



SOUTHEAST ALASKA SUBSISTENCE  
REGIONAL ADVISORY COUNCIL  
Meeting Materials

*February 13 - 15, 2018*  
*Juneau*







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*On the cover...*

River otters enjoy chilly weather in Southeast Alaska. Although their vision is not especially good, they use several sets of strong whiskers for hunting and avoiding obstructions.



Photo by DeAnna Perry

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**SOUTHEAST ALASKA SUBSISTENCE REGIONAL ADVISORY COUNCIL**

Vocational Training and Resource Center  
HA KAAK HÁS KA HÍDI (OUR UNCLE’S HOUSE)  
Juneau, Alaska

February 13 – 15, 2018  
8:30 a.m. daily

**TELECONFERENCE:** call the toll free number: 1-866-560-5984 , then when prompted enter the passcode: 12960066

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

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

**AGENDA**

\*Asterisk identifies action item.

- 1. Invocation**
- 2. Call to Order** (*Chair*)
- 3. Roll Call and Establish Quorum** (*Secretary*)..... 3
- 4. Welcome, Introductions, and Announcements** (*Chair, Coordinator*)
- 5. Review and Adopt Agenda\*** (*Chair*) ..... 1
- 6. Election of Officers\***
  - Chair (*DFO*)
  - Vice-Chair (*New Chair*)
  - Secretary (*New Chair*)
- 7. Review and Approve Previous Meeting Minutes\*** (*Chair*) ..... 4
- 8. Reports**
  - Council Member Reports
  - Chair’s Report
- 9. Public and Tribal Comment on Non-Agenda Items** (*available each morning*)
- 10. Old Business** (*Chair*)
  - a. BOG Companion Proposal to WP18-04 (*Coordinator, Staff*) ..... 24



b. Berners Bay Moose ( <i>USFS</i> ) .....	64
<b>11. New Business (<i>Chair</i>)</b>	
a. Call for Federal Fisheries Proposal ( <i>OSM</i> ) .....	87
b. Call for Nonrural Determination Proposals ( <i>OSM</i> ) .....	90
c. Fisheries Resource Monitoring Program Updates and Discussion ( <i>OSM</i> ) ...	Supplemental
d. Stikine Chinook Update ( <i>USFS</i> ) .....	113
e. Approve FY2017 Annual Report* ( <i>Coordinator</i> ) .....	Supplemental
<b>12. Agency Reports</b>	
(Time limit of 15 minutes unless approved in advance)	
Tribal Governments	
a. Water Quality Monitoring on Transboundary Rivers ( <i>CCTHITA</i> )	
Native Organizations	
ANSEP Earthscope ANGLE project ( <i>Beth Spangler</i> )	
USFWS	
USFS	
a. Special Actions	
b. Eulachon monitoring on Unuk River	
NPS	
BLM	
ADF&G	
OSM	
<b>13. Future Meeting Dates*</b>	
Confirm Fall 2018 meeting date and location .....	121
Select Winter 2019 meeting date and location .....	122
<b>14. Closing Comments</b>	
<b>15. Adjourn (<i>Chair</i>)</b>	

**To teleconference** into the meeting, call the toll free number: 1-866-560-5984, then when prompted enter the passcode: 12960066.

*Reasonable Accommodations*

The Federal Subsistence Board is committed to providing access to this meeting for all participants. Please direct all requests for sign language interpreting services, closed captioning, or other accommodation needs to DeAnna Perry, 907-586-7918, [dlperry@fs.fed.us](mailto:dlperry@fs.fed.us), or 800-877-8339 (TTY), by close of business on January 22, 2018.

**REGION 1**  
**Southeast Alaska Subsistence Regional Advisory Council**

<b>Seat</b>	<b>Year Appointed <i>Term Expires</i></b>	<b>Member Name and Community</b>
<b>1</b>	2015 <b>2019</b>	<b>Steve K. Reifentstahl</b> Sitka
<b>2</b>	2004 <b>2019</b>	<b>Frank G. Wright Jr.</b> Hoonah
<b>3</b>	1993 <b>2019</b>	<b>Patricia A. Phillips</b> Pelican
<b>4</b>	2000 <b>2019</b>	<b>Michael A. Douville</b> Craig
<b>5</b>	2002 <b>2019</b>	<b>Harvey Kitka</b> Sitka
		<b>Secretary</b>
<b>6</b>	2014 <b>2020</b>	<b>Robert F. Schroeder</b> Juneau
<b>7</b>	2014 <b>2020</b>	<b>Albert H. Howard</b> Angoon
<b>8</b>	2002 <b>2020</b>	<b>Donald C. Hernandez</b> Point Baker
<b>9</b>	2012 <b>2018</b>	<b>Kenneth L. Jackson</b> Kake
<b>10</b>	2015 <b>2018</b>	<b>Raymond D. Sensmeier</b> Yakutat
<b>11</b>	2010 <b>2020</b>	<b>John A. Yeager</b> Wrangell
<b>12</b>	2003 <b>2018</b>	<b>Michael D. Bangs</b> Petersburg
		<b>Chair</b>
<b>13</b>	2009 <b>2018</b>	<b>Cathy A. Needham</b> Juneau
		<b>Vice Chair</b>

## MINUTES OF THE OCTOBER 31 – NOVEMBER 2, 2017

### SOUTHEAST ALASKA SUBSISTENCE REGIONAL ADVISORY COUNCIL MEETING

#### **Location of Meeting:**

The Elizabeth Peratrovich Hall, Central Council Tlingit & Haida, Juneau, Alaska

#### **Times and Dates of Meeting:**

October 31, 2017 through November 2, 2017, commencing at 8:30 a.m. daily.

Invocation before the meeting was given by Orville Lind, Native Liaison, visiting from Office of Subsistence Management, Anchorage, Alaska.

The Fall 2017 meeting of the Southeast Alaska Subsistence Regional Advisory Council was called to order on Tuesday, October 31, 2017 at approximately 8:30 a.m.

#### **Quorum Established:**

Secretary Harvey Kitka took roll call and a quorum was established with the following Council members present for all three days: Steve Reifensstuhl, Michael Allen Douville, Harvey Kitka, Robert Schroeder, Donald Carlson Hernandez, Raymond Sensmeier, John Yeager, Michael Bangs, and Cathy Anne Needham. Two council members, Patricia Phillips and Albert Howard, were present during much of the first day by teleconference (due to weather preventing their flights getting into Juneau) and then joined the meeting in person for the second and third days. Two council members were excused from this meeting: Frank Wright, Jr. and Kenneth Jackson.

#### **Attendees:**

The following persons attended some portion of the Southeast Alaska Council meeting, either in person or by teleconference:

<i>Jennifer Hardin</i>	<i>Anchorage</i>	<i>OSM</i>
<i>Orville Lind</i>	<i>Anchorage</i>	<i>OSM</i>
<i>Pippa Kenner</i>	<i>Anchorage</i>	<i>OSM</i>
<i>Chris McKee</i>	<i>Anchorage</i>	<i>OSM</i>
<i>Beth Pendleton</i>	<i>Juneau</i>	<i>USFS and FSB</i>
<i>Wayne Owen</i>	<i>Juneau</i>	<i>USFS</i>
<i>Tom Whitford</i>	<i>Anchorage</i>	<i>USFS – ISC</i>
<i>Melinda Hernandez-Burke</i>	<i>Juneau</i>	<i>USFS</i>
<i>DeAnna Perry</i>	<i>Juneau</i>	<i>USFS</i>
<i>Earl Stewart</i>	<i>Ketchikan</i>	<i>USFS</i>
<i>Terry Suminski</i>	<i>Sitka</i>	<i>USFS</i>
<i>Jeff Reeves</i>	<i>Craig</i>	<i>USFS</i>



<i>Justin Koller</i>	<i>Sitka</i>	<i>USFS</i>
<i>Jake Musslewhite</i>	<i>Juneau</i>	<i>USFS</i>
<i>Carla Casulucan</i>	<i>Juneau</i>	<i>USFS</i>
<i>Jessica Warmbrodt</i>	<i>Juneau</i>	<i>USFS</i>
<i>Chad Scussel</i>	<i>Juneau</i>	<i>USFS</i>
<i>Ryan Scott</i>	<i>Juneau</i>	<i>ADF&amp;G</i>
<i>Tom Schumacher</i>	<i>Juneau</i>	<i>ADF&amp;G</i>
<i>Kristy Tibbles</i>	<i>Juneau</i>	<i>ADF&amp;G</i>
<i>Lauren Sill</i>	<i>Juneau</i>	<i>ADF&amp;G</i>
<i>Mark Burch</i>	<i>Palmer</i>	<i>ADF&amp;G</i>
<i>Boyd Porter</i>	<i>Ketchikan</i>	<i>ADF&amp;G</i>
<i>Maria Gladziszewski</i>	<i>Juneau</i>	<i>ADF&amp;G</i>
<i>Glenn Haight</i>		<i>ADF&amp;G</i>
<i>Stephanie Sell</i>	<i>Juneau</i>	<i>ADF&amp;G</i>
<i>Rich Lowell</i>	<i>Petersburg</i>	<i>ADF&amp;G</i>
<i>Jeff Nichols</i>		<i>ADF&amp;G</i>
<i>Glenn Chen</i>	<i>Anchorage</i>	<i>BIA</i>
<i>Rosalie Debenham</i>	<i>Anchorage</i>	<i>BIA</i>
<i>Clarence Summers</i>	<i>Anchorage</i>	<i>NPS</i>
<i>Barbara Cellarius</i>	<i>Copper Center</i>	<i>Wrangell St. Elias NP SRC</i>
<i>Irene Dundas</i>	<i>Ketchikan</i>	<i>Ketchikan Indian Community</i>
<i>Carrie James</i>	<i>Ketchikan</i>	<i>Ketchikan Indian Community</i>
<i>Tony Gallegos</i>	<i>Ketchikan</i>	<i>Ketchikan Indian Community</i>
<i>Frank Houston</i>	<i>Juneau</i>	<i>Aak'w Kwaan</i>
<i>Kyle Rosendale</i>	<i>Sitka</i>	<i>Sitka Tribe of Alaska</i>
<i>Louie Wagner, Jr.</i>	<i>Metlakatla</i>	<i>Metlakatla Indian Community</i>
<i>Cindy Wagner</i>	<i>Metlakatla</i>	<i>Metlakatla Indian Community</i>
<i>Louie Wagner, III</i>	<i>Metlakatla</i>	<i>Metlakatla Indian Community</i>
<i>Shawn Wagner</i>	<i>Metlakatla</i>	<i>Metlakatla Indian Community</i>
<i>Forest Haven</i>	<i>Metlakatla</i>	
<i>Josh Cohen</i>	<i>Metlakatla</i>	
<i>Ed Buyarski</i>	<i>Juneau</i>	<i>Juneau-Douglas Fish &amp; Game Adv Comm</i>
<i>Clint Scott</i>	<i>Juneau</i>	<i>U.S. Coast Guard</i>
<i>Kevin Gullufsen</i>	<i>Juneau</i>	<i>Juneau Empire newspaper</i>
<i>James Phillips</i>		<i>Pacific Fishing, Inc.</i>
<i>Harold P. Martin</i>		
<i>Nicholas Orr</i>		
<i>Kim Titus</i>	<i>Juneau</i>	
<i>Wayne Byers</i>		
<i>Michael Penn</i>	<i>Juneau</i>	<i>Juneau Empire newspaper</i>
<i>Mike Nizich</i>	<i>Juneau</i>	
<i>Harold Martin</i>	<i>Juneau</i>	
<i>Nick Yurko</i>		
<i>Jacob Resnick</i>	<i>Juneau</i>	<i>KTOO radio station</i>
<i>Rob Sandeson</i>		<i>Central Council – Tlingit &amp; Haida</i>
<i>Henry Stevens</i>		

<i>Kristine Trott</i>	<i>Juneau</i>	<i>Juneau-Douglas Fish &amp; Game Adv Comm</i>
<i>Mary Louise Lekanof</i>	<i>Juneau</i>	<i>Central Council – Tlingit &amp; Haida</i>
<i>Deborah Hart</i>	<i>Douglas</i>	<i>Klawock Lake Sockeye Salmon Stakeholders</i>
<i>Winston Smith</i>	<i>Juneau</i>	
<i>Clarence Skaflestad</i>	<i>Hoonah</i>	
<i>Harold Martin</i>	<i>Kake</i>	<i>former member of the council, recognized</i>

Fran Houston, spokesperson for the Aak’w Kwaan tribe, welcomed the council and those in attendance to the Aak’w Kwaan traditional territory. Regional Forester and Federal Subsistence Board (FSB) Member, Beth Pendleton, along with Forest Supervisor, Earl Stewart, welcomed those present to the Tongass National Forest (TNF).

### **Council Service Awards:**

Beth Pendleton, on behalf of the FSB, honored two council members for their years of service to the Southeast RAC: Don Hernandez, for 15 years of service, personally received his certificate of service award and Ken Jackson, who could not attend the Fall meeting, was honored for 5 years of service and will receive this certificate at the next meeting. Earlier this year, at the Winter 2017 meeting, Harvey Kitka, was recognized for 15 years of service to the Council, honored by Chair of FSB, Tony Christianson at March meeting

### **Adoption of Agenda:**

The Council **unanimously supported a motion** made by Harvey Kitka, seconded by John Yeager, **to adopt the agenda as a guide.**

### **Approval of Previous Meeting Minutes:**

The Council **unanimously supported a motion** made by Don Hernandez, seconded by Steve Reifentstahl, **to approve the March 14-16, 2017 SEARAC Council meeting minutes** as written.

### **Council Member Reports:**

**Mr. Reifentstahl** (Sitka) – Situk management actions allowed for lower end of escapement which was good for the stock; ADF&G introduced idea to BOF to have 3 stocks of concern in SE this coming year: Unuk River, Chilkate and the King Salmon and Seymour Canal in Admiralty; king salmon is going to have low productivity for probably a full generation; supplies to hatchery stocks were lowest return seen in 25 yrs at Medvejie and Hidden Falls; decent subsistence harvest for sockeye at Redoubt; herring doing better but whales are also abundant; increase in sea otters; more abalone stock; NSRAA has introduced a new chum salmon program (Petersburg & Thomas Bay); Gunnuk Creek Hatchery reclaimed and being resurrected – important to the community; deer have been abundant; goat hunting opened up in Sitka.

**Ms. Patricia Phillips** (Pelican) – There are a lot of bears and sows with triplets and twins, indication of bears that are eating well; good summer for salmon; hardly any winter King salmon; summer seine season really impacted inlet; there is a need to better inventory salmon streams in District 13 – spawning; community getting Coho later in the year – no seiners scooping them at head waters; berries good but birds got most of them first.

**Mr. Ray Sensmeier** (Yakutat) – Good fishing season in Yakutat this year; king salmon low; sporties section of the Situk was cut out for fishing for a month or so; salmon season was good – 11-12 pound humpies; he has attended SRC meetings and will be attending SEACC meetings in Sitka next week; still involved in Tier III mining work group and has testified before the State Legislature and before the House Natural Resources Committee and DEC on this issue; he is in favor of support work group on Transboundary issues – need to take steps to protect the resource for future generations.

**Mr. Michael Douville** (Craig) - Only able to fish four days this summer for king salmon as 12% of fish caught by trawlers in second opening was alleged local stocks; the run has to be more closely monitored, concerned of accuracy for this monitoring of systems; bear population increase; decrease in deer to be harvested - less bucks; it is believed there's a rapidly increasing population of wolves in Unit 2; winter fish king salmon are skinny, not like in summer and suspect ocean conditions are the cause.

**Mr. Harvey Kitka** (Sitka) - Mild winters in Sitka resulting in a pretty good deer population; nice that goat hunting was broke out into different areas – allowed people to get goats and not close the whole island at once; increasing bear/human interactions; he was informed by trawlers that kind salmon were long but skinny; concern about forage fish starting a problem in the ocean: hatchery stocks released are being eaten by older salmon – some sport fishermen in SE report little king salmon in the stomachs of caught king salmon; squid increasing; good year for blue berries.

**Mr. Robert Schroeder** (Juneau) – Harvesting and use of resources is changing in Juneau; lost king salmon this year; coho fishing difficult this summer; shrimp closed for quite a while; king crab opened briefly with very small harvest limit; but herring was prosperous; halibut success rate has gone way down; maybe we are at some kind of tipping point for major change in resource availability? he is involved in examining and working on climate change – council will see increasing matters on this in future; council really needs to push for protection on transboundary issues; look at other environmental things close up – water quality (cruise ship emissions); recognized benefit and need to do more to bring people in on the monitoring programs; explore possibility of having youth or community observers at council meetings and funding for same.

**Mr. Albert Howard** (Angoon) - (was in transit at time of council members' reports)

**Mr. Donald Hernandez** (Pt. Baker) - Echos everyone's comments; added that there were lacking fish runs in his area; major concern about cohos and king salmon being so small; there needs to be studies or projects on Steelheads in our region added.



**John Yeager** (Wrangell) – Most people in his area had successful sockeye salmon harvest for subsistence; concerned with king salmon return and run size; Wrangell very concerned about transboundary mining and what’s happening in British Columbia; moose seasons good on the Stikine and subsistence needs are being met; moose are moving around – to outlying islands, moving hunting pressure around more.

**Cathy Needham** (Juneau) - Appreciated FSB member Beth Pendleton’s welcome remarks, especially regarding the FRMP and the benefits of that program on communities and expressed the importance of continued funding; reported on Hetta and Eek Lake sockeye salmon escapement – community deferred their harvest at beginning to increase number of sockeye returning, subsistence harvesters had to shut down mid season because larger bulk of stock never really showed; stated the importance and need for wildlife resource monitoring; good berry harvest; she is interested in attending forums and meetings on climate change issues.

**Mike Bangs (Petersburg)** – Good red huckleberry harvest this year in his area; king crab harvest was good all summer – really big increase in red crab resulting in increase in personal use bag limit starting Nov 1st; trawlers doing well with king salmon since it reopened around Petersburg; halibut harvest was off the charts this summer for subsistence and commercial fleet – good abundance in Area 2C; moose hunting pretty successful; more sighting of brown bears

**Public and Tribal comments on Non-Agenda Items:**

**Deborah Hart**, spokesperson for the Klawock Salmon Stakeholders, extended an invitation to the council members for the upcoming meeting on Nov 14 – 15, 2017. The Council discussed sending a council member to this meeting and local Prince of Wales council member Mike Douville offered to attend, if he is available.

**Cindy Wagner**, of Metlakatla, addressed the Council regarding qualified hunters for the 2017 Unuk River Subsistence Moose Hunt and various disturbances to this hunt from other people scouting the river. She also read her letter of concern into the record.

**Louie Wagner, Jr.**, of Metlakatla, addressed the Council regarding Eulachon in the Unuk River and the desire to harvest. There was discussion amongst Mr. Wagner, council members, and Forest Service Tongass National Forest Supervisor, Earl Stewart, regarding monitoring the Eulachon in the Unuk River. The Council identified an Annual Report Topic from this discussion: There is a concern that traditional ecological knowledge and cooperative agreements available under ANILCA Section 809, are not being utilized to provide monitoring of the Unuk River for the management of the eulachon.

**OLD BUSINESS:**

**Board of Fish (BOF) Proposals:** Council Coordinator, DeAnna Perry, asked the Council’s wishes for making comments to support the two Board of Fish Proposals that the Council submitted for the current State fish cycle. The Council requested that Staff research the issue

and if there is additional information, to help craft comments to support the proposals and that a scientific analysis be performed with the analyst attending the BOF meeting in person. Mike Bangs, Steve Reifentstahl and Harvey Kitka from the Council expect to attend this meeting.

**Out-of-Cycle State Process:** Kristy Tibbles, Executive Director, Alaska Department of Fish & Game (ADF&G) Boards Support Section, gave a presentation on the procedure to submit Board of Game and Board of Fish proposals 'out-of-cycle.' She answered questions from the Council and relayed that the Board of Game will have a call for proposals coming up next year with a deadline of May 1, 2018.

**Wolf Habitat Report:** United States Forest Service (USFS) representatives: TNF Forest Supervisor, Earl Stewart, and Director of Wildlife, Fish, Ecology, Watershed & Subsistence Regional Program, Wayne Owen, along with ADF&G Regional Supervisor, Division of Wildlife Conservation, Ryan Scott, were available for discussion and questions from the Council regarding the Interagency Wolf Habitat Management Program: Recommendations for Game Management Unit 2. Mr. Stewart further advised the Council that there is currently a Prince of Wales landscape level assessment being done.

## **NEW BUSINESS:**

**FEDERAL SUBSISTENCE WILDLIFE PROPOSALS:** The Council took the following actions on Federal Wildlife proposals:

### **WP18-01: Unit 2, Deer Harvest Limit and Season Change**

Proposal WP18-01, submitted by the Southeast Alaska Subsistence Regional Advisory Council, requests that non-Federally qualified users be limited to the harvest of two deer from Federal public lands in Unit 2 and that the season for non-Federally qualified subsistence users be reduced by one week or more.

Comments:

OSM Preliminary Conclusion: Oppose

ADF&G: Tom Schumacher, Ryan Scott, and Boyd Porter, ADF&G, gave a presentation to the Council and testified that the State was opposed to this proposal.

There were Tribal Consultations on wildlife proposals and Southeast participants brought up concerns about deer and bear populations.

There were five written public comments received, four in support and one in opposition. The comments in support from the Organized Village of Kasaan, Craig Tribal Association, Hydaburg Cooperative Association, and the Klawock Cooperative Association were received after the end of the public comment period and not included in the council book.

Tribal entity testimony included Clinton Cook on behalf of Craig Tribal Association.

No other public testimony, agency comments, nor State Advisory Committee comments.

**Council Action:** Harvey Kitka moved to adopt Proposal WP18-01. Seconded by John Yeager. After discussion, Mr. Kitka rescinded his motion and Mr. Yeager concurred. Robert Schroeder

then moved to split the question. Seconded by Michael Douville. **Motion to Split the Question passed unanimously.**

**Justification:** The Council felt that this proposal had two components and that the proposals should be split for the vote: Proposal WP18-01a would address the reduction in bag limit and Proposal WP18-01b would address the reduction in season.

**Council Action on WP18-01a:** The Council **adopted Proposal WP18-01a**, reducing annual harvest limit for non-Federally qualified users to two deer **(10-1)**.

**Justification:** The Council felt that subsistence needs were not being met. The Council decided that this reduction would provide a rural resident priority, would not adversely affect non-subsistence users as they already average two deer per hunter and reduction would not make a huge difference in their harvest overall. The Council voiced concerns that if the harvest objective continues to be exceeded, there could be an imminent conservation shortage if the Council does not take pre-emptive action now and provide for rural subsistence preference.

**Council Action on WP18-01b:** The **motion to adopt Proposal WP18-01b**, reducing season for non-Federally qualified users by one week or more, **failed (4-7, 2 absent)**.

**Justification:** The Council felt there would be no value in the reduction of hunting season as the reduction in harvest limit is sufficient to address subsistence user concerns and a time restriction would not be necessary.

### **WP18-02: Units 1 – 5, Deer C&T Determination Change**

Proposal WP18-02, submitted by the Southeast Alaska Subsistence Regional Advisory Council, requests to modify the customary and traditional use determination for deer in Southeast Alaska Units 1-5 so that all rural residents of Units 1-5 are eligible to hunt deer under Federal regulations.

Comments:

OSM Preliminary Conclusion: Support

ADF&G: Lauren Sill, ADF&G, testified that the State was neutral to this proposal.

There were Tribal Consultations on wildlife proposals and Southeast participants brought up concerns about deer and bear populations.

There were two written public comments received, both in opposition, and were included in the council book.

No tribal entity comments, public testimony, other agency comments, nor State Advisory Committee comments.

**Council Action:** John Yeager moved to adopt Proposal WP18-02. Seconded by Cathy Needham. The Council **unanimously adopted Proposal WP18-02**, modifying the customary and traditional (C&T) use determination for deer in Southeast Alaska Units 1-5 **(11-0, 2 absent)**.

**Justification:** The Council felt that there was not a conservation concern for this resource and that expanding the customary and traditional use determination for deer would not create a conservation concern. There is overwhelming support for C&T uses throughout the region for



Federally-qualified users. It is evident by traditional ecological knowledge regarding travel and how families are spread out across many islands, that the Southeast is unique. Providing for sharing of cultural exchanges of fish and wildlife take is important for Southeast rural residents and extending C&T to all rural residents would benefit subsistence users without adversely affecting non-subsistence users.

*\*There was a request that previous discussions, which are in the transcripts of the council's other meetings, be included when Staff presents this proposal to the Federal Subsistence Board.*

### **WP18-03: Unit 1, Hunting/Trapping season for Wolves Change**

Proposal WP18-03, submitted by the Southeast Alaska Subsistence Regional Advisory Council, requests modifying the Federal hunting and trapping seasons in Unit 1 for wolves to match those currently under State regulations.

Comments:

OSM Preliminary Conclusion: Support

ADF&G: Richard Lowell, ADF&G, provided a brief harvest history and testified that the State supported this proposal as it would align State and Federal hunting/trapping regulations.

There were Tribal Consultations on wildlife proposals and Southeast participants brought up concerns about deer and bear populations.

There were four written public comments received, all in opposition, and were included in the council book.

No tribal entity comments, public testimony, other agency comments, nor State Advisory Committee comments.

**Council Action:** Mike Douville moved to adopt Proposal WP18-03. Seconded by John Yeager. The Council **unanimously adopted Proposal WP18-03**, modifying the hunting and trapping season for wolves in Unit 1 (**11-0, 2 absent**).

**Justification:** The Council found that this proposal would align Federal and State hunting and trapping regulations for the harvest of wolves in Unit 1. Federally qualified hunters/trappers are already authorized to take wolves in Unit 1 during the proposed season dates under State regulations. The Council found there was no conservation concern and the record of take supports the proposal. The proposal would benefit some subsistence users and not restrict other users.

### **WP18-04: Unit 2, Wolf Harvest Quota Change**

Proposal WP18-04, submitted by the Southeast Alaska Subsistence Regional Advisory Council, requests increasing the wolf harvest quota on Federal lands in Unit 2 from up to 20% to up to 30% of the most recent population estimate for the unit.

Comments:

OSM Preliminary Conclusion: Oppose

ADF&G: Ryan Scott and Tom Schumacher, ADF&G, gave a presentation to the Council and testified that the State was opposed to this proposal.

There were Tribal Consultations on wildlife proposals and Southeast participants brought up concerns about deer and bear populations (predation issue).

There were six written public comments received, all in opposition, and were included in the council book.

There were four tribal entity comments, presented through resolutions from the Hydaburg Cooperative Association, Klawock Cooperative Association, Organized Village of Kasaan, and the Craig Tribal Association (President Clinton Cook spoke during the meeting), which were received after the end of the public comment period and not included in the council book.

Public testimony by Dr. Winston Smith of Juneau.

No other agency comments nor State Advisory Committee comments.

**Council Action:** Don Hernandez moved to adopt Proposal WP18-04. Seconded by Michael Douville. The Council **adopted Proposal WP18-04**, increasing the harvest quota for wolves in Unit 2 (**9-2, 2 absent**).

The Council created a workgroup including council members: Don Hernandez, Patty Phillips, Robert Schroeder, Mike Douville,

**Justification:** The council deliberated long and hard on this proposal and carefully considered, in addition to the staff analysis, local knowledge of council members concerning wolves in Unit 2, public testimony heard at the Winter 2017 Craig council meeting, strong reasoned support from the four tribal governments on Prince of Wales Island, and excellent population and scientific information provided by Department of Fish and Game staff. Because of the importance of wolves for subsistence, past controversy over wolf management in Unit 2, and the delegation authority needed to implement the SERAC recommendation, the council's rationale and intent covers a number of points.

1. **Subsistence opportunity.** Wolves are an important species harvested for subsistence uses in Unit 2. The council wishes to provide sufficient opportunity to harvest wolves to meet subsistence needs for this species. The council is particularly concerned that unnecessarily low harvest quotas for wolves do not provide for subsistence uses and needs and that they limit the opportunity for younger hunters/trappers to learn and participate in this subsistence tradition.
2. **Management situation.** Wolf in Unit 2 has been managed on a quota basis. The harvest quota is in Alaska Board of Game regulations at 20% of the most recent population estimate. The State of Alaska 20% Harvest Guideline Level (HGL) can only be changed by Board of Game action. The State of Alaska Board of Game call for proposals for the Southeast region for 2018/2019 meeting cycle will be issued in January 2018; the proposal deadline will be May 1, 2018. The Alaska Board of Game will meet in late 2018 or early 2019; actions taken at that meeting would apply to the 2019/20 wolf harvest season. SERAC will submit a proposal to the Alaska Board of Game to align the state HGL with the federal HGL (up to 30% of the most recent population estimate if WP18-04 is adopted).

Because the 20% HGL is in state regulation, state managers have no authority to exceed this HGL even if subsistence needs and biological data would support a higher HGL.

The quota is set considering population estimate based on DNA sampling primarily from hair boards. The population estimate for wolf has a time lag, because of the time needed to process and analyze DNA samples. For example, the 2017/18 quota is based on 20% of the fall 2016 population estimate.

3. **Delegation of authority.** SERAC requests that the USDA Forest Service Craig District Ranger receive delegated authority from the Federal Subsistence Board to set the quota for subsistence take of wolf on federal lands in Unit 2.
4. **Scientific rationale.** Local knowledge/TEK of Unit 2 wolf harvesters supports that a HGL up to 30% is appropriate. The tribal governments of Craig, Hydaburg, Kasaan, and Klawock whose members are active subsistence wolf harvesters believe that a higher HGL should be implemented at this time. These sources believe that the wolf population has been growing rapidly and can sustain a higher harvest level. They also note this growth is not reflected in the ADFG population estimate which estimates past (1 year ago), not present, population levels. Local knowledge/TEK, based on more current observations has the opportunity to evaluate wolf population size on a more real time basis.

