence regulations for the subsistence harvest of fish are in effect for all waters on Nunivak Island and within one mile of its shorelines and all waters within the Old Kuskokwim Wildlife Refuge as defined by boundaries established prior to 1959. In the remainder of the Kuskokwim area

Federal subsistence fishing regulations only apply to non-navigable waters on Federal lands.

(i) Unless otherwise restricted, salmon may be taken in the Kuskokwim area at any time.

(ii) Except as otherwise provided, there is no closed season on fish other than salmon.

(iii) Salmon may only be taken by gill net, beach seine, or fishwheel subject to the restrictions set forth in this chapter, except that salmon may also be taken by spear in the Holitna River drainage.

(iv) The aggregate length of set gill nets or drift gill nets in use by any individual for taking salmon may not exceed 50 fathoms.

(v) Fish other than salmon may only be taken by set gill net, drift gill net, beach seine, fishwheel, pot, long line, fyke net, dip net, jigging gear, spear, or lead.

(vi) Each subsistence gill net operated in tributaries of the Kuskokwim River must be attached to the bank, fished substantially perpendicular to the bank and in a substantially straight line.

(vii) Fish may be taken for subsistence purposes without a subsistence fishing permit.

(viii) Only those residents domiciled in the Kuskokwim Area, except those persons residing on the United States military installation located on Cape Newenham, Sparvoohn USAFB, and Tatalina USAFB, may take salmon for subsistence purposes in the Kuskokwim Area.

(ix) Only those residents domiciled in the communities of Chevak, Newtok, Tununak, Toksook Bay, Nightmute, Chefornak, Kipnuk, Mekoryuk, Kwigillingok, Kongiganak, Eek, and Tuntutuliak may take for subsistence purposes Pacific cod in the Kuskokwim area.

(x) Only those residents domiciled within 20 miles of the coast between the westernmost tip of the Naskonant Peninsula and the terminus of the Ishowik River and on Nunivak Island may take for subsistence purposes herring and herring roe in those locations.

(xi) A gill net may obstruct not more than one-half the width of any fish stream. A stationary fishing device may obstruct not more than one-half the width of any salmon stream.

(xii) Kegs or buoys attached to subsistence gill nets may be any color except red during any open weekly commercial salmon fishing period.

(xiii) The maximum depth of gill nets is as follows:

(A) Gill nets with six-inch or smaller mesh may not be more than 45 meshes in depth;

(B) Gill nets with greater than six-inch mesh may not be more than 35 meshes in depth;

(xiv) In addition to the previously stated requirements,

(A) Each fishwheel must have the first initial, last name, and address of the operator plainly and legibly inscribed on the side of the fishwheel facing midstream of the river;

(B) For all gill nets and unattended gear that are fished under the ice, the first initial, last name, and address of the operator must be plainly and legibly inscribed on a stake inserted in the ice and attached to the gear.

(xv) In that portion of the Kuskokwim River drainage from the north end of Eek Island upstream to the mouth of the Kolmakof River, no part of a set gill net located within a tributary to the Kuskokwim River may be set or operated within 150 feet of any part of another set gill net.

(xvi) The Goodnews River is closed to the subsistence taking of fish by nets east of a line between Alaska Department of Fish and Game regulatory markers placed near the mouth of the Ufigag River and Alaska Department of Fish and Game regulatory marker placed near the mouth of the Tunulik River 24 hours before, during, and six hours after each open commercial salmon fishing period.

(xvii) The Kanektok River is closed to the subsistence taking of fish by nets upstream of Alaska Department of Fish and Game regulatory markers placed near the mouth 24 hours before, during and six hours after each open commercial salmon fishing period.

(xviii) The Arolik River is closed to the subsistence taking of fish by nets upstream of Alaska Department of Fish and Game regulatory markers placed near the mouth 24 hours before, during, and six hours after each open commercial salmon fishing period.

(xix) In District 1 and in those waters of the Kuskokwim River between Districts 1 and 2, excluding the Kuskokuak Slough, salmon may be taken at any time except salmon may not be taken for 18 hours before, during and for six hours after, each open commercial salmon fishing period for District 1.

(xx) In District 1, Kuskokuak Slough only, salmon may be taken at any time except:

(A) From June 1 through July 31, salmon may not be taken for 24 hours before and during each open commercial salmon fishing period in the district.

(B) From August 1 through August 31, salmon may not be taken for 15 hours before and during each open commercial salmon fishing period in the district.

(xxi) In District 2, and anywhere in tributaries that flow into the Kuskokwim River within that district, salmon may be taken at any time, except that from June 1 through September 8 salmon may not be taken for 24 hours before, during, and six hours after each open commercial salmon fishing period in the district.

(xxii) In Districts 4 and 5, salmon may be taken at any time except from June 1 through September 8, salmon may not be taken for 24 hours before, during, and 6 hours after each open commercial salmon fishing period in each district.

(5) Bristol Bay Area. At this time the Federal Government is only exerting its control on subsistence fishing in non-navigable fresh waters on Federal lands.

(i) Unless restricted in this section or unless restricted under the terms of a subsistence fishing permit, fish may be taken at any time in the Bristol Bay Area.

(ii) Within the waters of a district open during the commercial salmon fishing season, salmon may be taken only during open commercial salmon fishing periods.

(iii) The total annual possession limit for a subsistence salmon fishing permit issued under this section is 200 sockeye salmon.

(iv) Salmon, trout and char may only be taken under authority of a subsistence fishing permit.

(v) Only one subsistence fishing permit may be issued to each household per year.

(vi) No set gill net may obstruct more than one-half the width of a stream.

(vii) Each set gill net must be staked and buoyed.

(viii) No person may operate or assist in operating subsistence salmon net gear while simultaneously operating or assisting in operating commercial salmon net gear.

(ix) Fish, other than salmon, herring and capelin may be taken by gear previously listed unless restricted under the terms of a subsistence fishing permit.

(x) Within any district, salmon, herring, and capelin may only be taken by drift and set gill nets.

(xi) Outside the boundaries of any district, salmon may only be taken by set gill net, except that salmon may also be taken by spear in the Togiak River excluding its tributaries.

(xii) The maximum lengths for set gill nets used to take salmon are as follows:

(A) In the Naknek, Egegik and Ugashik Rivers, in the Nushagak District, and in Naknek Lake, set gill nets may not exceed 10 fathoms in length;

(B) In the remaining waters of the area, set gill nets may not exceed 25 fathoms in length.

(xiii) In the Naknek, Egegik, and Ugashik Rivers from 9 a.m. June 23 through 9 a.m. July 17, salmon may be taken only from 9 a.m. Tuesday to 9 a.m. Wednesday and 9 a.m. Saturday to 9 a.m. Sunday.

(xiv) Except for the western shore of the Newhalen River, waters used by salmon are closed to the subsistence taking of fish within 300 feet of a stream mouth.

(xv) Nushagak District. (A) In the open waters of the Nushagak District, provision shall be made for subsistence salmon fishing by emergency order whenever there are commercial salmon fishing closures of five or more days. During these emergency order openings, (1) set gill nets may not be more than 10 fathoms in length;

(2) No set gill net may be set or operated within 450 feet of another set gill net, and

(3) Catches during the emergency order openings must be reported to the Dillingham Alaska Department of Fish and Game office within 24 hours after the closure.

(B) In the Nushagak District from an Alaska Department of Fish and Game regulatory marker located two statute miles south of Bradford Point to an Alaska Department of Fish and Game regulatory marker located at Red Bluff on the west shore of the Wood River, from 9 a.m. June 18 through 9 a.m. July 17, salmon may be taken only from 9 a.m. Monday to 9 a.m. Tuesday, 9 a.m. Wednesday to 9 a.m. Thursday, and 9 a.m. Friday to 9 a.m. Saturday.

(C) Only those residents domiciled in the Nushagak District and freshwater drainage flowing into the district may take salmon in the district and those drainage.

(xvi) Naknek-Kvichak District. (A) From October 1 through December 31, sockeye salmon may be taken along a 100 yard length of the west shore of Naknek Lake near the outlet to the Naknek River as marked by Alaska Department of Fish and Game regulatory markers.

(B) Subsistence salmon fishing permits for the Naknek River drainage will be issued only through the Alaska Department of Fish and Game King Salmon office.

(C) Only those residents domiciled in the Naknek and Kvichak River drainage may take salmon in the Naknek River drainage.

(D) Only those residents domiciled in the Iliamna-Lake Clark drainage may take salmon in the Iliamna-Lake Clark drainage.

(E) Subsistence fishing with nets is prohibited in the following waters and within one-fourth mile of the terminus of those waters during the period from September 1 through June 14: Lower Talarik Creek, Roadhouse Creek, Nick G. Creek, Middle Talarik Creek, Alexi Creek, Copper River, Upper Talarik Creek, Tazimina River, Kakhonak River, Pete Andrew Creek, Young's Creek, Gibraltar River, Zacker Creek, Chekok Creek, Dennis Creek, Newhalen River, Tomokok Creek, Belinda Creek

(xvii) Togiak District. (A) After August 20, no person may possess coho salmon for subsistence purposes in the Togiak River Section and the Togiak River drainage unless the head has been immediately removed from the salmon. It is unlawful to purchase or sell coho salmon from which the head has been removed.

(B) Only those residents domiciled in the Togiak District, freshwater drainage flowing into the district, and the community of Manokotak may take salmon and freshwater fish species in the district and those drainages.

(C) Gill nets are prohibited in that portion of the Naknek River upstream from Sovonaski;

(8) Aleutian Islands Area. Federal subsistence regulations for the subsistence harvest of fish are in effect for all fresh waters on Federal lands west of the easternmost tip of Ugamak Island to the terminus of the Aleutian Islands, except the area between Akutan Pass and Samalga Island. In the remainder of the Aleutian Island area Federal subsistence fishing regulations only apply to non-navigable waters on Federal lands. (i) Salmon may be taken by seine and gill net, or with gear specified on a subsistence fishing permit.

(ii) Fish other than salmon may be taken by gear previously, unless restricted under the terms of a subsistence fishing permit.

(iii) The waters of Unalaska Lake (at Unalaska Village), its drainage and the outlet stream, and within 500 yards of its terminus are closed to subsistence fishing.

(iv) The Adak District is closed to the taking of salmon.

(v) Salmon, trout and char may be taken only under the terms of a subsistence fishing permit, except that a permit is not required in the Akutan, Umnak and Adak Districts. Not more than 250 salmon may be taken for subsistence purposes unless otherwise specified on the subsistence fishing permit. A record of subsistence caught fish must be kept on the reverse side of the permit. The record must be completed immediately upon taking

subsistence caught fish and must be returned to the local representative of the Alaska Department of Fish and Game no later than October 31.

(7) Alaska Peninsula Area. Federal Subsistence regulations for the subsistence harvest of fish are in effect for all waters on and within one mile of Simeonof Island. In the remainder of the Alaska Peninsula Area Federal subsistence fishing regulations only apply to non-navigable waters on Federal lands. (i) Salmon may be taken at any time except within 24 hours before and within 12 hours following each open weekly commercial salmon fishing period within a 50 mile radius of the area open to commercial salmon fishing, or as may be specified on a subsistence fishing permit.

(ii) Fish other than salmon may be taken at any time unless restricted under the terms of a subsistence fishing permit.

(iii) Salmon may be taken by seine and gill net, or with gear specified on a subsistence fishing permit.

(iv) Fish other than salmon may be taken by gear previously listed, unless restricted under the terms of a subsistence fishing permit.

(v) No set gill net may exceed 100 fathoms in length.

(vi) The following waters are closed to subsistence fishing for salmon:

(A) Russell Creek and Nurse Lagoon and within 500 yards outside the mouth of Nurse Lagoon;

(B) Trout Creek and within 500 yards outside its mouth;

(C) Inshore of a line from the Pacific Pearl dock to Black Point, including the inlet and Humboldt Creek.

(vii) Salmon, trout and char may be taken only under the authority of a subsistence fishing permit. A record of subsistence caught fish must be kept on the reverse side of the permit. The record must be completed immediately upon taking subsistence caught fish and must be returned to the local representative of the Alaska Department of Fish and Game no later than October 31.

(8) Chignik Area. Federal subsistence regulations for the subsistence harvest of fish are in effect for all waters on and within one mile of each of the Semidi Islands. In the remainder of the Chignik Area Federal regulations only apply to non-navigable waters on Federal lands. (i) Salmon may be taken by seines and gill nets, or with gear specified on a subsistence fishing permit, except that in Chignik Lake, salmon may not be taken with purse seines.

(ii) Fish other than salmon may be taken by gear previously listed, unless

restricted under the terms of a subsistence fishing permit.

(iii) Salmon may not be taken in the Chignik River, upstream from the Alaska Department of Fish and Game weir site or counting tower, in Black Lake, or any tributary to Black and Chignik Lakes.

(iv) Salmon, trout and char may only be taken under the authority of a subsistence fishing permit. A record of subsistence caught fish must be kept on the reverse side of the permit. The record must be completed immediately upon taking subsistence caught fish and must be returned to the local representative of the Alaska Department of Fish and Game no later than October 31.

(v) From June 10 through September 30, commercial fishing license holders may not substitute fish for salmon.

(9) Kodiak Area. (i) At this time, the Federal Government is only exerting its control over subsistence fishing in the following waters:

(A) All fresh waters within the boundary of the Kodiak National Wildlife Refuge and all non-navigable waters on Federal lands on Kodiak and surrounding islands.

(B) All saltwater enclosed by the boundaries of Womans Bay, Gibson Cove, and an area defined by a line one-half mile on either side of the mouth of Karluk River, and extending seaward 3000 feet. The mouth of the river is closed to fishing.

(C) All saltwater enclosed by the boundaries of the shoreline of Afognak Island and a line 1500 feet seaward of the shoreline.

(D) All navigable and non-navigable fresh waters on Afognak Island enclosed by the National Wildlife Refuge Boundaries.

(ii) Salmon may be taken for subsistence purposes from 6 a.m. until 9 p.m. from January 1 through December 31, with the following exceptions:

(A) From June 1 through September 15, salmon seine vessels may not be used to take subsistence salmon for 24 hours before, during, and for 24 hours after any open commercial salmon fishing period;

(B) From June 1 through September 15, purse seine vessels may be used to take salmon only with gill nets and no other type of salmon gear may be on board the vessel.

(iii) Fish other than salmon may be taken at any time unless restricted by the terms of a subsistence fishing permit.

(iv) Unless restricted by this section or under the terms of a subsistence fishing permit, fish may be taken by gear previously listed.

(v) Salmon may be taken only by gill net and seine.

(vi) Subsistence fishermen must be physically present at the net at all times the net is being fished.

(vii) The following locations are closed to the subsistence taking of salmon:

(A) All waters of Mill Bay and all those waters bounded by a line from Spruce Cape to the northernmost point of Woody Island, then to the northernmost point of Holiday Island, then to a point on Near Island opposite the Kodiak small boat harbor entrance and then to the small boat harbor entrance;

(B) All freshwater systems of Little Afognak River and Portage Creek drainage in Discoverer Bay;

(C) All water closed to commercial salmon fishing in the Barbara Cove, Chiniak Bay, Saltery Cove, Pasagshak Bay, Monashka Bay and Anton Larsen Bay, and all waters closed to commercial salmon fishing within 100 yards of the terminus of Selief Bay Creek and north and west of a line from the tip of Las Point to the tip of River Mouth Point of Afognak Bay;

(D) All waters 300 yards seaward of the terminus of Monks Creek;

(E) From August 15 through September 30, all waters 500 yards seaward of the terminus of Little Kitoi Creek;

(F) All freshwater systems of Afognak Island;

(G) All waters of Ouzinkie Harbor north of a line from 57°55'10" N. lat., 152°36'W. long. to 57°55'03" N. lat., 152°29'20" W. long.

(viii) A subsistence fishing permit is required for taking salmon, trout and char for subsistence purposes. A subsistence fishing permit is required for taking herring and bottomfish for subsistence purposes during the commercial herring sac roe season from May 1 through June 30. All subsistence fishermen shall keep a record of the number of subsistence fish taken each year. The number of subsistence fish shall be recorded on the reverse side of the permit. The record must be completed immediately upon landing subsistence caught fish and must be returned to the local representative of the Alaska Department of Fish and Game by February 1 of the year following the year the permit was issued.

(ix) Only those residents domiciled in the Kodiak Island Borough, except those residing on the Kodiak Coast Guard Base, may take salmon in the Kodiak Area. This restriction does not apply to the Mainland District, all waters along the southside of the Alaska Peninsula bounded by the latitude of Cape

Douglas (58°52' North latitude) mid-stream Shelikof Strait, and west of the longitude of the southern entrance of Kmuya Bay near Kilokak Rocks (57°11'22" North latitude, 156°20'30" West longitude.)

(10) Cook Inlet Area. (i) At this time, the Federal Government is only exerting its control over subsistence fishing in the following waters:

(A) All waters within the boundaries of the Kenai National Wildlife Refuge.

(B) All non-navigable waters on Federal lands within the Cook Inlet Area.

(ii) Unless restricted in this section or unless restricted under the terms of a subsistence fishing permit, fish may be taken at any time in the Cook Inlet area.

(iii) Unless otherwise restricted or under the terms of a subsistence fishing permit, fish may be taken by listed gear.

(iv) All salt water is closed to the taking of finfish except:

(A) The Tyonek and Port Graham Subdistricts;

(B) Salmon may be taken in the Koyuktolik Subdistrict.

(v) Salmon may not be taken in any area closed to commercial salmon fishing unless otherwise permitted.

(vi) Bottomfish may be taken by legal gear for commercial bottomfish in the area.

(vii) Smelt and herring may be taken only with gill nets and dip nets. Gill nets used to take smelt may not exceed 50 feet in length and two inches in mesh size.

(viii) Whitefish may be taken only in the Tyonek River drainage and only under the authority of a permit issued by the department.

(ix) Gill nets may not be used in fresh water, except for the taking of whitefish in the Tyonek River drainage.

(x) Trout, grayling, char, and burbot may not be taken in fresh water, except that dolly varden may be taken in fresh water in the Port Graham Subdistrict.

(xi) Dolly varden may be taken in fresh water only under the authority of a subsistence fishing permit issued by the department; only one permit may be issued to a household each year. A subsistence fishing permit holder shall record daily dolly varden catches on forms provided by the department.

(xii) Dolly varden may be taking in fresh water for subsistence purposes in the Port Graham Subdistrict only from April 1 through May 31.

(xiii) Only those residents domiciled in Port Graham and English Bay may take salmon in the Port Graham and Koyuktolik Subdistricts and dolly varden in fresh water in the Port Graham Subdistrict.

(xiv) Dolly varden may be taken in fresh water only by beach seines not exceeding 10 fathoms in length.

(xv) Salmon may be taken only under the authority of a subsistence fishing permit issued by the Alaska Department of Fish and Game; only one permit may be issued to a household each year. A subsistence fishing permit holder shall record daily salmon catches on forms provided by the department.

(xvi) No person may operate or assist in the operation of subsistence salmon net gear on the same day that person operates or assists in the operation of commercial salmon gear.

(xvii) Only those residents domiciled in the village of Tyonek may take salmon in the Tyonek Subdistrict.

(xviii) Salmon may be taken only as follows:

(A) In the Tyonek subdistrict by set gill nets not exceeding 10 fathoms in length, six inches in mesh size and 45 meshes in depth;

(B) In the Port Graham and Koyuktoik Subdistricts by set gill nets not exceeding 35 fathoms in length, six inches in mesh size and 45 meshes in depth;

(C) No part of a set gill net may be set or operated within 600 feet of any part of another set gill net.

(xix) Salmon may be taken for subsistence purposes only as follows:

(A) In the Tyonek subdistrict:

(1) From May 15 through June 15 from 4 a.m. to 8 p.m. on Tuesdays, Thursdays and Fridays (this season shall close by emergency order when 4,200 king salmon are taken);

(2) From June 16 through October 15 from 6 a.m. to 6 p.m. on Saturdays (shall not open until July 1 if 4,200 king salmon are taken before June 16.)

(B) In the Port Graham and Koyuktoik Subdistricts from April 1 through September 30 from 6 a.m. Monday until 6 a.m. Wednesday and from 6:00 a.m. Thursday until 6 a.m. Saturday.

(xx) No person may possess salmon taken under the authority of a subsistence fishing permit unless both lobes of the caudal fin (tail) have been immediately removed from the salmon.

(xxi) It is unlawful to purchase or sell salmon from which both lobes of the caudal fin (tail) have been removed.

(xxii) The total annual possession limit for each subsistence salmon permit is as follows:

(A) There is no total annual possession limit for holders of Port Graham and Koyuktoik Subdistrict subsistence salmon fishing permits;

(B) 25 salmon for the head of household and 10 salmon for each dependent of the permit holder.

(C) In addition to the limits in (b) of this subsection; the holder of a Tyonek subdistrict subsistence salmon fishing permit may take 70 king salmon; no more than 4,200 king salmon may be taken in the Tyonek subdistrict during the period May 15 through June 30.

(11) Prince William Sound Area. At this time Federal subsistence fishing regulations only apply to non-navigable waters on Federal lands in the Prince William Sound area. (i) Unless restricted in this section or unless restricted under the terms of a subsistence fishing permit, fish may be taken at any time in the Prince William Sound Area.

(ii) Fish may be taken by gear previously listed unless restricted in this section or under the term of a subsistence fishing permit.

(iii) Salmon may be taken only by the following types of gear:

(A) In the Glennallen Subdistrict by fishwheels or dip nets;

(B) The Chitina Subdistrict is closed to subsistence salmon fishing;

(iv) Fishwheels used for subsistence fishing may not be rented, leased, or otherwise used for personal gain. Subsistence fishwheels must be removed from the water at the end of the permit period. Each permittee may operate only one fishwheel at any one time. No person may set or operate a fishwheel within 75 feet of another fishwheel. No fishwheel may have more than two baskets.

(v) The permit holder must personally operate the fishwheel or dip net. A subsistence fishwheel or dip net permit may not be loaned or transferred except as permitted by Alaska regulations.

(vi) A wood or metal plate at least 12 inches high by 12 inches wide, bearing the permit holder's name and address in letters and numerals at least one inch high, must be attached to each fishwheel so that the name and address are plainly visible.

(vii) Except as provided in this section, fish other than salmon and freshwater fish species may be taken for subsistence purposes with a subsistence fishing permit.

(viii) Salmon and freshwater fish species may be taken only under the authority of a subsistence fishing permit.

(ix) Only one subsistence fishing permit will be issued to each household per year.

(x) Salmon may not be taken in any area closed to commercial salmon fishing unless otherwise permitted.

(xi) In locations open to commercial salmon fishing and in conformance with commercial salmon fishing regulations, the annual subsistence salmon limit is as follows:

(A) 15 salmon for a household of one person;

(B) 30 salmon for a household of two persons;

(C) 10 salmon for each additional person in a household over two;

(D) no more than five king salmon may be taken per permit.

(xii) All tributaries of the Copper River and waters of the Copper River not in the Upper Copper River District are closed to the taking of salmon.

(xiii) A subsistence salmon fishing permit for the Upper Copper River District will be issued only to residents of the State of Alaska. The following apply to Upper Copper River District subsistence salmon fishing permits:

(A) Only one type of gear may be specified on a permit;

(B) Only one permit per year may be issued to a household;

(C) Permits must be returned to the Alaska Department of Fish and Game no later than October 31, or a permit for the following year may be denied.

(D) During closed fishing periods, the Alaska Department of Fish and Game's Chitina permit issuing station may be closed or operated at reduced hours to reduce costs.

(E) A household may not be issued both a Copper River Subsistence Salmon Fishing Permit and a Chitina Subdistrict Personal Use Salmon Fishing Permit.

(xiv) The total annual possession limit for an Upper Copper River District subsistence salmon fishing permit is as follows:

(A) 30 salmon for a household with one person;

(B) 60 salmon for a household with two persons;

(C) 10 salmon for each additional person in a household over two;

(D) Upon request, permits for additional salmon will be issued with the following limits:

(1) No more than a total of 200 salmon for a permit issued to a household with one person.

(2) No more than a total of 500 salmon for a permit issued to a household with two or more persons.

(xv) Salmon may be taken in the Upper Copper River District only as follows:

(A) In the Glennallen Subdistrict, from June 1 through September 30;

(B) The Chitina subdistrict is closed to subsistence salmon fishing;

(C) When the Copper River subsistence fishery is closed or restricted because of an inadequate escapement of sockeye or chinook salmon, the fishery may be reopened September 1 for the taking of coho

salmon, which constitute the majority of the salmon at that time.

(D) No person may possess salmon taken under the authority of an Upper Copper River District subsistence fishing permit unless the dorsal fin has been immediately removed from the salmon.

(xvi) Salmon may not be taken in the Chitina Subdistrict, or in any portion of the subdistrict, when those waters are closed to subsistence salmon fishing.

(xvii) Crosswind Lake is closed to all subsistence fishing.

(xviii) Subsistence salmon fishing permits for the Southwestern District and Green Island may be issued only to those residents domiciled in the Southwestern District which is mainland waters from the outer point on the north shore of Granite Bay to Cape Fairfield and all waters surrounding Knight Island, Chenega Island, Bainbridge Island, Evans Island, Elrington Island, Latouche Island and adjacent islands. Salmon may be taken for subsistence purposes in those waters only as follows:

(A) Salmon may be taken only in the Southwestern District, as described in above, and along the northwestern shore of Green Island from the westernmost tip of the island to the northernmost tip;

(B) Salmon may be taken only by gill nets up to 150 fathoms in length, except that pink salmon may be taken in fresh water by dipnets only;

(C) Salmon may be taken only from May 15 through September 30;

(D) Fishing periods are from May 15 until two days before the commercial opening of the Southwestern District, seven days per week; during the commercial salmon fishing season, only during open commercial salmon fishing periods; and from two days following the closure of the commercial salmon season until September 30, seven days per week;

(E) No fishing is allowed within the closed waters areas for commercial salmon fisheries; only pink salmon may be taken in fresh water;

(F) There are no bag and possession limits for this fishery;

(G) Permits may be issued only at Chenega Bay village.

(xix) Salmon, other than chinook salmon, may be taken in the vicinity of the former native village of Batzulnetas under the following conditions:

(A) Salmon may be taken only under the authority of a Batzulnetas subsistence salmon fishing permit issued by ADF&G;

(B) Salmon may be taken only in those waters of the Copper River between Alaska Department of Fish and Game regulatory markers located near the

mouth of Tanada Creek and approximately one-half mile downstream from that mouth and in Tanada Creek between Alaska Department of Fish and Game regulatory markers identifying the open waters of the creek;

(C) Fishwheels and dipnets only may be used on the Copper River; dipnets and spears only may be used in Tanada Creek;

(D) Salmon may be taken only from June 1 through September 1 or until the season is closed by emergency order; fishing periods are to be established by emergency order and are two days per week during the month of June and 3.5 days per week for the remainder of the season;

(E) Chinook salmon taken must be released to the water unharmed; fish wheels must be equipped with a live box or be monitored at all times;

(F) The permit must be returned to the Alaska Department of Fish and Game's Glennallen office no later than September 30 of each year.

(xx) Subsistence salmon fishing permits for those waters north of a line from Porcupine Point to Granite Point, and south of a line from Point Lowe to Tongue Point, may be issued only to those residents domiciled in the villages of Tatitlek and Ellamar. Salmon may be taken for subsistence purposes in those waters only as follows:

(A) Salmon may be taken only in those waters north of a line from Porcupine Point to Granite Point, and south of a line from Point Lowe to Tongue Point;

(B) Salmon may be taken only by gill nets up to 150 fathoms in length, with a maximum mesh size of 6.25 inches, except that pink salmon may be taken in fresh water by dipnets only;

(C) Salmon may be taken only from May 15 through September 30;

(D) Fishing periods are from May 15 until two days before the commercial opening of the Southwestern District, seven days per week; during the commercial salmon fishing season, only during open commercial salmon fishing periods; and from two days following the closure of the commercial salmon season until September 30, seven days per week;

(E) No fishing is allowed within the closed waters areas for commercial salmon fisheries; only pink salmon may be taken in fresh water;

(F) There are no bag and possession limits for this fishery;

(G) Permits may be issued only at Tatitlek village.

(12) Yakutat Area. (i) At this time, Federal government is only exerting its

control over subsistence fishing in the following waters:

(A) All waters within the boundaries of Glacier Bay National Preserve.

(B) All non-navigable waters on Federal lands in the Yakutat area, with the exception of such waters within Glacier Bay National Park, which is closed to subsistence uses.

(ii) Unless restricted in this section or unless restricted under the terms of a subsistence fishing permit, fish may be taken at any time in the Yakutat area.

(iii) Salmon may not be taken during the period commencing 48 hours before an opening until 48 hours after the closure of an open commercial salmon net fishing season. This applies to each river or bay fishery individually.

(iv) When the length of the weekly commercial salmon net fishing period exceeds two days in any Yakutat Area salmon net fishery, the subsistence fishing period is from 6:00 a.m. to 6:00 p.m. on Saturday in that location.

