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Part II

Department of Agriculture

Forest Service

36 CFR Part 242

Department of the Interior

Fish and Wildlife Service

50 CFR Part 100

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

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

RIN 1018-AB43

Subsistence Management Regulations for Federal Public Lands in Alaska**AGENCY:** Forest Service, USDA. Fish and Wildlife Service, Interior.**ACTION:** Proposed rule.

SUMMARY: This proposed rule will establish Subsistence Management Regulations for Federal Public Lands in Alaska (36 CFR part 242, and, 50 CFR part 100), implementing the subsistence priority for qualified rural residents of Alaska as required or specified to comply with title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) of 1980 (16 U.S.C. 3111-3126; Pub. L. 96-487). This rule will promulgate regulations regarding program structure and process as previously contained in subparts A, B and C of "Temporary Subsistence Management Regulations for Public Lands in Alaska, Final Temporary Rule", June 29, 1990 (55 FR 27114-27170). This rulemaking is necessary because subparts A, B and C are part of the temporary rule that will expire June 30, 1992. Subpart D is not included in this proposed rulemaking as it is being promulgated under a separate rulemaking process. That rulemaking will also expire June 30, 1992. Subpart D will be combined with subparts A, B and C in the final rulemaking which will become effective July 1, 1992.

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

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

FOR FURTHER INFORMATION CONTACT: Richard S. Pospahala, Office of Subsistence Management, U.S. Fish and Wildlife Service, 1011 E. Tudor Road, Anchorage, Alaska 99503; telephone (907) 786-3447. For questions specific to National Forest lands, contact Norman Howse, Assistant Director Subsistence, USDA, Forest Service, Alaska Region, P.O. Box 21623, Juneau, Alaska 99102-1628; telephone (907) 588-8890.

SUPPLEMENTARY INFORMATION:**Background**

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

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

Draft Environmental Impact Statement

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

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

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

Subpart C

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

Section _____22 Subsistence Resource Regions

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

Section _____23 Rural Determinations

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

Section _____24 Customary and Traditional Use Determinations

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

Subpart D.

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

Public Comments/Proposals and Hearings

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

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

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

ANILCA Section 810 Compliance

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

Paperwork Reduction Act

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

Economic Effects

Executive Order 12291, "Federal Regulation," of February 19, 1981, requires the preparation of regulatory impact analysis for major rules. A major rule is one likely to result in an annual effect on the economy of \$100 million or more; a major increase in costs or prices for consumers, individual industries, government agencies or geographic regions; or significant adverse effects on the ability of United States-based enterprises to compete with foreign-based enterprises. The Regulatory Flexibility Act of 1980 (5 U.S.C. 601 et seq.) requires preparation of flexibility analyses for rules that will have a significant effect on a substantial number of small entities, which include small businesses, organizations or governmental jurisdictions.

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

These regulations do not meet the threshold criteria of "Federalism

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

Drafting Information

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

List of Subjects**36 CFR Part 242**

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

50 CFR Part 100

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

Text of the Joint Proposed Rule

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

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

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

Subpart B—Program Structure

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

- _____.20 Request for reconsideration.
 _____.21 [Reserved].

Subpart C—Board Determinations

- _____.22 Subsistence resource regions.
 _____.23 Rural determinations.
 _____.24 Customary and traditional use determinations.

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

Subpart A—General Provisions

§ _____.1 Purpose.

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

§ _____.2 Authority.

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

§ _____.3 Applicability and scope.

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

§ _____.4 Definitions.

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

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

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

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

Board means the Federal Subsistence Board as described in § _____.10 of this part.

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

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

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

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

Councils refers to the Regional Advisory Councils as described in § _____.11.

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

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

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

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

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

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

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

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

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

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

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

Regulatory year means July 1 through June 30.

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

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

Secretary means the Secretary of the Interior, except that in reference to matters relate² to the National Forest System, such term means the Secretary of Agriculture.

State means the State of Alaska.

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

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

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

Year means calendar year unless another year is specified.

§ _____5 Eligibility for subsistence use.

(a) The taking of fish and wildlife on Federal public lands for subsistence uses as defined in § _____4 is restricted to Alaska residents of rural areas or communities. Other individuals, including Alaska residents of non-rural areas or communities listed in § _____23, are prohibited from taking fish and wildlife on Federal public lands for subsistence uses.