Complementary western science data presented suggest that a healthy wolf population can sustain a 30% harvest level, sometimes even higher. Wolves have high fecundity, and wolf populations can expand rapidly in a suitable environment. Prey availability and habitat conditions are strong determinants of wolf populations. Wolves are a very resilient species. Interestingly, government efforts to extirpate wolves on Prince of Wales and nearby islands through decades of poisoning and a bounty system were unsuccessful.

Review of wolf population and harvest data for Unit 2 show major inter year population changes with the wolf population tripling from low population estimates in a few years.

5. **Setting an HGL.** SERAC would like the HGL to be set through a transparent public process involving the Department of Fish and Game, the Craig District Ranger and Forest Service subsistence biologists, local subsistence harvesters and TEK experts, and Prince of Wales tribal governments. SERAC recognizes that authority to set a federal subsistence HGL will be vested with the Craig District Ranger, with close consultation with ADFG.

SERAC anticipates that the proposed up to 30% HGL could result in a higher quota than the present artificially low 20% HGL.

The incorporation of local/TEK knowledge will allow more responsivity to the changing wolf population than the time-lagging DNA population estimate. Current local/TEK knowledge indicates that MORE wolves can be harvested. In future years, incorporation

of local/TEK knowledge could indicate that few wolves should be taken than the time-lagged DNA survey data would allow.

An up to 30% HGL provides managers with management flexibility.

6. **Long term management of Unit 2 wolf.** SERAC believes that utilization of a population guideline would provide better management of wolves in Unit 2. A population guideline would be set through a management plan for wolf in Unit 2. As with other species, wolf management actions would aim at insuring that the wolf population is maintained at a determined level. Wolves in excess of this population goal would be available for harvest. To start the development of such a management plan, SERAC suggests a population goal of 150-200 wolves for Unit 2, based on a post denning count or estimate.

Council development of a strategy for the management of wolf populations within the region to accommodate subsistence uses and need is authorized under ANILCA Sec. 805 3 D iii and elsewhere.

7. **Need for action.** SERAC believes that immediate action is needed so that an HGL that provides for subsistence uses and needs can be in place for the 2018/19 hunting and trapping season. The State of Alaska Board of Game action on the proposal SERAC will submit will not be implemented until the 2019/20 hunting and trapping season.

If the Alaska Board of Game adopts SERAC's proposal at its meeting covering southeast Alaska in 2018/2019, there would be a common HGL on state and federal lands in Unit 2 for the 2019/20 season.

SERAC also believes that 2018/2019 implementation of an up to 30% HGL is necessary for conservation of the wolf population itself. An excessively large wolf population will be subject to crashing.

SERAC recognizes that an up to 30% HGL on federal lands may require federal managers to track and monitor wolf harvest on federal lands. If a higher HGL is set on federal lands, SERAC anticipates that a federal season would remain open to federally qualified subsistence users after the state season closed when its statutorily determined lower HGL was met.

If the SERAC recommendation is adopted, any harvest beyond the state limited 20% HGL would only be available to federally qualified subsistence users. SERAC anticipates that the BOG may change its HGL to align with the new federal regulation.

**Final note.** In its use of HGL, SERAC means reported harvest and verified other wolf kills, road kill for example. In the past HGL has been reduced by speculative inclusion of unverified non-legal kills. This is totally inappropriate and disrespectful of local hunters/trappers. SERAC notes that non-legal mortality exists for all harvested species, through wounding loss,

unrecovered kills, road kill, intra species killing for many predators, and other factors.

**WP18-05: Unit 3, Hunting/Trapping season for Wolves Change**

Proposal WP18-05, submitted by the Southeast Alaska Subsistence Regional Advisory Council, requests lengthening the Federal hunting and trapping seasons for wolves in Unit 3 to match those currently under State regulations.

Comments:

OSM Preliminary Conclusion: Support

ADF&G: Rich Lowell, ADF&G, testified that the State supports this proposal to align Federal and State wolf hunting and trapping regulations in Unit 3.

There were Tribal Consultations on wildlife proposals and Southeast participants brought up concerns about deer and bear populations.

There were three written public comments received, all in opposition, and were included in the council book.

No public testimony, tribal entity comments, other agency comments, nor State Advisory Committee comments.

**Council Action:** Michael Douville moved to adopt Proposal WP18-05. Seconded by John Yeager. The Council **unanimously adopted Proposal WP18-05**, lengthening the Federal hunting and trapping seasons for wolves in Unit 3 to match those currently under State regulations **(11-0, 2 absent)**.

**Justification:** The Council decided this was a ‘housekeeping’ proposal in that it would align federal and state wolf hunting/trapping regulations in Unit 3, as Federally qualified hunters/trappers are already authorized to take wolves during the proposed season dates under State regulations.

**WP18-06: Unit 2, Bear Annual Harvest Limit and Season Change**

Proposal WP18-06, submitted by the Klawock Cooperative Association, requests the season for black bear in Unit 2 be lengthened from Sept. 1 – June 30 to Aug. 24 – June 30 and the harvest limit be increased from 2 to 4 bears.

Comments:

OSM Preliminary Conclusion: Oppose

ADF&G: Boyd Porter, ADF&G, made a presentation to the Council on behalf of the State (but did not specifically state whether agency opposed or supported this proposal, on the record).

There were Tribal Consultations on wildlife proposals and Southeast participants brought up concerns about deer and bear populations.

There was one written public comment received, in opposition, and was included in the council book.

Public testimony by Dr. Winston Smith of Juneau, included predation comments.

No tribal entity comments, other agency comments, nor State Advisory Committee comments.



**Council Action:** Don Hernandez moved to adopt Proposal WP18-06. Seconded by Steve Reifenstuhl. The **motion to adopt Proposal WP18-06**, requesting an extension of harvest season and increase in harvest limit, **failed (0-11)**.

**Justification:** The Council felt that this proposal didn't address a subsistence need and that the data presented showed that most subsistence hunters were not utilizing the current harvest limit and the opportunity for bear harvest that already exists.

**WP18-09: Units 1B and 3, Designated Hunting of Deer Change**

Proposal WP18-09, submitted by the Wrangell Fish and Game Advisory Committee, requests that the Federal designated hunting provisions limit the number of Federally qualified recipients that a designated hunter may hunt deer for in Units 1B and 3.

Comments:

OSM Preliminary Conclusion: Oppose

ADF&G: Rich Lowell, ADF&G, testified that the State was neutral to this proposal.

There were Tribal Consultations on wildlife proposals and Southeast participants brought up concerns about deer and bear populations.

There were two written public comments received, one in support and one in opposition, which were included in the council book.

No public testimony, tribal entity comments, other agency comments, nor State Advisory Committee comments.

**Council Action:** Don Hernandez moved to adopt Proposal WP18-09. Seconded by Cathy Needham. The **motion to adopt Proposal WP18-09**, requesting that the Federal designated hunting provisions limit the number of Federally qualified recipients that a designated hunter may hunt deer for in Units 1B and 3, **failed (2-9, 2 absent)**.

**Justification:** The Council felt that this proposal didn't address a subsistence need or a conservation issue and that the proposal seemed to be an enforcement issue. The Council was not in favor of restricting designated hunters, but was in favor of the enforcement of regulations and having individuals documenting illegal activity and reporting it.

**WP18-10: Unit 5A, except Nunatak Bench east of Dangerous River, Moose Season Change**

Proposal WP18-10, submitted by the Yakutat Fish and Game Advisory Committee, requests that the Federal season for moose in Unit 5A, except Nunatak Bench east of the Dangerous River, be open from Sept. 1 – Nov. 15, with Federal public lands closed to the harvest of moose except by residents of Unit 5A from Sept. 1 – Sept. 14.

Comments:

OSM Preliminary Conclusion: Support

ADF&G: Stephanie Sell, ADF&G, testified that the State supports this proposal.

There were Tribal Consultations on wildlife proposals and Southeast participants brought up concerns about deer and bear populations.



There were two written public comments received, one in opposition which was included in the council book, and one comment in support, that was received after the end of the public comment period and was not included in the council book.

No tribal entity comments or other agency comments.

Wrangell St. Elias National Park Subsistence Resource Commission supports this proposal.

**Council Action:** Steve Reifentuhl moved to adopt Proposal WP18-10. Seconded by Mike Bangs.

Mike Bangs made motion to amend the motion to change the beginning date as proposed from Sept 1 to Sept 20. Mike Douville seconded. Mr. Bangs rescinded his original amendment and Mike Douville concurred.

Patty Phillips then made a **motion to amend** the proposed language: *“Unit 5A, except Nunatak Bench, east of the Dangerous River – 1 bull by joint State/Federal registration permit only. From Sept 16 – Sept 30, Federal public lands are closed to taking of moose except by residents of Unit 5A hunting under these regulations.” Don Hernandez suggested that the season dates should also be included. This motion to amend failed (1-10, 2 absent).*

Robert Schroeder then made a **motion to amend the main motion** to set the season open date from *“Sept 1 – Nov 15”* to *“Sept 16 – Nov 16,”* and changing the closure of Federal public lands from *“Sept 1 – Sept 14”* to *“Sept 16 – Sept 30.”* Don Hernandez seconded.

This **motion to amend Proposal WP18-10, passed unanimously (11-0, 2 absent).**

The **motion to support Proposal WP18-10 as amended, passed unanimously (11-0, 2 absent).**

**Justification:** The proposal was controversial. It was submitted by the Yakutat ADF&G Advisory Committee made up of Yakutat residents; however, other Yakutat residents were not in favor of this proposal. The accessibility to this area is by airplane and cost prohibitive to many residents and many rural residents are still fishing during the proposed dates. The Council discussed dates and believed that local Yakutat residents would not be the ones to benefit because they are still engaged in fishing and not hunting yet during the proposed dates. The Council amended the dates after deciding that opening the harvest season earlier would allow a two-week priority for rural residents during a later time when most would be finished fishing and; therefore, expanding the opportunity for subsistence users to get moose. There is no conservation concern and the main goal of this proposal is to utilize a resource that hasn't been fully utilized in the past. Substantial evidence through analysis and studies support this amended proposal. Proposal will probably not restrict other users and the Council felt that a parallel proposal to Board of Game is needed to adjust the State season so that non-Federally qualified hunters do not suffer in their harvest opportunities.

### **WP18-11: Unit 1C Berners Bay, Priority for Moose Change**

Proposal WP18-11, submitted by Calvin Casipit of Gustavus, requests that the Federal Subsistence Board provide a Federal priority for moose in Unit 1C Berners Bay for rural residents, or close Federal lands to the harvest of moose in 1C Berners Bay to all users, or clearly state on the record why a priority for moose should not be provided to rural residents on the Federal public lands of Berners Bay.

Comments:

OSM Preliminary Conclusion: Support with modification

ADF&G: Lauren Sill and Stephanie Sell, ADF&G, testified that the State is neutral on this proposal.

There were Tribal Consultations on wildlife proposals and Southeast participants brought up concerns about deer and bear populations.

There were three written public comments initially received, all in opposition, and was included in the council book. Three additional written comments were received after the end of the public comment period and not included in the council book.

No tribal entity comments nor other agency comments.

Public testimony:

Ed Buyarski, Vice Chair, Juneau-Douglas Fish & Game Advisory Committee, testified that this Committee is opposed to this proposal.

Kim Titus opposed first two parts of proposal and supported last part of proposal.

Nick Yurko and Joe Orsi testified in opposition.

Cal Casipit, proponent, offered information in support of his proposal.

Clarence Skaflestad testified with comments on this proposal and general comments.

**Council Action:** Cathy Needhan moved to adopt Proposal WP18-11 with modification proposed by OSM. Seconded by John Yeager. The **motion to adopt Proposal WP18-11 with modification**, (modification establishes a may-be-announced cow season and closes Federal public lands to all but Federally qualified subsistence users – pg 241 of meeting book), **failed (4-7, 2 absent)**.

**Justification:** The Council decided that there needs to be a way to address proponent's concerns (to provide a federal subsistence priority) but that this proposal couldn't be implemented to do so and at the same time maintain a management system on this limited population of moose. The Council felt that they could not support this proposal based on the information and analysis given (including constitutionality of how a federal draw might work with a state draw), and without certain specific analyses, this proposal could create a conservation concern because the moose population is so small. The Council stated that it would like to continue discussion in order to solve this problem in the future, including entertaining a future proposal, after learning how best to do this and implement same without creating a conservation concern.

### **WP18-12: Unit 1C, Goat C&T Determination Change**

Proposal WP18-12, submitted by Calvin Casipit of Gustavus, requests to add residents of the community of Gustavus to the customary and traditional use determination for mountain goat in Unit 1C.

Comments:

OSM Preliminary Conclusion: Support

ADF&G: Lauren Sill and Stephanie Sell, ADF&G, testified that the State is neutral on this proposal.

There were Tribal Consultations on wildlife proposals and Southeast participants brought up concerns about deer and bear populations.

There were two written public comments received, both in opposition, and were included in the council book.

Public testimony by proponent, Cal Casipit, in support of his proposal.

No tribal entity comments, other agency comments, nor State Advisory Committee comments.

**Council Action:** Cathy Needham moved to adopt Proposal WP18-12. Seconded by Albert Howard. The Council **unanimously adopted Proposal WP18-12**, modifying the customary and traditional (C&T) use determination for mountain goats in Southeast Alaska Units 1-5, **(11-0, 2 absent)**.

**Justification:** The Council felt that there was not a conservation concern for this resource and providing for residents of Gustavus in this hunt would not create a concern for conservation. This proposal was supported by traditional ecological knowledge and also by reported harvests. Further, the Council decided this proposal would be beneficial to subsistence users without unnecessarily restricting other users or uses.

### **WP18-13: Units 1 – 5 Trapper Identification Provision Change**

Proposal WP18-13, submitted by Michael Douville of Craig, requests removing the requirement that traps and snares be marked with trapper identification in Southeast Alaska.

Comments:

OSM Preliminary Conclusion: Support

ADF&G: Steve Bethune, ADF&G, testified that the State is neutral on this proposal.

There were Tribal Consultations on wildlife proposals and Southeast participants brought up concerns about deer and bear populations.

There was one written public comment received, in opposition, which was included in the council book.

Kristin Trott submitted a written public comment in opposition, at the meeting.

Wrangell St. Elias National Park Subsistence Resource Commission supports this proposal.

No tribal entity comments, other agency comments, nor State Advisory Committee comments.

**Council Action:** John Yeager moved to adopt Proposal WP18-13. Seconded by Albert Howard. The Council **unanimously adopted Proposal WP18-13**, removing the requirement that traps and snares be marked with trapper identification in SE Alaska, **(11-0, 2 absent)**.

**Justification:** The Council felt that this was an opportunity to align more restrictive Federal regulations with State regulations. The Council decided there was not a conservation concern, that there was substantial evidence supporting this housekeeping proposal. Adoption of this proposal would provide a minor benefit to subsistence users by eliminating one requirement of trappers and there are no restriction of other uses.

### **WP18-51: Statewide, Bear Baiting Restrictions Align with State Regulations**

Proposal WP18-51, submitted by Eastern Interior Alaska Subsistence Regional Advisory Council, requests that Federal (statewide) bear baiting restrictions be aligned with State regulations, specifically the use of biodegradable materials.

#### Comments:

OSM Preliminary Conclusion: Support with modification

ADF&G: Tom Schumacher, ADF&G, testified that the State supports this proposal.

There were Tribal Consultations on wildlife proposals and Southeast participants brought up concerns about deer and bear populations.

There were three written public comments received, all in opposition, and were included in the council book.

Wrangell St. Elias National Park Subsistence Resource Commission supports this proposal.

Public testimony by proponent, Cal Casipit, in support of his proposal.

No tribal entity comments, other agency comments, nor State Advisory Committee comments.

**Council Action:** Cathy Needham moved to adopt Proposal WP18-51. Seconded by John Yeager. The Council **adopted Proposal WP18-51 with modification** as submitted by OSM (to establish a definition for scent lure and clarification of regulatory language), **(11-1, 2 absent)**.

**Justification:** The Council decided that this was an opportunity to align Federal regulations with State regulations. The Council decided there was not a conservation concern and the review suggests that this is a reasonable way to proceed if one is bear baiting. Five other Regional Advisory Councils have supported this proposal. Adoption of this proposal would remove unnecessary confusion in the minds of those who wish to bait bear. There may be a slight benefit to subsistence users and no users would be restricted by this proposal.

#### **Proposal Process Comment:**

Council member, Cathy Needham, wanted to share some of her observations on the proposal process at this meeting, on the record. She stated that the proposal process is one of the most important actions that this Council does and through this process in the last few days, one can see how the Council heavily relies on staff and the staff analyses. She wanted to thank the Alaska Department of Fish & Game, Division of Wildlife Staff, for being at the meeting and taking the time to present information and answer questions. She noted that there weren't many Federal subsistence biologists physically present at this meeting and this process is extremely hard to do by telephone, but she appreciated these biologists championed being able to provide analysis by phone clearly and being able to answer questions. Ms. Needham expressed concerns of not having Federal subsistence biologists/staff to answer questions in person while the Council moves through the proposal process, with a particular concern going into the fisheries proposal cycle coming up. It is helpful for the Council to be able to ask questions during the meetings of subsistence biologists and not having this federal staff support will hinder the Council in some of the work that it does in the future. She suggested that if the reason these staff members were not attending was because of funding, that this issue be raised to the Federal Subsistence Board to

ensure funding to make sure staff that provides the useful information needed to the Council are present at the meetings to help the Council with the proposal processes.

Chair, Mike Bangs, had earlier provided a comment, based on his observations, to the Tongass Forest Supervisor regarding the decrease of support staff in the last few meetings. Although he understood there were problems with funding, he expressed that it was more difficult for the Council to make good decisions with the help of staff and hoped that the Council could have more support in the future. Tongass Forest Supervisor, Earl Stewart, stated that he would certainly see what opportunities exist to allow for fuller participation in the future.

### **Fisheries Resource Monitoring Program (FRMP):**

USFS Fisheries Biologist, Jake Musslewhite, reported the results of the active 2017 FRMP projects in Southeast Alaska. Office of Subsistence Management (OSM) Anthropologist, Pippa Kenner, presented an overview of the FRMP and USFS Subsistence Program Manager, Terry Suminski, presented an overview of the 2018 Draft Southeast FRMP plan.

### **Annual Report Items:**

The following issues were identified by the Council as important for the Board's consideration:

1. **The Council wishes to encourage continued funding through FRMP process for monitoring projects** (a lot of funding is being cut and we should encourage funding more of these projects)
2. **Importance of federal staff attending meetings in person – is additional funding available to ensure their attendance? Subsistence Program should more fully utilize TEK for monitoring Unuk river system:** There is a concern that traditional ecological knowledge and cooperative agreements available under ANILCA Section 809, are not being utilized to provide monitoring of the Unuk River for the management of the eulachon.
3. **Received Proposal regarding lack of subsistence priority for moose in Berners Bay – potentially develop proposals and ideas on establishing a federal priority**
4. **Ensure those with TEK, local experience/knowledge are engaged and included in working on subsistence issues**
5. **Inform the Board that we hope to have federal funding continued on wolf population studies in Unit 2 so that we can offer management plan strategies**
6. **What is status of the letter sent to Lt Governor Mallott on Transboundary Mining – Jan 24, 2017** (national action required for transboundary mining) – extremely important issue in our region; strongly remind FSB that these communications should move forward (Secretaries of Interior/Agriculture and then they send up to Secretary of State); request that we will be sending these letters on after response is received on annual report; it is our obligation. 20/1.57 hear concerns and then be prohibited to comment on it; we will be sending these letters on after we receive a response to annual report
7. **Adapt management strategies for timber harvest in Unit 2 to promote wildlife and increase populations**



8. **Link previous annual reports with current annual report (2016: poor sockeye salmon;** since we have a proposal before BOF, it is important that funds be available for council members to attend BOF or BOG meetings and additional RAC members to attend the FSB meeting where necessary
9. **Climate Change – directive from present administration through the departments to not consider climate change in various reports,** want Board to know that if there is scientific evidence important to a discussion of a management plan or future plans, in regards to climate change, that they not be excluded
10. **Where are concerns with Clean Water Act – dumping of waste water of cruise ships in SE waters?**
11. **Continuing concern of lack of data of fish population and documented impact of what is causing the decline in some systems and not in others;** further the concerns about funding from agencies to continue the work

### Agency Reports:

**Office of Subsistence Management:** Native Liaison, Orville Lind, provided a staffing update

### **US Forest Service:**

- USFS Regional Subsistence Program Leader, Tom Whitford, presented 2017 Subsistence Program accomplishments as well as the 2018 Subsistence planned program of work and budget information.
- USFS Subsistence Program Manager, Terry Suminski, provided a summary of Federal Subsistence Special Actions in the Southeastern Alaska and Yakutat areas.

**Alaska Department of Fish & Game:** Lauren Sill mentioned the ADF&G and NPS Partnership regarding a recent Yakutat project. Handout with details of this project were provided to the Council and public.

**Bureau of Indian Affairs:** Fish & Wildlife Biologist, Rosalie Debenham, provided a staffing update and shared some information and pictures of the different projects that BIA has funded in Southeast Alaska.

### **Future Meetings:**

The Winter 2018 Council meeting is set for February 6 - 8, 2018, in Wrangell.

The Fall 2018 Council meeting is set for October 2 – 4, 2018 in Sitka.

### **Closing Comments:**

- Mike Bangs, Bob Schroeder, and Cathy Needham voiced concerns about how correspondence is handled at OSM; specifically, regarding the chairman's address on



letterhead changed to OSM's address, and the difficulties that this has presented to the Council in doing its business

- Ray Sensmeier thanked his fellow council members for their hard work
- Mike Douville and Cathy Needham expressed the need for a proper amount of staff to be present at the meetings for the Council to be productive as in the past; requested that the council have staff at levels as previous meetings – this meeting was an example of the need
- Patty Phillips recognized the staff and OSM for getting the analysis, meeting books, and materials out early so that the Council could have sufficient time to review and come to the meeting with direct questions and comments and be effective; Chair Mike Bangs also voiced his compliments
- Chair Mike Bangs thanked Vice Chair Cathy Needham for her assistance during this meeting and the Council members did a great job in getting through the material of some very tough proposals
- Council Coordinator, DeAnna Perry, mentioned to the Council that Dr. Jessica Cross, who was unable to give her Ocean Acidification presentation during this council meeting, was in town at other venues and she could provide details of those meetings to anyone interested in attending

The Council meeting adjourned at approximately 5 p.m. on November 2, 2017.

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

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**DeAnna Perry, DFO**  
**USFS Subsistence Management Program**

*February , 2017*

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**Michael D. Bangs, Chair**  
**Southeast Alaska Subsistence Regional Advisory Council**

*February , 2017*

*These minutes will be formally considered by the Southeast Alaska Subsistence Regional Advisory Council at its Winter 2018 public meeting. Any corrections or notations will be incorporated at that meeting.*

Taken from ADF&G Board of Game website

## BOARD OF GAME PROPOSALS

The Call for Proposals for the 2018/2019 meeting cycle will be issued in January 2018, and will call for regulatory changes for the Southeast and Southcentral Regions (Game Management Units 1-8, 14C, and 15). **The proposal deadline will be May 1, 2018.**

### About the Proposal Process

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#### 1. Call for Proposals Issued

The Board of Game operates on a three year cycle, alternating which subjects are under consideration. A "Call for Proposals" is issued, enumerating the subjects for a given meeting, and listing the deadline for receiving proposals.

#### 2. Proposal Books Distributed

After the deadline for receiving proposals has passed, a proposal book is published which is distributed statewide for comment.

#### 3. Public Comment Invited

The board accepts written public comment on proposals before each meeting. Comments are accepted online, via fax, and by post until two weeks prior to the relevant meeting. These comments are "on-time" and are distributed to the Board for review prior to the meeting. This opportunity for advance review facilitates the public process.

Depending on the meeting, comments may be accepted after the "on-time" deadline, usually only via fax or in person at the meeting site. These are considered "record copies" and are distributed at the meeting. Applicable comment due dates/submission info for each meeting can be found under the Meeting Information link to the left.

Comments must be no longer than 100 single sided pages, or the equivalent, before the on-time comment deadline; after or at the meeting, 10 single-sided pages or less, unless exceptions are requested by the board.

#### 4. Board Meeting Held

At the board meetings, the board hears reports from department staff and comments from the public. The board deliberates each proposal and acts by adopting, rejecting, amending, or deferring proposals.

The board meetings are open to the public during the entire process, with the exception of executive sessions which are rare and held only for issues of pending legislation, personnel, or confidential matters.

#### 5. Regulations Filed

Adopted or amended proposals are then written into the proper legal format and submitted to the Department of Law for review and sent to the lieutenant governor for filing before becoming effective.

**6. Summary of Actions Distributed**

Staff prepare a written report summarizing the actions taken by the board. The reports are distributed to advisory committees and posted on the website.

<b>WP18–04 Executive Summary</b>	
<b>General Description</b>	Proposal WP18–04 requests increasing the wolf harvest quota on Federal lands in Unit 2 from up to 20% to up to 30% of the most recent population estimate for the unit. <i>Submitted by: Southeast Alaska Subsistence Regional Advisory Council.</i>
<b>Proposed Regulation</b>	<p><b>Unit 2– Wolf (hunting)</b></p> <p><i>5 wolves. The total annual harvest of wolves Sept. 1– March 31 in Unit 2 should not exceed 30% of the most recent unit-wide, preseason population estimate. Federal hunting and trapping season may be closed when the combined Federal-State harvest quota is reached. Any wolf taken in Unit 2 must be sealed within 14 days of harvest.</i></p> <p><b>Unit 2 – Wolf (trapping)</b></p> <p><i>No limit. The total annual harvest of wolves Nov. 15– March 31 in Unit 2 should not exceed 30% of the most recent unit-wide, preseason population estimate. Federal hunting and trapping season may be closed when the combined Federal-State harvest quota is reached. Any wolf taken in Unit 2 must be sealed within 14 days of harvest.</i></p>
<b>OSM Preliminary Conclusion</b>	<b>Oppose</b>
<b>Southeast Alaska Subsistence Regional Advisory Council Recommendation</b>	

<b>WP18–04 Executive Summary</b>	
<b>Southcentral Alaska Subsistence Regional Advisory Council Recommendation</b>	
<b>Kodiak/Aleutians Subsistence Regional Advisory Council Recommendation</b>	
<b>Bristol Bay Subsistence Regional Advisory Council Recommendation</b>	
<b>Yukon-Kuskokwim Delta Subsistence Regional Advisory Council Recommendation</b>	
<b>Western Interior Alaska Subsistence Regional Advisory Council Recommendation</b>	
<b>Seward Peninsula Subsistence Regional Advisory Council Recommendation</b>	
<b>Northwest Arctic Subsistence Regional Advisory Council Recommendation</b>	
<b>Eastern Interior Alaska Subsistence Regional Advisory Council Recommendation</b>	

<b>WP18-04 Executive Summary</b>	
<b>North Slope Subsistence Regional Advisory Council Recommendation</b>	
<b>Interagency Staff Committee Comments</b>	
<b>ADF&amp;G Comments</b>	
<b>Written Public Comments</b>	<b>6 Oppose</b>



**DRAFT STAFF ANALYSIS  
WP18-04**

**ISSUES**

Proposal WP18-04, submitted by Southeast Alaska Subsistence Regional Advisory Council (Council), requests increasing the wolf harvest quota on Federal lands in Unit 2 from up to 20% to up to 30% of the most recent population estimate for the unit.

**DISCUSSION**

The proponent seeks to increase the allowable take of wolves on Federal lands in Unit 2. The proponent is concerned that previous quotas implemented have been too conservative and that the reductions in those harvest quotas during the 2015-2016 and 2016-2017 hunting and trapping seasons were not reflective of the actual wolf population for Unit 2.

**Existing Federal Regulation**

**Unit 2– Wolf (hunting)**

*5 wolves. Federal hunting and trapping season may be closed when the combined Federal-State harvest quota is reached. Any wolf taken in Unit 2 must be sealed within 14 days of harvest.* Sept. 1 – March 31

**Unit 2 – Wolf (trapping)**

*No limit. Federal hunting and trapping season may be closed when the combined Federal-State harvest quota is reached. Any wolf taken in Unit 2 must be sealed within 14 days of harvest.* Nov. 15 – March 31

**Proposed Federal Regulation**

**Unit 2– Wolf (hunting)**

*5 wolves. **The total annual harvest of wolves in Unit 2 should not exceed 30% of the most recent unit-wide, preseason population estimate.** Federal hunting and trapping season may be closed when the combined Federal-State harvest quota is reached. Any wolf taken in Unit 2 must be sealed within 14 days of harvest.* Sept. 1 – March 31

### **Unit 2 – Wolf (trapping)**

*No limit. The total annual harvest of wolves in Unit 2 should not exceed 30% of the most recent unit-wide, preseason population estimate. Federal hunting and trapping season may be closed when the combined Federal-State harvest quota is reached. Any wolf taken in Unit 2 must be sealed within 14 days of harvest.* Nov. 15 – March 31

### **Existing State Regulation**

#### **Unit 2 – Wolf (hunting)**

*5 wolves. Hides must be sealed within 30 days of harvest.* Dec. 1-Mar. 31

#### **Unit 2 – Wolf (trapping)**

*No limit. Wolves taken in Unit 2 must be sealed on or before the 14th day after the day of taking.* Dec. 1-Mar. 31

*5 AAC 92.008(1) the annual harvest of wolves in Unit 2 should not exceed 20 percent of the unitwide, preseason population as estimated by the department.*

### **Extent of Federal Public Lands**

Federal public lands comprise approximately 72% of Unit 2 and consist of 72% U.S. Forest Service (USFS) managed lands (see **Unit 2 Map**).

### **Customary and Traditional Use Determinations**

The Federal Subsistence Board (Board) has not made a customary and traditional use determination for wolves in Unit 2. Therefore, all Federally qualified subsistence users may harvest this species in this unit.