(v) Only those residents domiciled east of Yakutat Bay, including the islands within Yakutat Bay, west of the Situk River drainage, and south of and including Knight Island may take

(A) Salmon in freshwater upstream from the terminus of streams and rivers of the Yakutat area from the Doame River to the Tsiu River, in waters of Yakutat Bay and Russell Fiord inside a line from the westernmost point of Point Manby to the southernmost point of Ocean Cape, and in waters of Icy Bay inside a line from the westernmost tip of Point Riou to Icy Cape Light;

(B) Dolly varden char, steelhead trout, and smelt in freshwater upstream from the terminus of streams and rivers of the Yakutat area from the Doame River to Point Manby, and in waters of Yakutat Bay and Russell Fiord inside a line from the westernmost point of Point Manby to the southernmost point of Ocean Cape.

(vi) Fish may be taken by gear previously listed, unless restricted in this section or under the terms of a subsistence fishing permit.

(vii) Salmon, trout and char may be taken only under authority of a subsistence fishing permit.

(viii) Salmon, trout, or char taken incidentally by gear operated under the terms of a subsistence permit for salmon are legally taken and possessed for subsistence purposes. The holder of a subsistence salmon permit must report any salmon, trout, or char taken in this manner on his or her permit calendar.

(ix) Subsistence fishermen must remove the dorsal fin from subsistence caught salmon when taken.

(13) Southeastern Alaska Area. At this time Federal subsistence fishing regulations only apply to non-navigable waters on Federal lands in the Southeastern Alaska Area, with the exception of Glacier Bay National Park which is closed to the subsistence uses.

(i) Unless restricted in this section or under the terms of a subsistence fishing permit, fish may be taken in the Southeastern Alaska Area at any time.

(ii) Salmon, trout, char and herring spawn on kelp may be taken only under authority of a subsistence fishing permit.

(iii) No person may possess subsistence-taken and sport-taken salmon on the same day.

(iv) The Alaska Department of Fish and Game shall not issue a permit for the taking of steelhead trout, but steelhead trout taken incidentally by gear operated under the terms of a subsistence permit for salmon are legally taken and possessed for subsistence purposes. The holder of a subsistence salmon permit must report any steelhead trout taken in this manner on his or her permit calendar.

(v) Salmon, trout, or char taken incidentally by gear operated under the terms of a subsistence permit for salmon are legally taken and possessed for subsistence purposes. The holder of a subsistence salmon permit must report any salmon, trout, or char taken in this manner on his or her permit calendar.

(vi) Subsistence fishermen shall immediately remove the dorsal fin of all salmon when taken.

(vii) Coho salmon may be taken from Salt Lake and Mitchell Bay from August 1 through October 31.

(viii) Fish may be taken by gear previously listed except as may be restricted under the terms of a subsistence fishing permit and except as follows:

(A) In District 13, Redoubt Bay, gillnet or seine gear may not be used to take salmon in any waters of the bay closed to commercial salmon fishing;

(B) Set gill nets may not be used to take salmon except in the mainstream and side channels, but not the tributaries, of the Chilkat River from the terminus to one mile upstream of Wells Bridge;

(C) Beach seines and gaffs only may be used to take coho salmon during the season and including coho salmon which may be taken from Salt Lake and Mitchell Bay from August 1 through October 31.

(ix) The following waters are closed to subsistence salmon fishing: in District 15, saltwaters of Lynn Canal including Chilkat, Chilkoot and Lutak Inlets, during the closed period of the commercial salmon net fishery in the

district, except that salmon may be taken in saltwaters of Lutak Inlet on the Saturday before any period that the commercial salmon net fishery is open in the inlet to the terminus of the Chilkoot River.

(x) Permits will not be issued for taking chinook or coho salmon, except for coho salmon as provided in Salt Lake and Mitchell Bay from August 1 through October 31, but chinook or coho salmon taken incidentally by gear operated under terms of a subsistence permit for other salmon are legally taken and possessed for subsistence purposes. The holder of a subsistence salmon fishing permit must report any chinook or coho salmon taken in this manner on his or her permit calendar.

(xi) From July 7 through July 31, sockeye salmon may be taken in the waters of Klawock Inlet enclosed by a line from Klawock Light to the Klawock Oil Dock, the Klawock River, and Klawock Lake only from 8 a.m. Monday until 5 p.m. Friday.

(xii) In the Chilkat River, the subsistence fishing permit holder shall be physically present at the net while it is fishing.

(xiii) Before July 4, subsistence salmon fishing permits may be operated in Sitkoh Bay only by residents of Angoon. On and after July 4, subsistence salmon fishing permits may be operated in Sitkoh Bay by residents of both Angoon and Sitka.

(xiv) Subsistence salmon fishing permits for the fishery provided for Salt Lake and Mitchell Bay will be issued only to those persons domiciled in Angoon and only one permit will be issued for a household. The number of coho salmon that may be taken on a permit will be specified by the Alaska Department of Fish and Game after it has assessed the level of effort that will be involved in that fishery.

(xv) In the waters of the Klawock Inlet enclosed by a line from Klawock Light to the Klawock Oil Dock, no person may subsistence salmon fish from a vessel that is powered by a motor of greater than 35 horsepower.

(xvi) Finfish may be taken for subsistence purposes only as provided in this section:

(A) Klukwan. Only those residents domiciled west of the Haines highway between Mile 20 and Mile 24 and east of the Chilkat River may take herring, herring spawn, and bottomfish in waters of Section 15-A; and salmon and smelt in all waters of the Chilkat River and Chilkat Inlet north of the latitude of Glacier Point, and in the Chilkoot River, Lutak Inlet, and Chilkoot Inlet north of the latitude of Battery Point, excluding

waters of Taiya Inlet north of the latitude of the tip of Taiya Point.

(B) Haines. Only those residents domiciled in the City and Borough of Haines, excluding residents domiciled in the village of Klukwan and in the drainage of Excursion Inlet, may take herring, herring spawn, and bottomfish in waters of Section 15-A; and salmon and smelt in all waters of the Chilkat River and Chilkat Inlet north of the latitude of Glacier Point, and in the Chilkoot River, Lutak Inlet, and Chilkoot Inlet north of the latitude of Battery Point, excluding waters of Taiya Inlet north of the latitude of the tip of Taiya Point.

(C) Hoonah. Only those residents domiciled in the City of Hoonah and in Chichagof Island drainage on the eastern shore of Port Frederick from Gartina Creek to Point Sophia may take herring, herring spawn, and bottomfish in waters of District 14 east of the longitude of Point Dundas; and salmon, smelt, and dolly varden char in waters of section 14-B and 14-C, in District 13 in waters along the western shore of Yakobi Island east of a line from Cape Spencer Light to Surge Bay Light, and in District 12 in waters of Basket Bay inside a line from 57°39'50" N. lat., 134°53'12" W. long. to 57°39'17" N. lat., 134°53'53" W. long.

(D) Angoon. Only those residents domiciled in the City of Angoon and along the western shore of Admiralty Island north of the latitude of Sand Island, south of the latitude of Thayer Creek, and west of 134°30' W. long., including Killisnoo Island, may take herring, herring spawn, and bottomfish in waters of District 12 between the latitude of Parker Point and the latitude of Point Caution, and in Section 13-C east of the longitude of Point Elizabeth; and salmon and dolly varden char in waters of District 12 south of a line from Fishery Point to South Passage Point and north of the latitude of Point Caution and in waters of Section 13-C east of the longitude of Point Elizabeth.

(E) Sitka. Only those residents of the City and Borough of Sitka domiciled in drainage which empty into Section 13-B north of the latitude of Dorothy Narrows, except those domiciled in the U.S. Coast Guard base on Japonski Island, may take herring and herring spawn in waters of Section 13-B north of the latitude of Aspid Cape; and sockeye salmon in waters of Section 13-A south of the latitude of Cape Edward, in waters of Section 13-B north of the latitude of Redfish Cape, and in waters of Section 13-C.

(F) Kake. Only those residents domiciled in the City of Kake and in

Kupreanof Island drainage into Keku Strait south of Point White and north of the Portage Bay boat harbor may take herring, herring spawn, and bottomfish in waters of Section 9-B north of the latitude of Point Ellis, in waters of District 10 west of a line from Pinta Point to Point Pybus, and in waters of District 5 north of 56°40' N. lat.; and salmon and dolly varden char in Section 9-A and 9-B in waters north of the latitude of Swain Point, in waters of District 10 west of a line from Pinta Point to False Point Pybus, and in waters of District 5 north of a line from Point Barrie to Boulder Point.

(G) Saxman. Only those residents domiciled in the City of Saxman may take herring and herring spawn in waters of Section 1-F between Point Sykes and Foggy Point to a distance of 2 nautical miles from shore; bottomfish in waters of Section 1-F north of the latitude of the northernmost tip of Mary Island, except waters of Boca de Quadra, and in waters of Section 1-E south of the latitude of Grant Island light; and salmon and dolly varden char in waters of Section 1-C in Checacs Cove east of the longitude of Edith Point, in waters of Section 1-D in Yes Bay north of a line from Syble Point to Bluff Point, in Section 1-E in waters of Helm Bay north of the latitude of Helm Point and in waters of the Naha River and Roosevelt Lagoon, and in Section 1-F in waters of George Inlet north of 55°26' N. lat. and in Boca de Quadra in waters of Sockeye Creek and Hugh Smith Lake within 500 yards of the terminus of Sockeye Creek.

(H) Kasaan. Only those residents domiciled in the City of Kasaan and in the drainage of the southeastern shore of the Kasaan Peninsula west of 132°20' W. long. and east of 132°25' W. long. may take herring and herring spawn in waters of District 2 north of the latitude of the northernmost tip of Chasina Point and west of a line from the northernmost tip of Chasina Point to the easternmost tip of Grindall Island to the easternmost tip of the Kasaan Peninsula, and in waters of Section 3-B in San Alberta Bay north of the latitude of the southernmost tip of Cape Suspiro and east of 133°20' W. long.; and salmon, dolly varden char, and bottomfish in waters of District 2 north of the latitude of the northernmost tip of Chasina Point and west of a line from the northernmost tip of Chasina Point to the easternmost tip of Grindall Island to the easternmost tip of the Kasaan Peninsula.

(I) Klawock. Only those residents domiciled in the City of Klawock and on Prince of Wales Island within the boundaries of the Klawock Heenya Corporation land holdings as they exist

in January 1989 may take herring and herring spawn in waters of Section 3-B in San Alberta Bay north of the latitude of the southernmost tip of Cape Suspiro and east of 133°20' W. long., and in waters of Section 3-A in Tlevak Strait north of the latitude of High Point and south of the latitude of Eolus Point; bottomfish in waters of Section 3-B; and salmon, dolly varden char, and steelhead trout in Section 3-B in waters east of a line from Point Ildefonso to Tranquil Point and in waters of Warm Chuck Inlet north of a line from a point on Hecata Island at 55°44' N. lat., 133°25' W. long. to Bay Point, and in Section 3-C in waters of Karheen Passage north of 55°48' N. lat. and east of 133°20' W. long. and in waters of Sarkar Cove and Sarkar Lakes.

(J) Craig. Only those residents domiciled in the City of Craig and on Prince of Wales Island within the boundaries of the Shan Seet Corporation land holdings as they exist in January 1989 may take herring and herring spawn in waters of Section 3-B in San Alberta Bay north of the latitude of the southernmost tip of Cape Suspiro and east of 133°20' W. long., and in waters of Section 3-A in Tlevak Strait north of the latitude of High Point and south of the latitude of Eolus Point; bottomfish in waters of Section 3-B; and salmon, dolly varden char, and steelhead trout in Section 3-B in waters east of a line from Point Ildefonso to Tranquil Point and in waters of Warm Chuck Inlet north of a line from a point on Hecata Island at 55°44' N. lat., 133°25' W. long. to Bay Point, and in Section 3-C in waters of Karheen Passage north of 55°48' N. lat. and east of 133°20' W. long. and in waters of Sarkar Cove and Sarkar Lakes.

(K) Hydaburg. Only those residents domiciled in the townsite of Hydaburg may take herring and herring spawn in waters of Section 3-A in Tlevak Strait north of the latitude of High Point and south of the latitude of Eolus Point, and in waters of Section 3-B in San Alberta Bay north of the latitude of the southernmost tip of Cape Suspiro and east of 133°20' W. long.; bottomfish in waters of Section 3-A, and in waters of Section 3-B south of the latitude of Bocas Point, excluding Port Refugio; and salmon and dolly varden char in waters of Section 3-A and in waters of District 2 in Nichols Bay north of 54°42'07" N. lat.

#### § \_\_\_\_\_ 25 Shellfish.

(a) Regulations in this section apply to subsistence fishing on Federal public lands for dungeness crab, king crab, tanner crab, shrimp, clams, abalone and other types of shellfish or their parts.

(b) Shellfish may be taken for subsistence uses at any time in any area of the public lands by any method unless restricted by the subsistence fishing regulations of this section or the preceding subsistence fishing section.

(c) Methods, Means, and General Restrictions. (1) The bag limit specified herein for a subsistence season for a species and the State bag limit set for a State general season for the same species are not cumulative. This means that a person or designated group who has taken the bag limit for a particular species under a subsistence season specified herein may not after that, take any additional shellfish of that species under any other bag limit specified for a State general season.

(2) Unless otherwise provided in this section, the following are legal types of gear for subsistence fishing:

(i) Gear specified under subsistence fishing regulations.

(ii) Jigging gear which consists of a line or lines with lures or baited hooks which are operated during periods of ice cover from holes cut in the ice and which are drawn through the water by hand;

(iii) A spear which is a shaft with a sharp point or fork-like implement attached to one end, used to thrust through the water to impale or retrieve fish and which is operated by hand;

(iv) A lead which is a length of net employed for guiding fish into a seine or a length of net or fending employed for guiding fish into a fishwheel, fyke net, or dip net;

(3) It is prohibited to buy or sell subsistence-taken shellfish, their parts, or their eggs, unless otherwise specified in this section.

(4) The use of explosives and chemicals is prohibited, except that chemical baits or lures may be used to attract shellfish.

(5) Subsistence fishing by the use of a line attached to a rod or pole is prohibited except when fishing through the ice in the Bering Sea area.

(6) Each subsistence fisherman shall plainly and legibly inscribe their first initial, last name and address on a keg or buoy attached to unattended subsistence fishing gear. Subsistence fishing gear may not display a permanent Alaska Department of Fish and Game vessel license number.

(7) A side wall of all subsistence shellfish pots must contain an opening with a perimeter equal to or exceeding one-half of the tunnel eye opening perimeter. The opening must be laced, sewn, or secured together by untreated cotton twine or other natural fiber no larger than 120 thread. Dungeness crab



and shrimp pots may have the pot lid tiedown straps secured to the pot at one end by untreated cotton twine no larger than 120 thread, as a substitute for the above requirement.

(8) No person may mutilate or otherwise disfigure a crab in any manner which would prevent determination of the minimum size restrictions until the crab has been processed or prepared for consumption.

(9) In addition to the marking requirements in paragraph (c)(6) of this section, kegs or buoys attached to subsistence crab pots must also be inscribed with the name or U.S. Coast Guard number of the vessel used to operate the pots.

(10) No more than five pots per person and 10 pots per vessel may be used to take crab, except as specified in paragraph (f) of this section.

(11) In the subsistence taking of shrimp in the Southeastern Alaska-Yakutat and Prince William Sound Areas, no person may use more than 10 pots, and no more than 20 pots may be operated from a vessel. In the subsistence taking of shellfish other than shrimp in the Southeastern Alaska-Yakutat Area, no person may operate more than five pots of any type, and no more than 10 pots of any type may be operated from a vessel.

(d) **Subsistence Take by Commercial Vessels.** No fishing vessel which is commercially licensed and registered for shrimp pot, shrimp trawl, king crab, tanner crab, or dungeness crab fishing may be used for subsistence take during the period starting 14 days before an opening until 14 days after the closure of a respective open season in the area or areas for which the vessel is registered.

(e) **Unlawful Possession of Subsistence Shellfish.** No person may possess, transport, give, receive or barter subsistence taken shellfish or their parts that the person knows or should know were taken in violation of a Federal or State statute or a regulation promulgated thereunder.

(f) **Subsistence Shellfish Areas and Pertinent Restrictions.** (1) **Southeastern Alaska-Yakutat Area.** At this time the Federal Government is only exerting its control over the waters of Glacier Bay National Park in the Southeastern Alaska-Yakutat Area. Glacier Bay National Park is closed to subsistence uses.

(2) **Prince William Sound Area.** At this time there are no locations within this area on which the Federal Government is regulating the subsistence harvest of shellfish. All shellfish harvest in this area is therefore under the regulation of the State of Alaska.

(3) **Cook Inlet Area.** At this time the Federal Government is only exerting its control over the subsistence harvest of shellfish in the following waters in the Cook Inlet Area: all waters within the boundaries of the Kenai National Wildlife Refuge. This area is closed to the taking of shellfish for subsistence purposes.

(4) **Kodiak Area.** (i) At this time, the Federal Government is only exerting its control over the subsistence harvest of shellfish in the following waters in the Kodiak area:

(A) All saltwater enclosed by the boundaries of Womans Bay, Gibson Cove, and an area defined by a line one-half mile on either side of the mouth of Karluk River, and extending seaward 3000 feet. The mouth of the river is closed to fishing.

(B) All saltwater enclosed by the boundaries of the shoreline of Afognak Island and a line 1500 feet seaward of the shoreline.

(C) All navigable and non-navigable fresh waters on Afognak Island enclosed by the National Wildlife Refuge Boundaries.

(ii) Shellfish may be taken for subsistence purposes only under the authority of a subsistence shellfish fishing permit.

(iii) The operator of a commercially licensed and registered shrimp fishing vessel must obtain a subsistence fishing permit from the Alaska Department of Fish and Game before subsistence shrimp fishing during a closed commercial shrimp fishing season or within a closed commercial shrimp fishing district, section or subsection. The permit shall specify the area and the date the vessel operator intends to fish. No more than 500 pounds (227 kg) of shrimp may be in possession aboard the vessel.

(iv) The daily bag and possession limit is 12 dungeness crab per person. Only male dungeness crab may be taken.

(v) In the subsistence taking of king crab:

(A) The daily bag and possession limit is six crab per person and only male crab may be taken;

(B) All crab pots used for subsistence fishing and left in saltwater unattended longer than a two-week period shall have all bait and bait containers removed and all doors secured fully open;

(C) No more than five crab pots may be used to take king crab;

(D) King crab may be taken only from June 1 through January 31, except that the subsistence taking of king crab is prohibited in waters 25 fathoms or greater in depth during the period 14

days before and 14 days after open commercial fishing seasons for red king crab, blue king crab, or tanner crab in the location;

(E) Only those residents domiciled in the Kodiak Island Borough, may take king crab in the Kodiak Area. This restriction does not apply to the Semidi Island, the North Mainland, and the South Mainland Sections.

(vi) In the subsistence taking of tanner crab:

(A) No more than five crab pots may be used to take tanner crab;

(B) From July 15 through February 10, the subsistence taking of tanner crab is prohibited in waters 25 fathoms or greater in depth, unless the commercial tanner crab fishing season is open in the location;

(C) The daily bag and possession limit is 12 crab per person and only male crab may be taken.

(5) **Alaska Peninsula-Aleutian Islands Area.** (i) At this time the Federal Government is only exerting its control over the subsistence harvest of shellfish found in all waters within one mile of Simeonof Island and the waters west of the easternmost tip of Ugamak Island to the terminus of the Aleutian Islands, except the area between Akutan Pass and Samalga Island.

(ii) Shellfish may be taken for subsistence purposes only under the authority of a subsistence shellfish fishing permit.

(iii) The operator of a commercially licensed and registered shrimp fishing vessel must obtain a subsistence fishing permit from the Alaska Department of Fish and Game prior to subsistence shrimp fishing during a closed commercial shrimp fishing season or within a closed commercial shrimp fishing district, section, or subsection. The permit shall specify the area and the date the vessel operator intends to fish. No more than 500 pounds (227 kg) of shrimp may be in possession aboard the vessel.

(iv) The daily bag and possession limit is 12 dungeness crab per person. Only male dungeness crab may be taken.

(v) In the subsistence taking of king crab:

(A) The daily bag and possession limit is six crab per person and only male crab may be taken;

(B) All crab pots used for subsistence fishing and left in saltwater unattended longer than a two-week period shall have all bait and bait containers removed and all doors secured fully open;

(C) Crab may be taken only from June 1 through January 31.

(vi) The daily bag and possession limit is 12 tanner crab per person. Only male crab may be taken.

(8) Bering Sea Area. (i) At this time the Federal Government is only exerting its control over the subsistence harvest of shellfish waters within Nunivak Islands shoreline to a distance one mile offshore, and waters within the Old Kuskokwim Wildlife Refuge as defined by boundaries established prior to 1959.

(ii) In waters South of 60° North latitude, shellfish may be taken for subsistence purposes only under the authority of a subsistence shellfish fishing permit.

(iii) In that portion of the area north of the latitude of Cape Newenham, shellfish may only be taken by shovel, jigging gear, pots and ring net.

(iv) The operator of a commercially licensed and registered shrimp fishing vessel must obtain a subsistence fishing permit from the Alaska Department of

Fish and Game prior to subsistence shrimp fishing during a closed commercial shrimp fishing season or within a closed commercial shrimp fishing district, section or subsection. The permit shall specify the area and the date the vessel operator intends to fish. No more than 500 pounds (227 kg) of shrimp may be in possession aboard the vessel.

(v) In waters south of 60° North latitude, the daily bag and possession limit is 12 dungeness crab per person. Only male dungeness crab may be taken.

(vi) In the subsistence taking of king crab:

(A) In waters south of 60° North latitude, the daily bag and possession limit is six crab per person, and only male crab may be taken;

(B) All crab pots used for subsistence fishing and left in saltwater unattended longer than a two-week period shall

have all bait and bait containers removed and all doors secured fully open;

(C) In the Norton Sound Section of the Northern District, a subsistence fishing permit is required and may be obtained from a local representative of the Alaska Department of Fish and Game;

(D) In waters south of 60° North latitude, crab may be taken only from June 1 through January 31.

(vii) In waters south of 60° North latitude, the daily bag and possession limit is 12 tanner crab, and only males may be taken.

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**APPENDIX H**

**ANILCA - Title VIII**

## **Introduction**

**This appendix contains the chapter in the Alaska National Interest Lands Conservation Act of 1980 (ANILCA), the statute that mandates subsistence management on Federal public lands in Alaska. Title VIII is included here in full.**

## TITLE VIII—SUBSISTENCE MANAGEMENT AND USE

## FINDINGS

16 USC 3111.

**SEC. 801.** The Congress finds and declares that—

(1) the continuation of the opportunity for subsistence uses by rural residents of Alaska, including both Natives and non-Natives, on the public lands and by Alaska Natives on Native lands is essential to Native physical, economic, traditional, and cultural existence and to non-Native physical, economic, traditional, and social existence;

(2) the situation in Alaska is unique in that, in most cases, no practical alternative means are available to replace the food supplies and other items gathered from fish and wildlife which supply rural residents dependent on subsistence uses;

(3) continuation of the opportunity for subsistence uses of resources on public and other lands in Alaska is threatened by the increasing population of Alaska, with resultant pressure on subsistence resources, by sudden decline in the populations of some wildlife species which are crucial subsistence resources, by increased accessibility of remote areas containing subsistence resources, and by taking of fish and wildlife in a manner inconsistent with recognized principles of fish and wildlife management;

43 USC 1601  
note.

(4) in order to fulfill the policies and purposes of the Alaska Native Claims Settlement Act and as a matter of equity, it is necessary for the Congress to invoke its constitutional authority over Native affairs and its constitutional authority under the property clause and the commerce clause to protect and provide the opportunity for continued subsistence uses on the public lands by Native and non-Native rural residents; and

(5) the national interest in the proper regulation, protection, and conservation of fish and wildlife on the public lands in Alaska and the continuation of the opportunity for a subsistence way of life by residents of rural Alaska require that an administrative structure be established for the purpose of enabling rural residents who have personal knowledge of local conditions and requirements to have a meaningful role in the management of fish and wildlife and of subsistence uses on the public lands in Alaska.

## POLICY

16 USC 3112.

**SEC. 802.** It is hereby declared to be the policy of Congress that—

(1) consistent with sound management principles, and the conservation of healthy populations of fish and wildlife, the utilization of the public lands in Alaska is to cause the least adverse impact possible on rural residents who depend upon subsistence uses of the resources of such lands; consistent with management of fish and wildlife in accordance with recognized

scientific principles and the purposes for each unit established, designated, or expanded by or pursuant to titles II through VII of this Act, the purpose of this title is to provide the opportunity for rural residents engaged in a subsistence way of life to do so;

*Ante*, p. 2377.

(2) nonwasteful subsistence uses of fish and wildlife and other renewable resources shall be the priority consumptive uses of all such resources on the public lands of Alaska when it is necessary to restrict taking in order to assure the continued viability of a fish or wildlife population or the continuation of subsistence uses of such population, the taking of such population for nonwasteful subsistence uses shall be given preference on the public lands over other consumptive uses; and

(3) except as otherwise provided by this Act or other Federal laws, Federal land managing agencies, in managing subsistence activities on the public lands and in protecting the continued viability of all wild renewable resources in Alaska, shall cooperate with adjacent landowners and land managers, including Native Corporations, appropriate State and Federal agencies, and other nations.

#### DEFINITIONS

SEC. 803. As used in this Act, the term "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 or family consumption; and for customary trade. For the purposes of this section, the term—

16 USC 3113.

(1) "family" means all persons related by blood, marriage, or adoption, or any person living within the household on a permanent basis; and

(2) "barter" means the exchange of fish or wildlife or their parts, taken for subsistence uses—

(A) for other fish or game or their parts; or

(B) for other food or for nonedible items other than money if the exchange is of a limited and noncommercial nature.

#### PREFERENCE FOR SUBSISTENCE USES

SEC. 804. Except as otherwise provided in this Act and other Federal laws, the taking on 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. Whenever it is necessary to restrict the taking of populations of fish and wildlife on such lands for subsistence uses in order to protect the continued viability of such populations, or to continue such uses, such priority shall be implemented through appropriate limitations based on the application of the following criteria:

16 USC 3114.

Priority criteria.

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

(2) local residency; and

(3) the availability of alternative resources.

## LOCAL AND REGIONAL PARTICIPATION

16 USC 3115.

SEC. 805. (a) Except as otherwise provided in subsection (d) of this section, one year after the date of enactment of this Act, the Secretary in consultation with the State shall establish—

(1) at least six Alaska subsistence resource regions which, taken together, include all public lands. The number and boundaries of the regions shall be sufficient to assure that regional differences in subsistence uses are adequately accommodated;

(2) such local advisory committees within each region as he finds necessary at such time as he may determine, after notice and hearing, that the existing State fish and game advisory committees do not adequately perform the functions of the local committee system set forth in paragraph (3)(D)(iv) of this subsection; and

(3) a regional advisory council in each subsistence resource region.

Regional advisory council, authority.

Each regional advisory council shall be composed of residents of the region and shall have the following authority:

(A) the review and evaluation of proposals for regulations, policies, management plans, and other matters relating to subsistence uses of fish and wildlife within the region;

(B) the provision of a forum for the expression of opinions and recommendations by persons interested in any matter related to the subsistence uses of fish and wildlife within the region;

(C) the encouragement of local and regional participation pursuant to the provisions of this title in the decisionmaking process affecting the taking of fish and wildlife on the public lands within the region for subsistence uses;

Annual report to Secretary.

(D) the preparation of an annual report to the Secretary which shall contain—

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

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

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

(iv) recommendations concerning policies, standards, guidelines, and regulations to implement the strategy. The State fish and game advisory committees or such local advisory committees as the Secretary may establish pursuant to paragraph (2) of this subsection may provide advice to, and assist, the regional advisory councils in carrying out the functions set forth in this paragraph.

(b) The Secretary shall assign adequate qualified staff to the regional advisory councils and make timely distribution of all available relevant technical and scientific support data to the regional advisory councils and the State fish and game advisory committees or such local advisory committees as the Secretary may establish pursuant to paragraph (2) of subsection (a).

(c) The Secretary, in performing his monitoring responsibility pursuant to section 806 and in the exercise of his closure and other administrative authority over the public lands, shall consider the report and recommendations of the regional advisory councils concerning the taking of fish and wildlife on the public lands within their respective regions for subsistence uses. The Secretary may choose not to follow any recommendation which he 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 by the Secretary, he shall set forth the factual basis and the reasons for his decision.

(d) The Secretary shall not implement subsections (a), (b), and (c) of this section if within one year from the date of enactment of this Act, the State enacts and implements laws of general applicability which are consistent with, and which provide for the definition, preference, and participation specified in, sections 803, 804, and 805, such laws, unless and until repealed, shall supersede such sections insofar as such sections govern State responsibility pursuant to this title for the taking of fish and wildlife on the public lands for subsistence uses. Laws establishing a system of local advisory committees and regional advisory councils consistent with section 805 shall provide that the State rulemaking authority shall consider the advice and recommendations of the regional councils concerning the taking of fish and wildlife populations on public lands within their respective regions for subsistence uses. The regional councils may present recommendations, and the evidence upon which such recommendations are based, to the State rulemaking authority during the course of the administrative proceedings of such authority. The State rulemaking authority may choose not to follow any recommendation which it determines is not supported by substantial evidence presented during the course of its administrative proceedings, violates recognized principles of fish and wildlife conservation or would be detrimental to the satisfaction of rural subsistence needs. If a recommendation is not adopted by the State rulemaking authority, such authority shall set forth the factual basis and the reasons for its decision.