(b) Where the Board has made a customary and traditional determination regarding subsistence use of a specific fish stock or wildlife population, in accordance with, and as listed in, § _____24, only those Alaska residents of rural areas or communities so designated, are eligible for subsistence taking of that population under these regulations. All other individuals are prohibited from taking fish or wildlife from that population under these regulations.

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

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

§ _____6 Licenses, permits, harvest tickets, tags, and fees.

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

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

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

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

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

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

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

§ _____7 Restriction on use.

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

(b) [Reserved]

§ _____8 Penalties.

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

§ _____9 Information collection requirements.

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

(1) § _____20, Request for reconsideration. The information collection requirements contained in this section provide a standardized process to allow individuals the opportunity to appeal decisions of the Federal Subsistence Board. Submission is voluntary, but required to receive a final determination on their appeal. The Department of the Interior estimates that an appeal will take 4 hours to prepare and submit for consideration.

(2) § _____6, Licenses, permits, harvest tickets, tags, and fees. The information collection requirements contained in this section provide for permit-specific subsistence activities not authorized through the general adoption of State regulations. The information requested is required to obtain subsistence benefits on Federal public lands. The Department estimates that the average time necessary to obtain and comply with this permit information collection requirement is 15 minutes.

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

(b) Direct comments on the burden estimate or any other aspect of this to: Information Collection Officer, U.S. Fish and Wildlife Service, 1849 C Street, NW., MS 224 ARLSQ, Washington, DC 20240; and the Office of Management and Budget, Paperwork Reduction Project (1018-0075), Washington, DC 20503. Additionally, information requirements may be imposed if the councils and committees subject to the Federal Advisory Committee Act are established under subpart B. Such

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

Subpart B—Program Structure

§ _____.10 Federal Subsistence Board.

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

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

(2) [Reserved]

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

(2) A quorum shall consist of four members.

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

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

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

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

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

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

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

such lands of fish and wildlife for other purposes:

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

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

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

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

(x) Establish eight geographic subsistence resource regions;

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

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

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

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

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

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

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

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

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

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

(d) Relationship to Councils.

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

§ _____.11 Regional advisory councils.

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

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

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

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

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

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

(ii) Elect officers;

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

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

(2) The councils are authorized to:

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

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

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

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

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

(ii) [Reserved]

(3) The councils shall:

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

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

(iii) Perform other duties specified by the Board.

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

§ 12 Local advisory committees.

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

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

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

(b) Establishment and membership of local advisory committees. (1)

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

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

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

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

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

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

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

(i) Elect officers;

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

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

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

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

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

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

(viii) Perform other duties specified by the Board.

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

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

§ 13 Board/agency relationships.

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

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

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

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

§ 14 Relationship to State procedures and regulations.

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

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

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

§ 15 Rural determination process.

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

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

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

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

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

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

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

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

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

(c) Current determinations are listed at _____23.

§ _____16 Customary and traditional use determination process.

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

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

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

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

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

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

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

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

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

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

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

(d) Current determinations are listed in _____24.

§ _____17 Determining priorities among subsistence users:

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

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

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

(2) Local residency; and,

(3) The availability of alternative resources.

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

basis through application of the above criteria.

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

§ _____18 Regulation adoption process.

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

(1) Public and governmental proposals will be made available for review by the regional councils. Regional councils will forward their recommendations on proposals to the Board. Such proposals with recommendations may be submitted as a part of the regional council's annual report described in § _____11.

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

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

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

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

(b) [Reserved]

§ _____19 Closures and other special actions.

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

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

(b) In an emergency situation, the Board may direct immediate closures, restrictions, or other changes related to any or all taking of fish and wildlife, including subsistence taking, on Federal public lands, if necessary for the same reasons stated in § _____, 19(a). The Board shall publish notice and reasons justifying the emergency action in the Federal Register and in newspapers of the area(s) affected. The emergency action shall be effective when directed by the Board, may not exceed 60 days, and may not be extended unless it is determined, after notice and hearing, that such action should be extended.

(c) Individual agency regulations and authority to direct emergency or temporary closures or restrictions on lands under such agency's management and related to the taking of fish and wildlife, for the purposes stated in § _____, 19(a) or other purposes authorized by Federal statute are unaffected by the regulations of this part.