### **Regulatory History**

From 1915 through the early 1970s, a cash bounty was paid for wolves in Southeast Alaska (ADF&G 1997). Biological and harvest information has been collected on harvested wolves since the early 1960s. Harvest records from 1961–62 and from 1970–71 are derived from bounty payments. A mandatory sealing program under State regulation has been in effect since that time (ADF&G 1989). In 1996, the Alaska Board of Game adopted a harvest cap of 25 percent of the estimated fall Unit 2 wolf population which became effective during the 1997-1998 hunting and trapping season (Porter 2000). In fall 2000, in order to provide more hunting and trapping opportunity and to avoid future emergency order closures while improving harvest reporting, the Alaska Board of Game increased the harvest cap from 25 to 30 percent of the fall population estimate (Porter 2003).

In 1997, when the joint State/Federal harvest quota was implemented, the Board adopted Proposal WP97-08 requiring that all wolves taken in Unit 2 be sealed within 30 days of harvest. In November 2010, the Alaska Board of Game (BOG) adopted a regulation modifying the sealing time for wolves taken in Unit 2 under trapping regulations from 30 days to 14 days. As a result, the Board adopted Proposal WP12-19 which changed Federal sealing requirements for both hunting and trapping to align with the State's sealing requirement.

Over the years, several changes to wolf seasons have occurred. In 2001, the Board adopted WP01-05 requesting the Federal trapping and hunting season start dates be changed from Dec. 1 to Nov. 15 and shortening the seasons from Mar. 31 to Mar. 15. In 2003, the Board adopted WP03-10 with modification changing the Federal hunting season start date from Nov. 15 to Sept. 1, but not extending the season end date from Mar. 15 to Mar. 31. In 2007, the Board adopted WP07-15 with modification changing the Federal trapping season closing date from Mar. 15 to Mar. 31.

In March 2014, joint State and Federal in-season actions closed hunting and trapping for wolves in Unit 2 when the reported harvest approached the established quota for the 2013-2014 regulatory season. As a result of this harvest, as well as the pending petition to list the Alexander Archipelago wolf, the Alaska Department of Fish and Game (ADF&G) held public meetings in several Unit 2 communities before determining the 2014-2015 quota. As a result of these meetings, ADF&G and Unit 2 users agreed on a conservative management strategy to reduce the harvest quota from 30% to 20% of the fall population estimate. Following another consecutive mild winter, the reduced quota was reached by February 2015 and State and Federal managers closed their respective hunting and trapping seasons.

In January 2015, the Alaska Board of Game (BOG) adopted a regulation reducing the harvest guideline level for Unit 2 wolves from up to 30% to up to 20% of the unit-wide, pre-season population as estimated by ADF&G. At that time the population was low and the goal of this change was to increase the population while still allowing meaningful harvest opportunity. Although the same proposal requested wounded or unrecovered wolves count against a hunter's harvest limit for the regulatory year, the BOG chose not to support that provision. Voluntary reporting of wounding loss is encouraged, and if ADF&G determines that any wolf was mortally wounded by a human induced cause, they would count it against the harvest quota (Scott 2015, pers. comm.).

In addition to the reduced harvest guideline level, during regulatory years 2015 and 2016 state and federal managers reduced the maximum allowable harvest quota for Unit 2 wolves by 50% as an additional conservation measure to account for unreported human-caused mortality. Unreported mortality, including wounding loss, escapes from traps, vehicle collisions, and illegal killing, has been identified as a potentially substantial cause of mortality among Unit 2 wolves (Person 2008, Roffler et. al. 2016). The goal of this management strategy was to increase the wolf population so it could support a greater harvest. Currently there is no population goal for Unit 2 wolves. (Schumacher 2017, pers.comm).

Wildlife Special Action WSA15-13 requested pre-season closure of wolf harvest by Federally qualified subsistence users and non-Federally qualified users on Federal public lands in Unit 2. WSA15-13 was rejected by the Board, as ADF&G and USFS established a conservative harvest quota of 9 wolves for the

2015-2016 regulatory season after consultation with the four local Federally-recognized Alaska Native tribes, as well as several other users with local knowledge of Unit 2 wolf populations. The Board felt closure to subsistence and non-subsistence uses was not necessary in Unit 2 as the conservative harvest quota would result in a sustainable harvest and the Federal in-season manager has the delegated authority to close the harvest on Federal public land when the quota is reached.

The Alexander Archipelago wolf has been identified as a distinct subspecies of the gray wolf. In 1987, in preparation for the revision of the Tongass National Forest Land Management Plan (Forest Plan), the USFS convened an interagency task group to identify Management Indicator Species. The wolf was identified because it was wide ranging, uses a variety of habitats and monitoring predator/prey interactions was deemed important for analyzing the effects of timber management on Sitka blacktail deer (USDA Forest Service 1987). In 1993, a petition was received requesting that the Alexander Archipelago wolves of Southeast Alaska be listed as a threatened subspecies pursuant to the Endangered Species Act (ESA) of 1973 as amended. In 1997, the USFWS determined that a listing was not warranted at the time. USFWS's decision to not list the wolf was based on species-specific conservation strategies placed in the Forest Plan revision (USDA Forest Service 1997a). The Forest Plan revision identified three strategies to address wolf viability concerns: 1) long-term deer habitat capability, 2) habitat reserves, and 3) management of human-caused wolf mortality through the administration of road access and regulation of hunting and trapping (USDA Forest Service 1997b).

A Wolf Risk Assessment panel was convened in 1995 and 1997 to assess the three strategies. The panel found that the 1997 decision for the Forest Plan Revision would result in a high likelihood of sustaining viable wolf populations in Southeast Alaska (USDA 1997a). The 2008 Forest Plan increased the acreage of small Old-growth Reserves and changed management from "open road density" to "total road density" in the wolf standards and guidelines to account for foot access by trappers and hunters. The 2008 Forest Plan Amendment measures aimed to ensure adequate protection to sustain viable populations of wolves (USDA Forest Service 2008; Cole 2015).

In 2011, Greenpeace and the Center for Biological Diversity (CBD) submitted a joint petition to the USFWS to list the Alexander Archipelago wolf under the ESA. In 2014, the USFWS made a positive initial 90-day finding that listing the species as threatened or endangered "may be warranted," and a formal status review would be prepared. Following a lawsuit filed against the USFWS by Greenpeace and CBD that claimed the timing of the 12-month status review would be exceeded, the USFWS settled on a decision date of December 2015 for this finding. In January 2016, the USFWS published its finding that listing was not warranted.

In March 2016, an inter-agency technical committee with representatives from the USFS, USFWS and ADF&G was formed to identify wolf habitat management issues in Unit 2. The goal of the committee was to create a Wolf Habitat Management Program for Unit 2, owing to mandatory Forest Plan standards and identified wolf population concerns in Unit 2. The committee produced a document providing science-based recommendations for wolf habitat management in Unit 2, including aspects of deer habitat management, road management, wolf management and mortality, den management, and human dimensions to secure a sustainable wolf population in Unit 2 that is resilient to variation in prey

abundance, harvest, and land management practices. Recommendations from the document are intended to be useful in developing project measures and alternatives using public input through National Environmental Policy Act processes as well as in developing future State and Federal regulations (Wolf Technical Committee 2017).

### **Biological Background**

Wolves likely moved into Southeast Alaska following the postglacial northward expansion and establishment of Sitka black-tailed deer populations (Person et al. 1996). Wolves occur throughout the Southeast Alaska mainland and on all of the major islands except Admiralty, Baranof and Chichagof Islands in Unit 4. Wolves are well adapted to the island and mainland environment of Southeast Alaska, although densities on the mainland are generally lower than on maritime-influence islands. Wolves are proficient swimmers and regularly travel between adjacent nearby islands in search of prey (Porter 2006). Deer are the primary food source of wolves in Southeast Alaska (Lowell 2006), with wolf predation studies estimating that one wolf would take an average of 26 deer per year in an environment with no other food sources (Person et al. 1996). Other prey species include mountain goat, moose, small mammals, beaver, salmon and waterfowl (Szepanski et al. 1999).

Wolves are highly social animals and usually live in packs that include parents and pups of the year, some yearlings and often other adults. Pack sizes usually range from 6-12 animals, although packs of up to 30 individuals have occurred. Packs tend to remain within a home range used almost exclusively by fellow pack members with occasional overlap in the ranges of neighboring packs (Stephenson 1984).

Wolves generally breed in February and March with a female's first breeding occurring at age two to four (Mech et al. 1998). Litters averaging about four pups are born in dens during the last week of April through the second week of May (Person and Russell 2009). Adult wolves center their activities near dens while traveling as much as 20 miles away in search of food, which is brought back to the den. Wolf pups are weaned gradually during the summer. Wolves abandon the den after about eight weeks and live at sites above ground until early autumn when the entire pack roams a large territory for the rest of the fall and winter. By early winter the pups are capable of traveling and hunting with the adult pack members (Stephenson 1984).

Wolves live at low densities in structured populations of territorial packs (Mech and Boitani 2003). Meier et al. (2006) reported that 28% of wolves will leave their packs each year, and that most offspring eventually leave the pack. Dispersing wolves form new packs when they locate dispersers of the opposite sex from another pack and a vacant area to establish a territory (Rothman and Mech 1979). Porter (2006) reported that one radio collared wolf from Kupreanof Island was observed moving more than 120 miles overland and making several saltwater crossings. Person et al (1996) documented two different Unit 2 wolves travelling over 100 miles from Kosciusko Island where they were collared to southern Dall Island and southern Prince of Wales Island.

Wolf pack territories can overlap one another and change over time (Meier et al. 2006). As a pack makes its way around its territory, it may encounter and engage with other wolves at any time. A fight to the death can occur during such encounters. With high reproductive capacity, good survival of young, and

high dispersal rates, wolf populations are able to quickly respond to changes in prey abundance.

Home range estimates for wolves on Prince of Wales Island and adjacent islands in Unit 2 were derived from radio-telemetry data. Home ranges for packs averaged 97.3 mi<sup>2</sup> across all seasons and 39.2 mi<sup>2</sup> during the pup-rearing season (Person 2001). Home range size generally increases somewhat as prey abundance decreases, and vice versa. Wolves that disperse from their natal home range generally do so at between 1 and 3 years of age. Minimum dispersal distances in Unit 2 range between 4.4 and 156.4 miles and dispersal may involve crossing areas of saltwater (Person 2001). In wolf populations where mortality is high, lone wolves may be more successful in finding vacant territories in which to settle or in being accepted into an established pack (Ballard et al. 1987).

### Habitat

In parts of Unit 2, where road access is extensive, it is conceivable that a large increase in hunting and trapping could affect wolf numbers. Although not all of Unit 2 has road access, there may be some areas in Unit 2 where wolves experience heavier hunting and trapping pressure and as well as less deer for prey because of roads and prior logging in Unit 2 (ADF&G 1989). While an expanding road system and increasing human population have the most direct impact on wolves through increased hunting and trapping, the logging of old growth forest also reduces the carrying capacity of the area for deer, particularly during more severe winters.

The maintenance of large roadless and unfragmented areas, to function as old-growth reserves, and distribution of old-growth forest to maintain connectivity between them was one of the approaches, now known as the Tongass Conservation Strategy, undertaken early on during the Forest Plan revision to ensure long-term viability of wolves and other old-growth associated species in Southeast Alaska. Person et al. (1996) suggested that this maintenance of large, unfragmented and unroaded blocks of habitat within biogeographic areas where extensive timber harvest was planned would help mitigate the loss of deer habitat and the associated expected reductions in numbers of wolves. The reserves should be large enough to encompass core activity areas of at least one wolf pack (ADF&G 1997). These reserve components of the Tongass Conservation Strategy were rated highly by the Wolf Risk Assessment Panel (Iverson, 1997). The Tongass Conservation Strategy and the Wolf Risk Assessment Panel were reviewed for the 2008 Forest Plan Amendment (USDA Forest Service 2008, Cole 2015).

The influence of road access largely influences the human-caused mortality of wolves. Although Person (2001) believes the density of roads has the most influence on wolf harvest in Unit 2, the current total road density in Unit 2 is at 0.9 mi/mi<sup>2</sup> which is within the road density range identified for wolf (0.7 to 1.0 mi/mi<sup>2</sup>) in the standards and guidelines for wolves in the Forest Plan (USDA Forest Service 2016). The road density is currently at 0.4 mi/mi<sup>2</sup> for Unit 2 and there have been measures taken to identify and reduce the current amount of open roads (closures identified through the Access & Travel Management process as well as the Big Thorne Environmental Impact Statement) (Bethune 2012).

### Population indices

In the late 1960s to early 1970s there was believed to be more than one wolf for every 10 mi<sup>2</sup> (26 km<sup>2</sup>) in Unit 2 based on sealing data and limited flight survey data (ADF&G 1989). Wolf populations on Prince



of Wales Island were thought to have remained high until the early 1970s when extreme winters decimated deer populations. During the years of low deer numbers, density estimates for Revillagigedo Island (east of Prince of Wales Island across Clarence Strait) showed a wolf density between 1 every 22 mi<sup>2</sup> (57 km<sup>2</sup>) to 1 every 44 mi<sup>2</sup> (114 km<sup>2</sup>) based on research conducted in the mid-1980s (ADF&G 1989). Wolf densities in Unit 2 were believed to be similar (ADF&G 1989). Wolf and deer numbers were thought to have remained at low levels in Unit 2 until the early 1980s when the deer population rebounded (ADF&G 1989).

Wolf populations are difficult to assess in Southeast Alaska due to the dense forest cover and because of their mobility. However, radio-telemetry studies have allowed for estimates to be made for a small road accessible portion of their range and extrapolated across the rest of Unit 2, with appropriate corrections made for differences in prey populations and habitat. For over two decades, ADF&G and the USFS have cooperated on wolf research in Unit 2. This research has enabled the collection of data concerning wolf distribution, movement and abundance within Unit 2 (ADF&G 2014).

As a result of the initial research during the 1990s, Person et al (1996) estimated the 1994 fall wolf population density representative of his study area (6,808 km<sup>2</sup> in one the most extensively roaded and logged areas of Unit 2) at 39 wolves/1000 km<sup>2</sup> reflecting a population estimate of 356 wolves with a 95% Confidence Interval (CI) of 148-564 wolves (USFWS 2015). This estimate, along with other findings related to natural mortality, led to the BOG establishing a harvest rate of up to 25% of the fall population estimate in 1997. When new findings suggested the natural mortality in Unit 2 was lower than initially thought, the BOG adopted an increased harvest rate of 30% in 2000 (ADF&G 2014).

During the early to mid-2000s, ADF&G made an effort to obtain an updated wolf population estimate and determined that the wolf population was approximately 326 animals which was similar to the estimate from 1994. State and Federal staff continued to use this population estimate to establish annual harvest levels of 90 wolves per season through 2010 (ADF&G 2014).

In 2010, both State and Federal managers, as well as some members of the public, believed the Unit 2 population had dropped from previous estimates. In response, ADF&G worked with the Southeast Alaska Subsistence Regional Advisory Council to lower the annual harvest quota from 90 to 60 wolves. This harvest quota remained in effect through the 2013 season (ADF&G 2014).

From 2012 to present, research was initiated to develop a more efficient and cost effective technique to estimate wolf numbers. The new research methods (hereon referred to as hair-board methods) included implementing hair-snare traps to collect wolf hair samples for DNA fingerprinting. The DNA collection has enabled the researchers to identify individual wolves via genotyping and allowed wolf population estimation in the project area using a state of the art mark-recapture technique (ADF&G 2014; Roffler et al. 2016). This hair-board method was done simultaneously with a traditional assessment using radio collared wolves for comparison (Roffler et al. 2016). The hair-board method and the concurrent traditional assessment data were additionally reported using the same area of projection and the same area plus the same methods of estimation, respectively, as used with the Person et al. (1996) estimate for comparison (Roffler et al. 2016)

Data collected during 2012 proved insufficient to allow development of a population estimate from the hair-board technique because there were not enough “recaptures,” though a 2012 estimate was feasible and reported using the traditional radio collar methods (Roffler et al. 2016). Based on the same methods and smaller projection area used by Person et al. (1996), the population estimate for 2012 was 106 wolves.

Data collected in 2013 were sufficient enough for a population estimate to be generated for the defined study area within the central portion of Prince of Wales Island. Based on the hair-board methods for the Unit 2 project area, when compared to those estimated in 1994, the estimate declined by about 15 wolves per 1000 km<sup>2</sup> from 39.5 wolves/1000 km<sup>2</sup> to 24.5 ±6.8 wolves/1000 km<sup>2</sup> (ADF&G 2014; Roffler et al. 2016). This decline reflects a Unit 2 population estimate decline from 356 wolves (95% CI = 148-564) in 1994 to 221 wolves (95% CI = 130-378) in 2013.

Using the hair-board method again in 2014, the Unit 2 density estimate declined to 9.9±3.0 wolves/1000 km<sup>2</sup> reflecting a population estimate of 89 wolves (95% CI = 50-159) which suggests a 75% (standard error of 15%) decline in the population since 1994. The 2014 estimate was also calculated using the same area of extrapolation used by Person et al. (1996) for comparative value, resulting in an estimate of 67 wolves (95% CI= 38-120) for the smaller 1996 study area in 2014 (Roffler et al. 2016)

There are various potential reasons for the lower wolf estimate of 89 for the study area in 2014, including an increased take of wolves from the study area prior to the 2014 population estimate, decreases in deer abundance, availability of non-ungulate prey, increases in disease in wolves, increases in unreported wolf take and the possibility of a decrease in the vulnerability of deer to wolf predation during mild winters (ADF&G 2015) causing subsequent decreases in recruitment and survival of wolves. Though a number of these may contribute, the most likely cause is harvest rates combined with high rates of documented unreported human caused mortality (47% Person and Russell 2008; 38% Roffler et al. 2016; USFWS 2015) leading to unsustainable mortality in this population.

The decline in the population density estimate within the study area was anticipated based on harvest reports and observations by staff and the public. Based on these observations, at least one wolf pack, previously known to be in the study area, is believed to no longer be present. This assertion was corroborated by harvest records documenting 6 wolves taken from wildlife analysis areas within this pack’s home range during the 2013-2014 regulatory year and one radio-collared wolf taken during autumn 2014. ADF&G believes that as long as harvest remains low and other factors like prey availability and habitat suitability remain unchanged, wolves will recolonize the vacant pack territory within the study area and future density estimates will be higher (ADF&G 2015).

Roffler’s (2016) most current wolf density estimate of 12 wolves/1000km<sup>2</sup> is lower than other wolf densities in other parts of North America where deer are the primary prey species (range=28-70 wolves/1000km<sup>2</sup> as summarized in Person et al. 1996). Recent population declines identified for wolves in Unit 2 as well as concerns about future viability of this population (USFWS 2015) suggest conservative management as prudent. Several Unit 2 residents have expressed satisfaction with current wolf levels, with correspondingly higher deer encounters and deer harvest opportunities than were

experienced when wolf numbers were higher (ADF&G 2014).

### Harvest History

Unlike the remainder of Alaska, Unit 2 wolf harvest is managed under a harvest quota by regulation. A Harvest Guideline Level (HGL) for Unit 2 wolves was set initially by the BOG in 1997 at 25% of the most recent population estimate. In 2000, it was raised to 30% following an analysis indicating lower levels of natural mortality in Unit 2 wolves than in wolf populations elsewhere. The proposal to reduce the HGL from 30% to 20% during the January 2015 BOG meeting came from ADF&G. After an apparent population decline, as well as ADF&G identifying that unreported take was a substantial factor in a study area within the road accessible portion of Unit 2, a HGL of 20% was proposed to the BOG to ensure conservative harvest management of wolves while still allowing for meaningful harvest opportunity (Schumacher 2017, pers. comm.).

Wolves can be harvested either with a firearm under hunting regulations or by trap, snare or firearm under trapping regulations (**Table 1**) with 93% of the harvest (2004-2013) taken by Federally qualified users (Scott 2015, pers. comm.). Wolf harvest is affected by local weather conditions and wolf abundance. Persistent freezing results in icing of traps and snares which can make them inoperative, and deep snow can bury snares and trail sets rendering them useless. Deep and persistent snow can also block vehicle access to many of the logging roads. Typically, the reported wolf harvest in Unit 2 has been highest from December through February (Bethune 2012).

**Table 1.** Unit 2 wolf harvest by method, 2006-2016 (Schumacher 2017, pers. comm.).

	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016*
<b>Firearm</b>	14	18	7	3	4	6	11	11	3	3	8
<b>Snare</b>	5	12	7	7	4	1	13	11	4	4	12
<b>Trap</b>	19	6	10	13	12	21	28	35	22		9
<b>Other</b>											1
<b>Totals</b>	38	36	24	23	20	28	52	57	30	7	30

\*2016 data is preliminary

Since 1985, most wolves (59%) have been harvested by hunters and trappers working from boats (Person and Russell 2008; Person & Logan 2012) with harvest typically occurring on State managed tidelands (below mean high tide line). Harvests by month (ranging from 0-27 wolves depending on the year and month) can be found in **Table 2** and by method of transportation used in **Table 3**.

**Table 2.** Unit 2 wolf harvest by month, 2006-2016 (Schumacher 2017, pers. comm.).

	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016*
<b>Sept</b>	2					1					1
<b>Oct</b>		4		1					1	1	
<b>Nov</b>	1	4					3			2	6
<b>Dec</b>	2	7	2	5	2	8	8	6	1	4	23
<b>Jan</b>	4	13	2	7	10	4	12	27	8		
<b>Feb</b>	16	7	9	5	2	7	16	18	19		
<b>Mar</b>	13	1	11	4	6	8	13	6			
<b>Apr</b>				1		1					
<b>Unknown</b>									1		
<b>Totals</b>	38	36	24	23	20	28	52	57	30	7	30

\*2016 data is preliminary

**Table 3.** Transportation used to harvest Unit 2 wolf, 2006-2016 (Schumacher 2017, pers. comm.).

	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016*
<b>Vehicle</b>	14	16	18	5	6	9	29	28	6	5	10
<b>Boat</b>	14	19	6	6	5	17	23	29	22	2	18
<b>4 wheeler</b>	6	1		4	7				1		
<b>Other ATV</b>				8	1						
<b>Snowmobile</b>	2										
<b>Foot</b>						1					2
<b>Airplane</b>					1						
<b>Other</b>	2					1			1		
<b>Totals</b>	38	36	24	23	20	28	52	57	30	7	30

\*2016 data is preliminary

Person & Russell (2008) identified illegal harvest of collared wolves, with the data suggesting an average of less than 2 study wolves per year were taken illegally during the study period (1993-1995 and 1999-2004) of an average of less than 4 study wolves that were killed by humans per year during that period. As a result, 47% of study wolf mortality due to human causes was categorized as illegal harvest. Roffler et al. (2016) determined that 38 percent of the wolves that died from human causes were unreported.

### Effects of the Proposal

If adopted, this proposal would increase the harvest quota on Federal public lands in Unit 2 which would increase harvest opportunity for Federally qualified subsistence users. The proposal does not increase the number of wolves available to be taken from non-Federal lands under State regulations. The proposal would create divergence between State and Federal regulations, and would pose extreme difficulty for State and Federal managers that would be required to manage for two separate quotas in the unit. Based on the past population decline resulting from a similar harvest quota, the proposed harvest quota would likely lead to unsustainable harvests.

## **OSM PRELIMINARY CONCLUSION**

**Oppose** Proposal WP18-04.

### **Justification**

Since the proposal only increases available harvest on Federal lands, management of separate harvest quotas between State, private and Federal lands will be difficult for State and Federal managers as well as confusing for hunters and trappers.

Although recent action by the BOG reduced the quota to 20%, lower wolf population estimates prior to the past couple of seasons have resulted in further reductions to the quota to allow for sustainable harvest opportunity of wolves in the unit while rebuilding the population. Increasing the harvest quota back to 30% is likely to create conservation concerns for wolves. As such, adopting the proposal could violate established principles of wildlife management being contrary to the conservation mandates of Title VIII of ANILCA.

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## WRITTEN PUBLIC COMMENTS



Mckinney, Kayla <kayla\_mckinney@fws.gov>

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### Fwd: Comments on Proposal WP 18-04

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**AK Subsistence, FW7** <subsistence@fws.gov> Fri, Aug 4, 2017 at 7:52 AM  
To: Theo Matuskowitz <theo\_matuskowitz@fws.gov>, Paul Mckee <paul\_mckee@fws.gov>, Kayla Mckinney <kayla\_mckinney@fws.gov>

----- Forwarded message -----  
From: **Larry Edwards** <Larry@ltedwards.com>  
Date: Thu, Aug 3, 2017 at 8:54 PM  
Subject: Comments on Proposal WP 18-04  
To: subsistence@fws.gov

Dear Mr. Matuskowitz & FSB members

Please consider my attached comments on Proposal WP 18-04 ("Wolves Increase annual harvest quota").

Thank you,  
-- Larry

Larry Edwards  
Sitka, Alaska  
907-752-7557  
Larry@LTEdwards.com

**Larry Edwards**

Box 6484  
Sitka, Ak 99835

August 3, 2017

(Attn: Theo Matuskowitz)  
Federal Subsistence Board  
Office of Subsistence Management  
Anchorage, Alaska  
via e-mail: [subsistence@fws.gov](mailto:subsistence@fws.gov)

Subj: Comments on Proposal WP 18-04 ( re: changing the cap on wolf take in GMU2 )

Dear Mr. Matuskowitz and FSB members;

These are timely comments on Proposal WP 18-04, which is proposed by the Southeast RAC and is now before the Federal Subsistence Board for consideration. The proposal, which was issued by the Southeast RAC at its March meeting, would raise the allowable annual harvest of wolves in Unit 2 to 30% of the most recent unitwide, preseason population estimate. This cap is presently 20%.

I urge the Board to deny the proposal, for the following reasons: (1) since at least 2010 management of the wolf hunting/trapping seasons in GMU2 has proven to be highly problematic for conservation of the population, and a solution has not yet been found to the problems involved; (2) despite the very low population of GMU2 wolves in recent years (with small recovery indicated in the fall 2015 estimate), deliberate conduct by trappers in the 2016/2017 season caused the reported take to exceed the season quota by a factor of 2.5; (3) there is an identified conservation concern for GMU2 wolves, notwithstanding the Southeast RAC's statement in its WP 18-04 that it "anticipates no conservation concern";<sup>1</sup> and (4) the motive for the RAC's Proposal is largely that resident subsistence deer hunters on Prince of Wales Island desire greater success; however, the RAC focused only on predation by wolves in disregard of several other important factors of hunting success.

Details for these reasons follow, numbered as above.

**1. GMU2 wolf management is highly problematic and as yet unresolved.**

Two very substantial problems confront management of the wolf hunting/trapping seasons in GMU2. Under both the present and proposed regulations, the management cap is based on "the preseason population estimate." However, for technical reasons this population estimate is for the number of wolves that existed one year prior. During that one-year delay the most recent hunting/trapping season and one winter occur. Lacking an estimate that is fresh, a management decision adverse to conservation of the population is quite possible. Especially with a low wolf population as at present (and additionally with the potential for a sex-ratio imbalance with a low number of females as occurred in the estimate for fall 2014), the management instrument is blunt and dangerous.

Secondly, according to first-person testimony by Mike Douville<sup>2</sup> at the Southeast RAC's March 2017 meeting, several GMU2 trappers intentionally "gamed the system" during the 2016/2017 season, for the purpose of exceeding the quota of 11 wolves before an emergency closure could be issued. [SE RAC meeting transcript at 190-197]. To accomplish this:

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<sup>1</sup> See the RAC's statement in the last sentence of its WP 18-04.

<sup>2</sup> Testimony, as a private citizen from the witness table, by Southeast RAC member Mike Douville.



“we weren't turning in any wolves until the 14 days were up, so they had no idea of what we were doing. And we purposely did that ... to get the quota,<sup>3</sup> which was what we wanted to do.” [Id. at 193].

By “quota” he meant the 20% in the regulation (which is, “the annual harvest of wolves in Unit 2 should not exceed 20 percent of the unitwide, preseason population”) without any deduction for unreported wolf take. For the estimated population of 108 wolves the 20% *regulatory cap*<sup>4</sup> resulted in a *gross quota* (from human-caused losses of all kinds) of 22 wolves. An *reported-harvest quota* was then set at 11 wolves, by deducting a 50% buffer for unreported take (e.g. wounding loss, vehicle strikes on roads, and illegal take). This amounted to being an *reported-harvest cap* of 10%. The trappers “gamed the system” to try to double that, aiming for a reported harvest of 20%.

The result of the trappers’ subterfuge was a total reported take (sealed skins) of 28 wolves, or 26% of the (year old) population estimate (28/108). This greatly exceeds the 20% *regulatory cap*, and nearly exceeds ADF&G’s assumed safe level of take from all human-caused mortality, which is 28% (i.e. the *overall cap*). ADF&G’s 2015 Board of Game Proposal 14 said this to justify changing “the harvest guideline level” (or *regulatory cap*) from 30% to 20%:

In studies of numerous wolf populations, human-caused mortality of approximately 28% has been shown to be sustainable. On Prince of Wales, it has been suggested that unreported harvest may be substantial.

The result of trappers “gaming the system” is that just the reported harvest alone accounted for nearly all of the entire assumed-safe 28% *overall cap*. This left grossly insufficient margin for unreported take. A 2017 interagency report on GMU2 wolves notes that Person & Russell (2008) estimated unreported human-caused mortality at 50% of the total human take in GMU2, and that “more recent data suggest that 40%-50% of GMU 2 wolf mortality still results from unreported human causes.” [Wolf Habitat Management Program: GMU 2 Recommendations, March 2017, at 23]. ADF&G has found similar rates of unreported take of deer and black bear in GMU2,<sup>5,6</sup> which supports that conclusion.

Further, Douville’s testimony included threats for continuing subterfuge by himself and other GMU2 trappers:

... unless some of this gets corrected, it’s going to get worse down the road  
... so we need to correct the 20 percent part. [SE RAC transcript at 193].

<sup>3</sup> The actual quota (a number of animals) was for a harvest of 11 wolves.

<sup>4</sup> Terms of art in *italics* are provided to distinguish the various quantities involved. The existing regulatory terminology lacks necessary distinction and has led to regulatory mistakes in the past.