Implementation.

(e)(1) The Secretary shall reimburse the State, from funds appropriated to the Department of the Interior for such purposes, for reasonable costs relating to the establishment and operation of the regional advisory councils established by the State in accordance with subsection (d) and the operation of the State fish and game advisory committees so long as such committees are not superseded by the Secretary pursuant to paragraph (2) of subsection (a). Such reimbursement may not exceed 50 per centum of such costs in any fiscal year. Such costs shall be verified in a statement which the Secretary determines to be adequate and accurate. Sums paid under this subsection shall be in addition to any grants, payments, or other sums to which the State is entitled from appropriations to the Department of the Interior.

Reimbursement to States.

(2) Total payments to the State under this subsection shall not exceed the sum of \$5,000,000 in any one fiscal year. The Secretary shall advise the Congress at least once in every five years as to whether or not the maximum payments specified in this subsection are adequate to ensure the effectiveness of the program established by the State to provide the preference for subsistence uses of fish and wildlife set forth in section 804.

Report to Congress.

#### FEDERAL MONITORING

SEC. 806. The Secretary shall monitor the provisions by the State of the subsistence preference set forth in section 804 and shall advise the State and the Committee on Interior and Insular Affairs and on Merchant Marine and Fisheries of the House of Representatives and the Committees on Energy and Natural Resources and Environment and Public Works of the Senate annually and at such other times as

Report to congressional committees.  
16 USC 3116.

he deems necessary of his views on the effectiveness of the implementation of this title including the State's provision of such preference, any exercise of his closure or other administrative authority to protect subsistence resources or uses, the views of the State, and any recommendations he may have.

#### JUDICIAL ENFORCEMENT

Civil actions.  
16 USC 3117.

SEC. 807. (a) Local residents and other persons and organizations aggrieved by a failure of the State or the Federal Government to provide for the priority for subsistence uses set forth in section 804 (or with respect to the State as set forth in a State law of general applicability if the State has fulfilled the requirements of section 805(d)) may, upon exhaustion of any State or Federal (as appropriate) administrative remedies which may be available, file a civil action in the United States District Court for the District of Alaska to require such actions to be taken as are necessary to provide for the priority. In a civil action filed against the State, the Secretary may be joined as a party to such action. The court may grant preliminary injunctive relief in any civil action if the granting of such relief is appropriate under the facts upon which the action is based. No order granting preliminary relief shall be issued until after an opportunity for hearing. In a civil action filed against the State, the court shall provide relief, other than preliminary relief, by directing the State to submit regulations which satisfy the requirements of section 804; when approved by the court, such regulations shall be incorporated as part of the final judicial order, and such order shall be valid only for such period of time as normally provided by State law for the regulations at issue. Local residents and other persons and organizations who are prevailing parties in an action filed pursuant to this section shall be awarded their costs and attorney's fees.

Hearing.

(b) A civil action filed pursuant to this section shall be assigned for hearing at the earliest possible date, shall take precedence over other matters pending on the docket of the United States district court at that time, and shall be expedited in every way by such court and any appellate court.

(c) This section is the sole Federal judicial remedy created by this title for local residents and other residents who, and organizations which, are aggrieved by a failure of the State to provide for the priority of subsistence uses set forth in section 804.

#### PARK AND PARK MONUMENT SUBSISTENCE RESOURCE COMMISSIONS

16 USC 3118.

SEC. 808. (a) Within one year from the date of enactment of this Act, the Secretary and the Governor shall each appoint three members to a subsistence resources commission for each national park or park monument within which subsistence uses are permitted by this Act. The regional advisory council established pursuant to section 805 which has jurisdiction within the area in which the park or park monument is located shall appoint three members to the commission each of whom is a member of either the regional advisory council or a local advisory committee within the region and also engages in subsistence uses within the park or park monument. Within eighteen months from the date of enactment of this Act, each commission shall devise and recommend to the Secretary and the Governor a program for subsistence hunting within the park or park monument. Such program shall be prepared using technical information and other pertinent data assembled or produced by necessary field studies or

Subsistence  
hunting pro-  
gram.

investigations conducted jointly or separately by the technical and administrative personnel of the State and the Department of the Interior, information submitted by, and after consultation with the appropriate local advisory committees and regional advisory councils, and any testimony received in a public hearing or hearings held by the commission prior to preparation of the plan at a convenient location or locations in the vicinity of the park or park monument. Each year thereafter, the commission, after consultation with the appropriate local committees and regional councils, considering all relevant data and holding one or more additional hearings in the vicinity of the park or park monument, shall make recommendations to the Secretary and the Governor for any changes in the program or its implementation which the commission deems necessary.

(b) The Secretary shall promptly implement the program and recommendations submitted to him by each commission unless he finds in writing that such program or recommendations violates recognized principles of wildlife conservation, threatens the conservation of healthy populations of wildlife in the park or park monument, is contrary to the purposes for which the park or park monument is established, or would be detrimental to the satisfaction of subsistence needs of local residents. Upon notification by the Governor, the Secretary shall take no action on a submission of a commission for sixty days during which period he shall consider any proposed changes in the program or recommendations submitted by the commission which the Governor provides him.

(c) Pending the implementation of a program under subsection (a) of this section, the Secretary shall permit subsistence uses by local residents in accordance with the provisions of this title and other applicable Federal and State law.

Program and  
recommendation  
implementation.

#### COOPERATIVE AGREEMENTS

SEC. 809. The Secretary may enter into cooperative agreements or otherwise cooperate with other Federal agencies, the State, Native Corporations, other appropriate persons and organizations, and, acting through the Secretary of State, other nations to effectuate the purposes and policies of this title.

16 USC 3119.

#### SUBSISTENCE AND LAND USE DECISIONS

SEC. 810. (a) In determining whether to withdraw, reserve, lease, or otherwise permit the use, occupancy, or disposition of public lands under any provision of law authorizing such actions, the head of the Federal agency having primary jurisdiction over such lands or his designee shall evaluate the effect of such use, occupancy, or disposition on subsistence uses and needs, the availability of other lands for the purposes sought to be achieved, and other alternatives which would reduce or eliminate the use, occupancy, or disposition of public lands needed for subsistence purposes. No such withdrawal, reservation, lease, permit, or other use, occupancy or disposition of such lands which would significantly restrict subsistence uses shall be effected until the head of such Federal agency—

16 USC 3120.

(1) gives notice to the appropriate State agency and the appropriate local committees and regional councils established pursuant to section 805;

(2) gives notice of, and holds, a hearing in the vicinity of the area involved; and

Hearing.

(3) determines that (A) such a significant restriction of subsistence uses is necessary, consistent with sound management principles for the utilization of the public lands, (B) the proposed activity will involve the minimal amount of public lands necessary to accomplish the purposes of such use, occupancy, or other disposition, and (C) reasonable steps will be taken to minimize adverse impacts upon subsistence uses and resources resulting from such actions.

Notice and hearings.

42 USC 4332.

(b) If the Secretary is required to prepare an environmental impact statement pursuant to section 102(2)(C) of the National Environmental Policy Act, he shall provide the notice and hearing and include the findings required by subsection (a) as part of such environmental impact statement.

48 USC note prec. 21.

43 USC 1601 note.

(c) Nothing herein shall be construed to prohibit or impair the ability of the State or any Native Corporation to make land selections and receive land conveyances pursuant to the Alaska Statehood Act or the Alaska Native Claims Settlement Act.

(d) After compliance with the procedural requirements of this section and other applicable law, the head of the appropriate Federal agency may manage or dispose of public lands under his primary jurisdiction for any of those uses or purposes authorized by this Act or other law.

#### ACCESS

16 USC 3121.

SEC. 811. (a) The Secretary shall ensure that rural residents engaged in subsistence uses shall have reasonable access to subsistence resources on the public lands.

(b) Notwithstanding any other provision of this Act or other law, the Secretary shall permit on the public lands appropriate use for subsistence purposes of snowmobiles, motorboats, and other means of surface transportation traditionally employed for such purposes by local residents, subject to reasonable regulation.

#### RESEARCH

16 USC 3122.

SEC. 812. The Secretary, in cooperation with the State and other appropriate Federal agencies, shall undertake research on fish and wildlife and subsistence uses on the public lands; seek data from, consult with and make use of, the special knowledge of local residents engaged in subsistence uses; and make the results of such research available to the State, the local and regional councils established by the Secretary or State pursuant to section 805, and other appropriate persons and organizations.

#### PERIODIC REPORTS

Submittal to Speaker of House and President of Senate.  
16 USC 3123.

SEC. 813. Within four years after the date of enactment of this Act, and within every three-year period thereafter, the Secretary, in consultation with the Secretary of Agriculture, shall prepare and submit a report to the President of the Senate and the Speaker of the House of Representatives on the implementation of this title. The report shall include—

(1) an evaluation of the results of the monitoring undertaken by the Secretary as required by section 806;

(2) the status of fish and wildlife populations on public lands that are subject to subsistence uses;

(3) a description of the nature and extent of subsistence uses and other uses of fish and wildlife on the public lands;

(4) the role of subsistence uses in the economy and culture of rural Alaska;

(5) comments on the Secretary's report by the State, the local advisory councils and regional advisory councils established by the Secretary or the State pursuant to section 805, and other appropriate persons and organizations;

(6) a description of those actions taken, or which may need to be taken in the future, to permit the opportunity for continuation of activities relating to subsistence uses on the public lands; and

(7) such other recommendations the Secretary deems appropriate.

A notice of the report shall be published in the Federal Register and the report shall be made available to the public.

Publication in  
Federal Register.

#### REGULATIONS

SEC. 814. The Secretary shall prescribe such regulations as are necessary and appropriate to carry out his responsibilities under this title.

16 USC 3124.

#### LIMITATIONS, SAVINGS CLAUSES

SEC. 815. Nothing in this title shall be construed as—

16 USC 3125.

(1) granting any property right in any fish or wildlife or other resource of the public lands or as permitting the level of subsistence uses of fish and wildlife within a conservation system unit to be inconsistent with the conservation of healthy populations, and within a national park or monument to be inconsistent with the conservation of natural and healthy populations, of fish and wildlife. No privilege which may be granted by the State to any individual with respect to subsistence uses may be assigned to any other individual;

(2) permitting any subsistence use of fish and wildlife on any portion of the public lands (whether or not within any conservation system unit) which was permanently closed to such uses on January 1, 1978, or enlarging or diminishing the Secretary's authority to manipulate habitat on any portion of the public lands;

(3) authorizing a restriction on the taking of fish and wildlife for nonsubsistence uses on the public lands (other than national parks and park monuments) unless necessary for the conservation of healthy populations of fish and wildlife, for the reasons set forth in section 816, to continue subsistence uses of such populations, or pursuant to other applicable law; or

(4) modifying or repealing the provisions of any Federal law governing the conservation or protection of fish and wildlife, including the National Wildlife Refuge System Administration Act of 1966 (80 Stat. 927; 16 U.S.C. 668dd-ij), the National Park Service Organic Act (39 Stat. 535, 16 U.S.C. 1, 2, 3, 4), the Fur Seal Act of 1966 (80 Stat. 1091; 16 U.S.C. 1187), the Endangered Species Act of 1973 (87 Stat. 884; 16 U.S.C. 1531-1543), the Marine Mammal Protection Act of 1972 (86 Stat. 1027; 16 U.S.C. 1361-1407), the Act entitled "An Act for the Protection of the Bald Eagle", approved June 8, 1940 (54 Stat. 250; 16 U.S.C. 742a-754), the Migratory Bird Treaty Act (40 Stat. 755; 16 U.S.C. 703-711), the Federal Aid in Wildlife Restoration Act (50 Stat. 917; 16 U.S.C. 669-669i), the Fishery Conservation and Management Act of 1976 (90 Stat. 331; 16 U.S.C. 1801-1882), the Federal

Aid in Fish Restoration Act (64 Stat. 430; 16 U.S.C. 777-777K), or any amendments to any one or more of such Acts.

CLOSURE TO SUBSISTENCE USES

16 USC 3126.

SEC. 816. (a) All national parks and park monuments in Alaska shall be closed to the taking of wildlife except for subsistence uses to the extent specifically permitted by this Act. Subsistence uses and sport fishing shall be authorized in such areas by the Secretary and carried out in accordance with the requirements of this title and other applicable laws of the United States and the State of Alaska.

(b) Except as specifically provided otherwise by this section, nothing in this title is intended to enlarge or diminish the authority of the Secretary to designate areas where, and establish periods when, no taking of fish and wildlife shall be permitted on the public lands for reasons of public safety, administration, or to assure the continued viability of a particular fish or wildlife population. Notwithstanding any other provision of this Act or other law, the Secretary, after consultation with the State and adequate notice and public hearing, may temporarily close any public lands (including those within any conservation system unit), or any portion thereof, to subsistence uses of a particular fish or wildlife population only if necessary for reasons of public safety, administration, or to assure the continued viability of such population. If the Secretary determines that an emergency situation exists and that extraordinary measures must be taken for public safety or to assure the continued viability of a particular fish or wildlife population, the Secretary may immediately close the public lands, or any portion thereof, to the subsistence uses of such population and shall publish the reasons justifying the closure in the Federal Register. Such emergency closure shall be effective when made, shall not extend for a period exceeding sixty days, and may not subsequently be extended unless the Secretary affirmatively establishes, after notice and public hearing, that such closure should be extended.

Publication in  
Federal Register.



**APPENDIX I**

**36 CFR Part 13 Subpart B**



## **Introduction**

This appendix is part of the Code of Federal Regulations that pertain to subsistence in the National Park System Units in Alaska.

**PART 13—NATIONAL PARK SYSTEM  
UNITS IN ALASKA**

**Subpart B—Subsistence**

- 13.40 Purpose and policy.
- 13.41 Applicability.
- 13.42 Definitions.
- 13.43 Determination of resident zones.
- 13.44 Subsistence permits for persons whose primary, permanent home is outside a resident zone.
- 13.45 Prohibition on aircraft use.
- 13.46 Use of snowmobiles, motorboats, dog teams, and other means of surface transportation traditionally employed by local rural residents engaged in subsistence uses.
- 13.47 Subsistence fishing.
- 13.48 Subsistence hunting and trapping.
- 13.49 Subsistence use of timber and plant material.
- 13.50 Closure to subsistence uses of fish and wildlife.
- 13.51 Application procedures for subsistence permits and aircraft exceptions.

**Subpart B—Subsistence**

**§ 13.40 Purpose and policy.**

(a) Consistent with the management of fish and wildlife in accordance with recognized scientific principles and the purposes for which each park area was established, designated, or expanded by ANILCA, the purpose of this subpart is to provide the opportunity for local rural residents engaged in a subsistence way of life to do so pursuant to applicable State and Federal law.

(b) Consistent with sound management principles, and the conservation of healthy populations of fish and wildlife, the utilization of park areas is to cause the least adverse impact possible on local rural residents who depend upon subsistence uses of the resources of the public lands in Alaska.

(c) Nonwasteful subsistence uses of fish, wildlife and other renewable resources by local rural residents shall be the priority consumptive uses of such resources over any other consumptive uses permitted within park areas pursuant to applicable State and Federal law.

(d) Whenever it is necessary to restrict the taking of a fish or wildlife population within a park area for subsistence uses in order to assure the continued viability of such population or to continue subsistence uses of such population, the population shall be allocated among local rural residents engaged in subsistence uses in accordance with a subsistence priority system based on the following criteria:

(1) Customary and direct dependence upon the resource as the mainstay of one's livelihood;

(2) Local residency; and

(3) Availability of alternative resources.

(e) The State of Alaska is authorized to regulate the taking of fish and wildlife for subsistence uses within park areas to the extent such regulation is consistent with applicable Federal law, including but not limited to ANILCA.

(f) Nothing in this subpart shall be construed as permitting a level of subsistence use of fish and wildlife within park areas to be inconsistent with the conservation of healthy populations, and within a national park or monument to be inconsistent with the conservation of natural and healthy populations, of fish and wildlife.

**§ 13.41 Applicability.**

Subsistence uses by local rural residents are allowed pursuant to the regulations of this Subpart in the following park areas:

(a) In national preserves;

(b) In Cape Krusenstern National Monument and Kobuk Valley National Park;

(c) Where such uses are traditional (as may be further designated for each park or monument in Subpart C of this part) in Aniakchak National Monument, Gates of the Arctic National Park, Lake Clark National Park, Wrangell-St. Elias National Park, and the Denali National Park addition.

**§ 13.42 Definitions.**

(a) *Local rural resident.* (1) As used in this part with respect to national parks and monuments, the term "local rural resident" shall mean either of the following:

§ 13.43

36 CFR Ch. I (7-1-90 Edition)

(i) Any person who has his/her primary, permanent home within the resident zone as defined by this section, 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 permanent address indicated on licenses issued by the State of Alaska Department of Fish and Game, driver's license, and tax returns, and the location of registration to vote.

(ii) Any person authorized to engage in subsistence uses in a national park or monument by a subsistence permit issued pursuant to § 13.44.

(b) *Resident zone.* As used in this part, the term "resident zone" shall mean the area within, and the communities and areas near, a national park or monument in which persons who have customarily and traditionally engaged in subsistence uses within the national park or monument permanently reside. The communities and areas near a national park or monument included as a part of its resident zone shall be determined pursuant to § 13.43 and listed for each national park or monument in Subpart C of this part.

(c) *Subsistence uses.* As used in this part, the term "subsistence uses" shall mean 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 or family consumption; and for customary trade. For the purposes of this paragraph, the term—

(1) "Family" shall mean all persons related by blood, marriage, or adoption, or any person living within the household on a permanent basis; and

(2) "Barter" shall mean the exchange of fish or wildlife or their parts taken for subsistence uses—

(i) For other fish or game or their parts; or

(ii) For other food or for nonedible items other than money if the ex-

change is of a limited and noncommercial nature; and

(3) "Customary trade" shall be limited to the exchange of furs for cash (and such other activities as may be designated for a specific park area in Subpart C of this part).

§ 13.43 Determination of resident zones.

(a) A resident zone shall include—

(1) The area within a national park or monument, and

(2) The communities and areas near a national park or monument which contain significant concentrations of rural residents who, without using aircraft as a means of access for purposes of taking fish or wildlife for subsistence uses (except in extraordinary cases where no reasonable alternative existed), have customarily and traditionally engaged in subsistence uses within a national park or monument. For purposes of determining "significant" concentrations, family members shall also be included.

(b) After notice and comment, including public hearing in the affected local vicinity, a community or area near a national park or monument may be—

(1) Added to a resident zone, or

(2) Deleted from a resident zone, when such community or area does or does not meet the criteria set forth in paragraph (a) of this section, as appropriate.

(c) For purposes of this section, the term "family" shall mean all persons living within a rural resident's household on a permanent basis.

§ 13.44 Subsistence permits for persons whose primary, permanent home is outside a resident zone.

(a) Any rural resident whose primary, permanent home is outside the boundaries of a resident zone of a national park or monument may apply to the appropriate Superintendent pursuant to the procedures set forth in § 13.51 for a subsistence permit authorizing the permit applicant to engage in subsistence uses within the national park or monument. The Superintendent shall grant the permit if the permit applicant demonstrates that,

(1) Without using aircraft as a means of access for purposes of taking fish and wildlife for subsistence uses, the applicant has (or is a member of a family which has) customarily and traditionally engaged in subsistence uses within a national park or monument; or

(2) The applicant is a local rural resident within a resident zone for another national park or monument, or meets the requirements of paragraph (a)(1) of this section for another national park or monument, and there exists a pattern of subsistence uses (without use of an aircraft as a means of access for purposes of taking fish and wildlife for subsistence uses) between the national park or monument previously utilized by the permit applicant and the national park or monument for which the permit applicant seeks a subsistence permit.

(b) In order to provide for subsistence uses pending application for and receipt of a subsistence permit, until August 1, 1981, any rural resident whose primary permanent home is outside the boundaries of a resident zone of a national park or monument and who meets the criteria for a subsistence permit set forth in paragraph (a) of this section may engage in subsistence uses in the national park or monument without a permit in accordance with applicable State and Federal law. Effective August 1, 1981, however, such rural resident must have a subsistence permit as required by paragraph (a) of this section in order to engage in subsistence uses in the national park or monument.

(c) For purposes of this section, the term "family" shall mean all persons living within a rural resident's household on a permanent basis.

§ 13.45 Prohibition of aircraft use.

(a) Notwithstanding the provisions of § 13.12 the use of aircraft for access to or from lands and waters within a national park or monument for purposes of taking fish or wildlife for subsistence uses within the national park or monument is prohibited except as provided in this section.

(b) *Exceptions.* (1) In extraordinary cases where no reasonable alternative exists, the Superintendent shall

permit, pursuant to specified terms and conditions, a local rural resident of an "exempted community" to use aircraft for access to or from lands and water within a national park or monument for purposes of taking fish or wildlife for subsistence uses.

(i) A community shall qualify as an "exempted community" if, because of the location of the subsistence resources upon which it depends and the extraordinary difficulty of surface access to these subsistence resources, the local rural residents who permanently reside in the community have no reasonable alternative to aircraft use for access to these subsistence resources.

(ii) A community which is determined, after notice and comment (including public hearing in the affected local vicinity), to meet the description of an "exempted community" set forth in paragraph (b)(1) of this section shall be included in the appropriate special regulations for each park and monument set forth in Subpart C of this part.

(iii) A community included as an "exempted community" in Subpart C of this part may be deleted therefrom upon a determination, after notice and comment (including public hearing in the affected local vicinity), that it does not meet the description of an "exempted community" set forth in paragraph (b)(1) of this section.

(2) Any local rural resident aggrieved by the prohibition on aircraft use set forth in this section may apply for an exception to the prohibition pursuant to the procedures set forth in § 13.51. In extraordinary cases where no reasonable alternative exists, the Superintendent may grant the exception upon a determination that the location of the subsistence resources depended upon and the difficulty of surface access to these resources, or other emergency situation, requires such relief.

(c) Nothing in this section shall prohibit the use of aircraft for access to lands and waters within a national park or monument for purposes of engaging in any activity allowed by law other than the taking of fish and wildlife. Such activities include, but are not limited to, transporting supplies.

**§ 13.46**

**§ 13.46 Use of snowmobiles, motorboats, dog teams, and other means of surface transportation traditionally employed by local rural residents engaged in subsistence uses.**

(a) Notwithstanding any other provision of this chapter, the use of snowmobiles, motorboats, dog teams, and other means of surface transportation traditionally employed by local rural residents engaged in subsistence uses is permitted within park areas except at those times and in those areas restricted or closed by the Superintendent.

(b) The Superintendent may restrict or close a route or area to use of snowmobiles, motorboats, dog teams, or other means of surface transportation traditionally employed by local rural residents engaged in subsistence uses if the Superintendent determines that such use is causing or is likely to cause an adverse impact on public health and safety, resource protection, protection of historic or scientific values, subsistence uses, conservation of endangered or threatened species, or the purposes for which the park area was established.

(c) No restrictions or closures shall be imposed without notice and a public hearing in the affected vicinity and other locations as appropriate. In the case of emergency situations, restrictions or closures shall not exceed sixty (60) days and shall not be extended unless the Superintendent establishes, after notice and public hearing in the affected vicinity and other locations as appropriate, that such extension is justified according to the factors set forth in paragraph (b) of this section. Notice of the proposed or emergency restrictions or closures and the reasons therefor shall be published in at least one newspaper of general circulation within the State and in at least one local newspaper if appropriate, and information about such proposed or emergency actions shall also be made available for broadcast on local radio stations in a manner reasonably calculated to inform local rural residents in the affected vicinity. All restrictions and closures shall be designated on a map which shall be available for public inspection at the office of the Superin-

**36 CFR Ch. I (7-1-90 Edition)**

tendent of the affected park area and the post office or postal authority of every affected community within or near the park area, or by the posting of signs in the vicinity of the restrictions or closures, or both.

(d) Motorboats, snowmobiles, dog teams, and other means of surface transportation traditionally employed by local rural residents engaged in subsistence uses shall be operated (1) in compliance with applicable State and Federal law, (2) in such a manner as to prevent waste or damage to the park areas, and (3) in such a manner as to prevent the herding, harassment, hazing or driving of wildlife for hunting or other purposes.

(e) At all times when not engaged in subsistence uses, local rural residents may use snowmobiles, motorboats, dog teams, and other means of surface transportation in accordance with §§ 13.10, 13.11, 13.12, and 13.14, respectively.

**§ 13.47 Subsistence fishing.**

Fish may be taken by local rural residents for subsistence uses in park areas where subsistence uses are allowed in compliance with applicable State and Federal law, including the provisions of §§ 2.3 and 13.21 of this chapter: *Provided, however*, That local rural residents in park areas where subsistence uses are allowed may fish with a net, seine, trap, or spear where permitted by State law. To the extent consistent with the provisions of this chapter, applicable State laws and regulations governing the taking of fish which are now or will hereafter be in effect are hereby incorporated by reference as a part of these regulations.

**§ 13.48 Subsistence hunting and trapping.**

Local rural residents may hunt and trap wildlife for subsistence uses in park areas where subsistence uses are allowed in compliance with applicable State and Federal law. To the extent consistent with the provisions of this chapter, applicable State laws and regulations governing the taking of wildlife which are now or will hereafter be in effect are hereby incorporated by reference as a part of these regulations.

**§ 13.49 Subsistence use of timber and plant material.**

(a) Notwithstanding any other provision of this part, the non-commercial cutting of live standing timber by local rural residents for appropriate subsistence uses, such as firewood or house logs, may be permitted in park areas where subsistence uses are allowed as follows:

(1) For live standing timber of diameter greater than three inches at ground height, the Superintendent may permit cutting in accordance with the specifications of a permit if such cutting is determined to be compatible with the purposes for which the park area was established;

(2) For live standing timber of diameter less than three inches at ground height, cutting is permitted unless restricted by the Superintendent.

(b) The noncommercial gathering by local rural residents of fruits, berries, mushrooms, and other plant materials for subsistence uses, and the noncommercial gathering of dead or downed timber for firewood, shall be allowed without a permit in park areas where subsistence uses are allowed.

(c)(1) Notwithstanding any other provision of this part, the Superintendent, after notice and public hearing in the affected vicinity and other locations as appropriate, may temporarily close all or any portion of a park area to subsistence uses of a particular plant population only if necessary for reasons of public safety, administration, or to assure the continued viability of such population. For the purposes of this section, the term "temporarily" shall mean only so long as reasonably necessary to achieve the purposes of the closure.

(2) If the Superintendent determines that an emergency situation exists and that extraordinary measures must be taken for public safety or to assure the continued viability of a particular plant population, the Superintendent may immediately close all or any portion of a park area to the subsistence uses of such population. Such emergency closure shall be effective when made, shall be for a period not to exceed sixty (60) days, and may not subsequently be extended unless the Superintendent establishes, after

notice and public hearing in the affected vicinity and other locations as appropriate, that such closure should be extended.

(3) Notice of administrative actions taken pursuant to this section, and the reasons justifying such actions, shall be published in at least one newspaper of general circulation within the State and at least one local newspaper if available, and information about such actions and reasons also shall be made available for broadcast on local radio stations in a manner reasonably calculated to inform local rural residents in the affected vicinity. All closures shall be designated on a map which shall be available for public inspection at the office of the Superintendent of the affected park area and the post office or postal authority of every affected community within or near the park area, or by the posting of signs in the vicinity of the restrictions, or both.

**§ 13.50 Closure to subsistence uses of fish and wildlife.**

(a) Notwithstanding any other provision of this part, the Superintendent, after consultation with the State and adequate notice and public hearing in the affected vicinity and other locations as appropriate, may temporarily close all or any portion of a park area to subsistence uses of a particular fish or wildlife population only if necessary for reasons of public safety, administration, or to assure the continued viability of such population. For purposes of this section, the term "temporarily" shall mean only so long as reasonably necessary to achieve the purposes of the closure.

(b) If the Superintendent determines that an emergency situation exists and that extraordinary measures must be taken for public safety or to assure the continued viability of a particular fish or wildlife population, the Superintendent may immediately close all or any portion of a park area to the subsistence uses of such population. Such emergency closure shall be effective when made, shall be for a period not to exceed sixty (60) days, and may not subsequently be extended unless the Superintendent establishes, after notice and public hearing in the

**§ 13.51**

**36 CFR Ch. I (7-1-90 Edition)**

affected vicinity and other locations as appropriate, that such closure should be extended.