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

§ _____, 20 Request for reconsideration.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

§ _____, 21 [Reserved]

Subpart C—Board Determinations

§ _____, 22 Subsistence resource regions.

The following areas are hereby designated as subsistence resource regions:

(a) Southeast Region

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

§ _____, 23 Rural Determinations.

(a)(1) All communities and areas have been determined by the Board to be rural in accordance with § _____, 15 except the following:

- Adak;
- Fairbanks North Star Borough;
- Homer area—including Homer, Anchor Point, Kachemak City, and Fritz Creek;
- Juneau area—including Juneau, West Juneau and Douglas;
- Kenai area—including Kenai, Soldotna, Sterling, Nikiski, Salamatof, Kalifornsky, Kasilof, and Clam Gulch;
- Ketchikan area—including Ketchikan City, Clover Pass, North Tongass Highway, Ketchikan East, Mountain Pass, Herring Cover, Saxman East, and parts of Pennock Island;
- Municipality of Anchorage;
- Seward area—including Seward and Moose Pass;
- Valdez; and,
- Wasilla area—including Palmer, Wasilla, Sutton, Big Lake, Houston, and Bodenberg Butte.

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

(b) [Reserved]

§ _____, 24 Customary and traditional use determinations.

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

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

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

Area	Species	Determination
GMU 2	Deer	Rural residents of Unit 1(A) and residents of Units 2 and 3.
GMU 3	Deer	Residents of Unit 1(B) and 3, and residents of Port Alexander, Port Protection, Pt. Baker, and Meyer's Chuck.
GMU 4	Brown Bear	Residents of GMU 4 and Kake.
4	Deer	Residents of Unit 4 and residents of Kake, Gustavus, Haines, Petersburg, Pt. Baker, Klukwan, Port Protection, and Wrangell.
GMU 5	Brown Bear	Residents of Yakutat.
5	Deer	Residents of Yakutat.
5	Moose	Residents of Yakutat.
GMU 6	Brown Bear	No subsistence.
6	Moose	No subsistence.
6	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11-13 and 16-26.
6(A)	Black Bear	Residents of Yakutat.
6(B) and (C)	Black Bear	Residents of Unit 6(B) and (C), except Cordova.
6(C) and (D)	Goat	Rural residents of Unit 6(C) and (D).
6(D)	Black Bear	Residents of Chenega.
GMU 8	Deer	Residents of Unit 8.
GMU 9	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11-13 and 16-26.
9(A) and (B)	Caribou	Residents of Units 9(B), 9(C) and 17.
9(A), (B), (C) and (E)	Moose	Residents of Unit 9(A), (B), (C) and (E).
9(A), (C) and (D)	Brown Bear	No subsistence.
9(B)	Brown Bear	Residents of Unit 9(B).
9(C)	Caribou	Residents of Unit 9(B), 9(C), 17 and residents of Egegik.
9(D)	Caribou	Residents of Unit 9(D), and residents of False Pass.
9(D)	Moose	No subsistence.