<sup>5</sup> ADF&G has found a similar rate of illegal take for Prince of Wales black bears: “Other factors that managers must consider are wounding loss and illegal kills. Fifty percent additional mortality in 2005 (which the department suspects may be reasonable on POW based on radio collared bears) ...”. [Chapter 5: Black Bear Management Report from: 1 July 2010 to 30 June 2013, for Prince of Wales and adjacent islands, at 5-9. <http://www.adfg.alaska.gov/index.cfm?adfg=wildliferesearch.smr20145>]

<sup>6</sup> ADF&G has found a similar rate of illegal take for GMU2 deer: “We believe that Unit 2 has one of the highest illegal and unreported harvest rates in the region, estimated to be equal to the legal harvest (Table 5). That estimate is based on anecdotal reports, interviews with law enforcement personnel, and fates of radio-collared deer. If that estimate is correct, over 4% of the estimated 75,000 deer in Unit 2 may be illegally harvested each year. This high illegal take is likely due in large part to the extensive and remote road system and few law enforcement personnel patrolling the unit.” (ADF&G 2015. “ADF&G 2015 Deer Management Report of Survey-Inventory Activities, 1 July 2012-30 June 2014”, at 4-5. [http://www.adfg.alaska.gov/static-research/wildlife/speciesmanagementreports/pdfs/deer\\_smr\\_2015\\_full\\_report.pdf](http://www.adfg.alaska.gov/static-research/wildlife/speciesmanagementreports/pdfs/deer_smr_2015_full_report.pdf).)”

... you will have a certain amount of civil disobedience and they will take matters into their own hands. And, you know, I don't care what kind of regulations you can make. We'll make our own, you know, that sort of thing. [Id. at 194].

**Conclusions:** The management situation demands a conservative regulatory limit because of the one-year delay in producing a wolf population estimate, because of 14-day reporting deadline which allows “gaming the system”, and because subterfuge and threats are dangerous to wolf conservation and otherwise should not be rewarded. WP 18-04 is not a solution to these problems, and would encode management that would be contrary to conservation of the GMU2 wolf population.

**2. The GMU2 wolf population remains low, and the harvest quota was exceeded by a factor of 2.5 in the 2016/2017 season**

Details for reason no. 2 have largely been covered above already.

**3. A conservation concern has been identified for GMU2 wolves, notwithstanding that the Southeast RAC “anticipates no conservation concern**

The concluding statement in the US Fish & Wildlife Service’s 2015 Status Review for the Alexander Archipelago wolf is, “[T]he persistence of the GMU 2 population is desired and requires careful management actions and decisions to ensure its future health.”

The Service also pointed out in its 2016 comments on the Tongass Land Management Plan Amendment DEIS that, “Implementation of existing standards and guidelines intended to protect wolves from unsustainable harvest and habitat loss appears to be inadequate for the wolves on Prince of Wales, given the population’s documented decline.” Cited were problems in the wolf standards and guidelines regarding road density and deer habitat capability in GMU2 and the lack of a wolf habitat management program. No changes to the standards and guidelines were made in the TLMP Amendment, adopted later in 2016. Although a wolf habitat management for GMU2 has since been convened, its considerations and recommendations are thus far incomplete.

The identified need for “careful management and decisions” for the GMU2 wolf population and the above continuing problems with habitat management place all the more importance on the need for conservative management of wolf hunting and trapping in the unit, especially in view of present low population.

**4. The proposal is motivated by desire for higher deer hunter success; however, wolf predation became the RAC’s focus, while ignoring other factors of importance**

An important consideration is why the trappers pushed the reported take of wolves into a factor-of-2.5 exceedance of the season’s quota. From Mr. Douville’s testimony to the RAC this March, it is apparent that the trappers’ action and this Proposal are directly about deer and only indirectly about wolves. He worries that while POW residents depend on deer [SE RAC 3/15/17 transcript at 193], the deer harvest and number of off-road hunters are increasing [Id. at 191] and that deer numbers are going down [Id. at 195]. He suggests a need to limit hunters from off-island to provide more deer for island residents. [Id. at 192]. While he is concerned about establishing a different balance between deer and wolf numbers [Id. at 191, 193, 194 & 197], it seems that he and other trappers have overlooked other factors as either a cause of insufficient subsistence hunter success or the subject of a solution.



The following relevant quotes concern those other factors, and are from the latest ADF&G deer management report for GMU2 (issued in 2015 for July 2012 through June 2014):<sup>7</sup>

Despite abundant deer, historically high harvests, and liberal seasons and bag limits, hunters from rural communities continue to complain about their inability to meet their subsistence needs. In some cases data from hunter reports substantiate those concerns. Among rural residents there is a perception of increased hunting pressure. The number of hunters for this reporting period (2,468 and 2,459 in RY12 and RY13, respectively), are the highest in the last 10 years (RY02–RY11), and 22% higher than the 10-year average (Table 1). ... Road closures may direct the same number of hunters into smaller areas, affirming the perception of increasingly crowded hunting conditions. ... In addition, as clear-cuts regenerate, deer become less visible, fueling speculation that fewer deer are available for harvest. [Id. at 4-4].

As black bear hunting opportunities diminish on POW many lodges, outfitters and guides may be shifting focus to deer hunting. Over the past 5 years the ADF&G office in Craig has noted an increase in nonresident inquiries about deer hunting in Unit 2, particularly from hunters interested in taking a Sitka black-tailed deer as part of their North American “deer slam.” [Id. at 4-3, 4].

[A]necdotal evidence and testimony from local residents suggests that the doe harvest by federal subsistence hunters is likely substantially under-reported. [Id. at 4-4]. For both sexes, “[w]e believe that Unit 2 has one of the highest illegal and unreported harvest rates in the region, estimated to be equal to the legal harvest. [Id. at 4-5]. Flynn and Suring (1989) reported that actual mortality from legal hunting could be 38% greater than the estimated harvest because of unknown or unreported crippling loss. Field observations and voluntary reports of wounding loss suggest that this estimate might be conservative. [Id.].

Conclusions & Recommendations. According to estimates based on harvest ticket reports, the Unit 2 harvest objective of 2,700 deer per year was exceeded during both years of this reporting period. In fact, anecdotal accounts from hunters and public testimony during a multi-agency Unit 2 deer planning effort in 2005 (Unit 2 Deer Planning Subcommittee 2005) suggested that we probably continue to significantly underestimate the total number of deer harvested because illegal and unreported harvest appear to be substantial. If that is the case, actual harvest may be more than double the harvest objective. [Id. at 4-6].

In addition, the loss of deer to black bear predation is likely much greater than the loss to wolves, especially for the last several years when wolf numbers have been quite low. In a recent study involving radio-collared deer:

The largest source of mortality ... was from hunting, followed by malnutrition ... and black bear predation ... . Wolf mortality was not recorded for adult deer monitored during this study, despite wolf predation acting as a major source of mortality for deer monitored in the same study area 10 years previously (Person et al. 2009). [Gilbert, S. 2015, PhD. dissertation at pdf-74].

<sup>7</sup> [http://www.adfg.alaska.gov/static-research/wildlife/speciesmanagementreports/pdfs/deer\\_smr\\_2015\\_3\\_chapter\\_4\\_unit\\_2.pdf](http://www.adfg.alaska.gov/static-research/wildlife/speciesmanagementreports/pdfs/deer_smr_2015_3_chapter_4_unit_2.pdf)

Summer fawn survival was the lowest survival rate, with more than half of all fawns dying before three months of age on average (Table 3.1), primarily from bear predation. [Id. at pdf-78].

I focus on Sitka black-tailed deer (*Odocoileus hemionus sitkensis*) in Southeast Alaska, where adult female deer face predation by both wolves (*Canis lupus*) and black bears (*Ursus americanus*), whereas fawns face predation primarily by black bears. Wolves are relatively rare and highly cursorial, whereas black bears are more common and are mostly ambush predators. Prey animals can be more sensitive to predation risk from ambush rather than cursorial predators (Preisser et al. 2007; Schmitz 2008); Nevertheless, the abundance (Alaska Department of Fish and Game 2011) and omnivorous diet of bears likely make them difficult to avoid, particularly before the arrival of salmon in late summer (Campbell et al. 2012). [Id. at pdf-101].

In summary, the number of hunters is high and increasing, with many coming from off-island. Road closures are concentrating hunters, increasing competition. At the same time, in many places, regenerating clearcuts now make deer less visible, making it seem there are fewer deer than previously. Wounding loss and poaching of deer are high in GMU2, and humans are the greatest cause of deer mortality. Additional deer mortality from bears exceeds mortality from wolves. These other factors need to be considered with respect to subsistence needs, instead of jumping to a liberalization the existing wolf harvest regulation.

### **Conclusion**

WP 18-04 should be denied. The GMU2 wolf population remains at a low number, and management of the hunting/trapping season is greatly frustrated by the one-year technical delay in estimating the population and the 14-day allowance for reporting take. The 14-day allowance allows trappers to greatly exceed an established season quota, by a multiple margin. The trappers have threatened, through their representative, to continue to their subterfuge of the regulation if it is not changed, and such threats should not be rewarded.

A conservation concern for the GMU2 wolf population has been identified by government agencies. Unreported takes of wolves, deer and bear are all very high in GMU2, unreported take of wolves must be fully account for, and with ADF&G's assumed safe level of total human take (28% of the population) must be effectively maintained. There is no need to liberalize the wolf regulation, because the main motive for doing so is to provide more deer for subsistence hunters. Other more important factors concerning competition between resident and off-island deer hunters and non-wolf causes of deer mortality need to be considered first. See also Brinkman et al. 2007.<sup>8</sup>

Please vote No on WP 18-04

Sincerely,



Larry Edwards

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<sup>8</sup> Brinkman et al. (2007), "Influence of hunter adaptability on resilience of subsistence hunting systems", specific to Prince of Wales Island.

<http://scholarcommons.usf.edu/cgi/viewcontent.cgi?article=1039&context=iea>



Mckinney, Kayla <kayla\_mckinney@fws.gov>

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**Fwd: comments on proposal WP 18-51, 18-03,18-04, 18-05, 18-24**

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**AK Subsistence, FW7** <subsistence@fws.gov> Fri, Aug 4, 2017 at 1:55 PM  
To: Theo Matuskowitz <theo\_matuskowitz@fws.gov>, Paul Mckee <paul\_mckee@fws.gov>, Jennifer Hardin <jennifer\_hardin@fws.gov>, Kayla Mckinney <kayla\_mckinney@fws.gov>

----- Forwarded message -----

From: **Sharon Alden** <fwxsca@yahoo.com>  
Date: Fri, Aug 4, 2017 at 1:52 PM  
Subject: comments on proposal WP 18-51, 18-03,18-04, 18-05, 18-24  
To: "subsistence@fws.gov" <subsistence@fws.gov>

To: Office of Subsistence Management  
Attention: Theo Matuskowitz  
From: Sean McGuire  
Re: comments on proposal WP 18-51, 18-03, 18-4, 18-5, 18-24

I am opposing proposal WP 18-51 There should be no human food or any human substance to bait any animals. This is so basic. The last thing we want is to habituate bears or any wild animal to human food. This is an ethical as well as a safety issue. The last thing we want to see is the federal baiting regulations aligned with the state of Alaska's. The State baiting regulations are painfully out dated and present a glaring safety issue.

I am opposing proposal WP 18-03 the extended hunting and trapping season in game unit one. Over kill.

I am really opposed to proposal WP 18-04. Why in the world would you want to put more pressure on a wolf population that's already in trouble this appears to be contrary to the basic concept of wildlife management?

I am also opposing proposal WP 18-05 relates to my opposition to WP18-04.

I am also opposing in the strongest possible terms proposal WP 18-24  
To heard wildlife with snow machines is one of the most unethical things I can imagine and the backlash would be harsh.

Thank you for your attention  
Sean McGuire  
159 Kniffen Rd  
Fairbanks, Ak.  
ph 907-888-0124  
email [fwxsca@yahoo.com](mailto:fwxsca@yahoo.com)



August 1, 2017

TO: Federal Subsistence Board 4 pages  
Attention Theo Matuskowitz  
FR: Alaskans FOR Wildlife, Jim Kowalsky, Chair  
RE: Comments of proposals 18-03; 18-04; 18-05  
4 pages

Alaskans for Wildlife is a statewide member Alaska organization promoting naturally occurring wildlife through education and advocacy and is headquartered in Fairbanks.

We wish to offer comments on proposals 18-03; 18-04; 18-05 and 18-14.

18-04 - to increase the wolf quota take from 20% to 30% of the estimated population in GMU 2.

We ask that this change be rejected. The population of wolves is very low and efforts to enforce past quotas have been very poorly managed. An article detailing a management failure for this population of wolves in the March 14, 2017 of the Ketchikan Daily News reveals 26 wolves were harvested VS. the quota of 11, exceeding 2.6 times the quota. The quota has also been exceeded prior years. In 2016 an ADFG decision to close was made on 12/16 through a press release announcing an Emergency Closure issued 3 days later, giving trappers another 14 days to retrieve traps and have hides sealed.

The final take is 28 plus illegal and unreported beyond that. Illegal past takes are reported to be as high as half of legal take. ADFG Regional Supervisor Ryan Scott is quoted in the article thus: “There’s delay in reporting...it’s part of the process...it’s a difficult process.” We note the ADFG responsibility of the management of this hunt is essentially out of control and an abject failure. This hunt should in fact be closed completely given the admitted inability to manage it and the need for this population to recover to a normal historic level.

18-03 To extend the wolf season in Units 1A and 1B. We note the inability to manage as a matter of record outlined in the above explanation as a principle violated that very likely extends to these units and should not be repeated here made worse by poor management. We urge this proposal to extend the season be denied.

18-05 No limit for trapping wolves GMU 1. This is excessive and also is subjected to noted generally failed management as a matter of record and should be denied.

18-24 Use of snowmachines to “position” wolverines, wolves and caribou is vigorously opposed. The proposal would allow, nay, encourage, chasing ...not “positioning”....wildlife to exhaustion and amounts to nothing more than extreme gross harassment. That can not be identified as a tradition. To permit what’s proposed here will earn subsistence a deserved very poor reputation in very high negatives and quickly. It must not be enacted. It is a virtual kiss-of-death for subsistence proposal.

In closing we have a word of advice. Upon reading the 125 or so pages of the transcript of the March 2017 Southeast Regional Council meeting, it is especially disturbing that no recognition or even a hint of acknowledgement of the fact that these are public lands belonging to all Americans was anywhere to be found. As you deliberate these proposals, we, Alaskans FOR Wildlife , wish to emphasize that there is a very broad interest in Alaska’s federal public lands and its wildlife. Do not treat wildlife on these lands as a sole possession.

Not even a hint of the broader public interest and values is present in the regional council discussion including by state ADFG and federal agency personnel participating. We see none in the proposal justifications either. We have real fear that this insular attitude prevails throughout, and if we are correct, this is wrong and eventually will cause trouble for the subsistence populations involved, promise.



We urge all involved including agency managers and regional council leadership and members that you all please must consider the big picture if you are to survive and flourish in the public eye. Be assured that the proposed actions and implementation and failures are being carefully watched. Social media for one will capture your actions and make life very difficult over a short time. Please act with wisdom and a genuine recognition that, federal subsistence law notwithstanding, you are all obligated to share public lands and the riches that dwell there.

Thank you for considering our participation.

Jim Kowalsky  
Chair  
Alaskans FOR Wildlife  
PO Box 81957  
Fairbanks, AK 99708  
907 488 2434



Mckinney, Kayla <kayla\_mckinney@fws.gov>

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**Fwd: Comments on Proposals to the Federal Subsistence Board Attn. Theo Matuskowitz**

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**AK Subsistence, FW7** <subsistence@fws.gov> Fri, Aug 4, 2017 at 7:51 AM  
To: Theo Matuskowitz <theo\_matuskowitz@fws.gov>, Paul Mckee <paul\_mckee@fws.gov>, Kayla Mckinney <kayla\_mckinney@fws.gov>

----- Forwarded message -----

From: **Francis Mauer** <fmauer@mosquiconet.com>  
Date: Thu, Aug 3, 2017 at 9:02 PM  
Subject: Comments on Proposals to the Federal Subsistence Board Attn. Theo Matuskowitz  
To: [subsistence@fws.gov](mailto:subsistence@fws.gov)

Comments Regarding Federal Subsistence Proposals: WP 18-03, 18-04, 1805, 18-24, and 18-51

Submitted to the Federal Subsistence Board by Fran Mauer, P.O. Box 80464, Fairbanks, AK 99708. August 3, 2017.

WP 18-03 I am opposed to extending the wolf hunting and trapping seasons in Unit 1. Wolves are highly vulnerable to harvest as it is, further extending of seasons is not justified, and would likely lead to excessive harvest of wolves as occurred on Prince of Wales Island last year which was supposed to be regulated by a quota, but even with quota rules in place the actual harvest exceeded the quota by 2.6 times. This proposal should be denied.

WP 18-04 This proposal would allow 30% of the wolf population on Prince of Wales Island to be harvested when existing harvest is 20%. As noted above, wolves are highly vulnerable to harvest, and last year's harvest exceeded the quota by 2.6 times! The extensive network of roads and trails on Prince of Wales render wolves exceptionally vulnerable. Expanding the harvest to 30% of the population following excessive harvest last year can not be justified given the failed management of this quota system last year. This proposal would lead to excessive harvest of an already depleted population and should be denied to conserve wolves on the Island.

WP 18-24 This proposal will open the door to harassment of wildlife by snow machines and violate a basic premise of hunting: respect for animals and fair chase principles. It would also result in excessive impacts to other animals that are not harvested due to disturbance associated with this "practice." Furthermore, it will exacerbate difficulty in enforcement of harassment rules. Approval of this proposal would give a black eye to subsistence in general, and certainly the Federal Subsistence Board, specifically for condoning such an inappropriate practice on the Federal public lands of Alaska. Deny this proposal.

WP 18-51 This proposal would lower Federal standards for baiting to the lowest common denominator: State requirements. By allowing the use of human food items such as syrup, old dough nuts and other human refuse will habituate bears to humans and contribute to human – bear conflicts, and expose innocent people to risks from bears that no longer fear humans. Every spring the Alaska Dept of Fish and Game sponsors public service announcements advising folks to keep their garbage and bird feeder refuse secure from bears, clearly stating the danger to humans from habituated bears. There is absolutely no justification to also allow the use of human foods and scent to bait bears. I urge the Board to reject this proposal (18-51).

Thank you for the opportunity to comment.

Fran Mauer

## American Society of Mammalogists

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Theo Matuskowitz  
Chair, Federal Subsistence Board  
Office of Subsistence Management  
1011 E. Tudor Rd. M/S 121  
Anchorage, AK 99503-6199

2 August 2017

Dear Mr. Matuskowitz:

On behalf of the American Society of Mammalogists (ASM), the world's oldest and largest professional society devoted to the scientific study of wild mammals, I am sending you a position letter to be included among comments to **WP18-04** (2018-2020 Wildlife Proposals, page 5 - <https://www.doi.gov/subsistence/proposal/current>), a wildlife proposal to increase harvest limits on wolves in Unit 2, Southeast Federal Subsistence Resource Region. We strongly support the conservation and responsible use of wild mammals based on current, sound, and accurate scientific knowledge. The Society has a long history of reviewing issues related to mammalian conservation, and where appropriate, adopting positions on issues concerning the conservation and responsible management of mammals and their habitats based upon our scientific expertise.

The ASM is concerned about the conservation of the Alexander Archipelago wolf (*Canis lupus ligoni*), a taxon of concern in southeastern Alaska since the 1980s (Person et al. 1996, USFS 1997, 2008; USFWS 1997; USFWS 2014). This endemic subspecies is geographically, morphologically, and genetically distinct from other gray wolves (*C. lupus*), is unique to the North Pacific Coast (Cook et al. 2006, MacDonald and Cook 2007, Cook and MacDonald 2013), and constitutes a significant portion of the genetic diversity of *C. lupus* in North America (Goldman 1937, 1944; Person et al. 1996; Weckworth et al. 2005, 2010, 2011, 2015; Munoz-Fuentes et al. 2009; Cronin et al. 2015). The Alexander Archipelago wolf (*Canis lupus ligoni*) was recently considered by the U.S. Fish & Wildlife Service (USFWS) for protection under the Endangered Species Act (ESA) as a threatened or endangered species, with a positive 90-day finding that listing "may be warranted" (USFWS 2014). Although a final finding of "not warranted" was issued in 2015 (USFWS 2015a), the Final Status Assessment concluded that "Nonetheless, the persistence of the GMU2 population is desired and requires careful



management actions and decisions to ensure its future health” (USFWS 2015b). One of the areas of greatest conservation concern for *C. l. ligoni* is the population located on Prince of Wales Island. This particular population is geographically and genetically isolated from other populations of *C. l. ligoni* (Weckworth et al. 2005), and is one of the most threatened of any wolf population.

Specifically, the ASM is concerned about the Southeast Alaska Regional Advisory Council’s proposal to increase the annual harvest rate to “30% of the most recent unitwide, pre-season population estimate” because, unlike the Council (response to question 4, What impact will this change have on wildlife populations?), we already suspect conservation concern is justified for the following reasons. Based on radio-telemetry (Person et al. 1996), the Prince of Wales Archipelago (POWA) wolf population was estimated to be 250–350 in the mid-1990s; however, a decline in this population was noted beginning around 2008 (Person 2010). In 2010, the Alaska Dept. of Fish & Game (ADFG) resumed fieldwork that included radio-telemetry and other census methods in central POWA, and over the next few years documented few wolves and little wolf sign (Person 2010). In 2013, ADFG documented 80% mortality within their central POWA study area (Person and Larsen 2013). Since that time, even with reduced harvest quotas to 20%, midrange population estimates of POWA of 89 individuals for fall 2014 (ADFG 2015b) and 108 individual for fall 2015 (ADFG 2016) are very low. Arguably, increasing the harvest rate to 30% would facilitate further declines and increase risk of extirpation.

Telemetry studies have shown the impact of illegal harvest on this population to be substantial, representing as much as 37% of the total known mortality between 2012 and 2015 (Roffler et al. 2016: Table 4). Moreover, the existing regulation of allowing hunters/trappers 2 weeks to report legal wolf harvests can be ineffective in curtailing legal overharvests and thus significantly contribute to unexpected annual mortality. Indeed, because of the delay that can occur between documenting total legal harvest and subsequent emergency closure, 29 wolves were “legally” harvested in 2016 (ADF&G, personal communication) when the legal harvest quota had been established at 11 (ADF&G-Tongass National Forest News Release, 25 August 2016). The additive impact of illegal and legal overharvests, and the failure to account adequately for those effects in establishing harvest quotas is likely responsible for recent population declines.

Human access provided by the high density of approximately 4,500 km of logging roads in POWA is directly related to high wolf mortality in the area and particularly the illegal take of wolves (Person and Russell 2008; Person 2013, 2014; Wolf Technical Committee 2017). The primary prey of wolves is Sitka black-tailed deer, and the perceived competition between hunters and wolves for deer is one cause for the unsustainable human take of wolves on POWA (Farmer and Person 2000; Brinkman 2009, Brinkman et al. 2009; Person and Russell 2008; Person 2013, 2014). Whereas this competition already is a mortality factor for wolves, deer numbers are expected to plummet as a result of the “succession debt” from past, current, and planned logging, with former old-growth forest winter deer habitat becoming essentially of no value to deer at least 30 years after logging (Person and Brinkman 2013) and possibly for as long as 150 years after logging (Hanley et al. 1984). This decline in prey, regardless of wolf harvest, will itself pose a significant threat to POWA wolf persistence.

Despite this evidence, the U.S. Forest Service (USFS) claims that further increases in the density of logging roads and further losses of the old-growth habitat preferred by deer to contemporary logging are not problematic for *C. l. ligoni*. This USFS perspective is exemplified by the 2016 revision of the Tongass Forest Plan, which promotes additional harvest of old-growth forests with construction and renovation of logging roads. Indeed, the Big Thorne timber project in central Prince of Wales Island, the agency's largest timber sale on the island in over 20 years, will take 148.9 million board feet of timber from 8,500 acres of logging units in old-growth forest (USFS 2013). ASM strongly disagrees with this claim and with the renewed policy of old-growth logging and expansion of logging roads (see ASM 2015, USFS 2016, Wolf Technical Committee 2017). Moreover, in July 2017 the USFS issued for public comment a proposed action for a multi-faceted project on Prince of Wales Island (the POW LLA Project) that includes an additional 200 million board feet of logging of oldgrowth forest (USFS 2017).

In addition, the interagency report "Wolf habitat management program: GMU2 recommendations" released in March 2017 has several problems including that old-growth forests receive minor attention, but instead there is an emphasis on "restoration" of young growth forests for deer habitat. Sections of this document on wolf mortality, road management and den management should be improved. For example, road management is focused primarily on closures rather than emphasizing the need to not add new roads to the already high density of roads in GMU2.

In response, the American Society of Mammalogists calls upon (1) the Federal Subsistence Board to reject the proposed increase in annual harvest rate threshold to 30%; (2) The Alaska Department of Fish & Game to issue an emergency order (EO) closing Game Management Unit 2 (GMU2) to the hunting, trapping, or other take of wolves until the wolf population there can be verified to exceed 200 animals on the low end of the estimate range; and (3) the U.S. Forest Service to cease the construction of new roads and clearing of old growth forests on its lands within GMU2, including those of the Big Thorne project.

In summary, we believe that the circumstances as outlined above require immediate action on the part of the Federal Subsistence Board, ADFG, and USFS to conserve this unique subspecies of the gray wolf, including the wolves on Prince of Wales Island. The ASM greatly appreciates your close consideration of our comments and suggestions on this very important issue and stands ready to lend our collective expertise to help you resolve this issue.

Sincerely yours,



Robert Sikes, Ph.D.  
President,  
American Society of Mammalogists

Cc: Beth Pendleton, Regional Forester  
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Sam Cotten, Commissioner  
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Matuskowitz, Theo <theo\_matuskowitz@fws.gov>

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**Fwd: WP18- 01 – WP18-13 pertain to Southeast Alaska**

1 message

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**AK Subsistence, FW7** <subsistence@fws.gov> Mon, Jul 17, 2017 at 10:39 AM  
To: Theo Matuskowitz <theo\_matuskowitz@fws.gov>, Paul Mckee <paul\_mckee@fws.gov>, George Pappas <george\_pappas@fws.gov>

----- Forwarded message -----

From: **Curtis Donald Thomas** <seafun@kpunet.net>  
Date: Fri, Jul 14, 2017 at 8:01 AM  
Subject: WP18- 01 – WP18-13 pertain to Southeast Alaska  
To: subsistence@fws.gov

Dear sirs,

Please stop this craziness of creating new classes of citizens with special rights. I was born in Ketchikan and lived on Prince of Whales for 20 years. Someone in your organization is promoting restricting Sitka Black-tail harvest for some residents (only two deer instead of 4) and granting others more rights (5 deer, one doe, multiple permits, extended season, etc).

Recent action has already restricted access to our hunting grounds. Since I currently live in Ketchikan (a huge metropolis of 7,000 people), I cannot start hunting on POW until Aug 16th. The season starts August 1st and ends December 31st, unless you live on POW of course, then you can start in July and continue hunting into January (even people who just moved to the island from New York City).

Your continued segmentation our population is destructive. Please stop this nonsense. The constitution says we are **all equal under the law**. What gives you the right to change this and grant some Americans more rights than others.

Another crazy policy that your group implemented (maybe another group... there are so many Federal groups in Washing trying to determine what is best for us rural residents that one can not keep track). That policy is allowing someone who lives just down the road the ability to harvest 20 halibut per day. These fish average 30-40 pounds. That means some Alaskans can harvest over 500 pounds of halibut every day if they choose while others are limited to 2 fish (which is plenty). 20 fish per day is COMMERCIAL FISHING not sport or subsistence!!!!

I guess I will have to "Self Identify" as a POW resident... if it is good enough for sexual orientation in our military, it must be acceptable for residents that actually spent half of their life in the area you now say some relocated New Yorker has more rights to than I.

Crazy, Crazy, Crazy! You are attempting to fix a problem that does not exist. Please STOP this.

Curtis Thomas  
8046 N. Tongass Hwy  
Ketchikan, AK 99901

<b>WP18–11 Executive Summary</b>	
<b>General Description</b>	<p>Proposal WP18–11 requests that the Federal Subsistence Board (Board) provide a Federal priority for moose in Unit 1C Berners Bay for rural residents, or close Federal lands to the harvest of moose in 1C Berners Bay to all users, or clearly state on the record why a priority for moose should not be provided to rural residents on the Federal public lands of Berners Bay. <i>Submitted by: Calvin Casipit of Gustavus</i></p>
<b>Proposed Regulation</b>	<p><b>Unit 1C - Moose</b></p> <p><i>Unit 1C — Berners Bay drainages — 1 bull by Federal drawing permit</i> <span style="float: right;"><i>Sept. 15–<del>Oct. 15</del> No Federal open season</i></span></p> <p><i>Unit 1C — Berners Bay drainages — 1 antlerless moose by Federal drawing permit.</i> <span style="float: right;"><i>Sept. 15–Oct. 15</i></span></p>
<b>OSM Preliminary Conclusion</b>	<p><b>Support Proposal WP18-11 with modification.</b> The modification establishes a may-be-announced cow season and closes Federal public lands to all but Federally qualified subsistence users. The modified regulation should read:</p> <p><b>Unit 1C - Moose</b></p> <p><i>Unit 1C — Berners Bay drainages — 1 bull by Federal drawing permit</i> <span style="float: right;"><i>Sept. 15–Oct. 15–<del>No</del> Federal open season</i></span></p> <p><i>Unit 1C — Berners Bay drainages — 1 antlerless moose by Federal drawing permit.</i> <span style="float: right;"><i>May be announced Sept. 15–Oct. 15</i></span></p> <p><i>Federal public lands are closed to the harvest of moose except by Federally qualified subsistence users.</i></p>



<b>WP18–11 Executive Summary</b>	
<b>Southeast Alaska Subsistence Regional Advisory Council Recommendation</b>	
<b>Southcentral Alaska Subsistence Regional Advisory Council Recommendation</b>	
<b>Kodiak/Aleutians Subsistence Regional Advisory Council Recommendation</b>	
<b>Bristol Bay Subsistence Regional Advisory Council Recommendation</b>	
<b>Yukon-Kuskokwim Delta Subsistence Regional Advisory Council Recommendation</b>	
<b>Western Interior Alaska Subsistence Regional Advisory Council Recommendation</b>	
<b>Seward Peninsula Subsistence Regional Advisory Council Recommendation</b>	
<b>Northwest Arctic Subsistence Regional Advisory Council Recommendation</b>	

<b>WP18–11 Executive Summary</b>	
<b>Eastern Interior Alaska Subsistence Regional Advisory Council Recommendation</b>	
<b>North Slope Subsistence Regional Advisory Council Recommendation</b>	
<b>Interagency Staff Committee Comments</b>	
<b>ADF&amp;G Comments</b>	
<b>Written Public Comments</b>	<b>3 Oppose</b>

**DRAFT STAFF ANALYSIS  
WP18-11**

**ISSUES**

Proposal WP18-11, submitted by Calvin Casipit of Gustavus, requests establishment of a Federal season and harvest limit for moose in the Berners Bay drainages.