(c) Notice of administrative actions taken pursuant to this section, and the reasons justifying such actions, shall be published in at least one newspaper of general circulation within the State and in at least one local newspaper if available, and information about such actions and reasons also shall be made available for broadcast on local radio stations in a manner reasonably calculated to inform local rural residents in the affected vicinity. All closures shall be designated on a map which shall be available for public inspection at the office of the Superintendent of the affected park area and the post office or postal authority of every affected community within or near the park area, or by the posting of signs in the vicinity of the restrictions, or both.

**§ 13.51 Application procedures for subsistence permits and aircraft exceptions.**

(a) Any person applying for the subsistence permit required by § 13.44(a), or the exception to the prohibition on aircraft use provided by § 13.45(b)(2), shall submit his/her application to the Superintendent of the appropriate national park or monument. If the applicant is unable or does not wish to submit the application in written form, the Superintendent shall provide the applicant an opportunity to present the application orally and shall keep a record of such oral application. Each application must include (1) a statement which acknowledges that providing false information in support of the application is a violation of Section 1001 of Title 18 of the United States Code, and (2) additional statements or documentation which demonstrates that the applicant satisfies the criteria set forth in § 13.44(a) for a subsistence permit or § 13.45(b)(2) for the aircraft exception, as appropriate. Except in extraordinary cases for good cause shown, the Superintendent shall decide whether to grant or deny the application in a timely manner not to exceed forty-five (45) days following the receipt of the completed application. Should the Superintendent deny the application, he/she shall include in the decision a

statement of the reasons for the denial and shall promptly forward a copy to the applicant.

(b) An applicant whose application has been denied by the Superintendent has the right to have his/her application reconsidered by the Alaska Regional Director by contacting the Regional Director within 180 days of the issuance of the denial. The Regional Director may extend the 180-day time limit to initiate a reconsideration for good cause shown by the applicant. For purposes of reconsideration, the applicant shall present the following information:

(1) Any statement or documentation, in addition to that included in the initial application, which demonstrates that the applicant satisfies the criteria set forth in paragraph (a) of this section;

(2) The basis for the applicant's disagreement with the Superintendent's findings and conclusions; and

(3) Whether or not the applicant requests an informal hearing before the Regional Director.

(c) The Regional Director shall provide a hearing if requested by the applicant. After consideration of the written materials and oral hearing, if any, and within a reasonable period of time, the Regional Director shall affirm, reverse, or modify the denial of the Superintendent and shall set forth in writing the basis for the decision. A copy of the decision shall be forwarded promptly to the applicant and shall constitute final agency action.

**APPENDIX J**

**ENDANGERED SPECIES CONSULTATION**



## **Introduction**

This appendix is the Endangered Species Act Section 7 consultation.

INTRA-SERVICE SECTION 7 EVALUATION FORM  
CONSULTATION/CONFERENCE/CONCURRENCE

Originating Person: Steven D. Kovach  
Date: 10 January 1992

**I. REGION:**

Region 7

**II. SERVICE ACTIVITY:**

Management of subsistence activities on public lands as mandated under Title VIII of the Alaska National Interest Lands Conservation Act of 1980 (ANILCA), and as identified in Subsistence Management for Federal Public Lands in Alaska, Draft Environmental Impact Statement (DEIS).

**III. LISTED SPECIES POTENTIALLY AFFECTED:**

**A. Endangered --**

- |                              |                                |
|------------------------------|--------------------------------|
| 1. Eskimo curlew             | <i>Numenius borealis</i>       |
| 2. American peregrine falcon | <i>Falco peregrinus anatum</i> |

**B. Threatened --**

- |                            |                                      |
|----------------------------|--------------------------------------|
| 1. Aleutian Canada goose   | <i>Branta canadensis leucopareia</i> |
| 2. Arctic peregrine falcon | <i>Falco peregrinus tundrius</i>     |

**C. Petitioned --**

- |                     |                            |
|---------------------|----------------------------|
| 1. Spectacled eider | <i>Somateria fischeri</i>  |
| 2. Steller's eider  | <i>Polysticta stelleri</i> |

**D. Candidate, category 2 --**

- |                           |                                |
|---------------------------|--------------------------------|
| 1. Bristle-thighed curlew | <i>Nemenius tahitiensis</i>    |
| 2. Marbled murrelet       | <i>Brachyrampus marmoratus</i> |
| 3. North American lynx    | <i>Felis lynx canadensis</i>   |

**VI. GEOGRAPHIC AREA AND ACTION:**

- A. The geographic scope of this action embraces all public lands within Alaska as defined in § 102(3) of ANILCA.
- B. This action implements the Secretary's responsibilities pursuant to ANILCA, Title VIII, which provisions for Federal management of subsistence take and use of fish and wildlife on public lands in Alaska.

**V. LOCATION:**

Subsistence management generically applies to all public lands managed by the Fish and Wildlife Service, National Park Service, Bureau of Land Management, Bureau of Indian Affairs, Forest Service - USDA, U.S. Air Force, U.S. Army, U.S. Navy, and various other Federal land managing agencies. In aggregate, public lands constitute approximately 180 million acres (75%) of the nearly 240 million acres of Federal lands throughout Alaska.

**VI. ACTION OBJECTIVES:**

The purpose of Federal subsistence management of fish and wildlife resources, as lead by the Service, is to implement a subsistence priority for rural residents of Alaska as directed by Title VIII of ANILCA.

On December 22, 1989, Alaska's State Supreme Court ruled that the State of Alaska's laws that implemented the subsistence priority for rural residents of Alaska, as required by Title VIII of ANILCA, were unconstitutional. Subsequently, the State of Alaska did not legislatively comply with Title VIII. As required by ANILCA, the Federal government assumed implementation of the rural priority for subsistence on public lands on July 1, 1990. The Federal subsistence management program has been running under a set of temporary regulations since July 1, 1990; permanent regulations are anticipated to take effect July 1, 1992.

**VII. EXPLANATION OF IMPACTS OF ACTION:**

**ENDANGERED OR THREATENED SPECIES.** Two endangered and two threatened bird species occur within the geographic area of this action: Aleutian Canada goose, American and Arctic peregrine falcons, and Eskimo curlew. Historically, Aleutian Canada geese were taken by indigenous people of the Aleutian Archipelago; we have no knowledge of current subsistence harvests of this species. Additionally, implementation of the Federal subsistence management program, as outlined in the DEIS, does not address migratory waterfowl for subsistence take as they, migratory waterfowl, are outside the scope of this program. Therefore, we do not foresee any adverse impacts to Aleutian Canada geese as a result of implementing the Federal subsistence management program.

Both the American and Arctic peregrine falcons occur within the geographic area of this action. Neither falcon, however, is identified as a subsistence species in the DEIS or the temporary regulations implementing the Federal subsistence management program. Therefore, we do not foresee any adverse impacts to either falcon as a result of implementing the Federal subsistence management program.

Historically, curlews and their eggs were used as food. As of 1990 we have no records of Eskimo curlews nesting in Alaska, nor have biologists working in Alaska reported "confirmed" spring or fall sightings of this species. Like the above species discussed, the Eskimo curlew is not listed as a subsistence species in the DEIS or the temporary regulations implementing the Federal subsistence management program. Therefore, we do not foresee any adverse impacts to the Eskimo curlew as a result of implementing the Federal subsistence management program.

**PETITIONED SPECIES.** Two petitioned species occur within the geographic area of this action: spectacled eider and Steller's eider. Historically, both eider species have been taken by indigenous people for subsistence purposes. As pointed out in the discussion on the Aleutian Canada goose, implementation of the Federal subsistence management program does not address migratory waterfowl for subsistence take. Therefore, we do not foresee any adverse impacts to either eider species as a result of implementing the Federal subsistence management program.

**CANDIDATE, CATEGORY 2 SPECIES.** Three category 2 candidate species occur within the geographic area of this action: bristle-thighed curlew, marbled murrelet, and North American lynx. Both curlews and their eggs may be utilized by subsistence hunters; however, we have no documentation of a subsistence harvest of this species. The bristle-thighed curlew is not identified as a subsistence species in the DEIS or the temporary regulations implementing the Federal subsistence management program. Therefore, we do not foresee any adverse impacts to the bristle-thighed curlew as a result of implementing the Federal subsistence management program.

The marbled murrelet and its eggs are not known to be utilized by subsistence hunters. The murrelet is not identified as a subsistence species in the DEIS or the temporary regulations implementing the Federal subsistence management program. Therefore, we do not foresee any adverse impacts to the marbled murrelet as a result of implementing the Federal subsistence management program.

The North American lynx is taken by subsistence hunters primarily as a furbearing species. The pelts provide a cash income to the hunters and trappers that take them. Lynx are widely distributed on Federal public lands throughout the State. Lynx populations are naturally cyclical in response to their prey base, and as such, localized populations may experience periodic crashes which result in very low densities. Overall, however, lynx appear to be healthy throughout their range. For lynx the temporary regulations implementing the Federal subsistence management program are no different than the currently existing State hunting and trapping regulations. Therefore, we do not foresee any additional or adverse impacts to the lynx as a result of implementing the Federal subsistence management program.

It is our opinion that all of these species will be unaffected by Federal management of subsistence harvests on public lands, and does not constitute a change of resource use for purposes of population assessment.

VIII. EFFECT DETERMINATION AND RESPONSE REQUEST:

A. Listed species/critical/essential habitat:

<u>Determination</u>	<u>Response Requested</u>
<input checked="" type="checkbox"/> will not affect	<input type="checkbox"/> *concurrence
<input type="checkbox"/> beneficial effect	<input type="checkbox"/> concurrence
	<input type="checkbox"/> *formal consultation
<input type="checkbox"/> is not likely to adversely affect	<input type="checkbox"/> concurrence
	<input type="checkbox"/> *formal consultation
<input type="checkbox"/> is likely to adversely affect	<input type="checkbox"/> formal consultation

B. Proposed species/proposed critical habitat:

<input checked="" type="checkbox"/> will not affect	<input type="checkbox"/> *concurrence
<input type="checkbox"/> beneficial effect	<input type="checkbox"/> *concurrence
<input checked="" type="checkbox"/> is not likely to adversely affect	<input type="checkbox"/> *concurrence
<input type="checkbox"/> is likely to adversely affect	<input type="checkbox"/> *concurrence
<input type="checkbox"/> is likely to jeopardize/adverse modification of critical habitat	<input type="checkbox"/> conference

Remarks:

IX. REVIEWING OFFICE EVALUATION:

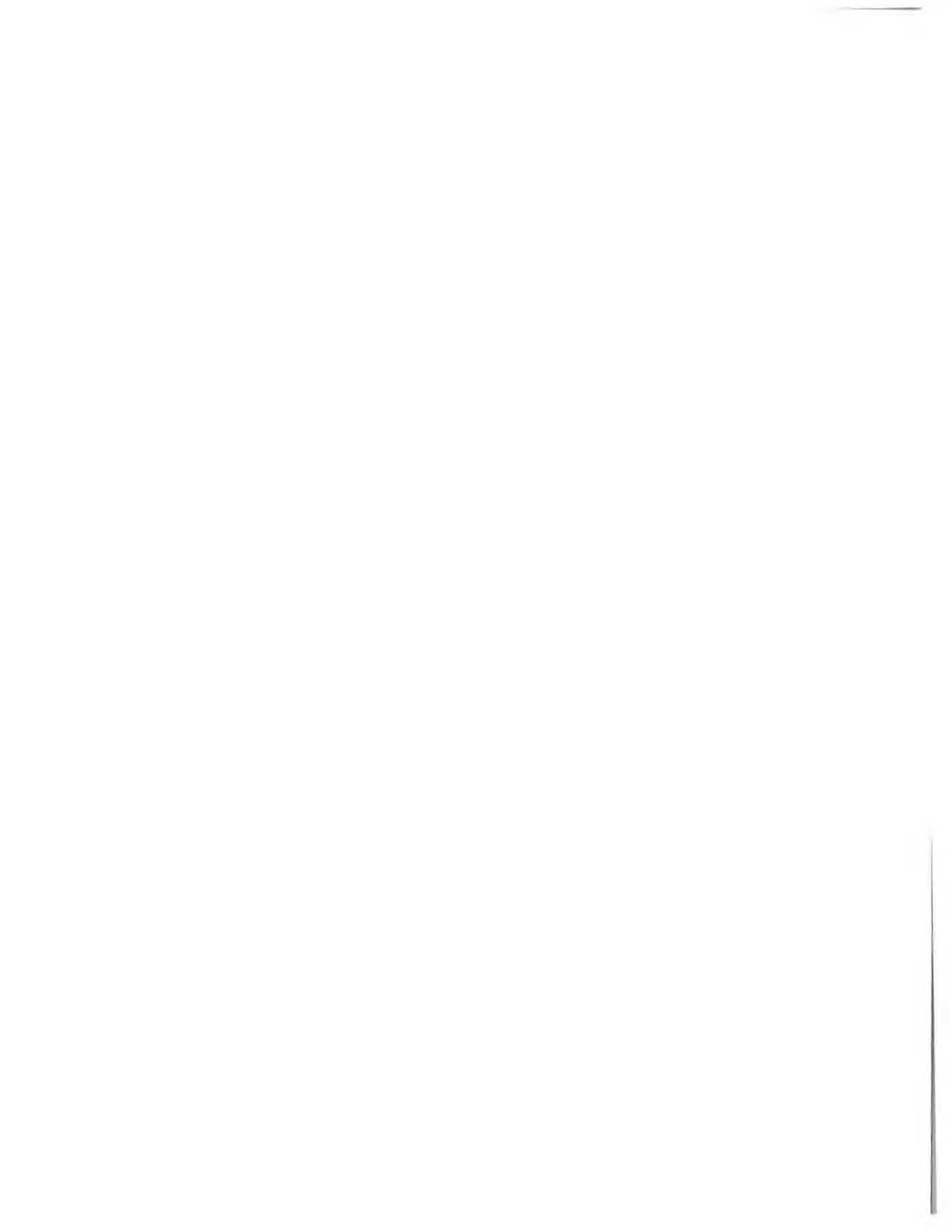
A. Concur  Nonconcurrency

B. Comments:

  
 \_\_\_\_\_  
 Endangered Species Coordinator

\* optional

JAN 30 1992





**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.**

## Appendices

### 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.

## Appendices

### § \_\_\_\_\_ .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.

## **Appendices**

### **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 21823, Juneau, Alaska 99102-1823; telephone (907) 586-8890.

**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 call 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 18.

**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 38 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 610 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: 16 U.S.C. 3, 472, 551, 668dd *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 38 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 6 minutes.

(b) Direct comments on the burden estimate or any other aspect of this Information Collection Officer, U.S. Fish and Wildlife Service, 1849 C Street, NW., MS 224 ARLSQ, Washington, DC 20240; and the Office of Management and Budget, Paperwork Reduction Project (1018-0073), Washington, DC 20503. Additionally, information 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 806 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.

§ \_\_\_\_\_18 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, Seldatof, 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 Bodenberg 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, Klukwan, Haines and Sitka.
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, Kuparuk and outlying areas.
1(B)	Moose	The Stikine River drainages 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, Klukwan, and Hoonah.
1(C)	Deer	Rural residents of 1(C) and (D), and residents of Hoonah and Gustavus.
1(C)	Goat	Residents of Haines, Klukwan, and Hoonah.
1(D)	Deer	No subsistence.
1(D)	Moose	Residents of Unit 1(D).

Area	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 Alwarder, Port Protection, Pt. Baker, and Meyer's Chuck.
GMU 4	Brown Bear	Residents of GMU 4 and Kate.
4	Deer	Residents of Unit 4 and residents of Kate, Gustavus, Haines, Petersburg, Pt. Baker, Kluwren, Port Protection, and Wren-got.
GMU 5	Brown Bear	Residents of Yakutat.
5	Deer	Residents of Yakutat.
5	Moose	Residents of Yakutat.
GMU 6	Brown Bear	Residents of Yakutat.
6	Moose	No substance.
6	Wolf	No substance.
6(A)	Black Bear	Residents of Unit 6, 9, 10 (Ulmak Island only), 11-13 and 16-26.
6(B) and (C)	Black Bear	Residents of Yakutat.
6(C) and (D)	Goat	Residents of Unit 6(B) and (C), except Cordova.
6(D)	Black Bear	Rural residents of Unit 6(C) and (D).
GMU 8	Deer	Residents of Chignik.
GMU 9	Wolf	Residents of Unit 8.
9(A) and (B)	Caribou	Residents of Units 9, 9, 10 (Ulmak Island only), 11-13 and 16-26.
9(A), (B), (C) and (E)	Moose	Residents of Units 9(B), 9(C) and 17.
9(A), (C) and (D)	Brown Bear	Residents of Unit 9(A), (B), (C) and (E).
9(B)	Brown Bear	No substance.
9(C)	Caribou	Residents of Unit 9(B).
9(D)	Caribou	Residents of Unit 9(B), 9(C), 17 and residents of Egegik.
9(D)	Moose	Residents of Unit 9(D), and residents of False Pass.
9(E)	Brown Bear	No substance.
9(E)	Caribou	Residents of Chignik Lake, Warof Bay and Perryville.
GMU 10	Caribou	Residents of Units 9(B), (C), (E), 17, Nelson Lagoon and Sand Point.
10	Wolf	Unit 10—Ulmak Island: residents of False Pass. Remainder: no determination.
GMU 11	Caribou	Residents of Units 9, 9, 10 (Ulmak Island only), 11-13 and 16-26.
11	Sheep	Mentasta Herd—Residents of Units 11, 12 (along Nabesna Road) and 13 (A)-(D).
11	Wolf	Residents of Chitana, Chitochina, Chitna, Copper Center, Galtona, Glenethan, Galana, Kenny Lake, McCarthy/Pack, Mentasta Lake, Mentasta Pass (milepost 79-110), Nabesna Road, Siena, McCarthy/South Wingfield/South Park, Tashna, and Tonana. 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, Passon, Soundough, Tenadonak, 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 8, 9, 10 (Ulmak Island only), 11-13 and 16-26.
11	Grrouse (Spruce, Blue, Ruffed and Sharp-tailed)	Residents of Units 11, 13, 15, 16, 20(D), 22 and 23.
GMU 12	Caribou	Residents of Units 11, 13, 15, 16, 20(D), 22 and 23.
12	Caribou	Melchis Herd—Residents of Norwary and Toth.
12	Moose	40 Ales Herd—Residents of Unit 12, north of Wingfield 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 Tashchunda Creek to Nabesna River—Residents of Unit 11 north of 62nd parallel and excluding BLM parcels of north and south Siena; and residents of Unit 12, 13(A)-(D) and residents of Dot Lake.
12	Moose	East of the Nabesna River, south of the Wither Trail from Pictorial Lake to the Canadian Border—Residents of Unit 12.
12	Wolf	Remainder of Unit 12—Residents of Unit 12 and residents of Dot Lake and Mentasta Lake.
GMU 13	Caribou	Residents of Units 8, 9, 10 (Ulmak Island only), 11-13 and 16-26.
13	Sheep	Melchis Herd—Residents of Units 11, 13, and 12 (along Nabesna Road).
13	Sheep	Tot Management Area—no substance.
13	Moose	Delta Management Area—no substance.
13	Wolf	Residents of Unit 13.
13	Wolf	Residents of Units 8, 9, 10 (Ulmak Island only), 11-13 and 16-26.
13	Grrouse (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)	Goat	No substance.
13(D)	Sheep	No substance.
GMU 14 (B) and (C)	Brown Bear	No substance.
GMU 15	Grrouse (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 8, 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.
18	Partridge (Rock, Willow and White-tailed)	Residents of Units 11, 13, 15, 16, 20(D), 22 and 23.
18(A)	Moose	No subsistence.
18(B)	Moose	Residents of Unit 16(B).
GMU 17	Caribou	Residents of Units 9(B), 17 and residents of Lima Village and Stony River.
17	Wolf	Residents of Units 8, 9, 10 (Unimak Island only), 11-13 and 15-26.
17(A)	Brown Bear	Residents of Unit 17, Goodnews Bay and Pitman.
17(A)	Moose	Residents of Unit 17 and residents of Goodnews Bay and Pitman.
17 (A) and (B)	Brown Bear	Those portions north and west of a line beginning from the GMU 16 boundary at the northwest end of Hennek Lake, to the southern point of upper Togiak Lake, and northeast to the northern point of Nuyatak Lake, northeast to the point where the GMU 17 boundary intersects the Strogan Hills—Residents of Kweethuk.
17 (A) and (B)	Caribou	Those portions north and west of a line beginning from the GMU 18 boundary at the northwest end of Hennek Lake, to the southern point of upper Togiak Lake, and northeast to the northern point of Nuyatak Lake, northeast to the point where the GMU 17 boundary intersects the Strogan Hills—Residents of Kweethuk.
17 (A) and (B)	Moose	Those portions north and west of a line beginning from the GMU 18 boundary at the northwest end of Hennek Lake, to the southern point of upper Togiak Lake, and northeast to the northern point of Nuyatak Lake, northeast to the point where the GMU 17 boundary intersects the Strogan Hills—Residents of Kweethuk.
17 (B) and (C)	Brown Bear	Residents of Unit 17, Nordatlan, Lovelock, Goodnews Bay and Pitman.
17 (B) and (C)	Moose	Residents of Unit 17, Nordatlan, Lovelock, Goodnews Bay, Mt. Village, Nepestak, Pitman, Omegegak, St. Mary's, and Tulukak.
GMU 18	Brown Bear	Residents of Unit 18 and Upper Kelung.
18	Caribou	Residents of Unit 18 and Upper Kelung.
18	Moose	Residents of Units 8, 9, 10 (Unimak Island only), 11-13 and 16-26.
18	Wolf	Residents of Units 8, 9, 10 (Unimak Island only), 11-13 and 16-26.
GMU 19	Wolf	Residents of Units 8, 9, 10 (Unimak Island only), 11-13 and 16-26.
19(A)	Brown Bear	Residents of Unit 19(A), (D), Tulukak, Lower Kelung and Kweethuk.
19 (A) and (B)	Moose	Residents of Unit 18 within Kusokohm River drainage upstream from and including the Johnson River and Unit 18. (fall season) Residents of Unit 19 (A) and (B) and Kweethuk—(winter season) Residents of Unit 15 in Kusokohm Drainage and Bay, Residents of 19(A), (B) and Kweethuk.
19 (A) and (B)	Caribou	Residents of Unit 15 in Kusokohm Drainage and Bay, Residents of 19(A), (B) and Kweethuk.
19(B)	Brown Bear	Residents of Kweethuk.
19(C)	Brown Bear	No subsistence.
19(C)	Caribou	Residents of Unit 19(C), Lima Village, McGrath, Nikolai and Teldia.
19(C)	Moose	Residents of Unit 19.
19(D)	Brown Bear	Residents of Unit 19(A), (D), Tulukak and Lower Kelung.
19(D)	Caribou	Residents of Unit 19(C), Lima Village, Steenhals and Stony River.
19(D)	Moose	Residents of Unit 19 and residents of Lake Minchurnna.
GMU 20	Wolf	Residents of Units 8, 9, 10 (Unimak Island only), 11-13 and 16-26.
20(A)	Moose	Residents of Carmanak, Minna, and Nerana.
20 (A) and (C)	Moose	No subsistence for residents of McGrath Village, the sea along the Parks Highway between mileposts 216 and 239 and households of the Denali National Park Headquarters.
20(A), (C) (Delta, Yarnert, and 20(C) hardy) and (D)	Caribou	No subsistence, except no subsistence for residents of McGrath Village. The area along the Parks Highway between mileposts 216 and 239 and households of the Denali National Park Headquarters.
20(B)	Moose	Minna Flats Management Area—Residents of Minna and Nerana.
20(B)	Moose	Renevalder—Rural residents of Unit 20(B), Nerana and Tarnar.
20(C)	Moose	Rural residents of Unit 20(C) (except that portion within Denali National Park and Preserve and that portion east of the Tutunika River), and residents of Carmanak, Nerana, Minna, Tarnara, the Parks Highway from milepost 200-500, Tarnar, Tarnara and Teldia.
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-stall Herd—Residents of Unit 12 north of Wharfell 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 6, 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, Chuathbaluk, 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 6, 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 6, 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 Alakakak, Aalna and Anaktuvuk Pass.
24	Moose	Residents of Unit 24, Anaktuvuk Pass, Koyukuk and Galena.
24	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11-13 and 16-26.
GMU 25	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11-13 and 16-26.
25(A)	Sheep	Residents of Arctic Village, Chalkytsik, Fort Yukon, Kaktovik and Venetia.
25(A)	Moose	Residents of Unit 25(A) and residents of Venetia 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-Deadhorse 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-Deadhorse Industrial Complex), and residents of Point Hope and Anaktuvuk Pass.
26	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11-13 and 16-26.
26 (A) and (B)	Sheep	Residents of Anaktuvuk Pass, Kaktovik, Nulqut and Wiseman.
26(B)	Caribou	Central Arctic Herd—Residents of Anaktuvuk Pass, Kaktovik, Nulqut and Wiseman.
26 (B) and (C)	Musk Oxen	Residents of Kaktovik.
26(C)	Sheep	Residents of Arctic Village, Chalkytsik, Fort Yukon, Kaktovik and Venetia.

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.