9(E)	Brown Bear	Residents of Chignik Lake, Ivanof Bay and Perryville.
9(E)	Caribou	Residents of Units 9(B), (C), (E), 17, Nelson Lagoon and Sand Point.
GMU 10	Caribou	Unit 10—Unimak Island: residents of False Pass. Remainder: no determination.
10	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11-13 and 16-26.
GMU 11	Caribou	Mentasta Herd—Residents of Units 11, 12 (along Nabesna Road) and 13 (A)—(D).
11	Sheep	Residents of Chisana, Chistochina, Chitina, Copper Center, Gakona, Glennallen, Gulkana, Kenny Lake, McCarthy Road, Mentasta Lake, Mentasta Pass (milepost 79-110) Nabesna Road, Slana, McCarthy/South Wrangell/South Park, Tazlina, and Tonsina. However, no subsistence for Cantwell, east Glenn Highway (milepost 110-180) and to milepost 14 on the Lake Louise Road, Homestead North, Homestead South, Lake Louise, Paxson, Sourdough, Tanacross, Tok, and west Glenn Highway (milepost 78-110).
11	Moose	Residents of Unit 11, residents of Unit 12 (along Nabesna Road) and Unit 13 (A)—(D).
11	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11-13 and 16-26.
11	Grouse (Spruce, Blue, Ruffed and Sharptailed)	Residents of Units 11, 13, 15, 16, 20(D), 22 and 23.
11	Ptarmigan (Rock, Willow and Whitetailed)	Residents of Units 11, 13, 15, 16, 20(D), 22 and 23.
GMU 12	Caribou	Nelchina Herd—Residents of Northway and Tetlin.
12	Caribou	40 Mile Herd—Residents of Unit 12, north of Wrangell Park Preserve and rural residents of Unit 20(D) and (E).
12	Moose	South of a line from Noyes Mountain, southeast of the confluence of Tatschunda Creek to Nabesna River—Residents of Unit 11 north of 62nd parallel and excluding BLM parcels of north and south Slana; and residents of Unit 12, 13(A)—(D) and residents of Dot Lake.
12	Moose	East of the Nabesna River, south of the Winter Trail from Pickeral Lake to the Canadian Border—Residents of Unit 12.
12	Moose	Remainder of Unit 12—Residents of Unit 12 and residents of Dot Lake and Mentasta Lake.
12	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11-13 and 16-26.
GMU 13	Caribou	Nelchina Herd—Residents of Units 11, 13, and 12 (along Nabesna Road).
13	Sheep	Tok Management Area—no subsistence.
13	Sheep	Delta Management Area—no subsistence.
13	Moose	Residents of Unit 13.
13	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11-13 and 16-26.
13	Grouse (Spruce, Blue, Ruffed & Sharp-tailed)	Residents of Units 11, 13, 15, 16, 20(D), 22 & 23.
13	Ptarmigan (Rock, Willow and White-tailed)	Residents of Units 11, 13, 15, 16, 20(D), 22 & 23.
13(D)	Sheep	No subsistence.
13(D)	Goat	No subsistence.
GMU 14 (B) and (C)	Brown Bear	No subsistence.
GMU 15	Grouse (Spruce, Blue, Ruffed and Sharp-tailed)	Residents of Units 11, 13, 15, 16, 20(D), 22 and 23.
15	Ptarmigan (Rock, Willow and White-tailed)	Residents of Units 11, 13, 15, 16, 20(D), 22 and 23.