**DISCUSSION**

The proponent requests that the Federal Subsistence Board (Board) provide a Federal priority for moose in Unit 1C Berners Bay for rural residents, or close Federal lands to the harvest of moose in 1C Berners Bay to all users, or clearly state on the record why a priority for moose should not be provided to rural residents on the Federal public lands of Berners Bay.

**Existing Federal Regulation**

**Unit 1C - Moose**

*Unit 1C - Berners Bay drainages.*

*No Federal open season*

**Proposed Federal Regulation**

**Unit 1C - Moose**

*Unit 1C — Berners Bay drainages — 1 bull by Federal drawing permit*

*Sept. 15-Oct. 15 ~~No Federal open season~~*

*Unit 1C — Berners Bay drainages — 1 antlerless moose by Federal drawing permit.*

*Sept. 15–Oct. 15*

**Existing State Regulation**

**Unit 1C - Moose**

*Unit 1C Berners Bay drainages only – One bull by permit DM041*

*Sept 15 – Oct 15*

**Extent of Federal Public Lands**

Federal public lands comprise approximately 95% of Unit 1C and consist of 62% U.S. Forest Service (USFS) managed lands and 33% National Park Service (NPS) managed lands (**see Unit 1C Map**).

Federal public lands comprise approximately 97% of Berners Bay drainages and consists of 97% USFS

managed lands.

### Customary and Traditional Use Determination

Rural residents of Units 1, 2, 3, 4 and 5 have a customary and traditional use determination for moose in the Berners Bay drainages.

### Regulatory History

Harvest regulations for moose in Unit 1C, Berners Bay are summarized in **Table 1**. The State has managed the hunt under a draw permit system since 1978, with the exception of 1985, when it was a Tier II hunt due to a change in State law. No permits were issued for the 2007-2013 seasons due to conservation concerns. The Alaska Department of Fish and Game (ADF&G) began issuing draw permits again in 2014 when five bull permits were issued. Five permits were issued for bulls again in 2015 and 2016.

**Table 1.** State of Alaska and Federal moose hunting regulations for Unit 1C, Berners Bay drainages, since 1959. (Updated from Schroeder 2005, pers. comm.; Sell 2017, pers. comm.).

Year	Season	Season	Limit	Conditions and Limitations
1959	Open	Sept 15-Oct 15	One	One bull, except Berners Bay drainages (closed)
1960-1961	Open	Sept 15-Oct 15	One	One bull, except Berners Bay drainages (closed)
1962	Open	Sept 15-Oct 15	One	One bull S. of Endicott-Sherman line; except Berners Bay drainages (closed)
1963-1964	Open	Sept 1-Oct 15	One	One bull, North of the latitude of the Endicott
1965-1967	Open	Sept 1-Oct 15	One	One moose, antlerless moose from 10/14 to 10/15 only
1968	Open	Sept 1-Oct 15	One	One moose
1969-1970	Open	Sept 1-Oct 15	One	One moose, closed after 50 antlerless moose are taken
1971-1973	Open	Sept 15-Oct 15	One	Berners Bay drainages, one moose by permit only, up to 40 permits issued
1974	Open	Sept 15-Oct 15	One	Berners Bay drainages, 50 moose by permit only
1975-1977		No open season		Berners Bay drainages only
1978-1979	Open	Sept 15-Oct 15	One	Berners Bay drainages, one bull by drawing permit, up to 20 permits issued
1980-1982	Open	Sept 15-Oct 15	One	Berners Bay drainages, one bull by drawing permit, up to 25 permits issued
1983-1984	Open	Sept 15-Oct 15	One	Berners Bay drainages, one antlerless moose by drawing permit, up to 15 permits issued
1985	General	No open season		Berners Bay drainages

Year	Season	Season	Limit	Conditions and Limitations
1985	State Subsistence	Sept 15-Oct 15	One	Berners Bay drainages, one moose by Tier II permit, up to 15 permits may be issued
1986	General	Sept 15-Oct 15	One	Berners Bay drainages, one moose by drawing permit, up to 7 permits issued
1987-1990	General	Sept 15-Oct 15	One	Berners Bay drainages, one moose by drawing permit, up to 5 permits issued
1991-1992	General	Sept 15-Oct 15	One	Berners Bay drainages, one moose by drawing permit, up to 10 permits issued
1993-2000	General	Sept 15-Oct 15	One	Berners Bay drainages, one moose by drawing permit, up to 20 permits issued
2001-2007	General	Sept 15-Oct 15	One	Berners Bay drainages, one moose by drawing permit, up to 30 drawing permits issued
2008-2013	General	No open season	-	Berners Bay drainages
2014-2016	General	Sept 15-Oct 15	One	Berners Bay drainages, one moose by drawing permit, up to 5 drawing permits issued
1991-2016	Federal Subsistence	No open season	-	Berners Bay drainages

Prior to 2010 no customary and traditional use determination had been made for moose in the Berners Bay drainages. The Board adopted Proposal WP10-11 submitted by the Southeast Alaska Subsistence Regional Advisory Council (Council), which requested recognition of customary and traditional uses of moose in Unit 1C, including Berners Bay, by residents of Units 1-5.

There has never been a Federal season for moose in Berners Bay as the State season was never adopted at the beginning of the Federal Subsistence Management Program. When the Alaska Board of Game considered making a customary and traditional use determination for moose in the Berners Bay drainages, it concluded that there was no customary and traditional use of the introduced moose population. Proposal WP02-14 requested establishment of a Federal season but was deferred because no customary and traditional use determination had been made. Proposal WP08-06b requested establishment of a Federal season but the proposal was deferred because of conservation concerns with the population at the time. The deferred proposal (Proposal WP10-18b) was rejected during the 2010 cycle also due to conservation concerns. These previous proposals requested a Federal season through a registration hunt.

### **Biological Background**

Berners Bay moose are an introduced population in a small, geographically isolated location. Fifteen moose calves from the Matanuska and Susitna Valleys were released in Berners Bay in 1958, and a supplemental release of 6 more calves occurred in 1960. This introduction was a cooperative effort by ADF&G, USFWS and Territorial Sportsmen, while the U.S. Air Force and Air National Guard provided transportation (Paul 2009).



### Habitat

The majority of the Berners Bay drainages (including the most important moose habitats) are managed by the USFS in an undeveloped condition. Radio-collared moose in the Berners Bay area primarily use lowland areas close to the major rivers and do not utilize alpine areas (White and Barten 2009, White et. al. 2012). The geography of the area allows for minimal migration, and has limited habitat. Because of this, ADF&G has used a variety of harvest management strategies, changing the harvest from bulls only to bulls and cows, in an attempt to balance the sex ratio and to keep the population size within the carrying capacity of the habitat. The use of a habitat capability model and moose browse surveys in the early 1980s helped develop the present management strategy of maintaining a post hunting survey count of 80-90 moose and a bull:cow ratio of 25:100 (Barton 2008, Sell 2014).

### Population Information

In 2006, the Berners Bay moose population appeared to be near the estimated carrying capacity of between 100 and 150 animals (Barten 2008). Subsequent surveys by White and Barten (2009) (**Table 2**) indicated that the population has declined approximately 30% since 2006, which they attributed to harsh winter conditions resulting in poor spring body condition and moderate-low adult survival and pregnancy rates. Low calf survival rates (including summer predation mortality) were another factor in the population decline (White and Barten 2009). Moose in Berners Bay are subject to predation by wolves, brown bears, and black bears, but the amount has not been quantified. ADF&G did not issue any harvest permits for this hunt from 2007-2013 due to conservation concerns about the population. Population estimates are not available for surveys prior to 2006 because there were no collared moose to develop sightability correction factors, which are used to estimate the total population when not all animals can confidently be counted. Prior to 2006, ADF&G assumed that 80-90 moose observed equated to a population within the estimated carrying capacity (Barten 2008). Survey results from 1990-2016 are included in **Table 3**. ADF&G uses the aerial survey results to determine the number of bull and cow moose draw permits to issue. The low numbers of moose observed in 2006-2011 led to the season closures of 2007-2013. Surveys since 2013 indicate the population had recovered to harvestable levels.

**Table 2.** Population estimates for Berners Bay moose 2006-2016 (White and Barten 2009, Sell 2017, pers. comm.).

Survey Year	Survey Date	Total Moose Seen	Total Marked Moose	Marked Moose Seen	Proportion Moose Observed	Population Estimate
2006	11/25/2006	85	31	22	0.71	119 + 22
2006	1/11/2007	76	31	20	0.65	116 + 25
2006	1/26/2007	69	31	16	0.52	131 + 36
2006	2/13/2007	78	30	19	0.63	121 + 27
2007	12/19/2007	59	30	17	0.57	102 + 25
2007	1/7/2008	62	30	18	0.6	102 + 23
2007	2/18/2008	41	28	13	0.46	86 + 26
2007	2/23/2008	34	28	11	0.39	84 + 29
2008	12/16/2008	33	32	12	0.38	85 + 28
2008	2/17/2009	55	32	21	0.66	83 + 15
2009	12/15/2009	51	33	22	0.65	78 + 18
2010	12/3/2010	73	34	28	0.82	88 + 10
2011	11/19/2011	73	27	18	0.67	108 + 23
2012	12/7/2012	102	30	27	0.9	113 + 11
2013	12/3/2013	73	27	21	0.78	93 + 15
2014	12/4/2014	105	30	29	0.967	109 + 6
2015	no survey					
2016	12/11/2016	115	21	17	0.81	141 + 25

**Table 3.** Survey data for the Berners Bay moose herd 1990-2016 (White and Barten 2009; Sell 2017, pers. comm.).

Survey Year	Survey Date	Bulls	Cows	Calves	Unknown	Total moose	Count time (hrs)	Bulls per 100F	Calves per 100F	Calves % in herd	Moose per hour
1990	11/25/1990	14	53	18	0	85	2.6	26	34	21	33
1991	1/27/1992	---	---	11	50	61	1.2	---	---	18	50
1992	1/5/1993	14	61	8	0	83	2.8	23	13	10	29
1993	1/21/1994	---	---	12	45	67	2.8	---	---	18	24
1994	11/16/1994	17	45	13	0	75	2	38	29	17	38
1995						No Survey					
1996						No Survey					
1997	1/7/1998	6	11	12	31	60	2.1	---	---	20	29
1998	12/19/1998	14	9	10	37	70	2.6	---	---	14	27
1999	11/29/1999	14	11	13	70	108	2.4	17	16	12	45
2000	2/15/2001	---	10	12	57	79	2.4	---	---	15	33
2001	2/2/2002	---	10	10	46	66	2	---	---	15	33
2002	2/28/2003	---	4	4	50	58	2.2	---	---	7	26
2002	3/16/2003	---	7	7	28	42	2.7	---	---	17	22
2003	11/19/2003	18	11	13	39	81	2.6	36	26	16	31
2004	11/3/2004	7	12	12	55	86	---	10	18	14	26
2005	12/6/2005	15	12	13	60	100	---	21	18	13	40
2006	11/11/2006	10	56	9	0	75	---	18	16	12	21
2006	11/25/2006	10	60	12	3	85	---	17	20	14	---
2006	1/11/2007	3	9	11	53	76	---	---	---	14	---
2006	1/26/2007	1	6	7	55	69	---	---	---	10	---
2006	2/13/2007	0	6	8	64	78	---	---	---	10	---
2007	12/19/2007	10	44	5	0	59	---	23	11	8	---
2007	1/7/2008	5	5	5	47	62	---	---	---	8	---
2007	2/18/2008	0	5	5	36	46	---	---	---	12	---

Survey Year	Survey Date	Bulls	Cows	Calves	Unknown	Total moose	Count time (hrs)	Bulls per 100F	Calves per 100F	Calves % in herd	Moose per hour
2007	2/23/2008	0	0	2	32	34	---	---	---	5	---
2008	12/16/2008	3	22	3	5	33	---	11	14	9	---
2008	2/17/2009	---	8	8	41	57	---	---	---	14	---
2009	12/15/2009	12	20	4	15	51	3	34	11	8	17
2010	12/3/2010	18	45	10	0	73	4.3	40	22	14	17
2011	11/19/2011	22	41	10	0	73	---	54	24	14	---
2012	11/27/2012	23	53	9	0	85	2.3	43	17	11	37
2012	12/7/2012	21	67	14	0	102	4	31	21	14	26
2013	12/3/2013	18	47	8	0	73	---	38	17	11	---
2014	12/4/2014	22	52	24	7	105	4.6	37	41	23	23
2015	no survey										
2016	12/11/2016	18	31	27	39	115	3.83	26	39	23	30

## Harvest History

The first limited moose hunting season in Berners Bay was held in 1963, when 4 bulls were harvested. Since that time, the annual harvest ranged from 0 to 23 animals (Sell 2014). **Table 4** shows the numbers of draw permits issued and moose harvested from 1983 through 2016. The number of permits issued remained steady between 2003 and 2006. However, this was down from the previous ten years when between 15 and 20 permits were issued each year. Hunters that receive permits have a high success rate, ranging from 60% to 100% in any given year. The success rate is high because the narrow valley bottoms contain good moose habitat, which concentrates moose along river corridors that provide hunter access. However, access to many of the drainages in Berners Bay is difficult because of tidal influence and river gradient. Jet boats and air boats are the preferred means of access. The season was closed between 2007 and 2013 due to conservation concerns resulting from mortality during harsh winters. Four bulls were harvested in 2014, 2015 and 2016.

**Table 4.** Number of permits issued and moose harvested in Unit 1C, Berners Bay 1983 through 2016 (ADF&G 2017a, 2017b; Sell 2017 pers. comm.).

Year	Permits			Harvest			
	Bulls	Cows	Total	Bulls	Cows	Unknown	Total
1983	---	---	---	---	8	1	9
1984	---	---	---	1	13	0	14
1985	---	---	---	8	5	0	13
1986	---	---	---	5	0	0	5
1987	---	---	---	5	0	0	5
1988	---	---	---	4	0	0	4
1989	---	---	---	5	0	0	5
1990	---	---	5	5	0	0	5
1991	---	---	10	5	5	0	10
1992	---	---	10	5	4	0	9
1993	8	7	15	7	7	0	14
1994	8	7	15	8	6	0	14
1995	8	7	15	11	2	0	13
1996	9	8	17	7	7	0	14
1997	8	7	15	8	7	0	15
1998	8	7	15	8	7	0	15
1999	10	8	18	10	5	0	15
2000	10	10	20	8	7	0	15
2001	10	10	20	7	6	0	13
2002	8	7	15	5	4	0	9
2003	9	0	9	8	0	0	8
2004	8	0	8	6	0	0	6
2005	8	0	8	5	0	0	5



Year	Permits			Harvest			
	Bulls	Cows	Total	Bulls	Cows	Unknown	Total
2006	6	2	8	5	2	0	7
2007	0	0	0	0	0	0	0
2008	0	0	0	0	0	0	0
2009	0	0	0	0	0	0	0
2010	0	0	0	0	0	0	0
2011	0	0	0	0	0	0	0
2012	0	0	0	0	0	0	0
2013	0	0	0	0	0	0	0
2014	5	0	5	4	0	0	4
2015	5	0	5	4	0	0	4
2016	5	0	5	4	0	0	4

**Table 5** shows the Berners Bay moose harvest by community of residence for 1990 through 2016. **Tables 6 and 7** show the community of residence of applicants for the Berners Bay bull (hunt DM041) and antlerless (hunt DM042) harvest permits from 1993 through 2016. It is likely that many of the applicants for the bull hunt also apply for the antlerless hunt. By far, the majority of applicants come from the Juneau area. Haines shows a consistent number of applicants that exceeds the number of permits issued on an annual basis. Gustavus and Skagway show fairly consistent low numbers of applicants. The demand for Berners Bay moose from rural communities appears to be greater than the number of permits available annually.

**Table 5.** Residency of successful hunters in the Berners Bay portion of Unit 1C (State hunts DM041 and DM042), from 1990 through 2016 (ADF&G 2017c).

Year	Residency											Total
	Anchorage	Angoon	Auke Bay	Douglas	Fairbanks	Haines	Juneau	Nome	Petersburg	Sitka	Non- resident	
1990												5
1991						1						10
1992												9
1993						1						14
1994						1						14
1995	1							1				13
1996								14				14
1997								13	1	1		15
1998			2	1		1		9	1	1		15
1999			2	2		1		10				15
2000			2	1	1			10	1			15
2001			3	1				7	1			13
2002				2		1		6				9
2003		1	1	1				5				8
2004				1				5				6
2005								5				5
2006			1					6				7
2007												0
2008												0
2009												0
2010												0
2011												0
2012												0
2013												0
2014			1					3				4
2015				2				2				4
2016								4				4
<b>Total</b>	<b>2</b>	<b>1</b>	<b>12</b>	<b>11</b>	<b>1</b>	<b>6</b>	<b>159</b>	<b>1</b>	<b>3</b>	<b>2</b>	<b>1</b>	<b>199</b>

**Table 6.** Residency of applicants for the Unit 1C, Berners Bay, bull moose hunt (State hunt DM041) for the 1993/94 through 2016/17 regulatory years (Sell 2017, pers. comm.). Only communities proposed for a positive customary and traditional use determination are individually labeled.

Year	Community										Percent Federally qualified applicants	
	Excursion Inlet	Gustavus	Haines	Klukwan	Skagway	Other	Unknown					
1993			6			595	55					1%
1994		1	14			648	88					2%
1995			28			748	68					4%
1996			22		2	746	56					3%
1997			19		5	586	30					4%
1998			31		1	596	60					5%
1999		1	38		4	864						5%
2000		1	31		2	882						4%
2001		1	32			800						4%
2002		1	28		2	795						4%
2003		5	19		3	746						3%
2004		2	16			720						2%
2005			12			597						2%
2006			15		2	507						3%
2007			7			458						2%
2008								Hunt closed				
2009								Hunt closed				
2010								Hunt closed				
2011								Hunt closed				
2012								Hunt closed				
2013								Hunt closed				
2014			13		3	492	4					3%
2015		1	3			584						1%
2016			4		2	711						1%

**Table 7.** Residency of applicants for the Unit 1C, Berners Bay, antlerless moose hunt (State hunt DM042) for the 1993/94 through 2016/17 regulatory years (Sell 2017, pers. comm). Only communities proposed for a positive customary and traditional use determination are individually labeled.

Year	Community									
	Excursion Inlet	Gustavus	Haines	Klukwan	Skagway	Other	Unknown	Percent Federally qualified applicants		
1993			5			559	55			1%
1994		1	13			608	90			2%
1995			26			712	66			4%
1996			19		1	669	53			3%
1997			20		6	535	25			5%
1998			20		1	539	55			4%
1999		1	23	1		762				3%
2000		1	27		3	827				4%
2001		1	33			745				4%
2002		2	28		2	750				4%
2003						6				0%
2004						No antlerless quota				
2005						No antlerless quota				
2006		1	11		1	342				4%
2007						No antlerless quota				
2008						No antlerless quota				
2009						No antlerless quota				
2010						No antlerless quota				
2011						No antlerless quota				
2012						No antlerless quota				
2013						No antlerless quota				
2014						No antlerless quota				
2015						No antlerless quota				
2016						No antlerless quota				

**Other Alternative(s) Considered**

Instead of a draw hunt, an allocation based on an analysis pursuant to Section 804 of the Alaska National Interest Lands Conservation Act (ANILCA) could be determined to limit the number of eligible Federally qualified subsistence users. However, this option may not result in a reduced pool of eligible hunters since the eligible rural communities are similarly situated.

Establishing a may-be-announced draw hunt for cow moose would provide managers flexibility to manage for the desired bull:cow ratio. A cow moose hunt would only be initiated at appropriate population levels and sex ratios.

**Effects of the Proposal**

Establishing a Federal season for moose in Berners Bay drainages in Unit 1C would provide additional opportunity for Federally qualified subsistence users to harvest animals on Federal public lands. However, the demand for Berners Bay moose by Federally qualified subsistence users consistently outweighs the harvestable supply. The moose population in this area is small and vulnerable, even at optimal population levels, and the harvest of even a few extra moose could result in a conservation concern.

Residents of Juneau have been the primary harvesters of Berners Bay moose since the inception of a hunting season. Allocating all available moose to Federally qualified subsistence users would have a negative effect on non-Federally qualified users.

**OSM PRELIMINARY CONCLUSION**

**Support** Proposal WP18-11 **with modification** to close Federal public lands in Unit 1C Berners Bay drainages to all but Federally qualified subsistence users and establish a may-be-announced antlerless season.

The modified regulation should read:

**Unit 1C - Moose**

*Unit 1C — Berners Bay drainages — 1 bull by Federal drawing permit* *Sept. 15-Oct. 15*  
~~*No Federal open*~~  
~~*season*~~

*Unit 1C — Berners Bay drainages — 1 antlerless moose by Federal drawing permit.* *May be announced Sept. 15-Oct. 15*

***Federal public lands are closed to the harvest of moose except by Federally qualified subsistence users.***



## **Justification**

Section 802 of ANILCA requires the conservation of healthy wildlife populations, meaning that wildlife are managed in a way that “minimizes the likelihood of irreversible or long-term adverse effects upon such populations and species.” 50 CFR 100.4; 36 CFR 242.4. Section 802 also requires that subsistence uses by rural residents of Alaska shall be “the priority consumptive uses of all such resources on the public lands of Alaska.” Further, Section 804 provides a preference for subsistence uses, specifically “...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”. Section 815 provides that the Board may restrict nonsubsistence uses on Federal public lands if “necessary for the conservation of healthy populations of fish and wildlife” or “to continue subsistence uses of such populations.”

Establishing a Federal season in Berners Bay drainages in Unit 1C would provide additional opportunity for Federally qualified subsistence users to harvest moose on Federal public lands. Providing this opportunity for subsistence harvest of moose is consistent with Section 802 of ANILCA Title VIII. Despite that mandate in Section 802, the Federally qualified subsistence users residing in Units 1-5 have not been provided a Federal opportunity to hunt moose in Berners Bay during a period of over 30 years where it has been authorized under State regulations. The demand for Berners Bay moose from all eligible hunters under State and Federal regulations is greater than the harvestable surplus as shown by the harvest history, population data and applicant data. Due to the small size of the population and habitat limitations in the Berners Bay drainages it is not likely that the population could support additional harvest that may result from adding Federally qualified subsistence users to the hunting pool. Thus, in order to meet the mandates of Section 802 – providing subsistence opportunity while managing for a healthy moose population – a closure is required.

Demand for moose in Berners Bay drainages from Federally qualified subsistence users alone is consistently greater than the harvestable surplus. Establishing a Federal draw hunt would prevent overharvest while giving preference to Federally qualified subsistence users. Establishing a may-be-announced draw hunt for cow moose would provide managers flexibility to manage for the desired bull:cow ratio.

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## WRITTEN PUBLIC COMMENTS

**TERRITORIAL SPORTSMEN, INC.  
P. O. BOX 32712  
JUNEAU, AK 99803**

Federal Subsistence Board  
Office of Subsistence Management  
Attn: Theo Matuskowitz  
1011 E. Tudor Rd., MS-121  
Anchorage, AK 99503-6199

July 18, 2017

**Re: Comments by Territorial Sportsmen, Inc. on Federal Regulatory proposal WP18-11**

Dear Mr. Matuskowitz and members of the Federal Subsistence Board:

The proponent of proposal WP18-11 asks that one of three options be adopted for subsistence taking of moose in Berners Bay, within Unit 1C: (1) provide a federal priority to rural residents to harvest moose in Berners Bay; (2) close federal lands to moose harvesting in Berners Bay; or (3) clearly state on the record why a priority for moose should not be provided to rural residents on the federal public lands of Berners Bay.

Of these 3 options, the Territorial Sportsmen, Inc. (TSI) supports the proponent's third option, and offers rationale for why a priority for moose should not be provided to rural residents on federal public lands of Berners Bay.

TSI was founded in 1946 and has remained active in fish and wildlife conservation since that time. Among its activities, TSI actively promotes access to public lands, builds cabins on state and federal lands for all members of the public to use and enjoy, and provides scholarships to high school graduates pursuing college educations. Moreover, in 1958 TSI worked cooperatively with the Alaska Department of Fish and Game, the U.S. Fish and Wildlife Service, and the military to capture and transport moose calves to Juneau for release in Berners Bay (Nelson 1959). An Air Force helicopter was used to capture calves in the Susitna and Matanuska valleys in May 1958.

Seventeen calves were transported to Juneau in an Air National Guard DC-3 to be reared for 2 ½ months at the Minfield Childrens' Home at Lena Point (Paul 2009). The rearing process was successful and 16 of the original 17 calves (5 males and 11 females) were released at Berners

Page 1 of 3

Bay on 15 August 1958. The calves were transported to Berners Bay in a landing craft. One calf subsequently died (The Daily Alaska Empire 1958).

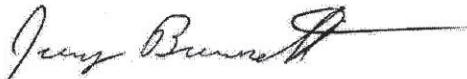
In 1960, 11 additional moose calves were captured and shipped by the Alaska Department of Fish and Game to Juneau for subsequent release at Berners Bay (Merriam 1960). The rearing process was not as successful as in 1958 and only 6 calves survived to be released on 24 August.

Three cows with calves observed in June 1960 demonstrated the early reproductive success achieved by the animals transplanted in 1958 to Berners Bay (Merriam 1960). Because of the excellent initial reproduction, a limited open season on bull moose was established in 1963, just 5 years after the transplant. The first two years, 10 bulls were harvested and for the next decade yearly harvests ranged from 5 to 23 animals. Either sex hunts were initiated in 1971 to help maintain a balanced sex ratio in the herd. In 1971, 50 permit holders harvested 23 moose at Berners Bay and in 1972 the same number of permittees harvested 22 moose. Drawing permits were implemented in 1978. Twelve bulls were taken that year and in that year's aerial surveys, a record 120 moose were counted. After that, the number of permits issued annually ranged from as many as 20 in the late 1970s and early 1980s to as few as 5 bulls per year during 1987-1990. In recent years, 5 drawing permits have been issued for bull harvests.

The Berners Bay transplant was quite successful. It established a moose population in an area that, because of its geographic isolation, may not have been colonized by moose naturally for many years, if ever. That introduced population, aided by attentive management, has provided an extremely popular hunt for over 50 years to all Alaskans as well as hunters from other states.

Given the fact that there was not a historical moose population in Berners Bay, with no accompanying customary and traditional uses of moose, and given further that the existing moose population at Berners Bay is the result of government and private efforts, TSI believes the herd should remain available to all hunters. This belief is further supported by the fact that Pittman-Robertson (P-R) funds and state hunting license fees were used to pay for the transplant. P-R funds come from an 11% excise tax on all firearms and ammunition purchased in the United States. State hunting license fees are generated from all who purchase a hunting license in Alaska, residents and nonresidents, alike.

Sincerely,



Jerry Burnett  
President, Territorial Sportsmen, Inc.

cc: TSI Board of Directors

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**Fwd: WP18-11 Comment**

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----- Forwarded message -----

Wed, Aug 2, 2017 at 7:56 AM

From: **Nicholas Orr**

Date: Wed, Aug 2, 2017 at 7:43 AM

Subject: WP18-11 Comment

To: "subsistence@fws.gov" <subsistence@fws.gov>

There should be no federal subsistence preference for moose in Berners Bay.

(1) The population is quite small and sustains only a limited harvest via a state tag drawing system. It is a tag in very high demand and removing this population from state management would deprive the state of thousands of dollars on an annual basis from lost drawing tag revenue.

(2) It is not located near any rural communities; rather it is much more accessible to Juneau residents.

(3) The moose population there was transplanted for increased recreational opportunities; there is a long tradition of recreational hunting. That tradition should continue and the original intent of the transplant should be honored.

Thanks

Nicholas Orr





Matuskowitz, Theo <theo\_matuskowitz@fws.gov>

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**Fwd: WP18- 01 – WP18-13 pertain to Southeast Alaska**

1 message

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**AK Subsistence, FW7** <subsistence@fws.gov> Mon, Jul 17, 2017 at 10:39 AM  
To: Theo Matuskowitz <theo\_matuskowitz@fws.gov>, Paul Mckee <paul\_mckee@fws.gov>, George Pappas <george\_pappas@fws.gov>

----- Forwarded message -----

From: **Curtis Donald Thomas** <seafun@kpunet.net>  
Date: Fri, Jul 14, 2017 at 8:01 AM  
Subject: WP18- 01 – WP18-13 pertain to Southeast Alaska  
To: subsistence@fws.gov

Dear sirs,

Please stop this craziness of creating new classes of citizens with special rights. I was born in Ketchikan and lived on Prince of Whales for 20 years. Someone in your organization is promoting restricting Sitka Black-tail harvest for some residents (only two deer instead of 4) and granting others more rights (5 deer, one doe, multiple permits, extended season, etc).