[FR Doc. 92-2141 Filed 1-29-92; 8:45 am]

BILLING CODES 2410-11-46; 4310-66-M



**APPENDIX B**  
**ALASKA POPULATION**



## **Introduction**

**This appendix is the data on the rural and non-rural population of Alaska used this document for description and analysis. The data was compiled from figures provided by the U.S. Department of Commerce, Bureau of Census.**

**APPENDIX B  
TABLE B-1  
ALASKA POPULATION, 1990**

**RURAL POPULATION**

<b>Community, Borough or Census Area</b>	<b>Total</b>	<b>White</b>	<b>% White</b>	<b>Black</b>	<b>% Black</b>	<b>Native</b>	<b>% Native</b>	<b>Asian</b>	<b>% Asian</b>	<b>Other</b>	<b>% Other</b>
Aleutians East Borough	2464	827	33.56	16	0.65	1042	42.29	463	18.79	116	4.71
Aleutians West Census Area	4133	2109	51.03	75	1.81	1016	24.58	637	15.41	296	7.16
Bethel Census Area	13656	2105	15.41	62	0.45	11370	83.26	91	0.67	28	0.21
Bristol Bay Borough	1410	894	63.4	38	2.7	455	32.27	12	0.85	11	0.78
Dillingham Census Area	4012	1019	25.4	8	0.2	2925	72.91	27	0.67	33	0.82
Haines Borough	2117	1802	85.12	1	0.05	279	13.18	17	0.8	18	0.85
Kodiak Island Borough	13309	9289	69.79	135	1.01	2126	15.97	1492	11.21	267	2.01
Lake and Peninsula Borough	1151	255	22.15	0	0	889	77.24	3	0.26	4	0.35
Nome Census Area	8288	2023	24.41	9	0.11	6148	74.18	55	0.66	53	0.64
North Slope Borough	5979	1274	21.31	41	0.69	4336	72.52	285	4.77	43	0.72
Northwest Arctic Borough	6113	841	13.76	12	0.2	5209	85.21	48	0.79	3	0.05
Prince of Wales-Outer Ketchikan Census Area	6278	3859	61.47	9	0.14	2358	37.56	28	0.45	24	0.38
Sitka Borough	8588	6359	74.05	39	0.45	1797	20.92	333	3.88	60	0.7
Skagway-Yakutat-Angoon Census Area	4385	2649	60.41	7	0.16	1670	38.08	32	0.73	27	0.62
Southeast Fairbanks Census Area	5913	4670	78.98	290	4.9	770	13.02	82	1.39	101	1.71
Valdez-Cordova Census Area	5884	4638	78.82	19	0.32	1006	17.1	196	3.33	25	0.42
Wade Hampton Census Area	5791	346	5.97	12	0.21	5405	93.33	23	0.4	5	0.09
Wrangell-Petersburg Census Area	7042	5544	78.73	11	0.16	1367	19.41	94	1.33	26	0.37
Yukon-Koyukuk Census Area	8478	3584	42.27	88	1.04	4726	55.74	51	0.6	29	0.34

Community, Borough or Census Area	Total	White	% White	Black	% Black	Native	% Native	Asian	% Asian	Other	% Other
English Bay	158	14	8.86	0	0	144	91.14	0	0	0	0
Ninilchik Pct	817	693	84.82	1	0.12	123	15.06	0	0	0	0
Port Graham Pct	197	45	22.84	0	0	151	76.65	1	0.51	0	0
Seldovia Pct	584	470	80.48	0	0	104	17.81	5	0.86	5	0.86
Tustumena Pct	959	923	96.25	0	0	27	2.81	4	0.42	5	0.52
Bear Creek Pct	1222	1074	87.89	1	0.08	139	11.37	7	0.57	1	0.08
Cooper Landing Pct	248	243	97.98	0	0	3	1.21	2	0.81	0	0
Hope Pct	177	167	94.35	1	0.56	5	2.82	4	2.26	0	0
Tyonek Pct	248	85	34.27	3	1.21	159	64.11	1	0.4	0	0
Bogard Trunk Pct	2927	2715	92.76	23	0.79	150	5.12	32	1.09	7	0.24
Fishhook Pct	1343	1283	95.53	4	0.3	47	3.5	7	0.52	2	0.15
Knik Fairview Pct	4493	4150	92.37	27	0.6	233	5.19	56	1.25	27	0.6
Lazy Mountain Pct	1402	1323	94.37	4	0.29	67	4.78	6	0.43	2	0.14
Matanuska Pct	2562	2371	92.54	19	0.74	133	5.19	24	0.94	15	0.59
Meadow Lakes Pct	2319	2224	95.9	13	0.56	64	2.76	14	0.6	4	0.17
Schrock Pct	4991	4685	93.87	36	0.72	212	4.25	31	0.62	27	0.54
Sheep Mountain Pct	132	109	82.58	0	0	23	17.42	0	0	0	0
Susitna Pct	462	436	94.37	1	0.22	20	4.33	5	1.08	0	0
Talkeetna Pct	595	573	96.3	0	0	22	3.7	0	0	0	0
Trapper Creek Pct	660	614	93.03	1	0.15	42	6.36	2	0.3	1	0.15
Willow Pct	923	898	97.29	0	0	20	2.17	2	0.22	3	0.33
<b>TOTAL RURAL</b>	<b>142410</b>	<b>79182</b>	<b>55.60</b>	<b>1006</b>	<b>.70</b>	<b>56782</b>	<b>39.88</b>	<b>4172</b>	<b>2.93</b>	<b>1268</b>	<b>.89</b>

**NON-RURAL  
POPULATION**

<b>Community, Borough or Census Area</b>	<b>Total</b>	<b>White</b>	<b>% White</b>	<b>Black</b>	<b>% Black</b>	<b>Native</b>	<b>% Native</b>	<b>Asian</b>	<b>% Asian</b>	<b>Other</b>	<b>% Other</b>
Adak	5345	4251	79.53	587	10.98	60	1.12	342	6.4	105	1.96
Valdez	4068	3609	88.72	38	0.93	239	5.87	128	3.15	54	1.33
Juneau Borough	26751	21570	80.63	292	1.09	3462	12.94	1154	4.31	273	1.02
Fairbanks North Star Borough	77720	63751	82.03	5553	7.14	5330	6.86	1998	2.57	1088	1.4
Anchorage Municipality	226338	182736	80.74	14544	6.42	14569	6.44	10910	4.82	3579	1.58
Anchor Point Pct	1960	1864	95.1	3	0.15	77	3.93	16	0.82	0	0
Fritz Creek Pct	2233	2147	96.15	9	0.4	61	2.73	16	0.72	0	0
Homer Pct	4709	4450	94.50	13	.28	172	3.65	69	1.47	5	0.10
Sterling	2772	2680	96.68	0	0	55	1.98	23	0.83	14	0.51
Tustumena Pct (Clam Gulch, Kasilof)	462	445	96.32	1	0.22	11	2.38	2	0.43	3	0.65
Kalifornsky Pct	4012	3760	93.72	12	0.3	176	4.39	45	1.12	19	0.47
Kenai Pct	6327	5604	88.57	37	0.58	535	8.46	96	1.52	55	0.87
Salamatof Pct	1093	944	86.37	33	3.02	107	9.79	5	0.46	4	0.37
Soldotna Pct	6130	5770	94.13	16	.26	245	3.99	76	1.24	23	0.38
Moose Pass Pct	290	269	92.76	0	0	21	7.24	0	0	0	0
Seward Pct	2699	2173	80.51	69	2.56	410	15.19	37	1.37	10	0.37
Nikiski Pct	3505	3269	93.27	4	0.11	210	5.99	19	0.54	3	0.09
Big Lake Pct	1380	1323	95.87	0	0	44	3.19	5	0.36	8	0.58
Butte Pct	1875	1757	93.71	20	1.07	75	4	15	0.8	8	0.43
Houston Pct	697	663	95.12	1	0.14	25	3.59	4	0.57	4	0.57
Palmer Pct	6273	5785	92.22	89	1.42	324	5.16	47	.75	28	.45
Sutton Pct	1459	1245	85.33	40	2.74	151	10.35	8	0.55	15	1.03

<b>Community, Borough or Census Area</b>	<b>Total</b>	<b>White</b>	<b>% White</b>	<b>Black</b>	<b>% Black</b>	<b>Native</b>	<b>% Native</b>	<b>Asian</b>	<b>% Asian</b>	<b>Other</b>	<b>% Other</b>
Wasilla Pct	5190	4795	92.39	29	0.56	287	5.53	39	0.75	40	.77
Clover/Mountain Point	1952	1788	91.6	4	0.2	124	6.35	29	1.49	7	0.36
Ketchikan Pct	8263	6471	78.31	48	0.58	1296	15.68	401	4.85	47	0.57
Ketchikan East	2541	2340	92.09	3	0.12	159	6.26	34	1.34	5	0.19
Penneck Gravina Pct	150	145	96.67	0	0	2	1.33	0	0	3	2
Saxman Pct	922	572	62.04	0	0	317	34.38	29	3.15	4	0.43
<b>Community, Borough or Census Area</b>	<b>Total</b>	<b>White</b>	<b>% White</b>	<b>Black</b>	<b>% Black</b>	<b>Native</b>	<b>% Native</b>	<b>Asian</b>	<b>% Asian</b>	<b>Other</b>	<b>% Other</b>
<b>TOTAL NON-RURAL</b>	<b>407116</b>	<b>336176</b>	<b>82.57</b>	<b>21445</b>	<b>5.26</b>	<b>28544</b>	<b>7.02</b>	<b>15547</b>	<b>3.82</b>	<b>5404</b>	<b>1.33</b>
<b>TOTAL RURAL</b>	<b>142410</b>	<b>79182</b>	<b>55.60</b>	<b>1006</b>	<b>.70</b>	<b>56782</b>	<b>39.88</b>	<b>4172</b>	<b>2.93</b>	<b>1268</b>	<b>.89</b>
<b>TOTAL</b>	<b>549526</b>	<b>415358</b>	<b>75.59</b>	<b>22451</b>	<b>4.08</b>	<b>85326</b>	<b>15.53</b>	<b>19719</b>	<b>3.58</b>	<b>6672</b>	<b>1.22</b>

Source: U.S. Census, 1990, preliminary figures from the Alaska State Data Center.

**APPENDIX C**

**SUMMARY AND SUPPLEMENTARY INFORMATION  
1990 FEDERAL REGISTER  
TEMPORARY SUBSISTENCE MANAGEMENT REGULATIONS**

## **Introduction**

**This appendix contains a summary as it appeared in the Federal Register. The summary profiles the background of, and deliberation about key issues. The concerns raised regarding the first version of the Federal Subsistence Management Regulations and the responses to public comment are furnished.**

# **Federal Register**

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**Friday  
June 29, 1990**

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## **Part XII**

**Department of Agriculture  
Forest Service  
36 CFR Part 242**

**Department of the Interior  
Fish and Wildlife Service  
50 CFR Part 100**

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**Temporary Subsistence Management  
Regulations for Public Lands in Alaska;  
Final Temporary 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

**Temporary Subsistence Management Regulations for Public Lands in Alaska**

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

ACTION: Final temporary rule.

**SUMMARY:** This rule provides temporary regulations implementing the subsistence priority for rural residents of Alaska under Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) of 1980. The Alaska Supreme Court recently ruled that the law used by the State of Alaska to provide the subsistence priority required by Title VIII violated the Alaska Constitution. The court's action placed the State out of compliance with Title VIII. Since the State has been unable to return to compliance with Title VIII, the Federal government is required to take over the implementation of Title VIII on public lands.

EFFECTIVE DATE: July 1, 1990.

This rule will go into effect on July 1, 1990, unless, prior to that date, the State of Alaska extends its authority to continue to comply with 16 U.S.C. 3115(d). Once effective, the rule will remain in effect until December 31, 1991, unless the State reestablishes its authority to comply with the 16 U.S.C. 3115(d) and a notice suspending these regulations is published in the Federal Register.

**FOR FURTHER INFORMATION CONTACT:** Glenn Elison, Assistant Alaska Regional Director, U.S. Fish and Wildlife Service, 1011 E. Tudor Road, Anchorage, Alaska 99503; telephone (907) 786-3469. For questions specific to National Forest System lands, contact Norman Howse, Assistant Director, Subsistence, Forest Service, USDA, Alaska Region, P.O. Box 21828, Juneau, Alaska 99802; telephone (907) 586-8890.

**SUPPLEMENTARY INFORMATION:****Background**

Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) (16 U.S.C. 3111-3126) requires the Secretary of the Interior and the Secretary of Agriculture (Secretaries) to implement a joint program to grant a

preference in favor of subsistence uses of fish and wildlife resources on public lands unless the State of Alaska implements a subsistence program consistent with ANILCA's requirements. The State implemented such a program which the Department of the Interior found to be consistent with ANILCA. In December 1989, however, 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. The Court stayed the effect of the decision until July 1, 1990.

As a result of that decision, the Department of the Interior and the Department of Agriculture (Departments) will be required to take over the implementation of Title VIII of ANILCA on public lands. The Fish and Wildlife Service (Service) was delegated the lead responsibility for developing a contingency plan to fulfill the Federal government subsistence responsibilities. Five departments within the Federal government are responsible for management of lands covered by Title VIII. All departments cooperatively developed these regulations. Because these regulations relate to lands managed by agencies in both the Departments of Agriculture and the Interior, identical text is hereby incorporated into 36 CFR part 242 and 50 CFR part 100.

These temporary rules impact the subsistence uses of fish and wildlife resources on public lands in Alaska managed by the Fish and Wildlife Service, National Park Service (NPS), Bureau of Land Management (BLM), USDA-Forest Service (USFS), Bureau of Indian Affairs (BIA), Air Force, Army and various other Federal land managing agencies.

On April 13, 1990, a Notice of Intent to Propose Rules was published in the Federal Register (55 FR 13922). Seventy-two written comments were received and taken into account in preparing the proposed temporary rule. On June 8, 1990 the proposed temporary regulations were published in the Federal Register (55 FR 23522) which solicited comments from the public. Because of the short time available, the opportunity for public review and comment was limited. The Fish and Wildlife Service received 152 oral and written comments in response to the proposed temporary regulations. All of these comments were taken into account in preparation of this final temporary rule.

Given the short time frame to prepare this final temporary rule, and in anticipation of the State returning to compliance with Title VIII, these

temporary regulations establish a Federal program that minimizes change to the State's program consistent with meeting the Federal government's responsibilities under Title VIII. To do otherwise would be extremely disruptive to subsistence users and create unnecessary chaos if and when the State is able to bring its subsistence program back into compliance with ANILCA. The various seasons and bag limits in effect under the State system were reviewed by the various Federal land managers. Limited changes to existing State seasons and bag limits were made. Should the Federal government be required to retain management responsibility beyond this year, changes to the seasons and bag limits will be considered according to the procedures set forth in § 16 of the regulations. Thus the Departments of Interior and Agriculture conclude that good cause exists within the meaning of 5 U.S.C. 553(d)(3) of the Administrative Procedures Act to make these regulations effective upon publication in the Federal Register.

These temporary regulations will remain in place until December 31, 1991, or until the State brings its subsistence program back into compliance with ANILCA, whichever comes first. The development of permanent regulations, which is expected to start in 1990, will involve extensive public interaction and comment throughout the regulations development process, and will be completed by December 31, 1991.

**Summary of Comments**

The June 8, 1990 proposed temporary regulations solicited comments for 10 days on the issues addressed therein (55 FR 23522). Public meetings were held in Anchorage, Fairbanks, Juneau, and Bethel, Alaska. There were 103 total oral comments given at the meetings, and the Service received an additional 49 written comments.

**Analysis of Comments****General Comments****(a) Public Involvement**

Many comments were received that stated there should have been more public participation in developing the regulations for Federal subsistence management, that the comment period was much too short, and that more public meetings should have been held in rural communities.

Certainly more public involvement would have been desirable and valuable, and under normal circumstances would have occurred; but the time frame to develop a Federal

subsistence management program was very limited. State management of subsistence expires June 30, 1990. In the normal course of developing Federal programs, substantial internal discussion and staff work is required before public involvement can occur effectively. Consequently, the public involvement period was short. During the development of these regulations, comments were solicited when the Notice of Intent was published on April 13, 1990 and again when the proposed regulations were published on June 8, 1990. For both documents, a comment period of ten days was provided. Public meetings were held in major population centers statewide. Because these are temporary regulations, a detailed public involvement process will take place soon with the development of the permanent regulations.

#### (b) Alaska National Interest Lands Conservation Act

Several people commented that they felt the ANILCA subsistence preference for rural residents of Alaska was unconstitutional and objected to the establishment of these regulations which allow for rural subsistence priority. Several comments called for an amendment to ANILCA.

The Departments of the Interior and Agriculture have no authority to make such an interpretation since the rural priority is a provision of Federal law. Until such time as the law is changed, the Federal government must provide a subsistence priority to rural Alaskan residents for use of fish and wildlife resources on public lands.

Some people commented that they felt Title VIII of ANILCA was "Indian legislation" and any ambiguity must be resolved in a way that protects the Natives' subsistence uses. While Title VIII notes the importance of subsistence to Natives, it similarly notes the importance of subsistence to all rural Alaskans. Sections 803, 804, and 805 of Title VIII are racially neutral. That racial neutrality is therefore reflected in these regulations.

There were a number of comments on both sides of the issue of State of Alaska management of fish and wildlife resources. There were comments advocating "State's rights"; the State should manage all fish and wildlife resources, and the State Constitution should not be amended to provide for a rural subsistence preference. Other commenters were opposed to a rural subsistence preference regardless of whether it is State or federally managed.

On the other side of the issue, there were comments that amending the State Constitution to be in compliance with

ANILCA should be a top priority to avoid Federal management. Others feared that without a rural subsistence preference managed by either the Federal Government or the State, the subsistence lifestyle in Alaska would be jeopardized.

ANILCA mandates a priority for subsistence uses by rural residents on public lands. As long as the State of Alaska can administer this priority, the Federal Government believes it is preferable to have such management responsibility lie with the State. The temporary subsistence management regulations were written as a temporary measure in anticipation that the State will take the steps necessary to reassume subsistence management on public lands.

Additional comments were received expressing concern that the mandate of ANILCA to place a priority on subsistence use over sport and commercial use will not be implemented through Federal management.

Implementation of ANILCA, including the subsistence priority, is the responsibility of the Federal Government on public lands. The Departments of the Interior and Agriculture will implement title VIII by providing priority to subsistence use on public lands.

#### (c) Other Federal Laws and International Treaties

Comments were received that the regulations need to be in compliance with the Marine Mammal Protection Act (specifically regarding seals) as well as all international treaties.

As stated in § \_\_\_\_\_ 23(n) of these regulations, the subsistence harvest of seals and other marine mammals will be subject to the provisions of the Marine Mammal Protection Act, as amended, and its implementing regulations. In addition, subsistence management under these regulations will comply with all relevant international treaties, such as those regarding halibut and migratory birds.

#### Subpart A—General Provisions

##### (a) Definition of Public Lands

There were many comments on the exclusion of navigable waters from the definition of public lands. Some comments regarding the exclusion of State-selected and Native-selected lands in the definition were received also. There was a great deal of concern that the exclusion of navigable waters eliminated the majority of subsistence fishing, critical to the well being of rural communities. Some concerns were expressed also that the sport take of

migratory species on State lands affects their numbers for subsistence purposes on public lands.

The United States generally does not hold title to navigable waters and thus navigable waters generally are not included within the definition of public lands. Navigable waters are those waters used or susceptible of being used in their ordinary condition as highways for commerce over which trade and travel are or may be conducted in the customary modes of trade and travel on water.

The scope of these regulations is limited by the definition of public lands in section 102 of ANILCA. Lands validly selected by the State or Native corporations are therefore excluded from this public lands definition.

##### (b) Adoption of State Regulations

There were comments on both sides of the issue of adopting State regulations for Federal subsistence management. A number of commenters said the Federal government should not automatically adopt the State regulations, while others advocated working closely with the State and adopting existing regulations.

In view of the uncertainty over the resumption of State management of subsistence, a major objective of the Federal program has been to minimize disruption to Alaskans and the State's continuing fish and game management, yet still fulfill the requirements of Title VIII. These regulations use existing State of Alaska regulations relevant to subsistence management as much as possible. The majority of seasons and bag limits and methods and means of harvest regulations in subpart D are very similar or identical to the current State regulations. State regulations promulgated prior to the effective date of the McDowell decision are presumed to fulfill the Title VIII requirements since the State's program was considered to meet the general applicability requirements of Section 805(d) of ANILCA. The relatively few changes made were to adapt the State regulations to address public lands or to conform to legal requirements, such as direction received from recent court rulings. Some changes were made in subsistence bag limits or seasons after a review revealed that existing State regulations may not provide adequate opportunity for subsistence use on public lands by rural residents.

##### (c) Community Season and Bag Limits

There were a number of comments advocating that the Federal government should establish community bag limits for subsistence take rather than adopt

the State's program of having only individual bag limits. There was also a concern about taking into consideration harvest for contribution to community ceremonial events.

The issue of community season and bag limits is an important issue. To address this issue requires more time, public involvement and information than was available during the development of these regulations. Community season and bag limits and ceremonial uses, e.g., funeral potlatches, will be addressed during development of permanent regulations and subsequent annual adjustments to subsistence use regulations. In addition, the Federal Government does not believe that the McDowell decision eliminated the State's ability to provide fish and wildlife for funeral potlatches.

#### Subpart B—Program Structure

##### (a) Contract with Native Corporations

Comments were expressed on both sides of the issue of contracting with non-governmental entities to help administer the subsistence management program. Most of these comments dealt specifically with the possibility of contracting with Native organizations pursuant to Public Law 93-638. Some of the comments received were in opposition to contracting with Native organizations, while others requested that Native organizations be considered as potential contractors.

Contracting is an administrative mechanism and option for accomplishing parts of the management program established by the regulations. Therefore, contracting is not addressed in these regulations. Federal agencies soon will be considering whether or not to contract certain subsistence management responsibilities to non-Federal organizations. If the decision is made to contract, the agencies must then decide which Federal subsistence management responsibilities to contract. Announcements of contract opportunities will be made publicly, if and when funds are available and decisions are made that contracting is the best mechanism to implement aspects of the subsistence management program.

##### (b) Local/Village/Regional Management of Fish and Wildlife

Some commenters recommended that the regulations provide for local, village, or regional management of fish and wildlife resources with Federal oversight.

ANILCA mandates that local rural people with knowledge of the conditions and requirements have a meaningful

role in the management of fish and wildlife and of subsistence uses on the public lands. That role is provided through regional advisory councils and local advisory committees.

##### (c) Administrative Structure

There were a great many comments on the administration of the subsistence management regulations. Many commenters advocated subsistence user representation on the Federal Subsistence Board, as well as election of this board. Other commenters expressed displeasure with the current council and committee make up and advocated a revised local/regional advisory council system.

Federal management of subsistence uses on the public lands requires an administrative structure be established to execute the Federal government's subsistence responsibilities under Title VIII. The Federal Subsistence Board (Board) is the representative of the Secretaries of Interior and Agriculture. The Board executes their responsibilities. Empowering the key Federal land managing officials, which are responsible for implementation of Title VIII, on-the-ground is believed to be the best mechanism for implementing these temporary regulations. Subsistence users' input into the process of managing subsistence on public lands is through input to, and membership on, the Regional and Local Advisory Councils and Committees. When permanent regulations are developed further consideration will be given to how the members of the Regional Advisory Councils and Local Advisory Committees are selected.

The existing State advisory system has broad responsibilities for dealing with subsistence take and uses as well as sport and commercial take statewide. These regulations require the Secretaries to review the existing resource regions, regional advisory councils and local advisory committees to determine their adequacy to fulfill the functions outlined in Section 805. This will be accomplished by December 31, 1991. If the Secretaries determine that the resource regions, Regional Advisory Councils or Local Advisory Committees are inadequate to fulfill the functions outlined in Section 805, these regulations empower the Board to establish a system of Councils and Committees, which are focused on subsistence uses specific to public lands. Public comment and participation will occur throughout the process of making the Secretaries' determination, and any subsequent actions as a result of the determination. Establishment of Councils and Committees by the Board will occur

within 12 months after the date of the Secretaries' determination if they determine that the existing regional councils or committees are inadequate to fulfill the functions in Section 805.

##### (d) Definition of "Healthy" Population

All comments received were in favor of maintaining healthy fish and wildlife populations, though some wanted the Federal Government to define "healthy" populations to be the same as the State's sustained yield principles or conform to requirements of Title VIII of ANILCA for the "continued viability" of such populations. Other general comments pointed out that wildlife populations are cyclic and thus uncontrollable to a large extent and that healthy populations of fish and wildlife are needed to prevent food scarcity in parts of rural Alaska.

The term "healthy populations of fish and wildlife" appears in Title VIII of ANILCA as the standard against which subsistence uses are to be regulated and fish and wildlife are to be managed. Since this term appears in Federal law, it is used instead of the State's term "sustained yield."

In practice, managing by either concept frequently produces similar conclusions about levels of fish and wildlife. Healthy fish and wildlife populations will ensure continued viability of a species. The cyclic nature and recovery patterns of certain fish or wildlife populations have become better known through past and ongoing research in Alaska. Knowing more about these resources should allow for sound management decisions resulting in healthy fish and wildlife population available for subsistence uses by rural Alaskans.

##### (e) Customary and Traditional Issue

(1) Comments were received that the proposed regulations should follow customary and traditional harvest seasons and patterns with those being designed to match as closely as possible the customary and traditional lifestyles of rural Alaskans, including accommodation of any religious use of fish and wildlife. Some commented more generally that customary and traditional use should be judged by looking at prior cultural patterns of fish and wildlife use and that any decisions involving customary and traditional use should protect rural lifestyles and culture. Others stated that a subsistence priority should be given for customary and traditional uses of fish and wildlife on public lands. Some commenters would restrict the subsistence priority only to those persons using "traditional means," such as no use of aircraft, power boats,

high-powered guns, snow machines, or other technological advances. Others pointed out that the use of technological means is not the central issue; instead it is a matter of the continuity of traditional cultural patterns found in rural Alaska. Other commenters wrote in either support or opposition to restrictions about landing aircraft and shooting wildlife. Some commenters felt the State had not provided for customary and traditional uses in certain parts of Alaska, such as the Southeast and hoped that the Federal Government could correct the situation before returning management to the State.

As noted previously, the intent of these temporary regulations is to provide for the subsistence priority for rural Alaskans as required by ANILCA. Given the short time frame to prepare and implement these regulations existing State determinations of customary and traditional use were adopted. The State's customary and traditional determinations will be reviewed, as necessary, by December 31, 1991, by the Board. This review could include consideration of prior cultural patterns wherein traditional harvest seasons and patterns would be evaluated for possible changes to recent State seasons or bag limits. Also, any issues concerning customary and traditional religious use of fish and wildlife would be relevant for formal consideration, as would a wide range of other potential issues. Overall, the intent of the Federal program is to be sensitive to the customary and traditional patterns for subsistence use of fish and wildlife by rural Alaskans, meaning that Federal decisions related to this matter would try to reasonably accommodate any such use patterns. Various provisions within Title VIII of ANILCA generally allow for most types of modern or technologically advanced forms of transportation and harvest equipment on most public lands (with some exceptions for certain conservation units). These allowances made by ANILCA will continue.

(2) A wide range of comments was received related to the issues of rural designation and qualification for a subsistence preference. Some commenters preferred using population density, lifestyle, or income levels alone rather than community population for guiding rural versus non-rural determinations. Others would include urban Natives or all Alaskan residents as qualifying for a subsistence preference. Still others would restrict subsistence uses to only those persons

who practiced such uses at some prior time, such as "before the oil boom."

Other commenters felt that the proposed regulations were either inadequate, too liberal, too restrictive, or otherwise violated Federal law. Some commented, hoping that certain specific communities would be considered "rural," either continuing the State's prior designation or hoping that the Federal government would change a prior State non-rural designation. Another commenter did not understand what a rural community or area is. An additional comment urged consultation with the State in developing specific criteria to be used for determining rural and non-rural status, especially for communities with populations between 2,500 and 7,000.

As noted in § 15(b) of these regulations, population is used as a preliminary determinant in rural determinations. Community characteristics can modify the preliminary determination. These characteristics may include development of services and infrastructure, use of fish and wildlife as well as other indicators. Under ANILCA, a subsistence priority on Federal lands is to be provided only to rural Alaska residents regardless of ethnic background, meaning that Natives and non-Natives in rural areas only will receive this preference. These regulations follow the requirements of ANILCA without violation of other Federal laws or international treaties, as previously noted.

Due in part to the short time frame to prepare these regulations and to minimize public confusion, the prior State determinations of rural are adopted temporarily. As noted in § 15(b) of the regulations, the Federal Subsistence Board will review all such existing determinations no later than December 31, 1990, and shall determine the rural or non-rural status of all areas or communities in Alaska. Such communities or areas so designated as rural will be afforded a subsistence preference. The Federal Subsistence Board will consider all appropriate input from all sources, including the State of Alaska, related to criteria for determining rural or non-rural status and subsequent rural or non-rural determinations.

(3) Comments were received that the proposed regulations did not take into account barter and customary trade. Other commenters said that the Federal definition of customary trade found in the proposed regulations was either too restrictive or not restrictive enough in allowing commercial enterprise. Still

another comment questioned restricting customary trade to that which existed prior to ANILCA.

Sections 4(c) and 4(f) of these regulations address barter and customary trade, respectively, with both allowable under the definition of subsistence uses in § 4(t). The definition of customary trade related to subsistence uses is consistent with Senate Report 96-413, which noted that customary trade was not to be used for the establishment of "significant" commercial enterprises. This language is prospective. It means no new significant commercial enterprise is to be established after the passage of ANILCA, under the guise of subsistence. The restriction limiting the types and volumes of customary trade to those which existed prior to ANILCA is consistent with the ANILCA and the Senate report. Further, section 803 of ANILCA is not interpreted under these regulations to prevent trappers from selling furs taken on public lands as a subsistence activity.

#### (f) Closures

Many comments were received expressing concern that the temporary regulations do not allow for temporary closure of areas to sport and commercial harvest without closure to subsistence take as well.

These regulations do allow for such closures. Section 17(b) states, "In an emergency situation, the Board may direct immediate closure of public lands to any or all hunting or fishing, including subsistence take." The word "any" in this section allows the Board to close an area to sport and/or commercial harvest while allowing subsistence harvest to continue.

#### Subpart C—General Provisions

##### (a) Permits/Licenses

A number of commenters opposed the requirement for any kind of permit system, especially requiring individuals to obtain permits to use fish and wildlife resources. Commenters also objected to the requirement for State permits and licenses for subsistence take on public lands.

The intent of these regulations is to minimize Federal permit requirements. Where State and Federal season and bag limit regulations vary, Federal permits may be required to ensure that adequate subsistence opportunity is provided to rural residents while ensuring healthy fish and wildlife populations. Clarifying language has been added to the preamble.

*Subpart D—Subsistence Hunting, Trapping and Fishing*

(a) Halibut

There were a number of comments advocating that halibut be included for subsistence take.

Subsistence fishing for halibut is not authorized under the convention between the United States and Canada for the preservation of the halibut fishery of the Northern Pacific Ocean and Bering Sea, as amended, or by the National Marine Fisheries Service in 50 CFR part 301.

(b) Other Comments

Several general comments were expressed on a limited basis by a few people. These comments included such topics as the need for compliance with the National Environmental Policy Act; the need to shift priorities to adequately enforce the new regulations; the need to publish seasons and bags, maps of Federal lands, addresses and locations of all management offices; the need for more conservation, education, and so forth.

The Federal government appreciates these comments and will consider them in the implementation of these regulations and the development of permanent regulations.

**Special Issues**

The following discussion addresses specific issues or sections of the proposed temporary regulations which may be particularly confusing, controversial, require additional explanation, or elaboration of intent.

The Federal Government intends to minimize disruption to traditional State regulation and management of fish and wildlife. A high level of coordination and cooperation between the State and Federal regulatory programs is anticipated. These temporary regulations represent the provisions necessary for the Secretaries to fulfill their responsibilities for subsistence pursuant to ANILCA Title VIII, in the event conflicts arise between the State and Federal programs. If the coordination and cooperation between the State and Federal regulatory programs are realized, then many of the regulatory tools contained herein will need to be used seldom or not at all.

A Memorandum of Understanding (MOU) will be developed with the State. The MOU will address the mechanics of how the State and Federal programs will interact and coordinate. Through the MOU, the Federal program will minimize disruption to the State's regulatory program while still meeting

the Secretary's responsibilities under Title VIII.

Section ———.3, Applicability and Scope. Subsistence uses are not authorized in Glacier Bay National Park, Katmai National Park, Kenai Fjords National Park, of those portions of Denali National Park originally reserved as Mt. McKinley National Park. Consequently, the prohibition of subsistence uses in those areas is clarified in § 100.3/242.3 of these regulations.