Area	Species	Determination
GMU 16.....	Wolf.....	Residents of Units 6, 9, 10 (Unimak Island only), 11-13 and 16-26.
16.....	Grouse (Spruce, Blue, Ruffed and Sharp-tailed)	Residents of Units 11, 13, 15, 16, 20(D), 22 and 23.
16.....	Ptarmigan (Rock, Willow and White-tailed)	Residents of Units 11, 13, 15, 16, 20(D), 22 and 23.
16(A).....	Moose.....	No subsistence.
16(B).....	Moose.....	Residents of Unit 16(B).
GMU 17.....	Caribou.....	Residents of Units 9(B), 17 and residents of Lime Village and Stony River.
17.....	Wolf.....	Residents of Units 6, 9, 10 (Unimak Island only), 11-13 and 16-26.
17(A).....	Brown Bear.....	Residents of Unit 17, Goodnews Bay and Platinum.
17(A).....	Moose.....	Residents of Unit 17 and residents of Goodnews Bay and Platinum.
17 (A) and (B).....	Brown Bear.....	Those portions north and west of a line beginning from the GMU 18 boundary at the northwest end of Nenevok Lake, to the southern point of upper Togiak Lake, and northeast to the northern point of Nuyakuk Lake, northeast to the point where the GMU 17 boundary intersects the Shotgun Hills—Residents of Kwethluk.
17 (A) and (B).....	Caribou.....	Those portions north and west of a line beginning from the GMU 18 boundary at the northwest end of Nenevok Lake, to the southern point of upper Togiak Lake, and northeast to the northern point of Nuyakuk Lake, northeast to the point where the GMU 17 boundary intersects the Shotgun Hills—Residents of Kwethluk.
17 (A) and (B).....	Moose.....	Those portions north and west of a line beginning from the GMU 18 boundary at the northwest end of Nenevok Lake, to the southern point of upper Togiak Lake, and northeast to the northern point of Nuyakuk Lake, northeast to the point where the GMU 17 boundary intersects the Shotgun Hills—Residents of Kwethluk.
17 (B) and (C).....	Brown Bear.....	Residents of Unit 17.
17 (B) and (C).....	Moose.....	Residents of Unit 17, Nondalton, Levelock, Goodnews Bay and Platinum.
GMU 18.....	Brown Bear.....	Residents of Akiachak, Akiak, Eek, Goodnews Bay, Kwethluk, Mt. Village, Napaskiak, Platinum, Quinhagak, St. Mary's, and Tuluksak.
18.....	Caribou.....	Residents of Kwethluk.
18.....	Moose.....	Residents of Unit 18 and Upper Kalskag.
18.....	Wolf.....	Residents of Units 6, 9, 10 (Unimak Island only), 11-13 and 16-26.
GMU 19.....	Wolf.....	Residents of Units 6, 9, 10 (Unimak Island only), 11-13 and 16-26.
19(A).....	Brown Bear.....	Residents of Unit 19(A), (D), Tuluksak, Lower Kalskag and Kwethluk.
19 (A) and (B).....	Moose.....	Residents of Unit 18 within Kuskokwim River drainage upstream from and including the Johnson River and Unit 19.
19 (A) and (B).....	Caribou.....	(fall season) Residents of Unit 19 (A) and (B) and Kwethluk—(winter season) Residents of Unit 18 in Kuskokwim Drainage and Bay. Residents of 19(A), (B) and Kwethluk.
19(B).....	Brown Bear.....	Residents of Kwethluk.
19(C).....	Brown Bear.....	No subsistence.
19(C).....	Caribou.....	Residents of Unit 19(C), Lime Village, McGrath, Nikolai, and Telida.
19(C).....	Moose.....	Residents of Unit 19.
19(D).....	Brown Bear.....	Residents of Unit 19(A), (D), Tuluksak and Lower Kalskag.
19(D).....	Caribou.....	Residents of Unit 19(D), Lime Village, Sleetmute and Stony River.
19(D).....	Moose.....	Residents of Unit 19 and residents of Lake Minchumina.
GMU 20.....	Wolf.....	Residents of Units 6, 9, 10 (Unimak Island only), 11-13 and 16-26.
20(A).....	Moose.....	Residents of Cartwell, Minto, and Nenana.
20 (A) and (C).....	Moose.....	No subsistence for residents of McKinley Village, the area along the Parks Highway between mileposts 216 and 239 and households of the Denali National Park Headquarters.
20(A), (C) (Delta, Yanert, and 20(C) herds) and (D).....	Caribou.....	No determination, except no subsistence for residents of McKinley Village, the area along the Parks Highway between mileposts 216 and 239 and households of the Denali National Park Headquarters.
20(B).....	Moose.....	Minto Flats Management Area—Residents of Minto and Nenana.
20(B).....	Moose.....	Remainder—Rural residents of Unit 20(B), Nenana and Tanana.
20(C).....	Moose.....	Rural residents of Unit 20(C) (except that portion within Denali National Park and Preserve and that portion east of the Teklanika River), and residents of Cartwell, Manley, Minto, Nenana, the Parks Highway from milepost 300-308, Nikolai, Tanana and Telida.
20(D).....	Grouse (Spruce, Blue, Ruffed and Sharp-tailed)	Residents of Units 11, 13, 15, 16, 20(D), 22 and 23.
20(D).....	Ptarmigan (Rock, Willow and White-tailed)	Residents of Units 11, 13, 15, 16, 20(D), 22 and 23.
20(D) and (E).....	Caribou.....	40-Mile Herd—Residents of Unit 12 north of Wrangell Park Preserve, rural residents of 20(D) and residents of 20(E).

