



Federal Subsistence Board News Release



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

Forest Service

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Federal Subsistence Management Regulations for Tongass National Forest Submerged Lands published in Federal Register

On May 23, 2018, the Secretaries of the Departments of Agriculture and the Interior published the final rule for the Federal Subsistence Management Regulations for the Tongass National Forest Submerged Lands.

The U.S. District Court for Alaska, in its October 17, 2011 order in *Peratrovich et al. v. United States and the State of Alaska*, 3:92-cv-0734-HRH (D. Alaska), enjoined the United States “to promptly initiate regulatory proceedings for the purpose of implementing the subsistence provisions in Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) with respect to submerged public lands within Tongass National Forest” and directed entry of judgment. To comply with the order, the Federal Subsistence Board was directed to initiate a regulatory proceeding to identify those submerged lands within the Tongass National Forest that did not pass to the State of Alaska at statehood and, therefore, remain Federal public lands subject to the subsistence provisions of ANILCA.

Following the Court’s decision, the Bureau of Land Management (BLM) and the USDA–Forest Service (USDA–FS) started a review of hundreds of potential pre-statehood (January 3, 1959) withdrawals in the marine waters of the Tongass National Forest. In April and October of 2015, BLM submitted initial lists of submerged public lands to the Board. This rule adds those submerged parcels to the subsistence regulations to ensure compliance with the Court order. Additional listings will be published as BLM and the USDA–FS continue their review of pre-statehood withdrawals.

The Departments of Agriculture and the Interior published the proposed rule on June 8, 2016 (81 FR 36836) to amend the applicability and scope section of subpart A of 36 CFR part 242 and 50 CFR part 100. The proposed rule opened a comment period, during which public meetings were held, and the Federal Subsistence Regional Advisory Councils (Councils) developed recommendations for the Board. This final rule reflects the Board’s recommendation to the Secretaries of Agriculture and the Interior after review and consideration of Council recommendations, Tribal and Alaska Native corporation consultations, and public comments.

This rule is effective on June 22, 2018.

Additional information on the Federal Subsistence Management Program may be found on the web at www.doi.gov/subsistence or by visiting www.facebook.com/subsistencealaska.

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