Section ———.4(e), Customary Trade. Customary trade is included in ANILCA as part of the definition of subsistence uses. It is the intent of these regulations, and consistent with U.S. Senate Report No. 96-413, that customary trade not be used for the establishment of significant commercial enterprises under the guise of subsistence uses. The regulations allow for those types and volumes of customary trade of subsistence resources which existed prior to ANILCA passage. In addition, the regulations pertaining to subsistence fishing require prospective buyers and sellers of subsistence-taken fish, their parts, or their eggs to obtain a customary trade determination from the Board prior to the purchase or sale (§ ———.24(d)(4)).

Section ———.4(n), Public Lands. Title VIII applies to public lands, which are defined in section 102(3) of ANILCA. Lands validly selected by the State or Native corporations formed under the Alaska Native Claims Settlement Act are excluded from the public lands definition in section 102(3).

About 29.1 million acres will be conveyed to fill State and Native Corporation entitlements. However, nearly 60 million acres have been selected by the State and Native Corporations. This means approximately 31 million acres of land are over-selected and therefore will not be transferred, and will become "public lands" as defined in section 102(3) after final adjudication. Although section 906(o) of ANILCA states that Federal agencies manage both Native-selected and State-selected lands, until transferred, the Departments consider the section 102(3) public lands definition to be controlling.

Navigable waters generally are not included within the definition of public lands. Navigable waters are those rivers, streams, lakes, or other waters which are used or susceptible of being used in their ordinary condition as highways for commerce over which trade and travel are or may be conducted in the customary modes of trade and travel on water.

Section ———.10, Federal Subsistence Board. Federal management of subsistence uses on the public lands requires an administrative structure be established to execute the Secretaries' subsistence responsibilities and perform functions specific to public lands. The proposed structure is the Federal Subsistence Board which will function similarly to the State Boards of Fisheries and Game. The Board will broadly execute the Secretaries' subsistence responsibilities which include: maintaining healthy fish and wildlife populations; setting Federal subsistence seasons and bag limits; making determinations of rural and non-rural communities and areas; determining customary and traditional subsistence uses; establishing and determining the membership of Regional Advisory Councils and local advisory committees specific to public lands.

Board membership is the regional or state directors of the Fish and Wildlife Service, National Park Service, USDA-Forest Service, Bureau of Land Management, and Bureau of Indian Affairs. These are the chief officials in Alaska of the primary Federal land managing agencies. These officials were chosen because of their public land management responsibilities. The Secretary of the Interior shall appoint the Chair of the Board with the concurrence of the Secretary of Agriculture.

Sections ———.11 and ———.12, Regional Advisory Councils and Local Advisory Committees. Councils and committees are required by ANILCA Section 805. The existing State advisory system had broad responsibilities for dealing with subsistence take and uses as well as sport and commercial take statewide. These regulations require the Secretaries to review the existing resource regions, regional advisory councils and local advisory committees to determine their adequacy for fulfilling the functions outlined in Section 805. This will be accomplished by June 30, 1990. If the Secretaries determine that the resource regions, regional advisory councils or local advisory committees are inadequate to fulfill the functions outlined in Section 805, then these regulations empower the Board to establish a system of resource regions, councils, and committees, which are focused on subsistence uses specific to public lands. Public comment and participation will occur throughout the process of making the Secretaries' determination and any subsequent actions as a result of the determination. Establishment of councils and committees by the Board will occur

within 12 months after the date of the Secretary's determination if they determine that the existing regions, councils or committees are inadequate to fulfill the functions in Section 805.

Pending the Secretaries' determination pursuant to this section, the Boards shall review the administrative record developed by the State Board of Fisheries and Game, regional advisory councils and local advisory committees and associated public comment as a temporary means of fulfilling Section 805 and gaining the input from the existing system of boards, councils and committees. Nothing in these regulations requires the Secretaries to establish a separate system of councils and committees, through they may do so if necessary to fulfill their responsibilities pursuant to Title VIII.

Section ———.14, Relationship to State Procedures and Regulation. As stated in §——.5 these regulations anticipate an interactive process between the State fish and game regulatory procedure. The State, because of its constitution, cannot provide a preference for rural residents with customary and traditional use of fish and wildlife as required by ANILCA. The State can facilitate harvest by rural residents through various regulations dealing with means and methods of take and perhaps other mechanisms.

If State regulations allow rural residents the opportunity to obtain their customary and traditional take and uses of fish and wildlife resources, the Federal regulations may closely parallel State regulations. The Federal program anticipates a highly cooperative, interactive relationship with the State system. To the extent that cooperation exists, the Federal program will be able to minimize change to traditional State regulation and management of fish and wildlife.

Section ———.15(b), Rural and Non-Rural Determinations. The definition of rural is, perhaps, the key element in these regulations. ANILCA did not define rural. The State has been wrestling with the rural definition since passage of ANILCA. The Ninth Circuit Court of Appeals ruled in 1988 that the rural definition in the State's 1986 subsistence law is not consistent with ANILCA and the common meaning of the term rural.

The legislative history of ANILCA provides some insight. Senator Report 96-413 identified Anchorage, Juneau, Fairbanks and Ketchikan as examples of non-rural communities in 1980 and Barrow, Kotzebue, Nome, Bethel and Dillingham as examples of rural

communities. It further states that the rural nature of such communities is not a static condition and can change.

The Federal government recognizes that communities of the same size may vary greatly in character for a variety of reasons. Therefore, no single population number adequately serves as a dividing line between rural and non-rural communities. The process to determine rural is designed to incorporate the common meaning of rural and is based on two rebuttable presumptions.

A community or area of less than 2,500 population is deemed rural unless it exhibits characteristics of a non-rural nature or area or is part of an urbanized area. The number 2,500 was selected because it is the figure used by the U.S. Census Bureau to divide rural from non-rural. A community between 2,500 and 7,000 bears no presumption as to its rural or non-rural status. Some communities fall in this population range which clearly appear to have rural character.

Communities 7,000 or greater in population are presumed to be non-rural. The 7,000 population level was chosen because Ketchikan, the smallest of the non-rural communities mentioned in the Senate report, was approximately that size when ANILCA was passed and consequently is an indicator of Congressional intent. Communities in Alaska can approach and may rarely exceed a population level of 7,000 and still be rural in character.

Determinations of rural or non-rural status by the State will be adopted by these regulations until December 31, 1990, unless superseded by determinations by the Federal Subsistence Board. This six month grace period will minimize confusion for existing subsistence users while allowing the Board to determine, according to the procedures in §——.16, the rural or non-rural status of communities or areas within the State.

The Board will publish the characteristics it will use in determining rural or non-rural status. Communities with populations between 2,500 and 7,000 will be reviewed before other communities.

This definition and process recognizes that population alone is not the sole indicator of a rural or non-rural community. This flexibility is consistent with approaches other Federal agencies have used to determine if communities are rural. For example, the Department of Housing and Urban Development uses a population base of 2,500 but employs indicators such as "rural in character" or "has a serious lack of mortgage credit" to include larger communities in its definition of rural.

Examples of indicators which the Federal Subsistence Board may evaluate to decide if a community is rural or nonrural in character are: fish and game use; development and diversity of the economy, transportation, communication, infrastructure, and educational and cultural institutions.

Section ———.18, Regulation Adoption Process. The process for promulgating Federal subsistence regulations specific to public lands will be similar, and at least initially, will use much of the State regulatory process. The advisory structure contemplated by Title VIII of ANILCA will be an integral part of the Federal regulatory structure. As discussed previously in §§——.11 and ——12 regional advisory councils and local advisory committees may be established specific to Federal lands. Proposed regulations may originate from a variety of sources, but emphasis will be on the regional advisory council and local advisory committee system. While the public may comment and interact directly with the Board, it is the intent of these regulations that most public comment and interaction with the regulatory process be channelled through the councils and committees. However, during the effective period of these temporary regulations the Federal regulatory process will rely substantially on the administrative record of the State system.

Section ———.18(i). This section clarifies that an administrative appeal exists specifically for subpart D of this temporary rule. Subpart D contains extensive season and bag limit regulations which closely mirror State season and bag limits set before the McDowell decision took effect, i.e., set under State law and regulations which were considered generally applicable within the meaning of Section 805(d) of ANILCA. The Federal government believes that the regulations in subpart D provide for customary and traditional use by rural residents of fish and wildlife on public lands during the regulatory year July 1, 1990 to June 30, 1991. These regulations received extensive public input since essentially the same regulations were promulgated under the State procedures. However, since the seasons and bag limit regulations in subpart D did not receive public review under the Federal process because of time constraints, this section specifically provides for administrative appeal to the Federal Subsistence Board.

Section ———.21, Licenses, permits, harvest tickets, tags, and fees. The intent of this section is to maximize use of existing State licenses, permits,

harvest tickets, and tags. Separate Federal licenses, permits, harvest tickets or tags will only be required where the State's requirements for licenses, permits, harvest tickets or tags conflict with the Federal government's efforts to provide for subsistence preference for rural residents on public lands. In those cases the requirement for a Federal license, permit, harvest ticket or tag will replace the requirement on public lands for a comparable State authorization. During the effective period of these regulations, the instances requiring Federal authorizations are expected to be limited in number and primarily restricted to permits. No Federal licenses, permits, harvest tickets, or tags, for subsistence users are required by the temporary regulations unless specified in the annual seasons and bag limits promulgated in Subpart D.

Subpart D. Subpart D extensively adopts existing State regulations dealing with methods and means of take. The State regulations are codified in Title 5 of the Alaska Administrative Code. In many cases the language is verbatim from the State regulations. In other cases minor modifications have been made to make the regulation specific to this Federal program or Federal lands. The regulations cite the State regulations from which they were derived. These temporary regulations attempt throughout to limit change to the State regulations to that necessary to fulfill the Secretaries' responsibilities pursuant to Title VIII.

Section ———.24(a). Subsistence fishing for halibut is not authorized under the convention between the United States of America and Canada for the preservation of the halibut fishery of the Northern Pacific Ocean and Bering Sea, as amended, or by National Marine Fisheries Service in 50 CFR 301, and is, therefore, prohibited.

Section ———.24(d)(4). This section prohibits the buying or selling of subsistence-taken fish, their parts, or their eggs, unless otherwise specified. This section also provides that customary trade is authorized if, prior to the sale, the prospective seller or buyer obtains from the Federal Subsistence Board a determination that the sale would constitute customary trade.

#### Other Wild Renewable Resources

ANILCA Section 803 does not limit "subsistence uses" to fish and wildlife, but instead, uses the term "wild renewable resources." Vegetative resources and even water are included in this term. ANILCA Section 805(d) allows the State of Alaska to regulate take of fish and wildlife for subsistence uses on public lands if in compliance

with sections 803, 804, and 805, but does not include other renewable resources.

Federal agencies have managed these other resources through various policies and regulations. Some agencies, like NPS, BLM, and the USFS, have adopted subsistence wood harvest policies which allow subsistence harvest under a permit system. Water was treated as a subsistence resource in BLM's Central Yukon Resource Management Plan/EIS. Because of past management and the desire to avoid confusion, regulation of the use of other wild renewable resources will be left to the individual land managing agency. The various Federal land managing agencies will continue to follow existing regulations with respect to non-fish and wildlife resources. See, for example, 36 CFR 13.49.

#### Access

Section 811 of ANILCA addresses "Access" for subsistence as follows:

(a) The Secretary shall ensure that rural residents engaged in subsistence uses shall have reasonable access to subsistence resources on the public lands.

(b) Notwithstanding any other provisions of this Act or other law, the Secretary shall permit on the public lands appropriate use for subsistence purposes of snowmobiles, motorboats, and other means of surface transportation traditionally employed for such purposes by local residents, subject to reasonable regulation.

Generally, access by foot, snow machine, aircraft, and boat is allowed on public lands, but the use of all-terrain vehicles is on a site-specific basis. In National Parks and Park Monuments only, " \* \* \* subsistence uses without use of aircraft as a means of access \* \* \* is allowed (46 FR 31849, June 17, 1981). The Park Service currently provides for "certain exceptions" which are managed under special permits issued by park superintendents for unusual circumstances, such as matters involving safety.

The NPS prohibition on the use of aircraft for subsistence in national parks or park monuments is consistent with the position taken in the Federal Register notice published on June 17, 1981 (46 FR 31838). It provides for exceptions to the aircraft prohibition in individual hardship situations (46 FR 31841). A local rural resident or community who believes they qualify under the hardship criteria at 36 CFR 13.45(b)(2) may apply for a permit as provided at 36 CFR 13.51. Nothing in these rules is intended to alter the existing NPS regulations on aircraft use for subsistence.

Decisions and regulations concerning access are the responsibility of the

respective Federal land manager. Correspondingly, information on access is available from the Federal agencies for the lands they manage. Appeals on access rulings are handled according to the appeal procedures of the agency in question.

#### Healthy Fish and Wildlife Populations

The term healthy populations of fish and wildlife appears in Title VIII as the standard against which subsistence use is to be regulated, and fish and wildlife are to be managed. The State uses the concept of sustained yield for its fish and wildlife regulatory program. Since the term healthy fish and wildlife populations appears in ANILCA, it is used instead of the term sustained yield, when identifying the standard for managing fish and wildlife under this regulatory program, although the terms in practice are compatible. National Parks, Park Monuments, and Park Preserves are managed according to the more restrictive natural and health populations standard.

#### Permanent Regulations

These temporary regulations automatically expire on December 31, 1991. Consequently, the Federal government will begin development of permanent regulations shortly after the temporary regulations take effect, if the State appears to be unable to resume subsistence management on public lands in 1990. Public comment will be solicited. Public meetings will also be held in the affected areas to solicit comments. The Federal government will then revise the proposed regulations in response to public comments and agency and legislative mandates and publish them as final regulations. Once implemented, the permanent regulations would remain in effect until the State brings its subsistence program back into compliance with ANILCA.

#### Conformance with Statutory and Regulatory Authorities

The impact of these regulations on subsistence uses has been evaluated under section 810 of ANILCA, even though it is not clear that this is an action subject to section 810. Subsistence use and access is expected to differ little from that previously allowed under State management. The regulations are consistent with the purposes and intent of section 810 and present no significant possibility of a significant restriction on subsistence activities on public lands.

Properly regulated and managed subsistence use is consistent with the

purposes for which the various public lands in Alaska were established.

#### National Environmental Policy Act Compliance

The Federal assumption of subsistence management will generally maintain the status quo from the user's perspective. Responsibility and on the ground implementation will shift from State to Federal officials. Changes in environmental effects will be negligible. Therefore, the implementation of temporary regulations relative to Federal assumption of subsistence management on public lands is determined to be a categorical exclusion as detailed in the USDI Departmental Manual (516 DM 8, Appendix 1), USDA regulations at 7 CFR 16.3, USDA Forest Service Manual 1950, I.D. 2 and 17, and USDA Forest Service Handbook 1909.15, I.D. 2 and 17. In addition, the strict requirement to implement a Federal subsistence program on July 1, 1990, would have left the Departments with sufficient time within which to prepare an environmental impact statement. Not until May 8, 1990, when the State Legislature adjourned without taking action to remedy the problems created by the McDowell decision, did it become clear that the Departments would be compelled to implement a Federal subsistence program on July 1. Under the doctrine established in *Flint Ridge Development Company v. Scenic Rivers Association of Oklahoma*, 426 U.S. 776 (1976), NEPA's environmental impact statement requirement is inapplicable when preparing an EIS would require an agency to violate a deadline established by statute. Thus, even if the Departments were otherwise required to prepare an EIS on establishment of the Federal subsistence program, the need to meet the July 1 deadline would override the need to prepare an EIS.

#### 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 public lands in Alaska.

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.

The information collection requirements described above have been submitted to OMB for review.

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, NW., MS 224 ARLSQ, Washington, DC 20240; and the Office of Management and Budget, Paperwork Reduction Project, Washington, DC 20503. Additionally, 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.

#### 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 12812. Title VIII of ANILCA requires the Secretaries to administer a subsistence preference on 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 12830.

William Knauer, Refuges and Wildlife, Alaska Regional Office, U.S. Fish and Wildlife Service, Anchorage, Alaska, is the primary author of this rulemaking document.

#### List of Subjects

##### 36 CFR Part 242

Administrative practice and procedure, Fish, National forests, Wildlife.

##### 50 CFR Part 100

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

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 amended by adding 36 CFR part 242 and 50 CFR part 100 to read as follows. The text of each part is identical.

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

##### Sec.

##### Subpart A—General Provisions

- \_\_\_\_\_ 1 Purpose.
- \_\_\_\_\_ 2 Authority.
- \_\_\_\_\_ 3 Applicability and scope.
- \_\_\_\_\_ 4 Definitions.
- \_\_\_\_\_ 5 Federal Subsistence policy, general.
- \_\_\_\_\_ 6 Information collection requirements.





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**APPENDIX D**  
**CUSTOMARY AND TRADITIONAL -- REPORT**

## **Introduction**

This appendix consists of a detailed report considering a process for determining what uses qualify as customary and traditional for the purposes of this program. It supplements the material summarized in Chapter II.

September 6, 1991

**A PROPOSED PROCESS FOR FEDERAL  
CUSTOMARY AND TRADITIONAL  
USE DETERMINATIONS**

**TABLE OF CONTENTS**

**I. SUMMARY . . . . . i**

**II. INTRODUCTION . . . . . 1**

**III. CURRENT FEDERAL REGULATIONS . . . . . 1**

**IV. ANILCA REQUIREMENTS AND LEGISLATIVE HISTORY . . . . . 2**

**V. THE STATE CUSTOMARY AND TRADITIONAL USE PROCESS . . . . . 4**

**VI. A RECOMMENDED PROCESS FOR FEDERAL CUSTOMARY  
AND TRADITIONAL USE DETERMINATIONS . . . . . 5**

**VII. THE ROLE OF THE FISH AND WILDLIFE ADVISORY  
SYSTEM IN THE PROCESS . . . . . 6**

**VIII. APPENDICES . . . . . 8-15**

**A. HOW CUSTOMARY AND TRADITIONAL USE FITS INTO THE REGULATORY  
PROCESS**

**B. LEGISLATIVE HISTORY CONCERNING SPECIFIC QUESTIONS**

**C. THE STATE'S USE OF THE CUSTOMARY AND TRADITIONAL USE  
CRITERIA**

**D. SUGGESTED CHARACTERISTIC FOR FEDERAL CUSTOMARY AND  
TRADITIONAL USE DETERMINATIONS**

**E. A SUMMARY OF PUBLIC COMMENTS CONCERNING CUSTOMARY AND  
TRADITIONAL USE**

## I. SUMMARY

### Introduction

The Alaska National Interest Lands Conservation Act (ANILCA) defines subsistence uses as "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 non-edible byproducts of fish and wildlife resources taken for personal or family consumption; for barter, or sharing for personal or family consumption; and for customary trade." Thus, the definition of customary and traditional uses is a very important component of any subsistence program. However, ANILCA does not define customary and traditional uses. It does give some general guidance and that along with a review of legislative history provides some insight. In addition, Webster's dictionary defines "customary" as "based on or established by custom; or commonly practiced, used, or observed." It defines "traditional" as "the handing down of information, beliefs, and customs by word of mouth or by example from one generation to another without written instruction; an inherited pattern of thought or action; or cultural continuity in social attitudes and institutions."

The essence of Title VIII of ANILCA, is that it is intended to provide some protection to a subsistence way of life that exists in rural Alaska and that the customary and traditional uses of wild renewable resources are essential to rural residents leading this way of life. Consequently, Congress provided a priority to the customary and traditional uses of these resources by rural residents over other consumptive uses of such resources. It intended the term "customary and traditional" to have a very important meaning. If not Congress could have simply defined subsistence use as "the non-commercial use of wild renewable resources by rural residents." However, Congress did not define the term. Instead, it spoke in somewhat vague, general terms with the intent of allowing the administering agencies the discretion of implementing the details of the legislation.

The current federal subsistence regulations define "customary and traditional use" as "a consistent pattern of, and reliance for subsistence purposes upon fish or wildlife or other wild renewable resources near or reasonably accessible from the user's place of residence." The regulations also adopted the State's customary and traditional use determinations that were made prior to 1990. The State determinations must now be evaluated to determine if they will be part of the programmatic federal regulations due for publication by July 1992, or if new determinations must be made.

The purpose of this report is to provide a process to determine if a particular fish stock or wildlife population has been customarily and traditionally used and who has been using them in such a manner. The report will not discuss what the appropriate level of use or what reasonable opportunity should be. Appendix "A" provides a diagram illustrating how customary and traditional use determinations fit into the regulation process.

The current federal regulations are reviewed along with ANILCA and its legislative history. This is followed by a review of the State customary and traditional use process, a recommendation for a proposed process the federal programmatic regulations might adopt, and what role the regional councils should play in the process.

### The Recommended Federal Process For Customary and Traditional Use Determination

The Federal Subsistence Board (Board) should identify fish stocks and wildlife populations on Federal public lands that have been customarily and traditionally used for subsistence. The public and staff will provide the Board with information about different groups' use of the resources. The Board will have to evaluate this information to determine whether there is customary and traditional use of the specific stock or population.

The Board must then determine if there is a portion of the stock or population that can be harvested consistent with sustaining healthy populations or in the case of National Park Service lands, healthy and natural populations. If a customary and traditional use findings can be made and a portion of the population can be harvested, the Board should then provide a reasonable opportunity to satisfy the subsistence uses for rural Alaskan residents who would be using the harvest for the purposes specified in the definition of subsistence uses. If a reasonable opportunity can be provided for those eligible rural Alaskans likely to engage in subsistence uses and a portion of the population can be harvested, then non-subsistence uses authorized by the State on the same fish stock or wildlife population can be allowed on Federal public lands. Reasonable opportunity is intended to mean that the federal subsistence hunting and fishing regulations should accommodate, when possible, the customary and traditional uses of fish and wildlife resources by eligible rural Alaska residents.

If a conservation problem or increasing competition requires a reduction in harvest, the Board should not modify the subsistence regulations in a way which would provide less than a reasonable opportunity unless other uses have first been eliminated. If non-subsistence uses have been eliminated, and the Board is still not able to provide a reasonable opportunity for all eligible subsistence users, it must then allocate among subsistence users.

To make this allocation, the Board should use the criteria as directed in Section 804 of ANILCA. If any harvest would jeopardize sustaining a healthy population, then all hunting or fishing -- including subsistence -- must be closed.

Appendix "D" provides the recommended characteristics that the Board use to make the customary and traditional use determinations and some examples of how they might be applied. It is recommended that these characteristics not be used as a formula (that is, as a quantitative test, as assigning numbers), but as a holistic concept (considering as a whole and arriving at a pattern). If the resource use pattern seems to fit the eight characteristics as a whole then the use would be considered customary and traditional.

Public review and comment on the customary and traditional use determination process should take place simultaneously with the review, in the Fall of 1991, of the Environmental Impact Statement on Subsistence Management For Federal Public Lands In Alaska.

## II. INTRODUCTION

The Alaska National Interest Lands Conservation Act (ANILCA) defines subsistence uses as "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 non-edible byproducts of fish and wildlife resources taken for personal or family consumption; for barter, or sharing for personal or family consumption; and for customary trade." Thus, the definition of customary and traditional uses is a very important component of any subsistence program. However, ANILCA does not define customary and traditional uses. It does give some general guidance and that, along with a review of legislative history, provides some insight. In addition, Webster's dictionary defines "customary" as "based on or established by custom; or commonly practiced, used, or observed." It defines "traditional" as "the handing down of information, beliefs, and customs by word of mouth or by example from one generation to another without written instruction; an inherited pattern of thought or action; or cultural continuity in social attitudes and institutions."

ANILCA provides for State management of the subsistence program on federal lands if the State develops a program that is in accordance with ANILCA. The State did so, including a process to determine customary and traditional uses, and the Secretary determined the program to be in accordance with ANILCA in 1982. The current Temporary Federal Subsistence Regulations adopted the State's customary and traditional use determinations that evolved from this program. The State determinations must now be evaluated to determine if they will be part of the programmatic federal regulations to be published by July 1992, or if a new process must be developed with new determinations.

The purpose of this report is to provide a process to determine if a particular population has been customarily and traditionally used and who has been using them in such a manner. The report will not discuss what the appropriate level of use or what reasonable opportunity should be. Appendix "A" provides a diagram illustrating how customary and traditional use determinations fit into the regulation process.

The current temporary federal regulations will be reviewed along with ANILCA and legislative history. This will be followed by a review of the State customary and traditional use process, a recommended process the federal programmatic regulations might adopt, and what role the regional councils should play in the process.

## III. CURRENT FEDERAL REGULATIONS

The Temporary Federal Subsistence Regulations state that "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, (Final National Park Service Regulations in 36 CFR Part 13; Subpart E) or Park Preserves determinations may be specific to individuals." The temporary regulations also state that "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." This deadline will probably be extended through June 1992. Pending such



determinations, the federal regulations adopt the existing determinations of the State. The regulations state "the Board may examine, but not be limited to, the following factors which exemplify customary and traditional use." The regulations then list basically the same criteria that the State used, except "seasonality" is eliminated.

#### IV. ANILCA REQUIREMENTS AND LEGISLATIVE HISTORY

ANILCA provides the following insight as to what Congress meant with respect to "subsistence uses" and "customary and traditional uses":

- 1) Section 801 of the Act states "the continuation of the opportunity for subsistence uses by rural residents of Alaska, including both Natives and non-Natives, on the public lands and by Alaska Natives on Native lands, is essential to Native physical, economic, traditional and cultural existence and to non-Native physical, economic, traditional and social existence."
- 2) Section 802 "the purpose of this title is to provide the opportunity for rural residents engaged in a subsistence way of life to do so."

These two quotes together mean subsistence uses are essential to rural residents with respect to economic, traditional, physical, and cultural or social aspects of their lives and that Congress intends on protecting their subsistence way of life.

3) Section 803 states, "subsistence uses are the customary and traditional uses by rural Alaska residents....."

4) Section 804 gives subsistence a priority over other consumptive uses of fish and wildlife on public lands. It also provides three general criteria to allocate among subsistence users when it is necessary to do so: a) customary and direct dependence, b) local residency, c) availability of alternative resources.

The Senate Report on ANILCA (No. 96-413 November, 1979) states "The definition of subsistence uses is intended to include all Alaska residents who utilize renewable resources for direct personal or family consumption." It goes on to state,

...the phrase customary and traditional is intended to place particular emphasis on the protection and continuation of the taking of fish, wildlife, and other renewable resources in areas of, and by persons (both Native and non-Native) resident in, areas of Alaska in which such uses have played a long established and important role in the economy and culture of the community and in which such uses incorporate beliefs and customs which have been handed down by word of mouth or example from generation to generation. The factors of local residency, economic dependence, and availability of alternative resources have been included in Section 804 rather than the definition. Although a truly comprehensive definition of subsistence uses must include a mix of those factors, the Committee has determined that they should be incorporated through appropriate action by the State rulemaking authority in conjunction with the recommendations of the regional councils established pursuant to Section 805 to implement the subsistence preference set forth in Section 804.

The report further states,

If a particular fish or wildlife population in a particular area is sufficient to sustain a harvest by all persons engaged in subsistence and other uses, the implementation of restrictions on taking set forth in this section need not be imposed by the State rulemaking authority. However, if the continued viability of a particular population or the ability of rural subsistence-dependent residents to satisfy their subsistence needs would be threatened by a harvest by all such persons, the State rulemaking authority, in conjunction with the recommendations of the regional council representing the affected area, is required by this section to establish regulations which restrict the taking of such population to Alaska residents engaged in subsistence uses. If subsistence uses must be further restricted to protect the continued viability of the population or to ensure the satisfaction of rural subsistence needs, the State rulemaking authority, in conjunction with the recommendations of the regional council, must limit such uses to local residents of the affected area, or, if necessary, only those local residents with the most customary and direct dependence on the population as the mainstay of livelihood and with the least access to alternative food supplies.

The House Report (H.R. - 39 April, 1978), in Section 701 also states that subsistence uses are essential to rural Alaskans and those uses are being threatened. Section 702 states "the purpose of this title is to provide the opportunity for people engaged in a genuinely subsistence-oriented life style to continue to do so....." The report also states:

Because many Alaskan Natives and some other residents of Alaska are wholly or largely dependent upon subsistence uses of renewable resources of public and other lands in Alaska, the protection of these uses was one of the most important concerns of the Committee. (P.181)

50% of the food for three-quarters of the Native families in Alaska's small and medium villages is acquired through subsistence uses, and 40% of such families spend an average of 6 to 7 months of the year in subsistence activities.

While the extent of subsistence varies by region, and among families within communities, it appears that most village Alaskans subsist in some measure by hunting, fishing, and trapping, by gathering berries and greens, and, for some, by using animal skins in garment making, and by gathering driftwood, timber or willows for fuel. (P.181)

The Committee, after careful consideration, has adopted a definition of subsistence uses which affords significant flexibility to the Secretary and others responsible for implementing this title. In particular, the committee recognizes that technology and techniques employed by those making subsistence uses of resources of the public lands may be subject of continuing change in the future as they have been in the past. The Committee does not intend that any such change, by itself, should be considered as inherently impermissible or as necessarily placing subsistence users completely outside the scope of this act. Similarly, the Committee recognizes that people may be dependent upon subsistence uses in a very realistic way even though they may, to some limited extent, be participants in the cash-oriented economy, and also that subsistence uses sometimes have an important cultural significance which should not be disregarded by those responsible... (P.186)

...no prohibitions are expressed regarding the entry of additional persons into a subsistence lifestyle, the concern is basically to provide for continued opportunities for those persons now resident in rural areas of Alaska. (P.186)

Appendix "B" provides references of legislative history concerning specific questions.