Area	Species	Determination
20(E)	Brown Bear	No subsistence.
20(F)	Moose	Residents of Unit 20(F), Manley, Minto and Stevens Village.
GMU 21	Brown Bear	Rural residents of Unit 21 and 23.
21	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11-13 and 16-26.
21	Caribou	Western Arctic Caribou Herd only—Residents of Unit 21(D) west of the Koyukuk and Yukon Rivers, 22(A), (B), 23 and 26(A).
21(A)	Moose	Residents of Unit 21(A), (E), Takotna, McGrath, Aniak and Crooked Creek.
22(A) and (E)	Caribou	Residents of Unit 21(A) and Aniak, Chuathbaluk, Crooked Creek, Grayling, Holy Cross, McGrath, Shageluk and Takotna.
21(B) and (C)	Moose	Residents of Unit 21(B) and (C), Tanana and Galena.
21(D)	Moose	Residents of Unit 21(D), Huslia and Ruby.
21(E)	Moose	Residents of Unit 21(E) and Russian Mission.
GMU 22	Brown Bear	Residents of Unit 22.
22	Caribou	Western Arctic Caribou Herd only—Residents of Unit 21(D) west of the Koyukuk and Yukon Rivers, and residents of Units 22(A), (B), 23 and 26(A).
22	Moose	Residents of Unit 22.
22	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11-13 and 16-26.
22	Grouse (Spruce, Blue, Ruffed and Sharp-tailed)	Residents of Units 11, 13, 15, 16, 20(D), 22 and 23.
22	Ptarmigan (Rock, Willow and White-tailed)	Residents of Units 11, 13, 15, 16, 20(D), 22 and 23.
GMU 23	Brown Bear	Rural residents of Units 21 and 23.
23	Caribou	Western Arctic Caribou Herd only—Residents of Unit 21(D) west of the Koyukuk and Yukon Rivers, and residents of Units 22 (A), (B), 23 and 26(A).
23	Sheep	Residents of Unit 23 north of the Arctic Circle.
23	Moose	Residents of Unit 23.
23	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11-13 and 16-26.
23	Grouse (Spruce, Blue, Ruffed and Sharp-tailed)	Residents of Units 11, 13, 15, 16, 20(D), 22 and 23.
23	Ptarmigan (Rock, Willow and White-tailed)	Residents of Units 11, 13, 15, 16, 20(D), 22 and 23.
GMU 24	Brown Bear	Residents of Unit 24 and Wiseman, but not including any other residents of the Dalton Corridor.
24	Sheep	Residents of Unit 24 residing north of the Arctic Circle and residents of Allakaket, Alatna and Anaktuvuk Pass.
24	Moose	Residents of Unit 24, Anaktuvuk Pass, Koyukuk and Galena.
24	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11-13 and 16-26.
GMU 25	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11-13 and 16-26.
25(A)	Sheep	Residents of Arctic Village, Chalkytsik, Fort Yukon, Kaktovik and Venetie.
25(A)	Moose	Residents of Unit 25(A) and residents of Venetie only.
25 (B) and (C)	Sheep	No subsistence.
25(D)	Moose	West—Residents of Beaver, Birch Creek and Stevens Village.
25(D)	Moose	Remainder—Residents of "Remainder of Unit 25".
GMU 26	Brown Bear	Residents of Unit 26 (except the Prudhoe Bay-Deadhorse Industrial Complex) and residents of Anaktuvuk Pass and Point Hope.
26	Caribou	Western Arctic Caribou Herd only—Residents of Unit 21(D) west of the Koyukuk and Yukon Rivers, and residents of Units 22 (A), (B), 23 and 26(A).
26	Moose	Residents of Unit 26, (except the Prudhoe Bay-Deadhorse Industrial Complex), and residents of Point Hope and Anaktuvuk Pass.
26	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11-13 and 16-26.
26 (A) and (B)	Sheep	Residents of Anaktuvuk Pass, Kaktovik, Nuiqsut and Wiseman.
26(B)	Caribou	Central Arctic Herd—Residents of Anaktuvuk Pass, Kaktovik, Nuiqsut and Wiseman.
26 (B) and (C)	Musk Oxen	Residents of Kaktovik.
26(C)	Sheep	Residents of Arctic Village, Chalkytsik, Fort Yukon, Kaktovik and Venetie.

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

TITLE 36—PARKS, FORESTS AND PUBLIC PROPERTY

CHAPTER II—FOREST SERVICE, DEPARTMENT OF AGRICULTURE

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

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

Subpart A—General Provisions

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

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

Subpart B—Program Structure.

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

Subpart C—Board Determinations

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

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

TITLE 50—WILDLIFE AND FISHERIES**CHAPTER I—UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR**

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

PART 100—SUBSISTENCE MANAGEMENT REGULATIONS FOR FEDERAL PUBLIC LANDS IN ALASKA**Subpart A—General Provisions**

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

Subpart B—Program Structure

- 100.10 Federal Subsistence Board.

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

Subpart C—Board Determinations

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

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

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