Recent action has already restricted access to our hunting grounds. Since I currently live in Ketchikan (a huge metropolis of 7,000 people), I cannot start hunting on POW until Aug 16th. The season starts August 1st and ends December 31st, unless you live on POW of course, then you can start in July and continue hunting into January (even people who just moved to the island from New York City).

Your continued segmentation our population is destructive. Please stop this nonsense. The constitution says we are **all equal under the law**. What gives you the right to change this and grant some Americans more rights than others.

Another crazy policy that your group implemented (maybe another group... there are so many Federal groups in Washing trying to determine what is best for us rural residents that one can not keep track). That policy is allowing someone who lives just down the road the ability to harvest 20 halibut per day. These fish average 30-40 pounds. That means some Alaskans can harvest over 500 pounds of halibut every day if they choose while others are limited to 2 fish (which is plenty). 20 fish per day is COMMERCIAL FISHING not sport or subsistence!!!!

I guess I will have to "Self Identify" as a POW resident... if it is good enough for sexual orientation in our military, it must be acceptable for residents that actually spent half of their life in the area you now say some relocated New Yorker has more rights to than I.

Crazy, Crazy, Crazy! You are attempting to fix a problem that does not exist. Please STOP this.

Curtis Thomas  
8046 N. Tongass Hwy  
Ketchikan, AK 99901



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

## Federal Subsistence Board Informational Flyer



Forest Service

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

### How to Submit a Proposal to Change Federal Subsistence Regulations

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

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

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

#### What your proposal should contain:

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

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

**You may submit your proposals by:**

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

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

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

**How a proposal to change Federal subsistence regulations is processed:**

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

**A step-by-step guide to submitting your proposal on [www.regulations.gov](http://www.regulations.gov):**

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

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

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



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

## Federal Subsistence Board Informational Flyer



Forest Service

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

### How to Submit Proposals to Change Nonrural Determinations

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

#### Your proposal must contain:

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

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

#### You may submit your proposals by:

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

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

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

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

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## **POLICY ON NONRURAL DETERMINATIONS**

### **FEDERAL SUBSISTENCE BOARD**

Adopted January 2017

#### **PURPOSE**

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

#### **INTRODUCTION**

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

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

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

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

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

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

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

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

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

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

## **BOARD AUTHORITIES**

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

## **POLICY**

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

### **SECTION A: Submitting a Proposal**

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

### **SECTION B: Requirements for Proposals**

#### **Making a Nonrural Determination**

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

#### ***Basic Requirements***

All proposals must contain the following information:

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

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

***Threshold Requirements***

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

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

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

***Limitation on Submission of Proposals Seeking Nonrural Determinations***

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

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

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

### **Rescinding a Nonrural Determination**

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

#### ***Basic Requirements***

All proposals must contain the following information:

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

#### ***Threshold Requirements***

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

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

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

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

### **SECTION C: Decision Making**

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

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

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

#### **Regional Advisory Council Recommendations**

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



**SECTION D: Process Schedule**

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

**SECTION E: General Process Timeline**

Outlined in Table 1 and Table 2

Table 1. General Process Timeline


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

Table 2. General Process Timeline Comparison with other Cycles

Wildlife & FRMP Cycle	Fishery Cycle	Dates	Board or Activity	Proposed Nonrural Determination Cycle		
		Council Cycle			Even Years	
Wildlife & FRMP Review Cycle	Fishery Review Cycle	January	Board FRMP Work Session	1	Nonrural Proposed Rule	
		February March	Fishery Proposed Rule Jan- Mar			
		April July	Board Meeting	2	Proposal verification, Tribal and ANCSA consultation	
		August September October November	Fishery Proposal Review			
		December		4	Finalize Threshold presentations for the Board	
		January	Board Meeting	5	Odd Years - Board determines which proposals meet the threshold requirements	
	Wildlife Review Cycle	Fishery Review Cycle	February March	Wildlife Proposed Rule Jan - Mar	6	Odd to Even Years (18 months) - Public Hearings, government-government consultation with the tribes, ANCSA Corporation Consultation, and writing of Nonrural Determination Analyses for proposals that meet the threshold requirements as determined by the Board
			April July			
			August September October November	Wildlife Proposal & FRMP Project Review		
		December				
		January	Board FRMP Work Session			
		February March	Fishery Proposed Rule Jan- Mar			
Fishery Review Cycle	Fishery Review Cycle	April July	Board Meeting	7	Even Years Analysis Review	
		August September October November	Fishery Proposal Review			
		December		8	Finalize Nonrural Determination Analyses	
	January	Board Meeting	9	Odd Years – Final Board Decision		

SIGNATORIES

In WITNESS THEREOF, the parties hereto have executed this Policy as of the last date written below.

  
Chair of the Federal Subsistence Board  
Date: 11-12-17

  
Regional Director  
U.S. Fish and Wildlife Service  
Date: 1/12/17

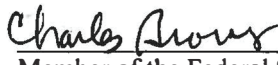
  
Regional Forester  
USDA Forest Service  
Date: 1/12/17

  
Regional Director  
National Park Service  
Date: 1/12/17

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

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

  
Member of the Federal Subsistence Board  
Date: 01/12/2017

  
Member of the Federal Subsistence Board  
Date: 01/12/17

**Appendix A – Final Rule – Rural Determination Process**



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

[Docket No. FWS-R7-SM-2014-0063;  
FXRS1261070000-156-FF07J00000;  
FBMS# 4500086287]

RIN 1018-BA62

**Subsistence Management Regulations  
for Public Lands in Alaska; Rural  
Determination Process**

**AGENCIES:** Forest Service, Agriculture;  
Fish and Wildlife Service, Interior.

**ACTION:** Final rule.

**SUMMARY:** The Secretaries of Agriculture and the Interior are revising the regulations governing the rural determination process for the Federal Subsistence Management Program in Alaska. The Secretaries have removed specific guidelines, including requirements regarding population data, the aggregation of communities, and a decennial review. This change will allow the Federal Subsistence Board (Board) to define which communities or areas of Alaska are nonrural (all other communities and areas would, therefore, be rural). This new process will enable the Board to be more flexible in making decisions and to take into account regional differences found throughout the State. The new process will also allow for greater input from the Subsistence Regional Advisory Councils (Councils), Federally recognized Tribes of Alaska, Alaska Native Corporations, and the public.

**DATES:** This rule is effective November 4, 2015.

**ADDRESSES:** This rule and public comments received on the proposed rule may be found on the Internet at [www.regulations.gov](http://www.regulations.gov) at Docket No. FWS-R7-SM-2014-0063. Board meeting transcripts are available for review at the Office of Subsistence Management, 1011 East Tudor Road, Mail Stop 121, Anchorage, AK 99503, or on the Office of Subsistence Management Web site (<https://www.doi.gov/subsistence>).

**FOR FURTHER INFORMATION CONTACT:** Chair, Federal Subsistence Board, c/o U.S. Fish and Wildlife Service, Attention: Eugene R. Peltola, Jr., Office of Subsistence Management; (907) 786-3888 or [subsistence@fws.gov](mailto:subsistence@fws.gov). For

questions specific to National Forest System lands, contact Thomas Whitford, Regional Subsistence Program Leader, USDA, Forest Service, Alaska Region; (907) 743-9461 or [twhitford@fs.fed.us](mailto:twhitford@fs.fed.us).

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

Under Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) (16 U.S.C. 3111-3126), the Secretary of the Interior and the Secretary of Agriculture (Secretaries) jointly implement the Federal Subsistence Management Program. This program provides a preference for take of fish and wildlife resources for subsistence uses on Federal public lands and waters in Alaska. The Secretaries published temporary regulations to carry out this program in the *Federal Register* on June 29, 1990 (55 FR 27114), and published final regulations in the *Federal Register* on May 29, 1992 (57 FR 22940). The program regulations have subsequently been amended a number of times. Because this program is a joint effort between Interior and Agriculture, these regulations are located in two titles of the Code of Federal Regulations (CFR): Title 36, "Parks, Forests, and Public Property," and Title 50, "Wildlife and Fisheries," at 36 CFR 242.1-242.28 and 50 CFR 100.1-100.28, respectively. The regulations contain subparts as follows: Subpart A, General Provisions; Subpart B, Program Structure; Subpart C, Board Determinations; and Subpart D, Subsistence Taking of Fish and Wildlife.

Consistent with Subpart B of these regulations, the Secretaries established a Federal Subsistence Board to administer the Federal Subsistence Management Program. The Board comprises:

- A Chair appointed by the Secretary of the Interior with concurrence of the Secretary of Agriculture;
- The Alaska Regional Director, U.S. Fish and Wildlife Service;
- The Alaska Regional Director, U.S. National Park Service;
- The Alaska State Director, U.S. Bureau of Land Management;
- The Alaska Regional Director, U.S. Bureau of Indian Affairs;
- The Alaska Regional Forester, U.S. Forest Service; and
- Two public members appointed by the Secretary of the Interior with concurrence of the Secretary of Agriculture.

Through the Board, these agencies and members participate in the development of regulations for subparts C and D, which, among other things, set forth program eligibility and specific harvest seasons and limits.

In administering the program, the Secretaries divided Alaska into 10 subsistence resource regions, each of which is represented by a Regional Advisory Council. The Councils provide a forum for rural residents with personal knowledge of local conditions and resource requirements to have a meaningful role in the subsistence management of fish and wildlife on Federal public lands in Alaska. The Council members represent varied geographical, cultural, and user interests within each region.

**Prior Rulemaking**

On November 23, 1990 (55 FR 48877), the Board published a notice in the *Federal Register* explaining the proposed Federal process for making rural determinations, the criteria to be used, and the application of those criteria in preliminary determinations. On December 17, 1990, the Board adopted final rural and nonrural determinations, which were published on January 3, 1991 (56 FR 236). Final programmatic regulations were published on May 29, 1992, with only slight variations in the rural determination process (57 FR 22940). As a result of this rulemaking, Federal subsistence regulations at 36 CFR 242.15 and 50 CFR 100.15 require that the rural or nonrural status of communities or areas be reviewed every 10 years, beginning with the availability of the 2000 census data.

Because some data from the 2000 census was not compiled and available until 2005, the Board published a proposed rule in 2006 to revise the list of nonrural areas recognized by the Board (71 FR 46416, August 14, 2006). The final rule published in the *Federal Register* on May 7, 2007 (72 FR 25688).

**Secretarial Review**

On October 23, 2009, Secretary of the Interior Salazar announced the initiation of a Departmental review of the Federal Subsistence Management Program in Alaska; Secretary of Agriculture Vilsack later concurred with this course of action. The review focused on how the Program is meeting the purposes and subsistence provisions of Title VIII of ANILCA, and if the Program is serving rural subsistence users as envisioned when it began in the early 1990s.

On August 31, 2010, the Secretaries announced the findings of the review, which included several proposed administrative and regulatory reviews and/or revisions to strengthen the Program and make it more responsive to those who rely on it for their subsistence uses. One proposal called



for a review, with Council input, of the rural determination process and, if needed, recommendations for regulatory changes.

The Board met on January 20, 2012, to consider the Secretarial directive and the Councils' recommendations and review all public, Tribal, and Alaska Native Corporation comments on the initial review of the rural determination process. After discussion and deliberation, the Board voted unanimously to initiate a review of the rural determination process and the 2010 decennial review. Consequently, the Board found that it was in the public's best interest to extend the compliance date of its 2007 final rule (72 FR 25688; May 7, 2007) on rural determinations until after the review of the rural determination process and the decennial review were completed or in 5 years, whichever comes first. The Board published a final rule on March 1, 2012 (77 FR 12477), extending the compliance date.

The Board followed this action with a request for comments and announcement of public meetings (77 FR 77005; December 31, 2012) to receive public, Tribal, and Alaska Native Corporation input on the rural determination process.

Due to a lapse in appropriations on October 1, 2013, and the subsequent closure of the Federal Government, some of the preannounced public meetings and Tribal consultations to receive comments on the rural determination process during the closure were cancelled. The Board decided to extend the comment period to allow for the complete participation from the Councils, public, Tribes, and Corporations to address this issue (78 FR 66885; November 7, 2013).

The Councils were briefed on the Board's *Federal Register* documents during their winter 2013 meetings. At their fall 2013 meetings, the Councils provided a public forum to hear from residents of their regions, deliberate on the rural determination process, and provide recommendations for changes to the Board.

The Secretaries, through the Board, also held hearings in Barrow, Ketchikan, Sitka, Kodiak, Bethel, Anchorage, Fairbanks, Kotzebue, Nome, and Dillingham to solicit comments on the rural determination process. Public testimony was recorded during these hearings. Government-to-government tribal consultations on the rural determination process were held between members of the Board and Federally recognized Tribes of Alaska. Additional consultations were held

between members of the Board and Alaska Native Corporations.

Altogether, the Board received 475 substantive comments from various sources, including individuals, members of the Councils, and other entities or organizations, such as Alaska Native Corporations and borough governments. In general, this information indicated a broad dissatisfaction with the current rural determination process. The aggregation criteria were perceived as arbitrary. The current population thresholds were seen as inadequate to capture the reality of rural Alaska. Additionally, the decennial review was widely viewed to be unnecessary.

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

In summary, based on Council and public comments, Tribal and Alaska Native Corporation consultations, and briefing materials from the Office of Subsistence Management, the Board developed a proposal that simplifies the process of rural determinations and submitted its recommendation to the Secretaries on August 15, 2014.

On November 24, 2014, the Secretaries requested that the Board initiate rulemaking to pursue the regulatory changes recommended by the Board. The Secretaries also requested that the Board obtain Council recommendations and public input, and conduct Tribal and Alaska Native Corporation consultation on the proposed changes. If adopted through the rulemaking process, the current regulations would be revised to remove specific guidelines, including requirements regarding population data, the aggregation of communities, and the decennial review, for making rural determinations.

#### Public Review and Comment

The Departments published a proposed rule on January 28, 2015 (80 FR 4521), to revise the regulations governing the rural determination

process in subpart B of 36 CFR part 242 and 50 CFR part 100. The proposed rule opened a public comment period, which closed on April 1, 2015. The Departments advertised the proposed rule by mail, radio, newspaper, and social media; comments were submitted via [www.regulations.gov](http://www.regulations.gov) to Docket No. FWS-R7-SM-2014-0063. During that period, the Councils received public comments on the proposed rule and formulated recommendations to the Board for their respective regions. In addition, 10 separate public meetings were held throughout the State to receive public comments, and several government-to-government consultations addressed the proposed rule. The Councils had a substantial role in reviewing the proposed rule and making recommendations for the final rule. Moreover, a Council Chair, or a designated representative, presented each Council's recommendations at the Board's public work session of July 28, 2015.

The 10 Councils provided the following comments and recommendations to the Board on the proposed rule:

*Northwest Arctic Subsistence Regional Advisory Council*—unanimously supported the proposed rule.

*Seward Peninsula Subsistence Regional Advisory Council*—unanimously supported the proposed rule.

*Yukon-Kuskokwim Delta Subsistence Regional Advisory Council*—unanimously supported the proposed rule.

*Western Interior Alaska Regional Advisory Council*—supported the proposed rule.

*North Slope Subsistence Regional Advisory Council*—unanimously supported the proposed rule as written. The Council stated the proposed rule will improve the process and fully supported an expanded role and inclusion of recommendations of the Councils when the Board makes nonrural determinations. The Council wants to be closely involved with the Board when the Board sets policies and criteria for how it makes nonrural determinations under the proposed rule if the rule is approved, and the Council passed a motion to write a letter requesting that the Board involve and consult with the Councils when developing criteria to make nonrural determinations, especially in subject matter that pertains to their specific rural characteristics and personality.

*Bristol Bay Subsistence Regional Advisory Council*—supported switching the focus of the process from rural to



nonrural determinations. They indicated there should be criteria for establishing what is nonrural to make determinations defensible and justifiable, including determinations of the carrying capacity of the area for sustainable harvest, and governmental entities should not determine what is spiritually and culturally important for a community. They supported eliminating the mandatory decennial; however, they requested a minimum time limit between requests (at least 3 years). They discussed deference and supported the idea but felt it did not go far enough.

*Southcentral Alaska Subsistence Regional Advisory Council*—supported the proposed rule with modification. They recommended deference be given to the Councils on the nonrural determinations.

*Southeast Alaska Subsistence Regional Advisory Council*—supported the proposed rule with modification. The Council recommended a modification to the language of the proposed rule: “The Board determines, after considering the report and recommendations of the applicable regional advisory council, which areas or communities in Alaska are non-rural . . . .” The Council stated that this modification is necessary to prevent the Board from adopting proposals contrary to the recommendation(s) of a Council and that this change would increase transparency and prevent rural communities from being subject to the whims of proponents.

*Kodiak/Aleutians Subsistence Regional Advisory Council*—is generally appreciative that the Board has recommended changes to the rural determination process and supported elimination of the decennial review. The Council recommended that the Board implement definitive guidelines for how the Board will make nonrural determinations to avoid subjective interpretations and determinations; that the language of the proposed rule be modified to require the Board to defer to the Councils and to base its justification for not giving deference on defined criteria to avoid ambiguous decisions; that the Board provide program staff with succinct direction for conducting analyses on any proposals to change a community’s status from rural to nonrural; and that the Board develop written policies and guidelines for making nonrural determinations even if there is a lack of criteria in the regulations. The Council is concerned that proposals to change rural status in the region will be frequently submitted from people or entities from outside the region; the Council is opposed to

proposals of this nature from outside its region and recommends that the Board develop guidelines and restrictions for the proposal process that the Board uses to reassess nonrural status.

*Eastern Interior Alaska Subsistence Regional Advisory Council*—opposed the proposed rule due to the lack of any guiding criteria to determine what is rural or nonrural. They stated the lack of criteria could serve to weaken the rural determination process. They supported greater involvement of the Councils in the Board’s process to make rural/nonrural determinations. This Council was concerned about changes including increasing developments, access pressure on rural subsistence communities and resources, and social conflicts in the Eastern Interior region.

A total of 90 substantive comments were submitted from public meetings, letters, deliberations of the Councils, and those submitted via [www.regulations.gov](http://www.regulations.gov).

- 54 supported the proposed rule;
- 16 neither supported nor opposed the proposed rule;
- 7 supported the proposed rule with modifications;
- 7 neither supported nor opposed the proposed rule and suggested modifications; and
- 6 opposed the proposed rule.

Major comments from all sources are addressed below:

*Comment:* The Board should provide, in regulatory language, objective criteria, methods, or guidelines for making nonrural determinations.

*Response:* During the request for public comment (77 FR 77005; December 31, 2012), the overwhelming response from the public was dissatisfaction with the list of regulatory guidelines used to make rural determinations. The Board, at their April 17, 2014, public meeting, stated that if the Secretaries approved the recommended simplification of the rural determination process, the Board would make nonrural determinations using a comprehensive approach that considers, but is not limited to, population size and density, economic indicators, military presence, industrial facilities, use of fish and wildlife, degree of remoteness and isolation, and any other relevant material, including information provided by the public. The Board also indicated that they would rely heavily on the recommendations of the Subsistence Regional Advisory Councils. The Board, at their July 28, 2015, public work session, directed that a subcommittee be established to draft options (policy or rulemaking) to address future rural determinations. The subcommittee options, once reviewed

by the Board at their January 12, 2016, public meeting will be presented to the Councils for their review and recommendations.

*Comment:* The Board should give deference to the Regional Advisory Councils on nonrural determinations and place this provision in regulatory language.

*Response:* The Board expressed during its April 2014 and July 2015 meetings that it intends to rely heavily on the recommendations of the Councils and that Council input will be critical in addressing regional differences in the rural determination process. Because the Board has confirmed that Councils will have a meaningful and important role in the process, a change to the regulatory language is neither warranted nor necessary at the present time.

*Comment:* Establish a timeframe for how often proposed changes may be submitted.

*Response:* During previous public comment periods, the decennial review was widely viewed to be unnecessary, and the majority of comments expressed the opinion that there should not be a set timeframe used in this process. The Board has been supportive of eliminating a set timeframe to conduct nonrural determinations. However, this issue may be readdressed in the future if a majority of the Councils support the need to reestablish a nonrural review period.

*Comment:* Redefine “rural” to allow nonrural residents originally from rural areas to come home and participate in subsistence activities.

*Response:* ANILCA and its enacting regulations clearly state that you must be an Alaska resident of a rural area or community to take fish or wildlife on public lands. Any change to that definition is beyond the scope of this rulemaking.

*Comment:* Develop a policy for making nonrural determinations, including guidance on how to analyze proposed changes.

*Response:* The Board, at their July 28, 2015, public work session, directed that a subcommittee be established to draft options (policy or rulemaking) to address future rural determinations that, once completed, will be presented to the Councils for their review and recommendations.

*Comment:* Allow rural residents to harvest outside of the areas or communities of residence.

*Response:* All rural Alaskans may harvest fish and wildlife on public lands unless there is a customary and traditional use determination that identifies the specific community’s or area’s use of particular fish stocks or



wildlife populations or if there is a closure.

#### Rule Promulgation Process and Related Rulemaking

These final regulations reflect Secretarial review and consideration of Board and Council recommendations, Tribal and Alaska Native Corporations government-to-government tribal consultations, and public comments. The public received extensive opportunity to review and comment on all changes.

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

Elsewhere in today's **Federal Register** is a direct final rule by which the Board is revising the list of rural determinations in subpart C of 36 CFR part 242 and 50 CFR part 100. See "Subsistence Management Regulations for Public Lands in Alaska; Rural Determinations, Nonrural List" in Rules and Regulations.

#### Conformance With Statutory and Regulatory Authorities

##### *Administrative Procedure Act Compliance*

The Board has provided extensive opportunity for public input and involvement in compliance with Administrative Procedure Act requirements, including publishing a proposed rule in the **Federal Register**, participation in multiple Council meetings, and opportunity for additional public comment during the Board meeting prior to deliberation. Additionally, an administrative mechanism exists (and has been used by the public) to request reconsideration of the Secretaries' decision on any particular proposal for regulatory change (36 CFR 242.18(b) and 50 CFR 100.18(b)). Therefore, the Secretaries believe that sufficient public notice and opportunity for involvement have been given to affected persons regarding this decision. In addition, because the direct final rule that is mentioned above and is related to this final rule relieves restrictions for many Alaskans by allowing them to participate in the subsistence program activities, we believe that we have good cause, as required by 5 U.S.C. 553(d), to make this rule effective upon publication.

##### *National Environmental Policy Act Compliance*

A Draft Environmental Impact Statement that described four

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

A 1997 environmental assessment dealt with the expansion of Federal jurisdiction over fisheries. The Secretary of the Interior, with concurrence of the Secretary of Agriculture, determined that expansion of Federal jurisdiction does not constitute a major Federal action significantly affecting the human environment and, therefore, signed a Finding of No Significant Impact.

##### *Section 810 of ANILCA*

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

##### *Paperwork Reduction Act*

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

##### *Regulatory Planning and Review (Executive Orders 12866 and 13563)*

Executive Order 12866 provides that the Office of Information and Regulatory Affairs (OIRA) in the Office of Management and Budget will review all

significant rules. OIRA has determined that this rule is not significant.

Executive Order 13563 reaffirms the principles of E.O. 12866 while calling for improvements in the nation's regulatory system to promote predictability, to reduce uncertainty, and to use the best, most innovative, and least burdensome tools for achieving regulatory ends. The executive order directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public where these approaches are relevant, feasible, and consistent with regulatory objectives. E.O. 13563 emphasizes further that regulations must be based on the best available science and that the rulemaking process must allow for public participation and an open exchange of ideas. We have developed this rule in a manner consistent with these requirements.

##### *Regulatory Flexibility Act*

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

##### *Small Business Regulatory Enforcement Fairness Act*

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



**Executive Order 12630**

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

**Unfunded Mandates Reform Act**

The Secretaries have determined and certify pursuant to the Unfunded Mandates Reform Act, 2 U.S.C. 1502 *et seq.*, that this rulemaking will not impose a cost of \$100 million or more in any given year on local or State governments or private entities. The implementation of this rule is by Federal agencies, and there is no cost imposed on any State or local entities or tribal governments.

**Executive Order 12988**

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

**Executive Order 13132**

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

**Executive Order 13175**

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

The Secretaries, through the Board, provided a variety of opportunities for consultation: Commenting on proposed changes to the existing rule; engaging in dialogue at the Council meetings; engaging in dialogue at the Board’s meetings; and providing input in

person, by mail, email, or phone at any time during the rulemaking process.

On March 23 and 24, 2015, the Board provided Federally recognized Tribes and Alaska Native Corporations a specific opportunity to consult on this rule. Federally recognized Tribes and Alaska Native Corporations were notified by mail and telephone and were given the opportunity to attend in person or via teleconference.

**Executive Order 13211**

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

**Drafting Information**

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

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

**Authority**

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

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

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

**50 CFR Part 100**

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

**Regulation Promulgation**

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

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

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

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

**Subpart B—Program Structure**

■ 2. In subpart B of 36 CFR part 242 and 50 CFR part 100, § .15 is revised to read as follows:

**§ .15 Rural determination process.**

(a) The Board determines which areas or communities in Alaska are nonrural. Current determinations are listed at § .23.

(b) All other communities and areas are, therefore, rural.

Dated: Oct. 28, 2015.

**Sally Jewell,**

*Secretary of the Interior.*

Dated: Sept. 30, 2015.

**Beth G. Pendleton,**

*Regional Forester, USDA—Forest Service.*

[FR Doc. 2015–27994 Filed 10–30–15; 8:45 am]

**BILLING CODE 3410–11–4333–15–P**

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Parts 52 and 81**

[EPA–R04–OAR–2014–0904; FRL–9936–55–Region 4]

**Air Plan Approval and Air Quality Designation; TN; Reasonably Available Control Measures and Redesignation for the TN Portion of the Chattanooga 1997 Annual PM<sub>2.5</sub> Nonattainment Area**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is approving the portion of a State Implementation Plan (SIP) revision submitted by the State of Tennessee, through the Tennessee Department of Environment and Conservation (TDEC), on October 15, 2009, that addresses reasonably available control measures (RACM), including reasonably available control technology (RACT), for the Tennessee portion of the Chattanooga, TN-GA-AL nonattainment area for the 1997 fine particulate matter (PM<sub>2.5</sub>) national ambient air quality standards (NAAQS) (hereinafter referred to as the “Chattanooga TN-GA-AL Area” or

**Appendix B – Direct Final Rule – Nonrural List**



**Need for Correction**

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

**Correction of Publication**

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

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

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

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

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

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

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

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

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

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

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

**Martin V. Franks,**

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

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

BILLING CODE 4830-01-P

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

[Docket No. FWS-R7-SM-2015-0156;  
FXRS1261070000-156-FF07J00000;  
FBMS#4500086366]

RIN 1018-BA82

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

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

**ACTION:** Direct final rule.

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

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

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

- **Electronically:** Go to the Federal eRulemaking Portal: <http://www.regulations.gov> and search for FWS-R7-SM-2015-0156, which is the docket number for this rulemaking.
- **By hard copy:** U.S. mail or hand-delivery to: USFWS, Office of Subsistence Management, 1011 East Tudor Road, MS 121, Attn: Theo Matuskowitz, Anchorage, AK 99503-6199

**FOR FURTHER INFORMATION CONTACT:**

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

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

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

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



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

#### Related Rulemaking

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

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

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

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

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

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

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

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

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

#### Direct Final Rule

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

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

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

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

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



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

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

#### **Conformance With Statutory and Regulatory Authorities**

##### *Administrative Procedure Act Compliance*

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

##### *National Environmental Policy Act Compliance*

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

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

##### *Section 810 of ANILCA*

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

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

##### *Paperwork Reduction Act*

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

##### *Regulatory Planning and Review (Executive Orders 12866 and 13563)*

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

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

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

##### *Regulatory Flexibility Act*

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

##### *Small Business Regulatory Enforcement Fairness Act*

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

##### *Executive Order 12630*

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

##### *Unfunded Mandates Reform Act*

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



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

*Executive Order 12988*

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

*Executive Order 13132*

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

*Executive Order 13175*

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

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

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

*Executive Order 13211*

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

**Drafting Information**

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

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

**Authority**

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

**List of Subjects**

*36 CFR Part 242*

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

*50 CFR Part 100*

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

**Regulation Promulgation**

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

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

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

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

**Subpart C—Board Determinations**

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

**§ \_\_.23 Rural determinations.**

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

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

Dated: September 30, 2015.

**Eugene R. Peltola, Jr.,**

*Assistant Regional Director, U.S. Fish and Wildlife Service, Acting Chair, Federal Subsistence Board.*

Dated: September 30, 2015.

**Thomas Whitford,**

*Subsistence Program Leader, USDA—Forest Service.*

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

**BILLING CODE 3410–11–4333–15–P**

**ALASKA DEPARTMENT OF FISH AND GAME  
DIVISION OF COMMERCIAL FISHERIES  
NEWS RELEASE**



*Sam Cotten, Commissioner  
Scott Kelley, Director*




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Contact:	Sitka Office
Dan Gray	304 Lake Street, Rm. 103 Sitka, Alaska 99835
Phone: (907) 747-6688	Date: December 5, 2017
Fax: (907) 747-6693	Time: 11:15 a.m.

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**2018 STIKINE AND TAKU RIVERS CHINOOK SALMON FORECASTS**

Sitka. . . The Alaska Department of Fish and Game announced today the following information concerning the preseason forecasts for Chinook salmon returning to the Stikine and Taku Rivers in 2018.

The **2018 preseason terminal run size forecast for Stikine River large Chinook salmon is 6,900 fish.** A preseason terminal run forecast of this size does not provide an Allowable Catch (AC) for either the U.S. or Canada as the forecast is below the lower end of the Escapement Goal Range (EGR) of 14,000 to 28,000 fish.

The **2018 preseason terminal run size forecast for Taku River large Chinook salmon is 4,700 fish.** A preseason terminal run forecast of this size does not provide an AC for either the U.S. or Canada as the forecast is below the lower end of the EGR of 19,000 to 36,000 fish.