The essence of Title VIII of ANILCA, is that it is intended to provide some protection to a subsistence way of life that exists in rural Alaska and that the customary and traditional uses of wild renewable resources are essential to rural residents pursuing this way of life. Consequently, Congress provided a priority to the customary and traditional uses of these resources by rural Alaska residents over other consumptive uses of such resources. Congress intended the term "customary and traditional use" to have a very important meaning. If not it could have simply defined subsistence use as "the non-commercial use of wild renewable resources by rural residents." However, it did not define the term. Instead, Congress spoke in somewhat vague, general terms with the intent of allowing the administering agencies the discretion of implementing the details of the legislation.

#### V. THE STATE CUSTOMARY AND TRADITIONAL USE PROCESS

In 1978, the State first enacted a subsistence law which required that unless sustained yield would be jeopardized, subsistence uses of fish and wildlife had to be authorized, with a priority over non-subsistence uses if necessary.

In the Spring of 1982, the Boards of Fisheries and Game met in joint session and adopted a procedural regulation setting out how the boards would identify, provide for, and protect subsistence uses. That regulation set out the eight criteria which would be used to identify customary and traditional uses. It also acknowledged that "subsistence uses are customary and traditional uses by rural Alaska residents," for the specified purposes. Partly, as a result of that acknowledgment, in May 1982, the Secretary of the Interior certified that Alaska had complied with the requirements of ANILCA, and would thus be able to maintain management of fish and wildlife on all federal public lands and waters of the State.

The State subsistence law was amended in 1986. However, subsistence uses of fish stocks and wildlife populations would still be authorized, unless sustained yield would be jeopardized, and would have to be given a priority over other uses, if necessary. "Subsistence uses" were defined to mean "the noncommercial, customary and traditional uses of wild, renewable resources by a resident domiciled in a rural area of the State" for food, shelter, fuel, clothing, tools, transportation, handicraft articles made from the non-edible by-products of harvest, barter, sharing, and customary trade. Thus under the State subsistence law, subsistence uses had two aspects. They must be engaged in by rural residents, and the use of the particular fish stock or wildlife population in question must be customary and traditional. If both of these factors were present, assuming sustained yield permits a harvest, a reasonable opportunity would be provided for the subsistence use of the relevant stock or population. If no customary and traditional uses were found of a particular fish stock or wildlife population, then there were no subsistence uses to be authorized, even if the stock or population was harvested by individuals living in rural areas. The State did not have a definition of customary and traditional use. It simply employed a process based on eight criteria to make customary and traditional use determinations. The eight criteria used by the State to identify

customary and traditional uses and examples of how the State interpreted them are provided in Appendix "C".

The State has made determinations on most uses of big game species in most areas, with a few notable exceptions (particularly black bear and sheep). In addition, determinations have been made on most uses of salmon, herring, and herring roe. Uses of other categories of fish have been made in only some areas.

#### VI. A RECOMMENDED FEDERAL PROCESS FOR CUSTOMARY AND TRADITIONAL USE DETERMINATIONS

The Board should identify fish stocks and wildlife populations that have been customarily and traditionally used for subsistence. The Board must then determine if there is a portion of the stock or population that can be harvested consistent with sustaining healthy populations or in the case of National Park Service lands, healthy and natural populations. For a given stock or population, if the Board has found a customary and traditional use of that stock and fish or wildlife can be harvested, then subsistence uses must be authorized. Subsistence uses are defined as the non-commercial, customary and traditional uses of wild, renewable resources by a rural Alaska resident for direct personal or family consumption as food, shelter, and certain other purposes.

If a positive customary and traditional use finding can be made and a harvest can take place consistent with the maintenance of a healthy or healthy and natural population, the Board should then provide a reasonable opportunity to satisfy the subsistence uses for rural Alaskan residents who would be using the harvest for the purposes specified in the definition of subsistence uses. If a reasonable opportunity can be provided for those eligible rural Alaskans likely to engage in subsistence uses, and additional animals can be harvested, then non-subsistence uses (such as sport hunting and commercial fishing) can be authorized by the State on Federal public lands on the same fish stock or wildlife population.

If a conservation problem or increasing competition requires a reduction in harvest, the Board should not modify the subsistence regulations in a way which would provide less than a reasonable opportunity unless other uses have first been eliminated. If non-subsistence uses have been eliminated, and the Board is still not able to provide a reasonable opportunity for all eligible subsistence users, it must then allocate among subsistence users. The Board should use the following criteria as directed in Section 804:

1. Customary and direct dependence on the fish stock or wildlife population as the main stay of livelihood;
2. local residency;
3. availability of alternative resources.

If any harvest would jeopardize sustaining a healthy population or a healthy and natural population on National Park Service lands, then all hunting or fishing – including subsistence – must be closed.

## Evaluating the Customary and Traditional Use Characteristics

The public and Federal Subsistence Board staff will provide the Board with information about different groups' use of the resources. The Board will have to evaluate this information to determine whether there are customary and traditional uses of the specific resources.

This involves two basic steps:

- 1) Defining the fish stock or wildlife population to be considered. (The Board may use a geographic description of the stock or population.)
- 2) Determining whether use of the stock or population as a whole meets the appropriate characteristics and is therefore customary and traditional.

The Board should address the question of what percentage of the population of a community or area had to participate in a specific pattern in order for a use to qualify as "customary and traditional." Customs and traditions generally are shared among social groups, thus, it can be argued that it takes more than one individual participating in a use to make it customary and traditional. However, it can also be argued that relatively small groups of people share customs and traditions. In addition, the Board should also determine how much time an activity has to have occurred to make it "traditional."

Appendix "D" provides the recommended characteristics for the Board to use and some examples as to how they might be employed.

It is recommended that these characteristics not be used as a formula (that is, as a quantitative test, as assigning numbers), but as a holistic concept (considering as a whole and arriving at a pattern). If the resource use pattern seems to fit the eight characteristics taken as a whole then the use would be considered customary and traditional.

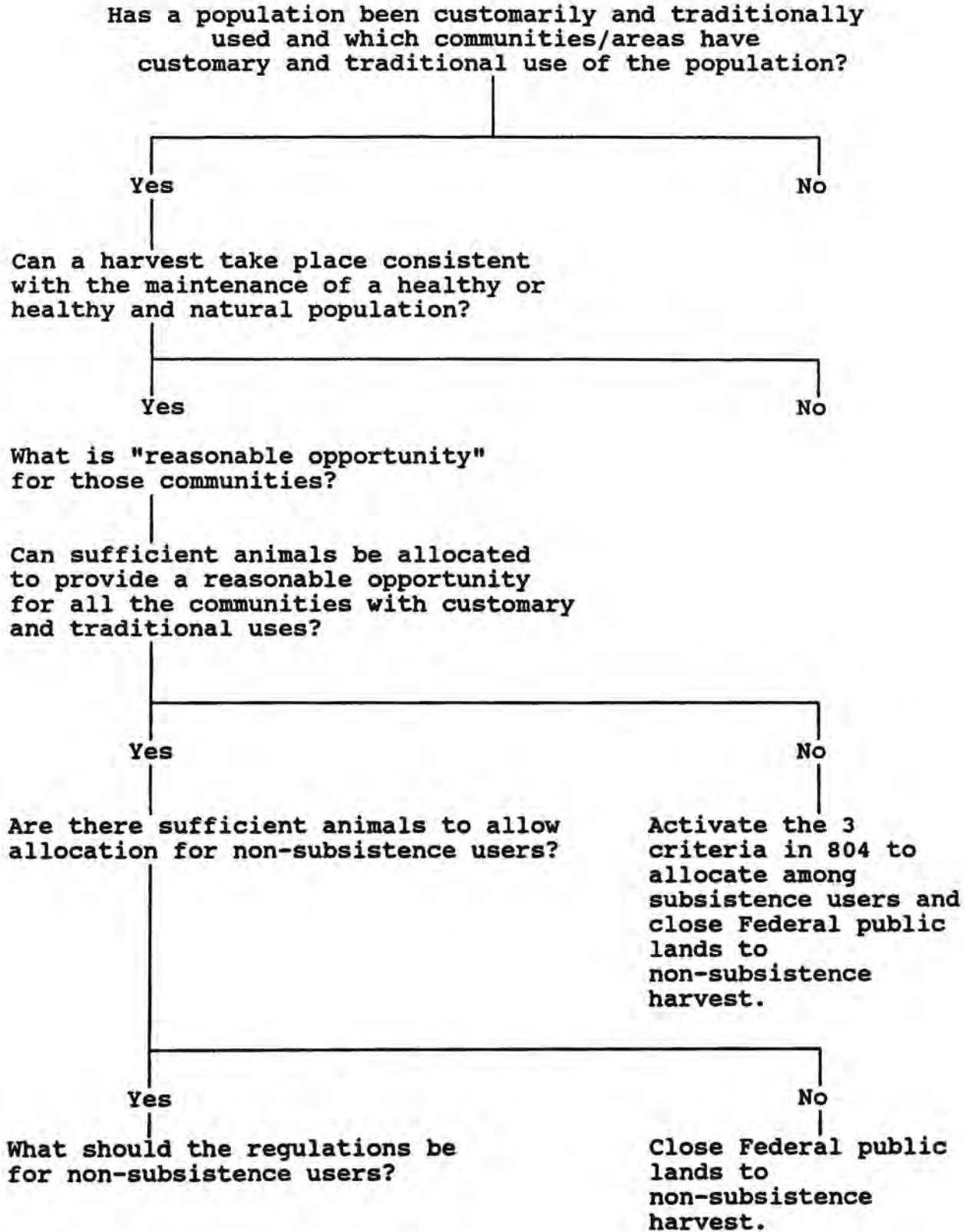
## VII. THE ROLE OF THE FISH AND WILDLIFE ADVISORY SYSTEM IN THE PROCESS

The regional councils and local advisory committees should play a very important role in providing input into the customary and traditional use determinations. There are actually two steps in these determinations. The first, which is the subject of this report, is to provide input into the development of the process itself. The second is to provide input into the implementation of the process or the making of the actual determinations.

With respect to the first, the development of the process, it is somewhat unrealistic to attempt to obtain regional council input into something as complicated as this process during the summer of 1991. Many of the people involved in the regional councils are very busy during the summer with subsistence activities as well as cash paying jobs such as commercial fishing or construction. An alternative to having them provide input now would be to have them provide their input during the overall public review and comment period for the environmental impact statement in the Fall of 1991. This would provide them a more realistic opportunity to obtain input from all their members as well as more time to do so. Another alternative might be to postpone the deadline for the development of the process until the Fall at which time the regional councils could be more fully involved in the initial development of the process.

With respect to the second step, the actual determinations, the regional councils should have a very important role in presenting testimony, data and recommendations to the Board, to guide it in making these determinations. If it is decided to continue to use the State's determinations, the regional councils can be charged with the task of identifying any determinations they feel are not appropriate and provide the necessary information to the Board to help it make new determinations. If it is decided not to use the State's determinations, then the regional councils should provide information and recommendations concerning the customary and traditional uses in their areas following the guidelines set forth by the Board. This could either be accomplished in one 2-4 week session of the Board or the Board could consider individual determinations as the need arises. Appendix "E" contains comments provided by the general public and the advisory system since January 1990, concerning customary and traditional use.

HOW CUSTOMARY AND TRADITIONAL USE FITS INTO THE REGULATORY PROCESS



## LEGISLATIVE HISTORY CONCERNING SPECIFIC QUESTIONS

## I. STOCK SPECIFIC

Congressional Record, Nov. 12, 1980, H10456. "The subsistence preference applies to individual wildlife populations and fish. ....The State must first identify the customary and traditional uses of each population and stock by rural residents."

126 Cong. Rec. H10527. H.R. 39, 96th Cong. 11/12/80 Cong. Record: Disc. "The State must first identify the customary and traditional subsistence uses of each population and stock by rural residents. It should be emphasized that this evaluation must be based on subsistence use, and not upon any form of economic or other need."

## II. COMMUNITY OR AREA BASIS.

126 Cong. Rec. H10527; H.R. 39, 96th Cong. 11/12/80 {H10546} It also should be noted that customary and traditional subsistence uses must be evaluated on community or area basis, rather than an individual basis. If not, our commitment in this legislation to the protection of the Alaska Native subsistence way (803z) of life would be terminated in one generation as rural residents with established subsistence uses pass away and their descendants with no established customary and traditional uses take their place in the subsistence cycle.

## III. 804 CRITERIA

U.S. Senate, Nov. 14, 1979, 96th Congress, Report No. 96-413, pg. 238. "The factors of local residency, economic dependence, and availability of alternative resources have been included in section 804 rather than in the definition."

126 Cong. Rec. S11063 H.R. 39, 96th Cong. 08/18/80 Cong. Record: Amend: "...in order to protect the continued viability of such populations, or to continue such uses, such preference shall be implemented through appropriate limitations based on the application of the following criteria:

- (1) customary and direct dependence upon the populations as the mainstay of livelihood;
- (2) local residency; and
- (3) the availability of alternative resources.

## IV. CUSTOMARY AND TRADITIONAL LEVEL

126 Cong. Rec. H10527; H.R. 39, 96th Cong. 11/12/80 ...wildlife populations and fish may (805z) have been repressed by State regulatory activities and, consequently, recent historical levels of harvest of a particular population or stock may not accurately reflect the normal level of the customary and traditional subsistence use of such population.

126 Cong. Rec. H10527; H.R. 39, 96th Cong. 11/12/80 Obviously, an analysis of the customary and traditional subsistence use of king salmon by residents of the village of Tyonek over even the past ten years would result in a determination that king salmon, not a customary and traditional subsistence resource of that village, a determination which would be erroneous.

{H10546} Because of the decline of the caribou population in the Copper River area, the State reduced the total harvest of the population and established a lottery in which the residents of villages in the Copper River area have had to compete against sport hunters from around the State for a caribou hunting permit. Any analysis of the level of customary and traditional subsistence use of



caribou by rural residents in the Copper River area will produce a figure far below the normal customary and traditional subsistence use of the resource which would have resulted if the State had not subordinated subsistence uses to the needs of urban sport hunters.

{H10546} Mr. Speaker, similar examples are too numerous to mention. The point I am making (803z) is that the subsistence priority requires the State of Alaska to determine the customary and traditional subsistence use of a particular wildlife population or fish which would have reasonably been made by rural residents if their subsistence uses had consistently been respected and adequately protected by (805z) State regulation.

## V. LOCAL

S. Rep. 96-413 11/14/79 Cong. Report {269} However, the phrase "customary and traditional" is intended to (803z) place particular emphasis on the protection and continuation of the taking of fish, wildlife, and other renewable resources in areas of, and of persons (both Native and non-Native) resident in, areas of Alaska in which such...satisfaction of rural (804z) subsistence needs, the State rulemaking authority, in conjunction with the recommendations of the regional council, must limit such uses to local residents of the affected area, or, if necessary, only those local residents with the most customary and direct dependence on the population as the mainstay of livelihood and with the least access to alternative food supplies. In the latter situation, the committee believes that in making such difficult allocation decisions, the State rulemaking authority, in conjunction with the...

**THE STATE'S USE OF THE  
CUSTOMARY AND TRADITIONAL USE CRITERIA**

**1) Long term, consistent pattern**

There is no formula. Communities are evaluated on their harvest record for a particular species. If a species has been used for just 5-10 years (like bison), then there is no long term pattern. However, for a species like deer on Kodiak Island which was introduced in the 1920's and had a season in the 1950's which has been consistent and has even replaced some use of marine mammals, customary and traditional was granted. Elk which was introduced in 1920's, but not hunted consistently for subsistence purposes, was determined not to be a customary and traditional use. Another example is moose which was introduced into Cordova in the 1950's, however hunting was not allowed until the 1960's and then it was a drawing hunt. Thus, the Game Board determined that because there was not enough time and the hunts were restricted that there was not a consistent pattern of use. Another example is Angoon. The community has used brown bear for ceremonial purposes, however, only a couple of hunters harvest the animals for the whole community and it is done only every couple years. The Game Board ruled that the use was long term, consistent and since it was shared with the community as a whole that it qualified as customary and traditional.

**2) Seasonality**

This was originally designed to show consistency and a natural cycle of harvest. There are some differences between sport and subsistence seasons. For example, a moose sport season is more likely to be early when leaves are still on the trees and the moose are still high. This makes them harder to kill and thus maximizes the number of hunters that can participate. A subsistence season is more likely to be in the winter when the leaves are gone and the moose are concentrated in the lower areas. The meat is also easier to keep in the colder weather.

**3) Efficiency and economy of methods and means**

If residents of a community are traveling long distances and incurring high costs to harvest a species or if they are using a means such as a fishing rod when a net might be more efficient, then the activity might appear to be more sport than subsistence. For example, in the Copper River Basin people have used poles for a long time to catch rainbow trout and there has been some catch and release. This gives the activity somewhat of a sport flavor. Another example is sheep in the Chugach Mountains. The population is very remote and requires a significant expenditure of time and money to reach. Again giving it somewhat of a sport flavor.

**4) Consistent harvest near or reasonably accessible**

Generally subsistence users do not hunt outside their traditional harvesting areas which for practical purposes has been as near as possible to their communities. For example, the community of English Bay requested customary and traditional of moose in the Mat-Su Valley. This was determined to be an unreasonable distance for subsistence purposes with no consistent harvest. One of the purposes of this criteria is to help protect rural communities traditional harvesting areas. This criteria also duplicates or possibly adds to the efficiency criteria discussed in #3.

5) Means of using is passed from generation to generation

Does the means of handling and using a resource have some kind of link to the past. For example, is some salmon still dried, smoked, or some similar traditional method or is it all frozen. Another example might be how brown bear is used. Is the hide used, the fat turned into oil, the claws used, the meat eaten or the animal just harvested for the sport? This criteria is tied to #1 (long term use).

6) Harvesting skills, values and lore passed from generation to generation

This is designed to show a friendly sharing of harvesting knowledge between individuals which is characteristic among subsistence users as opposed to the competitive nature of a commercial venture or even a sport activity. For example, a new resident to a subsistence community is likely to get a friend or neighbor to show him how and where to hunt moose rather than to hire a guide to show him. In addition, it is believed that it takes considerable time to acquire the necessary knowledge to properly hunt a local area, thus it is passed from generation to generation.

7) Resources are shared

Are resources shared with other people and to what extent? In subsistence activities resources are shared much more extensively than in sport activities. This serves to contrast subsistence activities to commercial or sport activities. These latter types of activities, such as much of the trapping and herring roe harvest is not shared but is sold commercially. Sharing goes on in most activities everywhere. It is really a matter of degree.

8) Reliance on a wide diversity of resources

A subsistence way of life is usually reliant on a wide diversity of resources which are essential to its continuance. Thus more than one resource should be relied on and the amount of resources used should be fairly extensive.

**SUGGESTED CHARACTERISTICS FOR FEDERAL CUSTOMARY AND TRADITIONAL USE DETERMINATIONS**

- (1) a long-term, consistent pattern of use, excluding interruption by circumstances beyond the user's control such as regulatory prohibitions. This is one of the most important characteristics. It is designed to identify those populations that have been used consistently over a long period of time by residents of a community or an area. Those species that have been recently introduced would not meet this characteristic until they have been used in a manner that would indicate subsistence use over an adequate period of time. However, if a species such as caribou changed its migration pattern and moved into a new area, this newness should not necessarily preclude the residents from being eligible to harvest it. Similarly, if a new community is established with not enough residents having a history of use the residents can still acquire eligibility if they pursue a subsistence use that does have an adequate history by residents in the area. Temporary communities such as logging or mining camps or military installations (which are primarily made up of temporary residents) probably can not demonstrate a pattern of use that meets the necessary characteristics and thus would not be eligible.
- (2) a use pattern recurring in specific seasons of each year. This characteristic is designed to show consistency and a natural cycle of harvest which would indicate a subsistence rather than sport activity. For example, a sport season for moose would more likely be early when leaves are still on the trees and the moose are still high. A subsistence season is more likely to be in the winter when the leaves are gone and the moose are concentrated in the lower areas.
- (3) a use pattern consisting of methods and means of harvest which are characterized by efficiency and economy of effort and cost, and conditioned by local circumstances. The assumption with this characteristic is that subsistence users would utilize methods and means that are more efficient and basically cheaper than other users. In some cases sport and subsistence users may use the same methods and means. However, generally subsistence uses have developed over time that are both efficient and economical. An example would be hunting sheep in a very remote area that requires a considerable expenditure of time and money and yields very little meat as compared to a caribou hunt to a nearby area which might yield considerable meat. Exceptions for traditional Native ceremonies and tribal celebrations will be considered.
- (4) the consistent harvest and use of fish or wildlife which is near, or reasonably accessible from, the user's residence. This characteristic is somewhat tied to above characteristic "efficiency and economy." One of the purposes of this characteristic is to help protect the traditional harvesting areas of rural residents. Generally, subsistence users do not harvest resources outside their traditional harvesting areas which for practical purposes have normally been as near as possible to their residence. However, the definition of "near" for any community must be determined on a case-by-case basis by identifying historical patterns of harvest. In certain cases, subsistence users may travel long distances to harvest certain resources. This should be acceptable if it is part of their historical pattern or if the resource is not nearby or its distribution changes.
- (5) the means of handling, preparing, preserving, and storing fish or wildlife which has been traditionally used by past generations, but not excluding recent technological advances where appropriate. This characteristic is designed to determine if the resource is used in a manner

that is linked to past means in some manner. The greater the linkage with the past the more the indication of a subsistence use. For example, if a brown bear is harvested, are parts such as the hide used, the fat turned to oil, the claws used, or the meat eaten; or is the animal harvested just for sport.

- (6) a use pattern which includes the handing down of knowledge of fishing or hunting skills, values and lore from generation to generation. This characteristic is designed to show a friendly sharing of harvesting knowledge between individuals which is characteristic among subsistence users as opposed to the competitive nature of a commercial venture or even a sport activity. For example, a new resident to a subsistence community is likely to get a friend or a neighbor to show him how and where to hunt moose rather than to hire a guide to show him. In addition, it is believed that it takes considerable time to acquire the necessary knowledge to properly hunt a local area, thus it is passed from generation to generation.
- (7) a use pattern in which the hunting or fishing effort or the products of that effort are distributed or shared among others within a definable community of persons, including customary trade, barter, sharing, and gift-giving; customary trade may include limited exchanges for cash, but does not include significant commercial enterprises; a community may include specific villages or towns, with a historical preponderance of subsistence users, and encompasses individuals, families, or groups who in fact meet the criteria described in this subsection. Residents of subsistence communities are more likely to share their harvested resources than sport or commercial users. This sharing is more likely to be a matter of degree with Native subsistence communities sharing more than non-Native communities, while sport users share even less but do so more than commercial users. For example, furs obtained from trapping or herring roe which has been harvested are less likely to be shared because of their commercial nature than moose or caribou.
- (8) a use pattern which includes reliance for subsistence purposes upon a wide diversity of the fish and wildlife resources of an area, and which provides substantial economic, cultural, social, and nutritional elements of the subsistence user's life. A subsistence community normally relies on a variety of resources to meet its needs. Thus a community that only utilizes a few resources when others are available probably does not typify a true subsistence community. In general, the more subsistence oriented a community is the more it will utilize the resources available.

**SUMMARY OF PUBLIC COMMENTS CONCERNING  
CUSTOMARY AND TRADITIONAL USE**

**COMMENTS FROM THE JUNE 8, 1990, FEDERAL REGISTER NOTICE OF TEMPORARY REGULATIONS**

Comments were received that the proposed regulations should follow customary and traditional harvest seasons and patterns with those being designed to match as closely as possible the customary and traditional lifestyles of rural Alaskans, including accommodation of any religious use of fish and wildlife. Some commented more generally that customary and traditional use should be judged by looking at prior cultural patterns of fish and wildlife use and that any decisions involving customary and traditional use should protect rural lifestyles and culture. Others stated that a subsistence priority should be given for customary and traditional uses of fish and wildlife on public lands. Some commentors would restrict the subsistence priority only to those persons using "traditional means," such as no use of aircraft, power boats, high-powered guns, snow machines, or other technological advances. Others pointed out that the use of technological means is not the central issue; instead it is a matter of the continuity of traditional cultural patterns found in rural Alaska. Other wrote in either support or opposition to restrictions about landing aircraft and shooting wildlife. Some commentors felt the State had not provided for customary and traditional uses in certain parts of Alaska, such as the Southeast and hoped that the Federal Government could correct the situation before returning management to the State.

**COMMENTS FROM THE PUBLIC MEETINGS IN THE FALL OF 1990**

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 that should be allowed, to the impacts of Federal management on the continuation of cultural, spiritual, and religious practices. Most of the questions or issues evolved around "how will Federal management provide for customary and traditional uses in:

- identifying appropriate methods and means of harvest?
- addressing the distribution and sharing of resources, including barter, trade, and gift-giving?
- designating subsistence species?  
determining who has priority?
- determining harvest seasons?  
determining levels of harvest?
- measuring degree of reliance upon subsistence?
- assuring harvests for ceremonies or other religious purposes?"

**APPEALS OR PROPOSALS FROM THE PUBLIC CONCERNING CUSTOMARY AND TRADITIONAL USE DETERMINATIONS**

Seven appeals were received from the public concerning the customary and traditional use determinations in the Temporary Federal Regulations. The Board, in a November 1990 meeting, deferred most of these appeals to the environmental impact statement process or the ensuing customary and traditional use determination process. In addition, thirty proposals concerning specific determinations were received by the Board in the March and June meetings of 1991. Most of these proposal were also deferred to the same process.



**APPENDIX E**  
**ADVISORY SYSTEM ADEQUACY REPORT**



## **Introduction**

**This appendix is the full review of the adequacy of the Alaska Department of Fish and Game Advisory System. The report was prepared as a preliminary step in the preparation of the this draft environmental impact statement. It contains important detail from the scoping process. The State advisory system has been asked during the past year to make recommendations to the Federal Subsistence Board. The councils and committees are State funded with additional funding coming from the Federal government to assist them with their responsibilities on Federal lands under ANILCA.**

**A REVIEW OF THE EXISTING ALASKA DEPARTMENT OF  
FISH AND GAME ADVISORY SYSTEM AND  
A DETERMINATION OF ITS ADEQUACY IN FULFILLING  
THE SECRETARY OF THE INTERIOR'S AND THE SECRETARY OF AGRICULTURE'S  
ALASKA NATIONAL INTEREST  
LANDS CONSERVATION ACT TITLE VIII RESPONSIBILITIES**

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**June 1991**

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## TABLE OF CONTENTS

EXECUTIVE SUMMARY .....	i
INTRODUCTION .....	1
Purpose of this review .....	1
ANILCA requirements for an advisory system. ....	1
The existing State advisory system .....	2
SOURCES OF INFORMATION FOR THIS REVIEW .....	4
Meetings .....	4
Interviews .....	4
Written comments received by mail .....	4
Comments received by telephone .....	5
Comments by Federal land managers .....	5
Regional advisory council annual reports .....	5
Rural Alaska Community Action report .....	5
Administrative records .....	5
ISSUES .....	5
Funding .....	5
Subsistence user representation on the councils .....	7
Processing of council recommendations and proposals .....	7
Availability of technical information .....	8
Number and/or boundaries of the regions .....	8
Native organization representation on the regional advisory councils .....	9
Community representation within the advisory system .....	9
Department of the Interior response to council annual reports .....	10
Dual Federal and State advisory systems .....	10
Temporary disruption of the existing advisory system .....	10
DISCUSSION .....	10
CONCLUSIONS .....	11
APPENDIX A, SUMMARIES OF PUBLIC MEETINGS .....	A-1
APPENDIX B, CHARTS FROM PUBLIC MEETINGS .....	B-1
APPENDIX C, INTERVIEWS .....	C-1
APPENDIX D, WRITTEN COMMENTS - 55 FR 23522 .....	D-1
APPENDIX E, WRITTEN COMMENTS - 55 FR 39184 .....	E-1
APPENDIX F, FRANKED MAIL-IN FORMS .....	F-1
APPENDIX G, TELEPHONE COMMENTS .....	G-1
APPENDIX H, COMMENTS OF FEDERAL LAND MANAGEMENT AGENCIES .....	H-1
APPENDIX I, REGIONAL COUNCIL SECTION 806 REPORTS .....	I-1
APPENDIX J, RURAL ALASKA COMMUNITY ACTION (RurAL CAP) REPORT .....	J-1

## EXECUTIVE SUMMARY

As a result of conflicts between Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) and the Alaska Constitution, on July 1, 1990, the Department of the Interior and the Department of Agriculture (Secretaries) assumed responsibility for subsistence management of fish and wildlife on Federal public lands. The Federal Temporary Subsistence Management Regulations which became effective at that time require the Secretaries to review and determine the adequacy of the existing State subsistence resource regions, regional advisory councils, and local advisory committees in fulfilling their ANILCA subsistence responsibilities. This report is intended to satisfy this requirement. Sources of information used in preparing the report include public meetings, interviews, written comments, telephone comments, comments by Federal land managers, regional advisory council annual reports, an independent report, and administrative records.

Ten issues are identified and discussed - funding, subsistence user representation on the councils, processing of council recommendations and proposals, availability of technical information, number and/or boundaries of the regions, Native organization representation, community representation, Department of the Interior response to council annual reports, dual advisory systems, and temporary disruption of the existing system. The role Congress intended the advisory system to play in subsistence management, the past performance of the advisory system, and the likelihood that the existing advisory system can satisfy the Secretaries' Title VIII responsibilities in the future are discussed.

Conclusions are that, while the existing subsistence resource regions and local advisory councils are adequate to fulfill the Secretaries' Title VIII responsibilities, the existing regional advisory councils are not. The scope of this report does not include recommendations; management alternatives will be included in the draft regulatory impact statement to be published in September 1991.

## INTRODUCTION

### Purpose of this review.

Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA), enacted in 1980, required the Secretary of the Interior and the Secretary of Agriculture (Secretaries) to implement a joint program to grant a preference in favor of subsistence uses of fish and wildlife resources on Federal public lands in Alaska unless the State implemented a subsistence program consistent with ANILCA's requirements. Soon after, the State implemented such a program which the Department of Interior found to be consistent with ANILCA. In December 1989, however, the Alaska Supreme Court ruled in McDowell v State of Alaska that the rural preference in the State subsistence statute required by ANILCA violated the Alaska Constitution. As a result of that decision, the effects of which the Court stayed until July 1, 1990, the Department of the Interior and the Department of Agriculture were required to take over the implementation of Title VIII on Federal public lands. On June 29, 1990, Temporary Subsistence Management Regulations for Public Lands in Alaska were published in the Federal Register (50 FR 27114) as 36 CFR Part 242 and 50 CFR Part 100.

Section \_\_.11(a) of these regulations states that the Secretaries shall, during the effective period of the temporary subsistence management regulations, review and determine the adequacy, for the purposes of their responsibilities under Title VIII of ANILCA, the existing State subsistence resource regions, regional advisory councils and local advisory committees. This report is intended to satisfy this requirement.

### ANILCA requirements for an advisory system.

Section 805(a) of Title VIII provides for at least six subsistence resource regions which, taken together, include all Federal public lands and accommodate regional differences in subsistence uses; a regional advisory council for each region; and the accommodation of the existing State local advisory committees unless replaced as necessary by the Secretary of the Interior. Each regional advisory council is to be composed of residents of the region and to have the following authority: (1) the review and evaluation of proposals for regulations, policies, management plans, and other matters relating to the subsistence uses of fish and wildlife within the region; (2) the provision of a forum for the expression of opinions and recommendations by persons interested in any matter related to the subsistence uses of fish and wildlife within the region; the encouragement of local and regional participation pursuant to the provisions of Title VIII in the decision making process affecting the taking of fish and wildlife on Federal public lands within the region for subsistence uses; and (4) the preparation of an annual report to the Secretary of the Interior which addresses current and anticipated subsistence uses of fish and wildlife; current and anticipated subsistence needs for fish and wildlife; recommended management strategies to accommodate such uses and needs; and recommendations concerning policies, standards, guidelines, and regulations to implement the strategies.

Regional advisory councils are to be provided with adequate qualified staff and both regional advisory councils and local advisory committees are to receive timely distribution of all available relevant technical and scientific support data. The report and recommendations of the regional advisory councils concerning the taking of fish and wildlife on Federal public lands for subsistence use must be considered; recommendations must be adopted unless they are not supported by substantial evidence, violate recognized principles of fish and wildlife conservation, or would be detrimental to the satisfaction of subsistence needs; and, if a recommendation is not adopted, the factual basis and reasons must be given. If the Secretary of the Interior delegates his Section 805 responsibilities to the State, he may reimburse the State for up to 50 percent of the reasonable costs, not to exceed \$5 million annually, relating to the establishment and operation of the regional advisory councils and appropriate local advisory committees.

### The existing State advisory system.

The State created a system of advisory committees in 1959, soon after statehood, to provide local input into the management of fish and wildlife. These committees had, and still have, much broader responsibilities than subsistence and they represented, and still represent, many user groups. Following the enactment of ANILCA, the State created six regional advisory councils consisting of the chair or a representative from each of the local advisory committees in each respective region. Regional coordinator positions were established for each region within the Alaska Department of Fish and Game's Division of Boards.

Under the State program, the regional advisory councils and the regional coordinators may choose to focus on subsistence but, like the local advisory committees, have much broader responsibilities. The six regions consist of the Southeast Alaska, Southcentral Alaska, Southwest Alaska, Western Alaska, Arctic Alaska, and Interior Alaska resource management regions (Figure 1). Regional coordinators are located in Juneau, Anchorage, Dillingham, Bethel, Kotzebue, and Fairbanks, respectively. There are currently 80 local advisory committees - 22 in the Southeast region, 18 in the Southcentral region, 12 in the Southwest region, 4 in the Western region, 10 in the Arctic region, and 12 in the Interior region, although not all 80 committees are considered active.

Responsibilities of the regional advisory councils, in addition to those authorized by Section 805 of ANILCA, include commenting on regulatory proposals, discussing fish and wildlife management issues of local concern, resolving conflicts between committees, and providing suggested solutions to the State boards.

Responsibilities of the regional coordinators include informing committees of board action on regulatory proposals; providing information on board schedules and activities; interpreting and explaining regulations; collecting and distributing scientific reports and data; advertising meetings; securing meeting space; confirming a quorum prior to a meeting; assisting with per diem claims; and typing, distributing, and collecting minutes and other correspondence generated by the committees or the councils.

Responsibilities of the local advisory committees include providing local forums on fish and wildlife issues, reporting committee opinions resulting from such forums to the State boards; holding meetings to elect new members and officers; making proposals for regulatory change; and discussing any other fish and wildlife matters of local concern. Committees also have the authority to close fishing, hunting, or trapping seasons under certain situations.

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

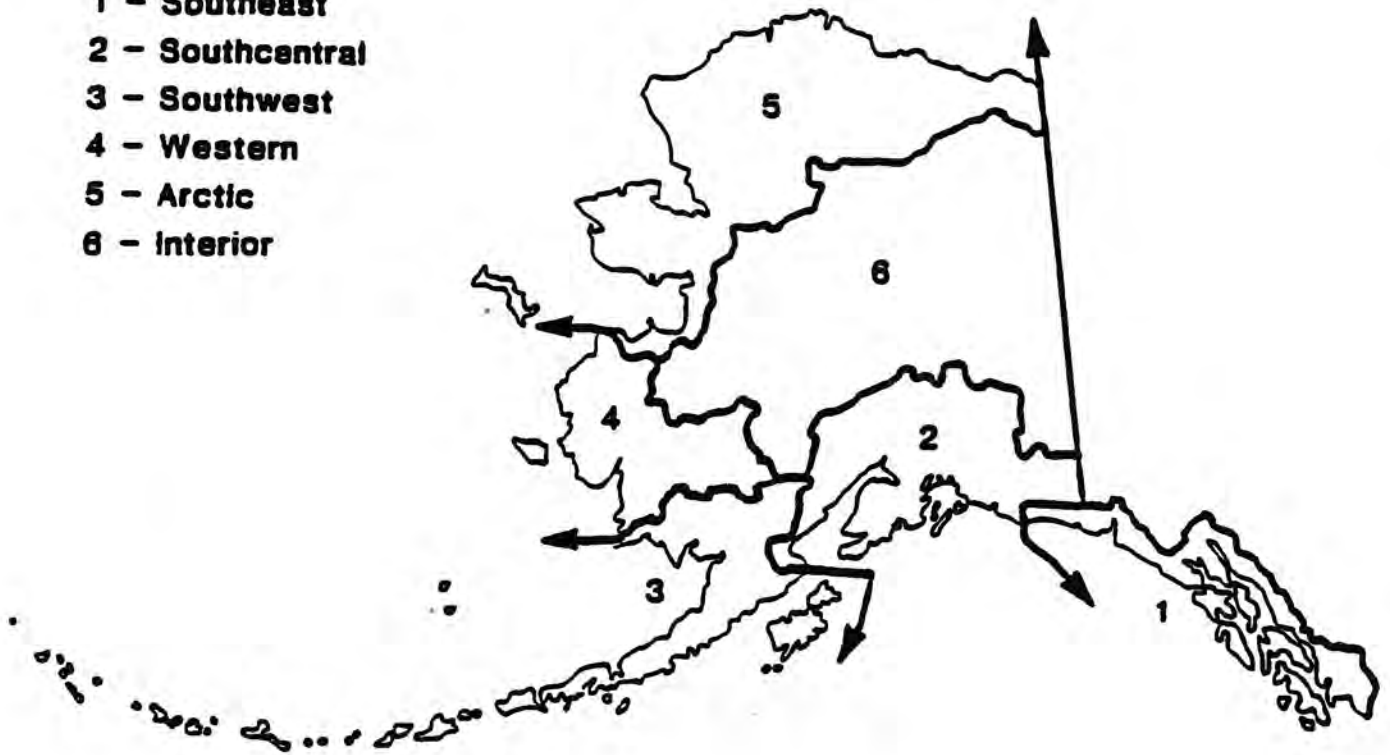


Figure 1. Existing Subsistence Resource Regions



## SOURCES OF INFORMATION FOR THIS REVIEW

### Meetings.

Interagency teams, on behalf of the Federal Subsistence Board and composed of personnel from the Fish and Wildlife Service, Forest Service, National Park Service, and Bureau of Land Management, conducted a total of 59 public meetings (57 in Alaska, one in Seattle, and one in Washington D.C.) in October, November, and December 1990. The purpose of the meetings was to obtain comments on the environmental effects of a Federal subsistence management program and the effects of the program on subsistence users and resources. An estimated 1,690 people attended the meetings. One of the major topics was the adequacy of the existing State system of regional advisory councils and local advisory committees. The authors of this report attended 20 of these 59 meetings. Team leaders submitted summaries of each meeting along with other notes, any written information received during the meeting, and tape recordings of the public testimony. Information on the advisory system was extracted from these materials and is included as Appendix A. Also, team members used "flip charts" to focus attention on specific topics and to record public comments. Recorded "flip chart" comments on the advisory system are included as Appendix B.

### Interviews.

The authors interviewed individuals associated with the existing State advisory system at every opportunity. We sought comments from local advisory committee members during the public meetings, regional advisory council meetings, and State board meetings. We spoke with personnel from the Alaska Department of Fish and Game's Division of Boards personnel at either their offices or during regional advisory council meetings or State board meetings. The comments we received as a result of these interviews are included as Appendix C.

### Written comments received by mail.

The public was given three opportunities to mail comments to the Federal Subsistence Board on the Federal subsistence management program.

The U.S. Department of the Interior and the U.S. Department of Agriculture published Temporary Subsistence Management Regulations for Public Lands in Alaska in the Federal Register on June 8, 1990 (55 FR 23522) and asked for public comment. Letters were received from 98 individuals or organizations, 38 of which included comments on the advisory system. These comments are included as Appendix D.

The U.S. Department of the Interior then published a Request for Public Comments, Intention to Solicit Comments on Matters Relating to Subsistence Take of Fish and Wildlife on Public Lands in Alaska in the Federal Register on September 25, 1990 (55 FR 39184). Letters were received from 206 individuals or organizations, 36 of which included comments on the advisory system. These comments are included as Appendix E.

During the public meetings, franked mail-in forms were made available to those who chose not to comment publicly during the meeting and for local distribution to those who did not attend the meeting. We received a total of 91 forms, 47 of which included comments on the advisory system. These comments are included as Appendix F.

### Comments received by telephone.

The Fish and Wildlife Service, Forest Service, National Park Service, Bureau of Indian Affairs, and Bureau of Land Management cooperatively established a toll-free 800 number from July 16 until September 30, 1991 to receive public comments on the Federal subsistence management program. The public was made aware of this

opportunity to provide comments through television (RATNET) and radio announcements, newspapers, the temporary subsistence management regulations, and the public meetings. We received a total of 28 calls, 3 of which included comments on the advisory system. Summaries of the comments on the advisory system are included as Appendix G.

#### Comments by Federal land managers.

The Fish and Wildlife Service requested national wildlife refuge managers to submit comments on their assessment of the existing State advisory system and its usefulness in meeting the agency's Title VIII mandates. The Bureau of Land Management, the National Park Service, and the Forest Service submitted written responses to assist in scoping for the environmental Impact Statement being prepared for the development of permanent regulations. Comments on the advisory system are included as Appendix H.

#### Regional advisory council annual reports.

Section 805 of ANILCA gives regional advisory councils the authority to prepare an annual report for the Secretary of the Interior. Comments from Section 805 annual reports submitted in 1988, 1989, and 1990 that are pertinent to this review are included as Appendix I.

#### Rural Alaska Community Action report.

In September 1989, the Rural Alaska Community Action Program (RurAL CAP) published the results of a survey of rural members of the advisory system regarding the implementation of ANILCA's subsistence priority and the effectiveness of the advisory system. This report is included as Appendix J.

#### Administrative records.

We reviewed recent local advisory committee and regional advisory committee minutes and records of the State board meetings in order to gain insight into the nature of the activities and concerns of the committee and council members and to determine the actions taken by the boards on subsistence proposals.

### ISSUES

For the purposes of this review, information received from the sources listed above are categorized into issues. Because of the size and diversity of Alaska, all issues are not necessarily common to all regions of the state. These issues are addressed as follows:

#### Funding.

This issue was raised most often and in every region of the state. Lack of adequate funding has resulted in fewer meetings than is necessary for local advisory committees and regional advisory councils to carry out the responsibilities described in ANILCA and in State regulations. It has also resulted in insufficient administrative support, specifically in the preparation of meeting minutes and council reports, and in insufficient training for both coordinators and committee members.

Members of the advisory system generally faulted both the Federal government and the State. With respect to Federal funding, Section 805(e) provides that the Secretary of the Interior may reimburse the State for up to 50% of the reasonable costs relating to the establishment and operation of the regional councils and operation of the local advisory committees in any fiscal year not to exceed the sum of \$5 million. Since the implementation of Section 805 in 1982, Federal reimbursements have averaged approximately 30% of the total costs of the entire State subsistence program (Table 1).

Table 1. Advisory System Funding, 1982-1990

Fiscal Year	Federal Reimbursement	Total Program Cost
1982	\$ 960,000	\$ 2,512,200
1983	1,000,000	2,957,000
1984	1,000,000	3,804,000
1985	1,000,000	4,367,800
1986	980,000	4,270,000
1987	932,000	3,324,800
1988	974,000	2,995,000
1989	974,000	2,600,000
1990	750,000	not available

Even though Section 805(e) refers only to reimbursements for the advisory system, these funds are shared by the Department of Fish and Game's Division of Boards and Division of Subsistence, usually on an equal basis. The Division of Boards is responsible for administering the advisory system while the Division of Subsistence is responsible for acquiring and reporting subsistence information. It should be noted that, as will be discussed further under another issue, the existing State advisory system is structured to provide input from all members of the public, not just subsistence users; therefore it is difficult to separate costs of the subsistence component alone.

Furthermore, the existing State advisory system addresses fish and wildlife issues throughout the State of Alaska and its contiguous marine waters, not just on Federal lands. Those that fault the level of Federal funding do not usually fully understand the limited scope of Federal responsibility.

While some members of the advisory system felt that funding and staff time intended for local advisory committee and regional advisory council administration and operation was inappropriately usurped by other Board activities, we did not attempt to determine precisely how the money was spent. We did note, however, that the State Joint Board did ask for an accounting of these funds during the February 1991 meeting.

In 1990, fiscal considerations resulted in limiting the councils to no more than two meetings a year, or for some only one. Members of the advisory system felt that at least four meetings a year are necessary - one to develop proposals and one to review proposals for each of the two State board meetings held each year. Council chairs or their representative have also been limited to one board meeting a year and current state policy prohibits testimony on behalf of a council if the representative attends on his or her own funds.

Lack of adequate funding has also reduced training opportunities for newly assigned coordinators and committee members. Several of the regional coordinators and some committee members felt that lack of adequate training was seriously affecting the ability of the system to function effectively.

The State's Fiscal Year 1992 budget, effective July 1, 1991, provides sufficient funding for one 3-day meeting for each of the six regional advisory councils and only a slight reduction in travel for the local advisory committees.

Subsistence user representation on the councils.

In some regions, subsistence users do not feel they have adequate representation on the councils. The cause is inherent in the history and purpose of the existing system, which is designed to serve all users, not just subsistence users. The local advisory committee system dates back to 1959; it was not until after the passage of ANILCA in 1980 that the regional advisory councils were created. Even though the councils were created to address the subsistence provisions of ANILCA, the State regulations for advisory committees and regional councils (5 AAC 96, 5 AAC 97 & 5 AAC 99) do not place much emphasis on subsistence. Article 2, which addresses regional councils, mentions subsistence only once and that in reference to annual reports. Also, the regulations do not require that subsistence users be represented on each committee, only that, to the extent

possible, three user groups be represented. Appendix D of the Advisory Committee Manual lists trapping, sport fishing, subsistence, hunting, guiding, personal use, outdoorsman, association or corporation, commercial fishing, photography, processing, and conservationist as activities or user groups appropriate for representation on local advisory committees.

Commercial and sport interests tend to dominate local advisory committees where those activities are prevalent. Commercial interests, in particular, are well-organized, have much to lose if their resource allocations are reduced, and are able to use the election system to their advantage. This is in no way a criticism of this user group, the existing system is designed to work this way and it is to be expected that any group would attempt to use it to further their own interests. Also, many subsistence users, particularly Natives, are not as comfortable as are others in arguing in a public forum in support of their interests and, because the regulatory process is often inconsistent with their lifestyle or cultural values, tend to participate less in the advisory system.

An example of how entrenched this dominance can be is the minutes of the November 1989 minutes of the Ketchikan Advisory Committee which went on record as opposing the village of Saxman's request to form their own advisory committee because it would "further imbalance the representation on the Regional Council towards subsistence." It is in this region where many people commented that the present trend will result in subsistence users having a minority vote on the council. One council member upset subsistence representatives by stating that he did not want to see any more subsistence fisheries in the region.

Several committee members from areas where subsistence representation was adequate felt that, because of the present complexity of the regulatory process, little time or energy was left after dealing with other matters to effectively deal with subsistence.

#### Processing of council recommendations and proposals.

A major complaint, often expressed as a feeling of frustration, was that the State Boards have not been processing council recommendations and proposals in accordance with the provisions of ANILCA. Both ANILCA and State regulations provide a special status to recommendations from the regional councils. Section 805(d) of ANILCA provides that the State rulemaking authority must follow council recommendations unless they are not supported by substantial evidence, violate recognized principles of fish and wildlife conservation, or would be detrimental to the satisfaction of subsistence needs and that, if a recommendation is not adopted, that the factual basis and reasons for that decision must be set forth. State regulations (5 ACC 96.610) are consistent with these provisions.

While inadequacies in the manner in which the State boards have responded to council recommendations is relevant to evaluating the past adequacy of the advisory system, in one sense it is no longer an issue since recommendations pertaining to subsistence on Federal public lands now come before the Federal Subsistence Board, not the State boards. However, in a broader sense the issue is still relevant since it has affected the way subsistence users feel about the overall effectiveness of the system and their willingness (or unwillingness) to participate in it.

The administrative records, including minutes of regional advisory council meetings and records of board actions clearly supported the many comments we heard that the boards were not giving recommendations from the councils the special status required by ANILCA and by state regulations. There is currently litigation on this issue. Adding to the problem and to the sense of frustration expressed by the councils is the situation that has existed for the last two years or so wherein the boards have been deferring decisions on regulatory proposals involving subsistence because of legal and jurisdictional uncertainties. Some council members considered extended deferral on subsistence proposals as defacto disapproval.

The Joint Board, during its February 1991 meeting, spent a considerable amount of time discussing the special status of council recommendations and the Department of Fish and Game's Division of Law attempted to clarify the legal requirements. As a result, the Joint Board modified Section 5 AAC 96.610, Procedures for Developing Fish and Game Regulations. The modifications, however, do not appear to be in full compliance

with Section 805(c) of ANILCA since they limit the special status of council recommendations to only those recommendations that involve proposals.

Availability of technical information.

We heard complaints that insufficient technical information has been available to the committees and councils. This was not an issue in all regions of the state - in fact, some committee members praised the technical support they received; however, where it is an issue it severely limits the ability of the committees to function effectively. Committees obviously need technical information to develop sound proposals and recommendations. Also, local residents sometimes disagree with the conclusions of biologists who have conducted survey and inventory studies and want to examine the methods that were used.

We heard no comments to the effect that information was being purposefully withheld, but rather that administrative or logistical shortfalls prevented the materials from reaching the committees in a timely manner.

There seemed to be a wide disparity in the cooperation afforded the committees by district biologists - some committees praised district biologists for attending meetings whenever they were requested while others claimed that district biologist rarely attended, even though their presence was specifically requested. There is little doubt that what might have been perceived as non-cooperation was actually a result of workload priorities and logistical difficulties in traveling to meetings.

We also learned that many of the committees are unaware of the studies that have been conducted by Federal agencies and therefore do not ask for them.

The lack of technical support, for whatever reason, has reduced the effectiveness of the system and has contributed to the frustration that some committee members have expressed.

Section 805(c) specifically states that it is the Secretary of the Interior's responsibility that both the regional advisory councils and the local advisory committees receive all available relevant technical and scientific data in a timely manner

Number and/or boundaries of the regions.

There was a wide range of views on this issue. Many people were satisfied with the boundaries of the region which represents their community and did not wish to see a change.

We received many comments, however, urging that the Southwest Region be divided with a separate region for Bristol Bay.

It is apparently often difficult for the Southwest Regional Council to reach a consensus because of differences in opinions on commercial fishing allocations and on the subject of interceptions, particularly in the chum salmon fishery at False Pass. Some also felt that major differences exist in the nature of subsistence uses within the region and that the size of the region makes council meeting attendance difficult. It should be noted that the Southwest Regional Council is the least active of the six councils and has never submitted an annual report to the Department of the Interior. A proposal was discussed by the Joint Board during its February 1990 meeting to create a separate region composed of Chignik, Kodiak, and the Area M commercial fishing district; however, while the proposal was accepted in principal, a decision was deferred in order to allow more time to accommodate existing commercial fishing districts in the boundaries of the new region.

Some residents of the Arctic Region also felt that this region should also be divided into two regions. The reasons given were the vast size of the region and the feeling that subsistence use is markedly different within the region. It should be noted that the regional coordinator did not feel that it would be advantageous to divide the region.

We received a few comments that the Interior Region included some areas, such as Northway, which have little in common with the rest of the region. The current council chairman thought this was the case primarily because the Interior Region was essentially "what was left over" after the coastal regions were formed.

Likewise, in the Southcentral Region, resource use in the Cantwell, Paxon, Tok, and Nabesna areas have issues more like communities in the Interior Region than those in the Southcentral Region.

We received some comments recommending that twelve regions be formed - one for each of the regional corporations in Alaska established under the Alaska Native Claims Settlement Act.

Some felt that regions should be based on Federal land conservation units, perhaps with a separate region for each refuge, park, and forest or forest district. Advocates of this configuration pointed out that this would provide optimum conditions for involvement of Federal managers in the subsistence needs in his or her area of responsibility.

Others commented that the present regional boundaries should be adjusted to conform, wherever practical, with Federal land management unit boundaries. Major considerations were, on the one hand, the need to provide for an efficient Federal subsistence management program and, on the other hand, the need to avoid unnecessary disruption during what is expected to be a relatively brief period until the State regains the responsibility for subsistence management on Federal public lands.

#### Native organization representation on the regional advisory council.

Many people felt that the Alaskan Native Brotherhood, Alaska Native Sisterhood, Indian Reorganization Act Councils, Regional Corporations, and Village Councils should have direct representation on the regional councils. They emphasized that these organizations often have stronger local support than the advisory committees and can better represent Native subsistence users. Others felt that this is either not necessary because committee members are often members of these organizations as well or inappropriate because it would introduce a divisive racial flavor to the councils. It should be noted that the current State regulations do provide for organizations to be represented on the local advisory committee as a user group. It appears from the comments we received that many rural residents may not be aware of this.

#### Community representation within the advisory system.

In some regions, most of the communities have their own local advisory committees while in other regions they do not. On one extreme, the Southeast Region has 22 local advisory committees, only four of which represent more than one designated community while, on the other extreme, the Western Region has four local advisory committees representing 49 communities. Obviously, the logistical problems associated with holding timely and effective meetings, let alone achieving a quorum, can be difficult when so many communities are represented. However, since there are 287 communities in Alaska, a proper balance between need, cost, and manageability must be maintained.

#### Department of Interior response to council reports.

Section 805(a)(3)(D) of ANILCA authorizes the regional advisory councils to submit an annual report to the Secretary of the Interior containing an identification of current and anticipated subsistence uses of, and subsistence needs for, fish and wildlife in the region; a recommended strategy for the management of fish and wildlife populations within the region to accommodate such subsistence uses and needs; and recommendations concerning policies, standards, guidelines, and regulations to implement the strategy. Section 805(c) requires the Secretary of the Interior to consider these reports; to follow any recommendation unless it is not supported by substantial evidence, violates recognized principles of fish and wildlife conservation, or would be detrimental to the satisfaction of subsistence needs; and to set forth the factual basis and the reasons for the decision if he chooses not to follow a recommendation. Several council members and/or coordinators felt strongly that the response of the Department of the Interior to council annual reports has been neither timely nor adequate. Examination of the administrative record indicates a valid basis for their claims does exist but, at the same time, shows responses to more recent reports that address all recommendations in considerable detail.

Regardless of the increasing attention to regional council annual reports by the Department of the Interior, the perception of the councils, and hence of the communities they represent, was that the Federal government has

not been adhering to the provisions of Section 805(c) in responding to those reports. They felt that this contributes to the frustration of council and committee members making it more difficult to retain and recruit good local representatives, thereby reducing the effectiveness of the advisory system.

#### Dual Federal and State advisory systems.

While many comments were received stating that it was absolutely essential that the Federal government establish a separate Federal advisory system, others stated that dual systems, one involving only subsistence on Federal public lands and one involving all other uses, would be unnecessarily cumbersome and duplicative. The most relevant concerns were that dual systems would be confusing to the public and would place a burden on those who represent their communities in the existing system. The latter concern is particularly important. As is the case anywhere, public-spirited individuals who are willing to contribute their time and energies for the public good comprise only a small percentage of the population in rural Alaska communities. These individuals are likely to be called upon again to serve the needs of a Federal advisory system and this should be taken into account in structuring such a system should one be established.

#### Temporary disruption of the existing advisory system.

We received many comments that disruption of the current subsistence resource regions, local advisory committees, and regional advisory councils should be avoided in order to facilitate the return of subsistence management responsibility on Federal public lands to the State of Alaska. While the return of this responsibility to the State is a priority objective of the Federal government, a balance must be established between the need to minimize disruptions with the need to implement an effective and responsive Federal subsistence program that fully complies with the provisions of Title VIII.

## DISCUSSION

In examining the question of whether or not the existing advisory system can adequately satisfy the Secretaries' Title VIII responsibilities, it is necessary to examine the role Congress intended the advisory system to play in subsistence management, the past performance of the advisory system in satisfying those responsibilities, and the likelihood that the existing advisory system can satisfy those responsibilities in the future.

Section 801(5) requires that an administrative structure be established for the purpose of enabling rural residents who have a personal knowledge of local conditions and requirements to have a meaningful role in the management of fish and wildlife and of subsistence uses on the Federal public lands in Alaska. This wording in itself does not exclude rural residents who are not subsistence users from participating in this administrative structure; however, the purpose of Title VIII as stated in Section 802(1) is to provide the opportunity for rural residents engaged in a subsistence way of life to continue to do so. It is clear that Congress intended that the advisory system be this "administrative structure". It is also clear, based on the authority given to the regional councils under Section 805 (previously described in the Introduction to this report), that Congress intended that the focus of the advisory system be on subsistence.

The past performance of the existing advisory system in satisfying the Secretary's Title VIII responsibilities varies greatly from region to region. Where inadequacies occur, they usually occur at the regional advisory council level rather than at the local advisory committee level. That is not to say that all local advisory committees are effective, but, in general, they do provide the type of local forum required by ANILCA and they do represent considerable and valuable knowledge about local fish and wildlife subsistence resources. Where the committees fall short, the problems can rather readily be rectified. Inadequacies in the regional advisory councils are most evident in the Southwest Alaska and Arctic Alaska regions where council meetings are held infrequently and where subsistence users place little emphasis upon depending on the councils to represent their interests in the regulatory process. Some of the reasons for this have been mentioned in the Issues section - the vast size of the regions, travel constraints during inclement weather, difficulty in reaching consensus because of sharply different views on the use of subsistence resources, and funding shortfalls.