Inseason terminal run size estimates for the Stikine and Taku rivers may be produced in 2018, but it is very unlikely any directed Chinook salmon fisheries will occur.

News releases web site: <http://www.adfg.alaska.gov/index.cfm?adfg=cfnews.main>

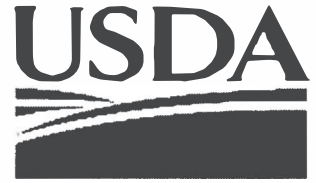
<i>Office</i>	<i>Ketchikan</i>	<i>Petersburg</i>	<i>Wrangell</i>	<i>Sitka</i>	<i>Juneau</i>	<i>Haines</i>	<i>Yakutat</i>
<i>ADF&amp;G</i>	225-5195	772-3801	874-3822	747-6688	465-4250	766-2830	784-3255
<i>AWT</i>	225-5111	772-3983	874-3215	747-3254	465-4000	766-2533	784-3255



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

## Federal Subsistence Board

1011 East Tudor Road, MS 121  
Anchorage, Alaska 99503 - 6199



FOREST SERVICE

OCT 17 2017

OSM 17056.JH

Wrangell District Ranger  
Tongass National Forest  
PO Box 51  
Wrangell, Alaska 99929

Dear Wrangell District Ranger:

This letter delegates specific regulatory authority from the Federal Subsistence Board (Board) to the Wrangell District Ranger of the Tongass National Forest (District Ranger) to issue emergency special actions if necessary to ensure the conservation of a healthy fish population, to continue subsistence uses of fish, for the continued viability of a fish population, or for public safety reasons. This delegation only applies to Federal public waters subject to the Alaska National Interest Lands Conservation Act (ANILCA) Title VIII within the Wrangell Ranger District of the Tongass National Forest.

It is the intent of the Board that Federal subsistence fisheries management by Federal officials be coordinated, prior to implementation, with Regional Advisory Council (Council) representatives, the Office of Subsistence Management (OSM), and the Alaska Department of Fish and Game (ADF&G), to the extent possible. The OSM will be used by managers to facilitate communication of actions and ensure proposed actions are technically and administratively aligned with legal mandates and policies. Federal managers are expected to cooperate with managers from the State and other Federal agencies, the Council Chair(s), and applicable Council members to minimize disruption to resource users and existing agency programs, consistent with the need for emergency special action.

### DELEGATION OF AUTHORITY

**1. Delegation:** The District Ranger is hereby delegated authority to issue emergency special actions affecting fisheries in Federal public waters as outlined under the **Scope of Delegation** below. Although a public hearing is not required for emergency special actions, if deemed necessary by you, then a public hearing on the emergency special action is recommended. Special actions are governed by regulation at 36 CFR 242.19 and 50 CFR 100.19.



Wrangell District Ranger

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**2. Authority:** This delegation of authority is established pursuant to 36 CFR 242.10(d)(6) and 50 CFR 100.10(d)(6), which state: “The Board may delegate to agency field officials the authority to set harvest and possession limits, define harvest areas, specify methods or means of harvest, specify permit requirements, and open or close specific fish or wildlife harvest seasons within frameworks established by the Board.”

**3. Scope of Delegation:** The regulatory authority hereby delegated is limited to the issuance of emergency special actions as defined by 36 CFR 242.19(a) and 50 CFR 100.19(a). Such an emergency action may not exceed 60 days, and may not be extended.

This delegation permits you to open or close Federal subsistence fishing periods or areas provided under codified regulations. It also permits you to specify methods and means; to specify permit requirements; and to set harvest and possession limits for Federal subsistence fisheries.

This delegation also permits you to close and re-open Federal public waters to non-subsistence fishing, but does not permit you to specify methods and means, permit requirements, or harvest and possession limits for State-managed fisheries. This delegation may be exercised only when it is necessary to conserve healthy populations of fish or to ensure the continuation of subsistence uses.

In addition, you may open or close Federal public waters on transboundary rivers to the taking of fish for subsistence or nonsubsistence uses to comply with the terms of the Pacific Salmon Treaty.

All other proposed changes to codified regulations, such as customary and traditional use determinations or requests for special actions greater than 60 days, shall be directed to the Board.

The Federal public waters subject to this delegated authority are those within the Wrangell Ranger District of the Tongass National Forest within the Southeastern Alaska Area. You will coordinate all local fishery decisions with all affected Federal land managers.

**4. Effective Period:** This delegation of authority is effective from the date of this letter and continues until superseded or rescinded.

**5. Guidelines for Review of Proposed Special Actions:** You will use the following guidelines to determine the appropriate course of action when reviewing proposed special actions.

- a) Does the proposed special action fall within the geographic and regulatory scope of delegation?
- b) Have you communicated with the OSM to ensure the emergency special action is aligned with Federal subsistence regulations and policy?

- c) Does the proposed action need to be implemented immediately as an emergency special action, or can the desired conservation or subsistence use goal be addressed by deferring the issue to the next regulatory cycle?
- d) Does the supporting information in the proposed special action substantiate the need for the action?
- e) Are the assertions in the proposed special action confirmed by available current biological information and/or by affected subsistence users?
- f) Is the proposed special action supported in the context of available historical information on stock status and harvests by affected users?
- g) Is the proposed special action likely to achieve the expected results?
- h) Have the perspectives of the Chair or alternate of the affected Council(s), OSM, and affected State and Federal managers been fully considered in the review of the proposed special action?
- i) Have the potential impacts of the proposed special action on all affected subsistence users and non-Federally qualified users within the drainage been considered?
- j) Can public announcement of the proposed special action be made in a timely manner to accomplish the management objective?
- k) After evaluating all information and weighing the merits of the emergency special action against other actions, including no action, is the proposed emergency special action reasonable, rational, and responsible?

**6. Guidelines for Delegation:** You will become familiar with the management history of the fisheries in the region, with the current State and Federal regulations and management plans, and be up-to-date on stock and harvest status information.

You will provide subsistence users in the region a local point of contact about Federal subsistence fishery issues and regulations and facilitate a local liaison with State managers and other user groups. For in-season management decisions and special actions, consultation is not always possible, but to the extent practicable, two-way communication will take place before decisions are implemented. You will also establish meaningful and timely opportunities for government-to-government consultation related to pre-season and post-season management actions as established in the Board's Government to Government Tribal Consultation Policy (Federal Subsistence Board Government to Government Tribal Consultation Policy 2012).

Wrangell District Ranger

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You will review emergency special action requests or situations that may require an emergency special action and all supporting information to determine (1) consistency with 36 CFR 242.19 and 50 CFR 100.19, (2) if the request/situation falls within the scope of your delegated authority, (3) if significant conservation problems or subsistence harvest concerns are indicated, and (4) what the consequences of taking an action may be on potentially affected subsistence uses and nonsubsistence uses. Requests not within your delegated authority will be forwarded to the Board for consideration.

You will maintain a record of all special action requests and justification of your decisions. A copy of this record will be provided to the Administrative Records Specialist at OSM no later than sixty days after development of the document.

You will immediately notify the Board through the Assistant Regional Director for the OSM, and coordinate with the Chair or alternate of the affected Council(s), local ADF&G managers, and other affected Federal conservation unit managers concerning emergency special actions being considered.

If the timing of a regularly scheduled meeting of the affected Council(s) permits without incurring undue delay, you may seek Council recommendation on the proposed emergency special action.

You will issue decisions in a timely manner. Before the effective date of any decision, reasonable efforts will be made to notify Council representatives, the public, OSM, affected State and Federal managers, and law enforcement personnel. If an action is to supersede a State action not yet in effect, the decision will be communicated to Council representatives, the public, OSM, and State and Federal managers at least 24 hours before the State action would be effective. If a decision to take no action is made, you will notify the proponent immediately.

You may defer an emergency special action request, otherwise covered by the delegation of authority, to the Board in instances when the proposed management action will have a significant impact on a large number of Federal subsistence users or is particularly controversial. These options should be exercised judiciously and only when sufficient time allows. Such deferrals should not be considered when immediate management actions are necessary for conservation purposes. The Board may determine that an emergency special action request may best be handled by the Board, subsequently rescinding the delegated authority for the specific action only.

**7. Reporting:** You must provide to the Board, through the Assistant Regional Director for the OSM, a report describing the pre-season coordination efforts, local fisheries management decisions, and post-season evaluation activities for the previous fishing season by November 15. A summary of emergency special action requests and your resultant actions must be provided to the coordinator of the appropriate Council(s) at the end of the calendar year for presentation during regularly scheduled Council meetings.

Wrangell District Ranger

5

**8. Support Services:** Administrative support for your local Federal subsistence fisheries management activities will be provided by the Office of Subsistence Management.

Should you have any questions about this delegation of authority, please feel free to contact the Assistant Regional Director for the OSM at toll-free 1-800-478-1456 or (907)786-3888.

Sincerely,



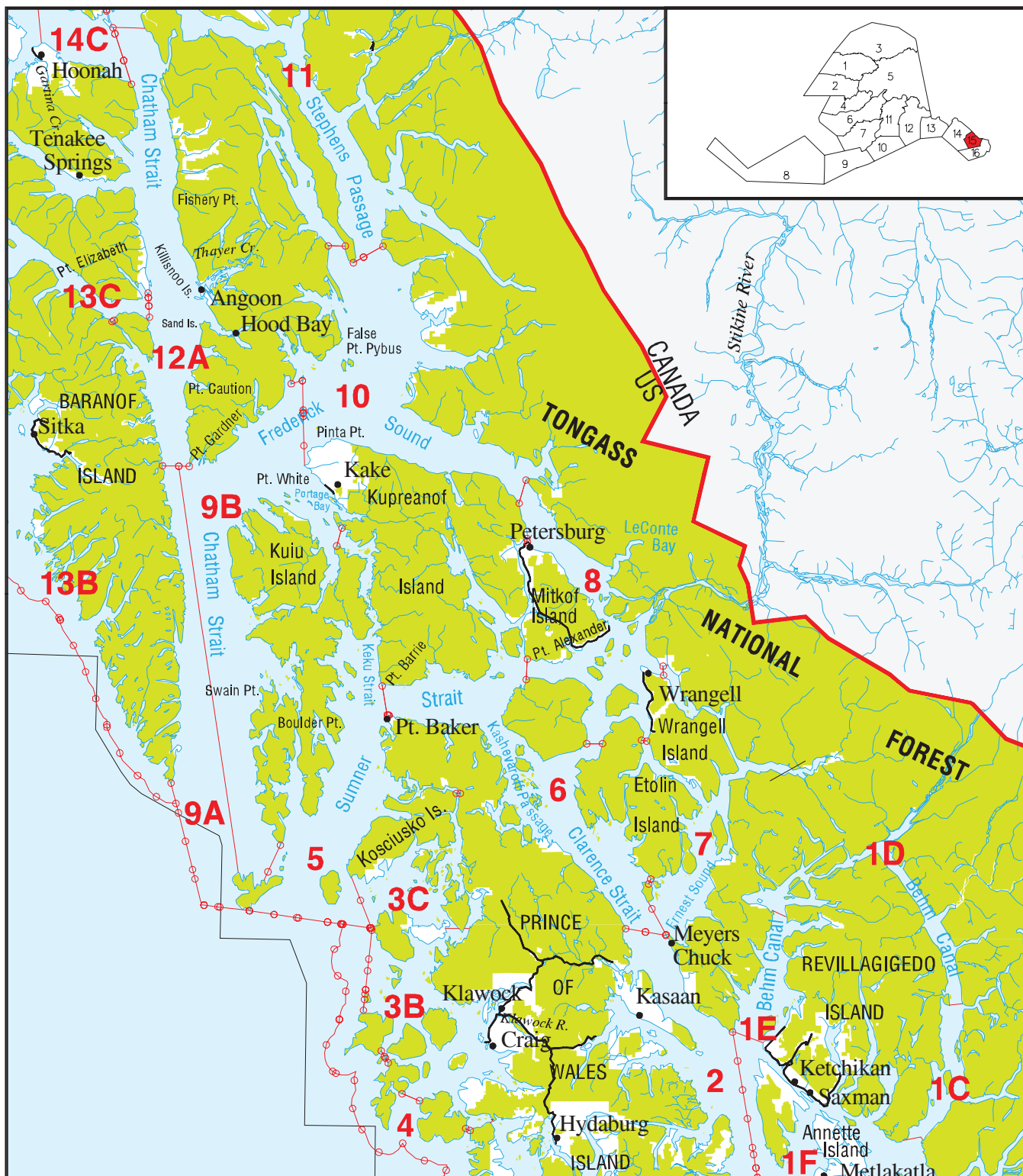
Anthony Christianson  
Chair

Enclosures: Maps of the Southeastern Alaska Area and the Tongass Ranger Districts.

cc: Federal Subsistence Board

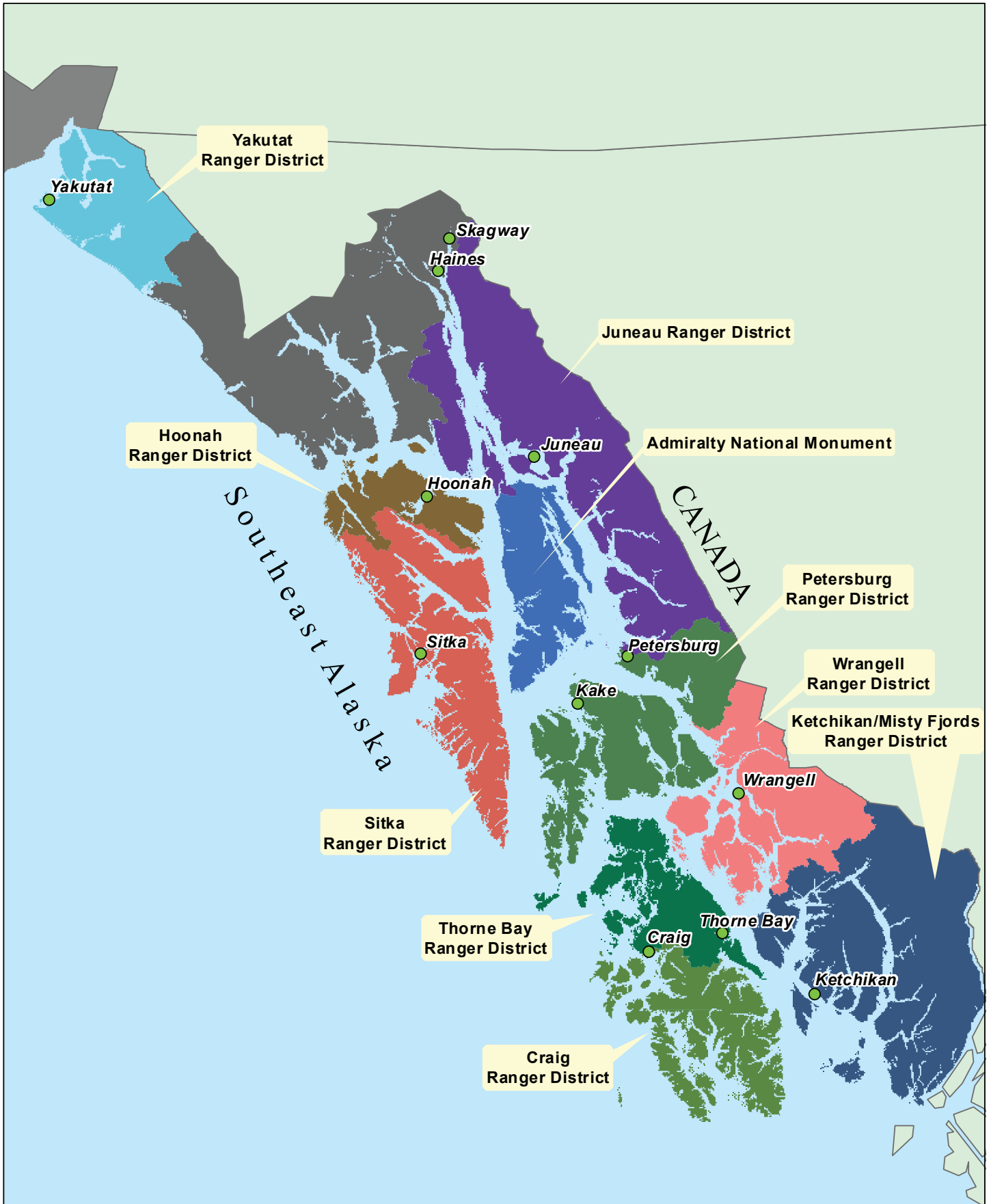
Assistant Regional Director, Office of Subsistence Management  
Deputy Assistant Regional Director, Office of Subsistence Management  
Subsistence Policy Coordinator, Office of Subsistence Management  
Fisheries Division Supervisor, Office of Subsistence Management  
Chair, Southeast Alaska Subsistence Regional Advisory Council  
Special Agent in Charge, Law Enforcement and Investigations FS (Region 10)  
Commissioner, Alaska Department of Fish and Game  
Forest Supervisor, Tongass National Forest  
Interagency Staff Committee  
Administrative Record





**Map 15**  
**Southeastern**  
**Alaska Area**

- |                               |                        |                        |
|-------------------------------|------------------------|------------------------|
| FWS Administered Land         | USFS Administered Land | Fishing Districts      |
| NPS Administered Parks        | Closed to Subsistence  | Subdistrict or Section |
| NPS Administered Preserves    | Roads                  |                        |
| BLM Administered Land         | Area Boundary          |                        |
| BLM Non-navigable Waters Only | Federal Boundary       |                        |



# Fall 2018 Regional Advisory Council Meeting Calendar

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

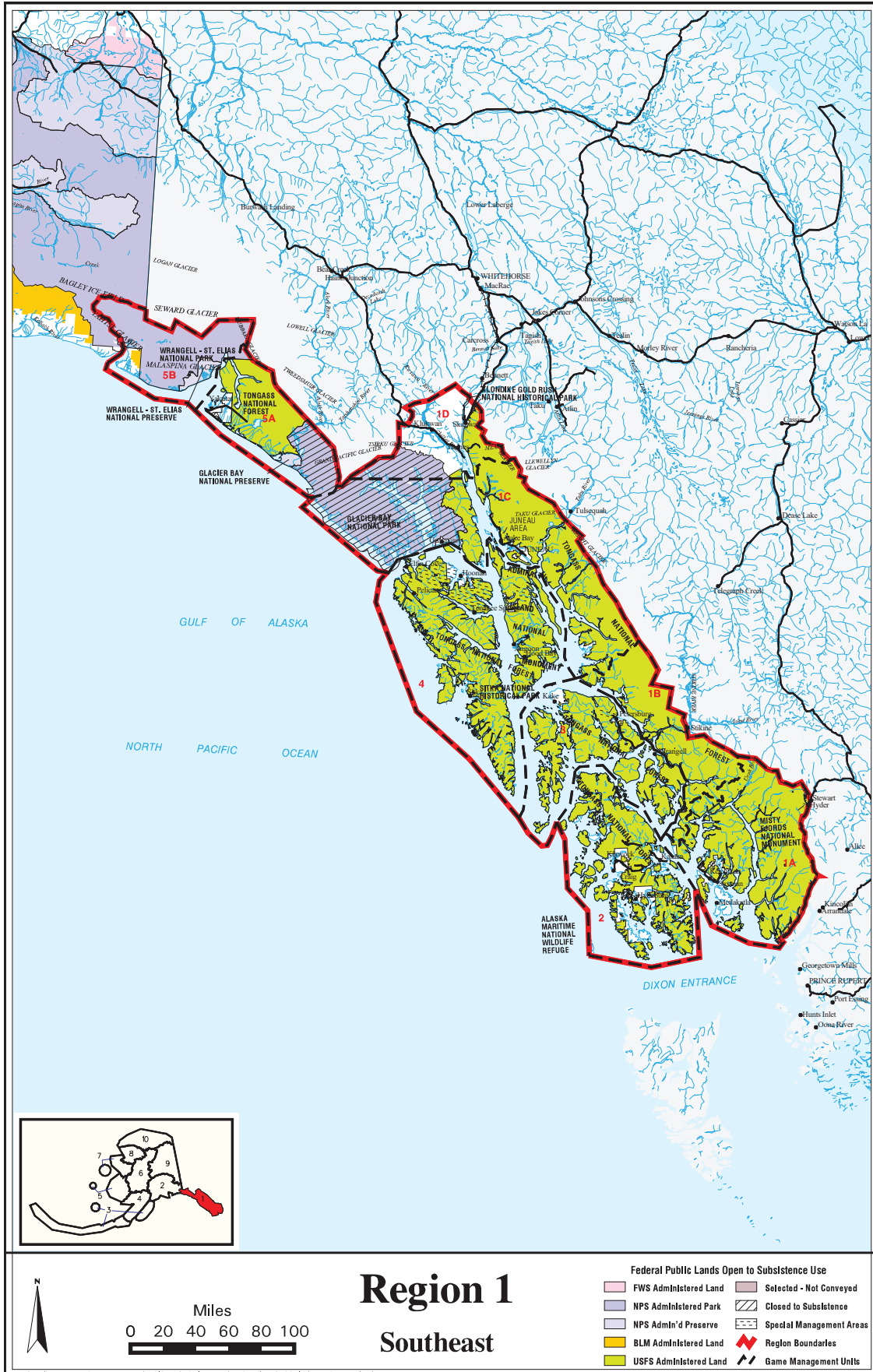
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Aug. 19	Aug. 20	Aug. 21	Aug. 22	Aug. 23	Aug. 24	Aug. 25
		<b>NS — Point Hope</b>				
Aug. 26	Aug. 27	Aug. 28	Aug. 29	Aug. 30	Aug. 31	Sept. 1
Sept. 2	Sept. 3 <b>LABOR DAY HOLIDAY</b>	Sept. 4	Sept. 5	Sept. 6	Sept. 7	Sept. 8
Sept. 9	Sept. 10	Sept.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

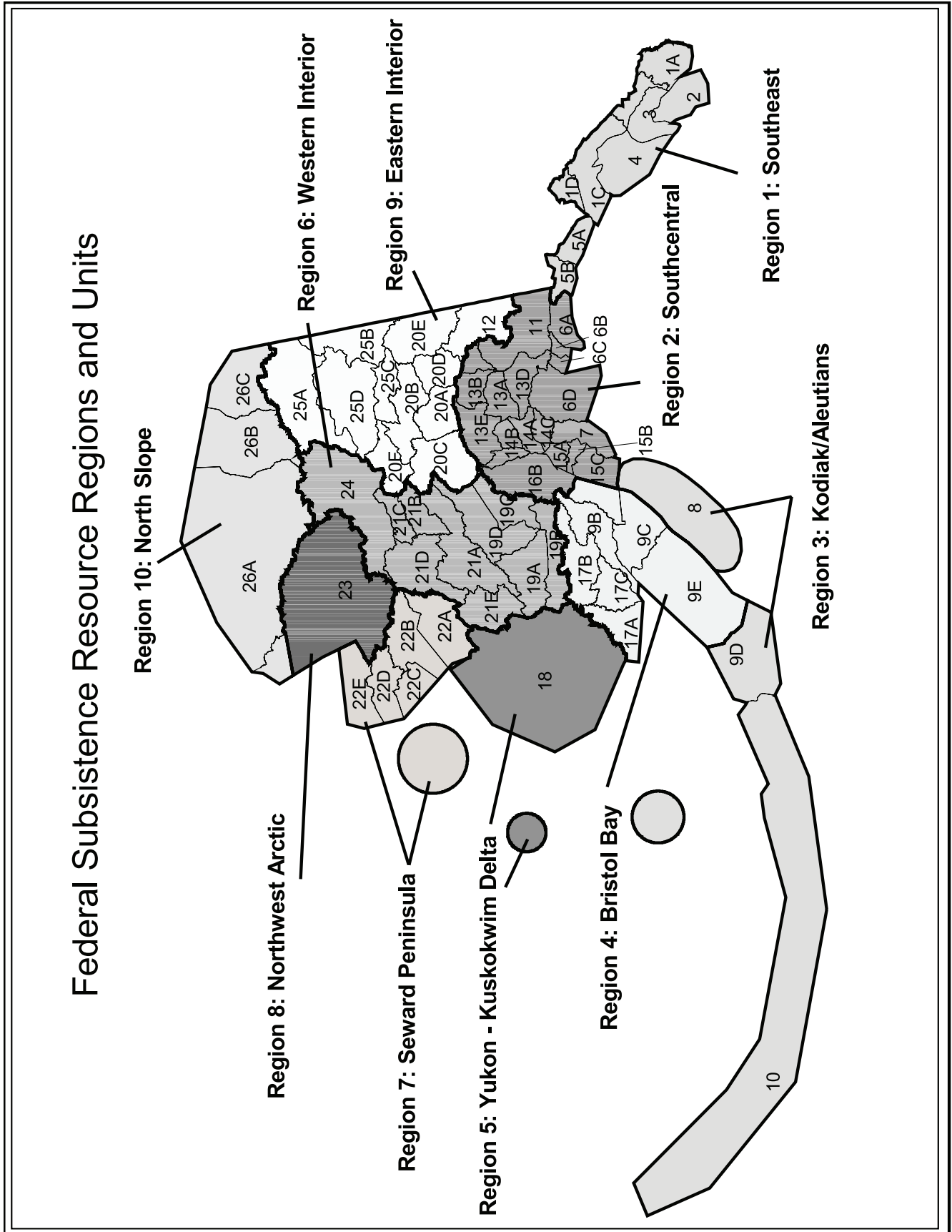
## Winter 2019 Regional Advisory Council Meeting Calendar

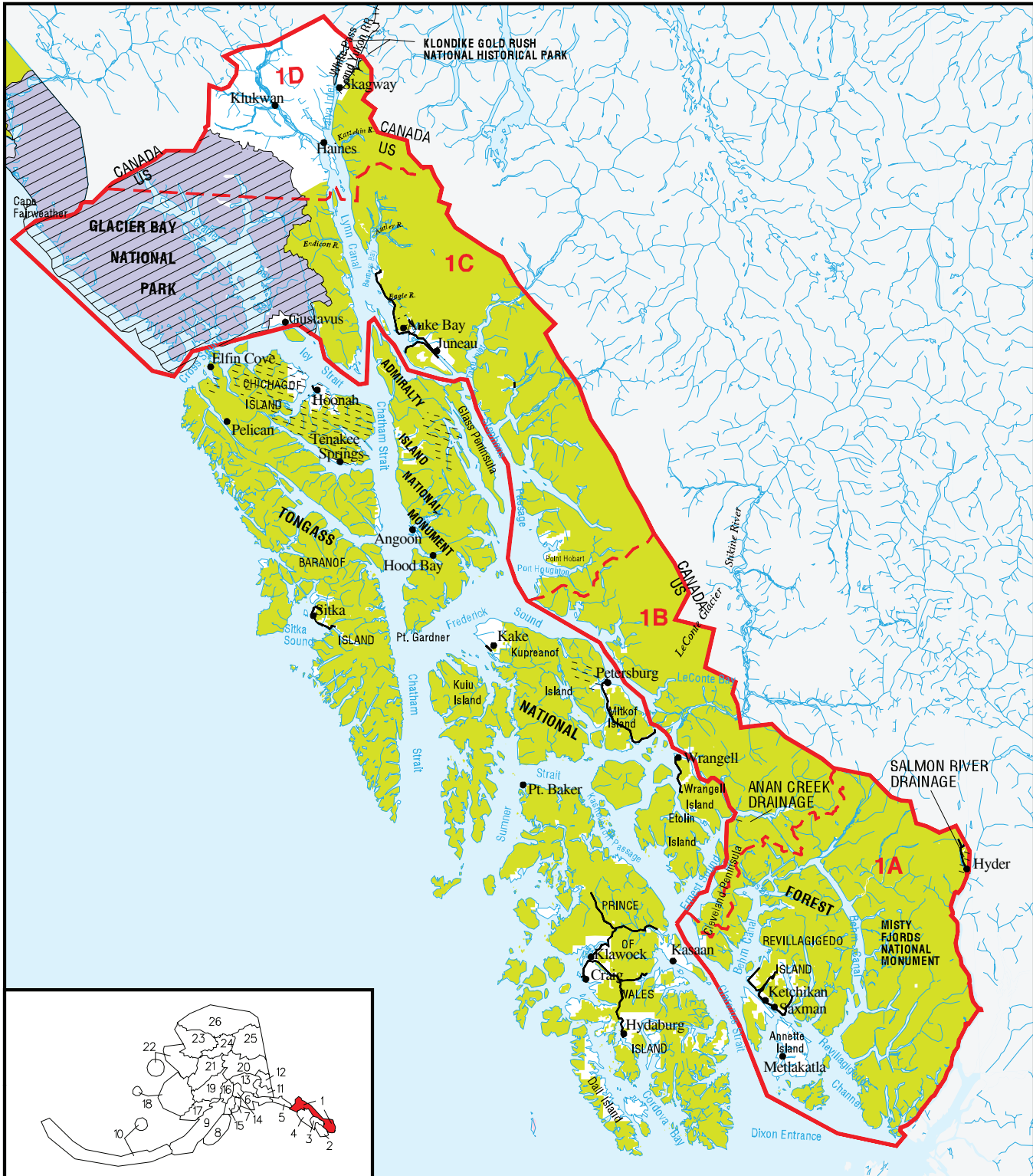
Due to travel budget limitations placed by Department of the Interior on the U.S. Fish and Wildlife Service and the Office of Subsistence Management, the dates and locations of these meetings will be subject to change.

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
<i>Feb. 3</i>	<i>Feb. 4</i> <i>Window Opens</i>	<i>Feb. 5</i>	<i>Feb. 6</i>	<i>Feb. 7</i>	<i>Feb. 8</i>	<i>Feb. 9</i>
<i>Feb. 10</i>	<i>Feb. 11</i>	<i>Feb. 12</i>	<i>Feb. 13</i>	<i>Feb. 14</i>	<i>Feb. 15</i>	<i>Feb. 16</i>
<i>Feb. 17</i>	<i>Feb. 18</i> <b>PRESIDENT'S DAY HOLIDAY</b>	<i>Feb. 19</i>	<i>Feb. 20</i>	<i>Feb. 21</i>	<i>Feb. 22</i>	<i>Feb. 23</i>
<i>Feb. 24</i>	<i>Feb. 25</i>	<i>Feb. 26</i>	<i>Feb. 27</i>	<i>Feb. 28</i>	<i>Mar. 1</i>	<i>Mar. 2</i>
<i>Mar. 3</i>	<i>Mar. 4</i>	<i>Mar. 5</i>	<i>Mar. 6</i>	<i>Mar. 7</i>	<i>Mar. 8</i>	<i>Mar. 9</i>
<i>Mar. 10</i>	<i>Mar. 11</i>	<i>Mar. 12</i>	<i>Mar. 13</i>	<i>Mar. 14</i>	<i>Mar. 15</i> <i>Window Closes</i>	<i>Mar. 16</i>







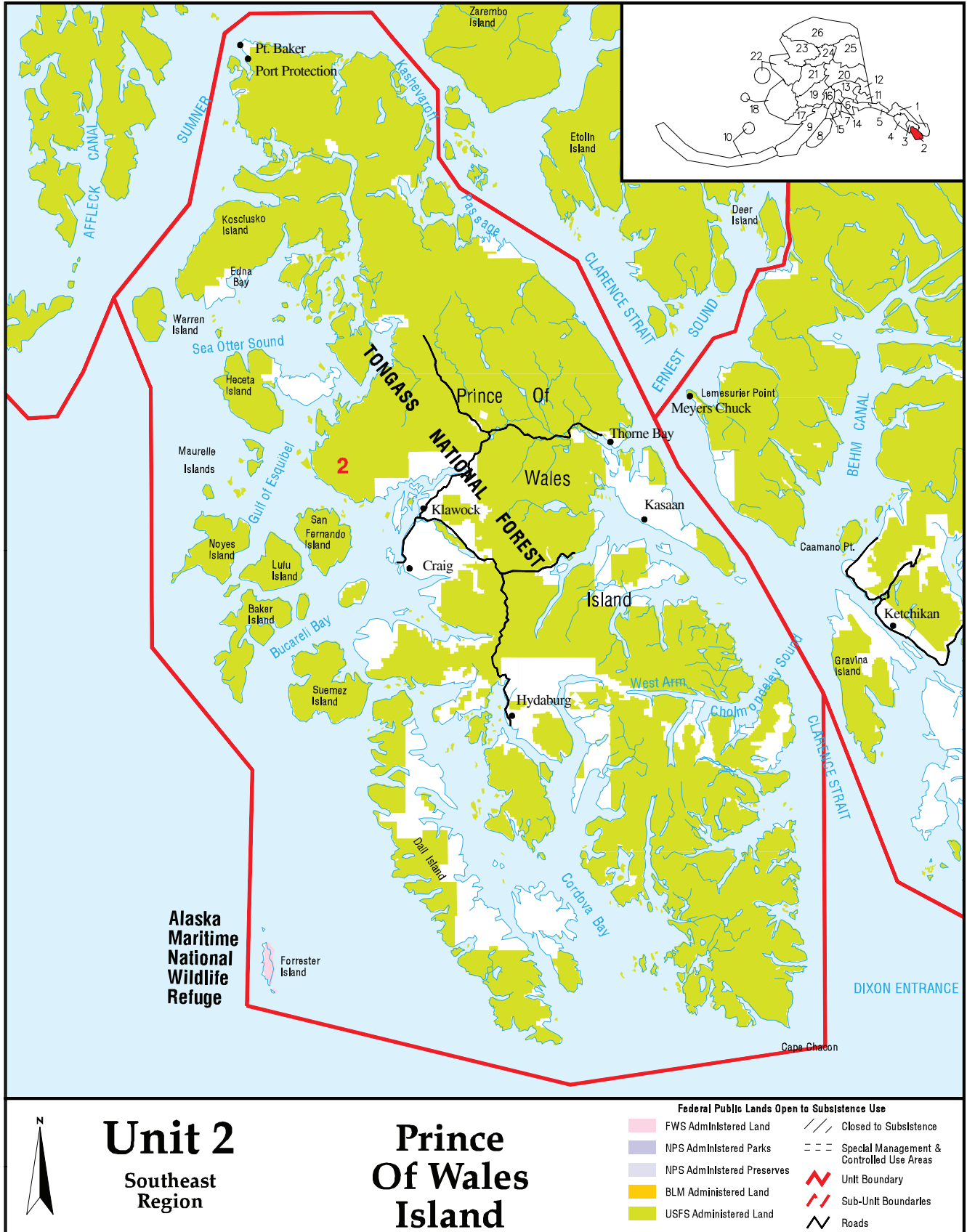


**Unit 1**  
Southeast  
Region

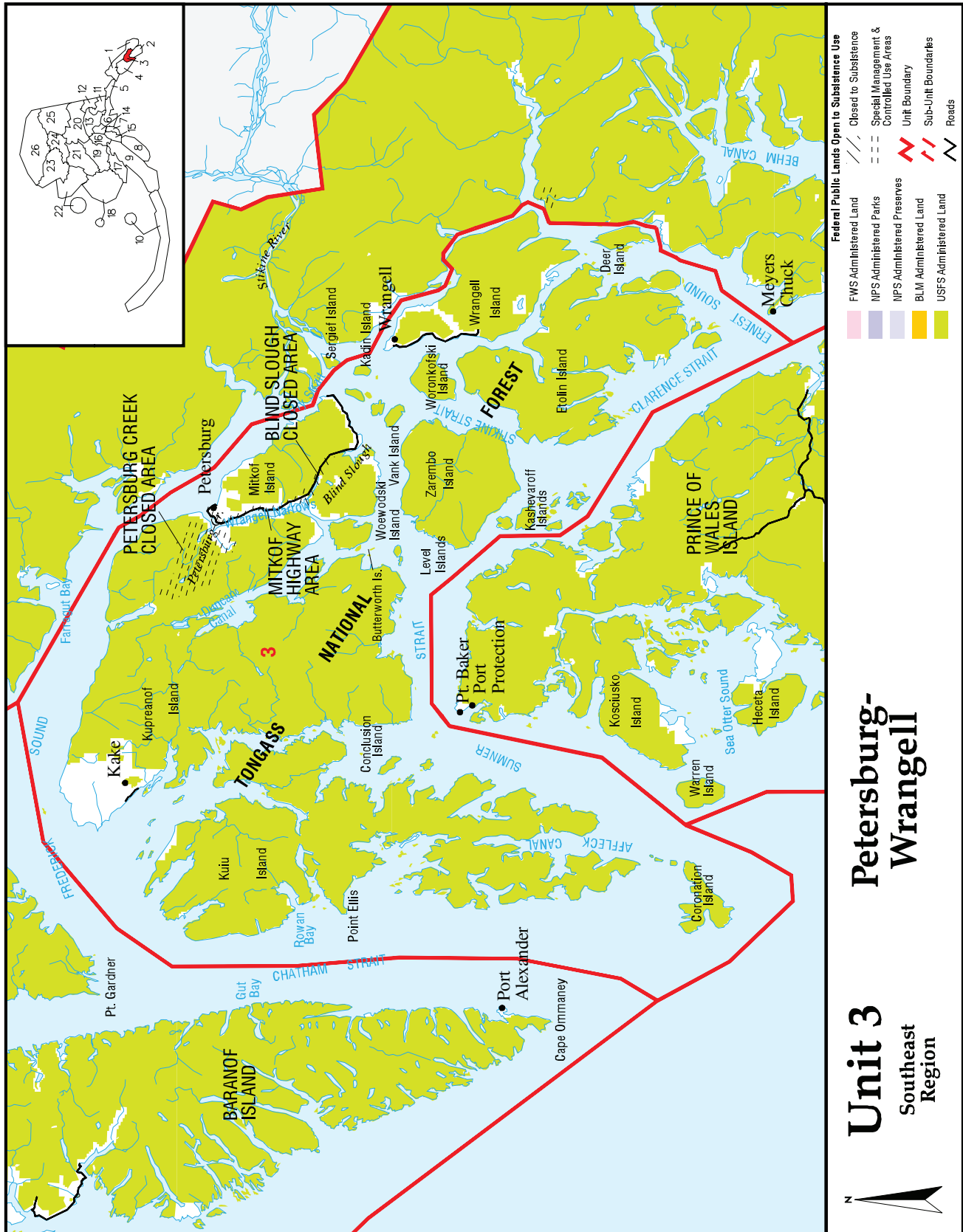
**Southeast  
Mainland**

**Federal Public Lands Open to Subsistence Use**

<span style="display: inline-block; width: 15px; height: 10px; background-color: #f08080; border: 1px solid black;"></span> FWS Administered Land	<span style="display: inline-block; width: 15px; border-bottom: 1px dashed black; height: 0;"></span> Closed to Subsistence
<span style="display: inline-block; width: 15px; height: 10px; background-color: #800080; border: 1px solid black;"></span> NPS Administered Parks	<span style="display: inline-block; width: 15px; border-bottom: 1px dashed black; height: 0;"></span> Special Management & Controlled Use Areas
<span style="display: inline-block; width: 15px; height: 10px; background-color: #d8bfd8; border: 1px solid black;"></span> NPS Administered Preserves	<span style="display: inline-block; width: 15px; border-bottom: 1px dashed red; height: 0;"></span> Unit Boundary
<span style="display: inline-block; width: 15px; height: 10px; background-color: #ffa500; border: 1px solid black;"></span> BLM Administered Land	<span style="display: inline-block; width: 15px; border-bottom: 1px dashed red; height: 0;"></span> Sub-Unit Boundaries
<span style="display: inline-block; width: 15px; height: 10px; background-color: #90ee90; border: 1px solid black;"></span> USFS Administered Land	<span style="display: inline-block; width: 15px; border-bottom: 1px solid black; height: 0;"></span> Roads







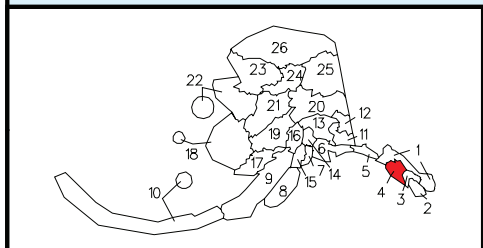
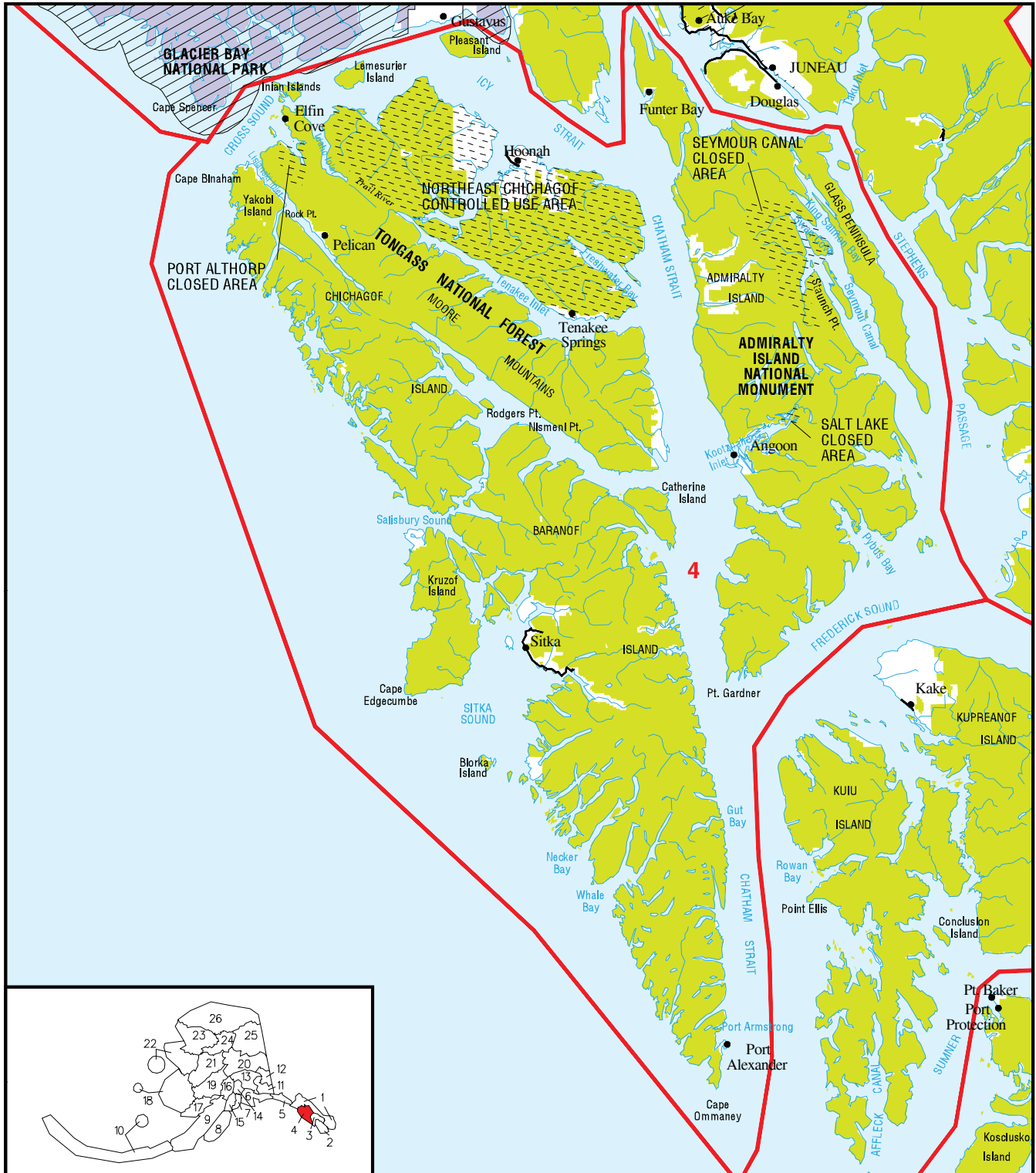
**Unit 3**  
Southeast  
Region

**Petersburg-  
Wrangell**

- Federal Public Lands Open to Subsistence Use**
- /// Closed to Subsistence
  - - - Special Management & Controlled Use Areas
  - Unit Boundary
  - Sub-Unit Boundaries
  - Roads

- FWS Administered Land
- NPS Administered Parks
- NPS Administered Preserves
- BLM Administered Land
- USFS Administered Land

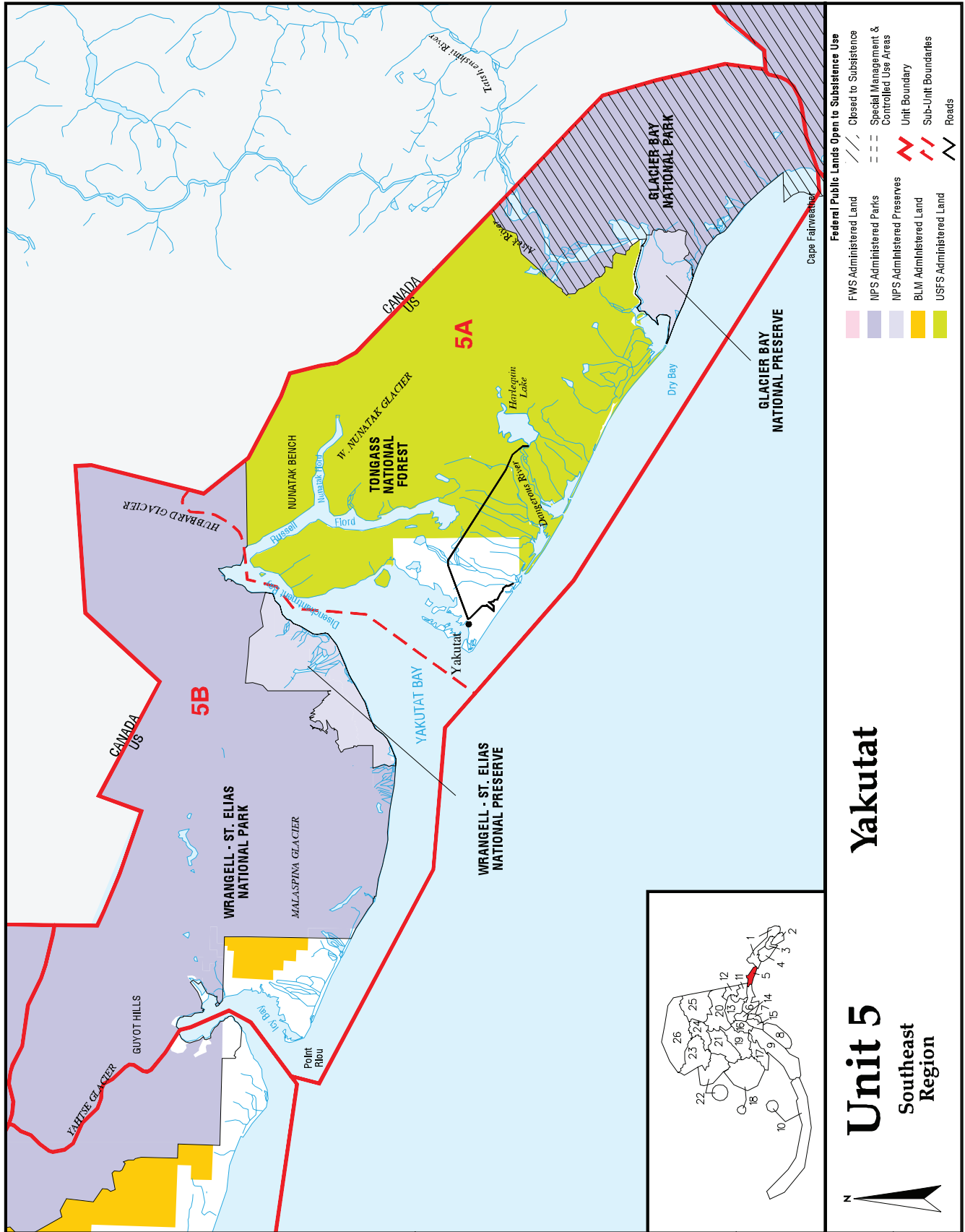




**Unit 4**  
Southeast  
Region

**Admiralty-  
Baranof-  
Chichagof Islands**

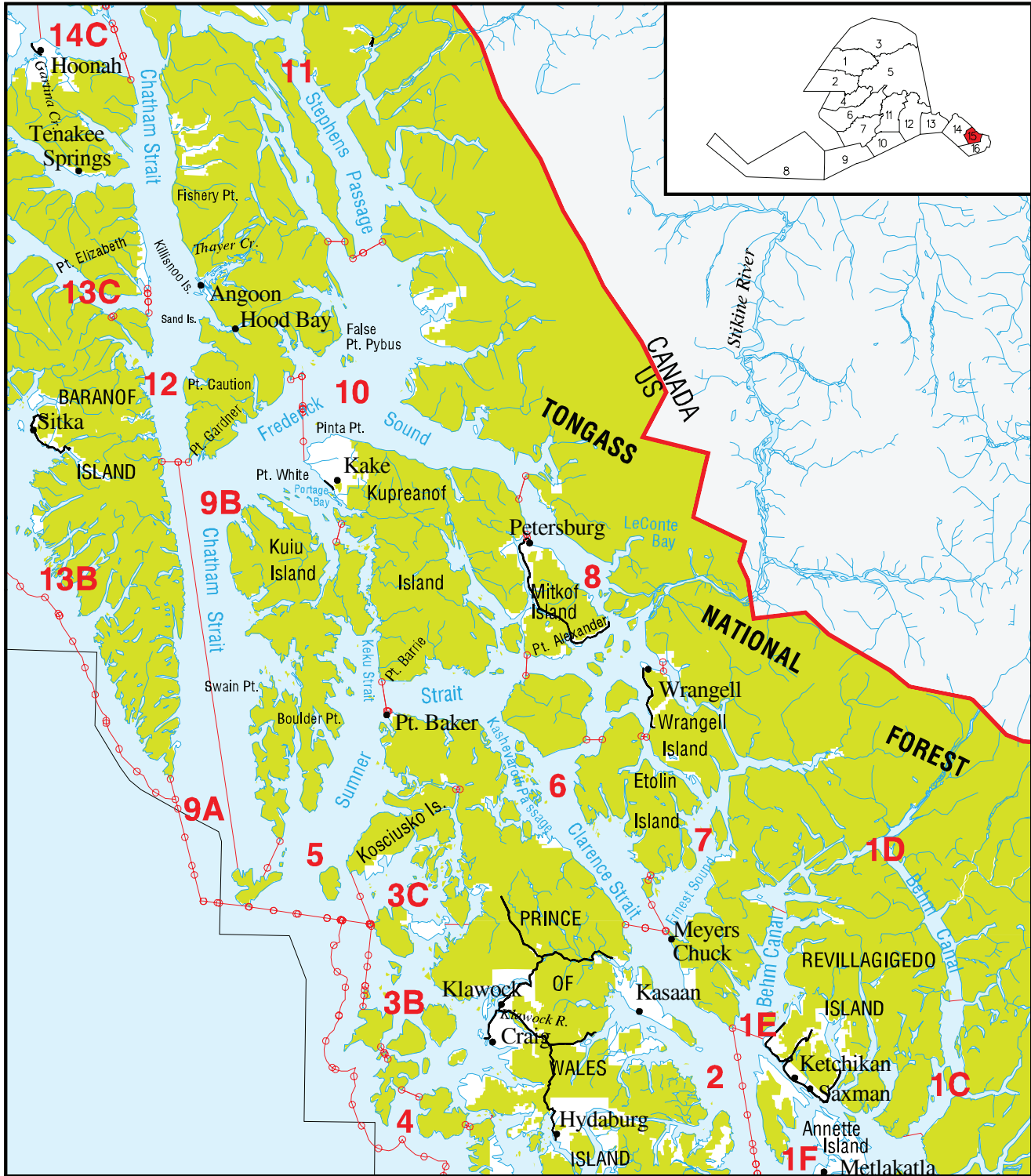
- Federal Public Lands Open to Subsistence Use**
- FWS Administered Land
  - NPS Administered Parks
  - NPS Administered Preserves
  - BLM Administered Land
  - USFS Administered Land
  - Closed to Subsistence
  - Special Management & Controlled Use Areas
  - Unit Boundary
  - Sub-Unit Boundaries
  - Roads







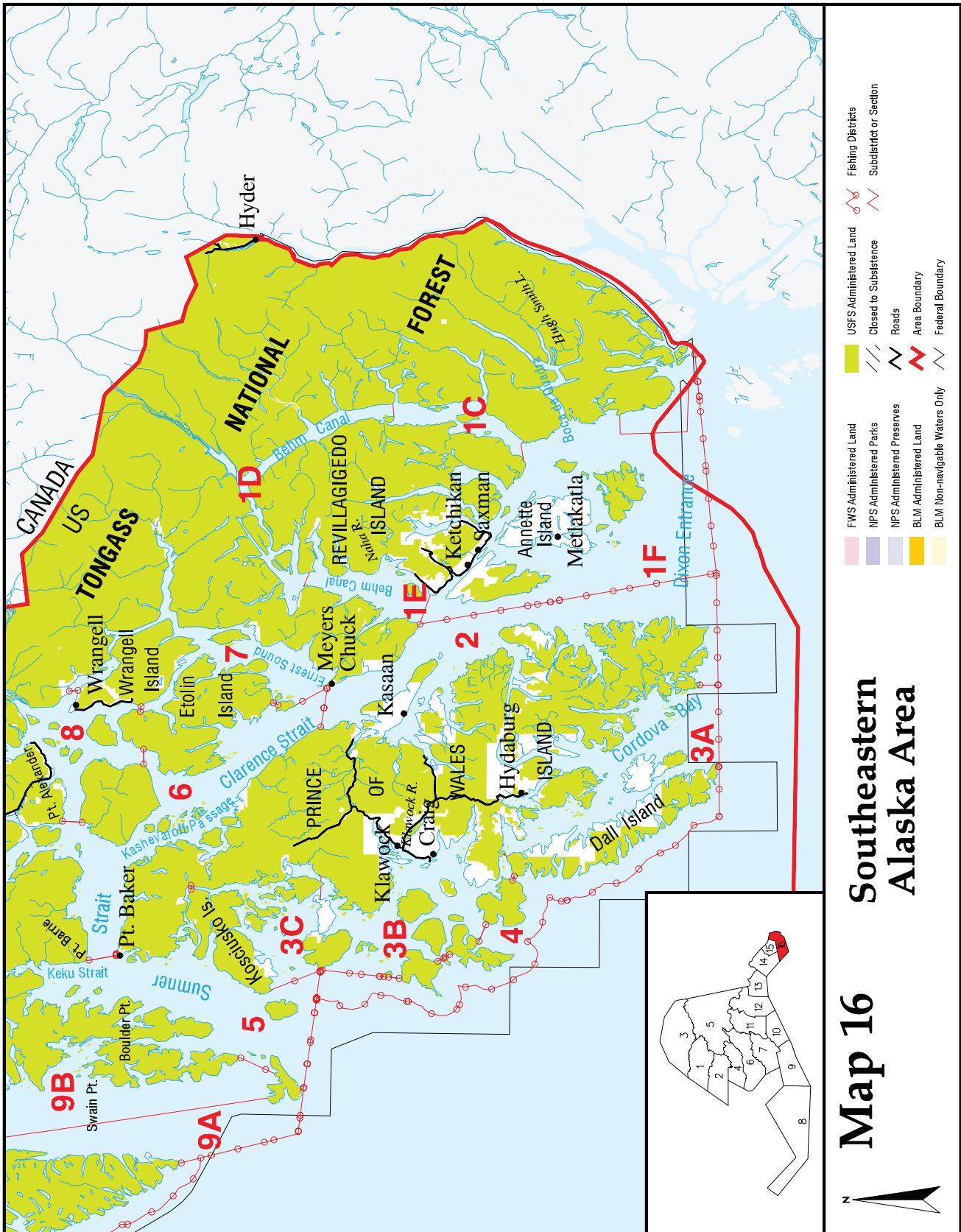




**Map 15**  
**Southeastern**  
**Alaska Area**

- |                               |                        |                        |
|-------------------------------|------------------------|------------------------|
| FWS Administered Land         | USFS Administered Land | Fishing Districts      |
| NPS Administered Parks        | Closed to Subsistence  | Subdistrict or Section |
| NPS Administered Preserves    | Roads                  |                        |
| BLM Administered Land         | Area Boundary          |                        |
| BLM Non-navigable Waters Only | Federal Boundary       |                        |





**Department of the Interior  
U. S. Fish and Wildlife Service**

**Southeast Alaska Subsistence Regional Advisory Council**

**Charter**

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

- (3) A recommended strategy for the management of fish and wildlife populations within the Region to accommodate such subsistence uses and needs; and
  - (4) Recommendations concerning policies, standards, guidelines, and regulations to implement the strategy.
- e. Appoint one member to the Wrangell-St. Elias National Park Subsistence Resource Commission in accordance with Section 808 of the ANILCA.
- f. Make recommendations on determinations of customary and traditional use of subsistence resources.
- g. Make recommendations on determinations of rural status.
- h. Provide recommendations on the establishment and membership of Federal local advisory committees.
- i. Provide recommendations for implementation of Secretary's Order 3347: Conservation Stewardship and Outdoor Recreation, and Secretary's Order 3356: Hunting, Fishing, Recreational Shooting, and Wildlife Conservation Opportunities and Coordination with States, Tribes, and Territories. Recommendations shall include, but are not limited to:
  - (1) Assessing and quantifying implementation of the Secretary's Orders, and recommendations to enhance and expand their implementation as identified;
  - (2) Policies and programs that:
    - (a) increase outdoor recreation opportunities for all Americans, with a focus on engaging youth, veterans, minorities, and other communities that traditionally have low participation in outdoor recreation;
    - (b) expand access for hunting and fishing on Bureau of Land Management, U.S. Fish and Wildlife Service, and National Park Service lands in a manner that respects the rights and privacy of the owners of non-public lands;
    - (c) increase energy, transmission, infrastructure, or other relevant projects while avoiding or minimizing potential negative impacts on wildlife; and
    - (d) create greater collaboration with states, tribes, and/or territories.
- j. Provide recommendations for implementation of the regulatory reform initiatives and policies specified in section 2 of Executive Order 13777: Reducing

Regulation and Controlling Regulatory Costs; Executive Order 12866: Regulatory Planning and Review, as amended; and section 6 of Executive Order 13563: Improving Regulation and Regulatory Review. Recommendations shall include, but are not limited to:

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

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

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

5. **Agency or Official to Whom the Council Reports.** The Council reports to the Federal Subsistence Board Chair, who is appointed by the Secretary of the Interior with the concurrence of the Secretary of Agriculture.
6. **Support.** The U.S. Fish and Wildlife Service will provide administrative support for the activities of the Council through the Office of Subsistence Management.
7. **Estimated Annual Operating Costs and Staff Years.** The annual operating costs associated with supporting the Council's functions are estimated to be \$195,000, including all direct and indirect expenses and 1.15 staff years.
8. **Designated Federal Officer.** The DFO is the Subsistence Council Coordinator for the Region or such other Federal employee as may be designated by the Assistant Regional Director – Subsistence, Region 7, U.S. Fish and Wildlife Service. The DFO is a full-time Federal employee appointed in accordance with Agency procedures. The DFO will:
  - (a) Approve or call all of the advisory committee's and subcommittees' meetings;

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

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

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

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

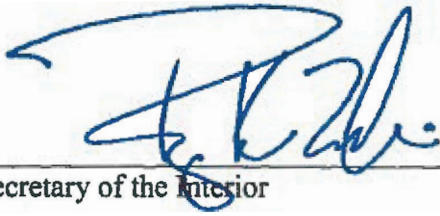
Members will be appointed for 3-year terms. A vacancy on the Council will be filled in the same manner in which the original appointment was made. Members serve at the discretion of the Secretary.

Council members will elect a Chair, Vice-Chair, and Secretary for a 1-year term.



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

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



Secretary of the Interior

DEC 01 2017

Date Signed

DEC 04 2017

Date Filed



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