

DECISION

IV. DECISION

Based on the analysis contained in the EIS, the recommendations of the Federal Subsistence Board, and the Department's Subsistence Policy Group, it is my decision to implement Alternative IV as identified in the Final EIS with modifications.

The first modification is to increase the number of Regional Advisory Councils from eight, as set forth in the proposed action in the EIS, to ten Councils. These Councils and Regions would more closely recognize the cultural differences within the existing State regions, while at the same time balancing population and community representation more carefully than in the original Alternative IV. This change would also increase the number of regional liaisons to the Board.

The second modification is to the Alternative IV rural determination process. By including a 5-year waiting or grace period as described and analyzed under Alternative II, the impacts to a community or area from the transition from rural to non-rural would be reduced.

The alternative I am selecting includes:

A. Federal Subsistence Board

The Federal Subsistence Board would consist of the following members:

- the Alaska Regional Director, FWS;
- the Alaska Regional Director, NPS;
- the Alaska Regional Forester, USFS;
- the Alaska State Director, BLM;
- the Alaska Area Director, BIA; and,
- a chairman appointed by the Secretary of the Interior with the concurrence of the Secretary of Agriculture.
- 10 regional liaisons and a liaison from the State of Alaska would serve as consultants to the Board.

In addition to the Board members, a State liaison to the Board would be nominated by the Governor and appointed by the Secretary of the Interior with the concurrence of the Secretary of Agriculture. The chairperson of each Federal Regional Advisory Council described herein also would serve as a liaison to the Board. The State and Council representatives would attend Board meetings and be actively involved as consultants to the Board, but would have no vote in Board decisions, and would not be present during executive sessions of the Board.

DECISION

B. Advisory System

To satisfy the requirements of Section 805 of ANILCA Title VIII, I will establish ten (10) Federal Subsistence Management Regions and ten (10) Federal Regional Advisory Councils as shown in the attached map of Alternative IV (modified).

1. REGIONAL ADVISORY COUNCILS

There will be 10 Federal Subsistence Management Regions and 10 Federal Regional Councils instead of the eight recommended in the proposed action in the EIS. The number of Councils selected is not a major change and is within the range considered in various alternatives in the EIS. The regional boundaries are generally consistent with the existing six regions, except that some will be divided to reflect subsistence use patterns. The Arctic Region will be divided into three regions, the Interior and Southwest Regions will each be divided into two regions a Federal Regional Council will then be established in each region.

Each Council will be authorized to hold public meetings on subsistence matters. Each will be authorized to prepare an annual report on subsistence uses and needs, including recommendations on fish and wildlife management and implementation strategies to the Secretary in accordance with ANILCA Section 805. The Councils will review, evaluate, and make recommendations on any existing or proposed regulation, policy, or management plan, or any other matter relating to the subsistence taking of fish and wildlife within or affecting the regions they represent. The Councils will be established in accordance with the FACA. Members will be appointed by the Secretary of the Interior with concurrence by the Secretary of Agriculture, based upon recommendations by the Board. The number of members on a Council will be determined by the Board and will vary from Region to Region, depending on the number and distribution of subsistence users in the region, the variety of subsistence resources used, and the nature and extent of management issues. To the extent possible, the size of the Council and distribution of the membership within the region will be designed to ensure the maximum participation in the Federal program by local subsistence users.

Federal Regional Coordinators will be assigned to serve as a Federal Advisory Committee Act representative and liaison between the Regional Councils and the Federal program managers, facilitating communication between the two groups. Federal coordinators also will coordinate the preparation and review of regulatory proposals and annual subsistence reports.

2. LOCAL ADVISORY COMMITTEES

Consistent with a Memorandum of Understanding to be negotiated with the State, existing State Fish and Game Advisory Committees could submit proposals through Federal Regional Councils to the Board for any matters that concern subsistence management on Federal public lands. Federal Committees would be formed if, after notice and hearing, the Board determined that existing State committees were not fulfilling the requirements of ANILCA

DECISION

Section 805 or, if in the judgment of the Board, a Federal Advisory Committee is needed or warranted in a specific geographic area. In that case, Federal Local Advisory Committees and their membership would be formed based on the recommendations to the Board by the Regional Councils.

C. Rural Determination Process

The rural determination process will provide for consideration of the following community or area characteristics:

- A community or area with a population of 2,500 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.
- Communities or areas with populations between 2,500 and 7,000 will be determined to be rural or non-rural based on characteristics considered by the Board.
- A community with a population of 7,000 or more is presumed non-rural, unless such a community or area possesses significant characteristics of a rural nature.
- Population data from the most recent Federal census of population conducted by the United States Bureau of Census as updated by the Alaska Department of Labor will be utilized in this process.
- 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) use of fish and game;
 - (ii) development and diversity of the economy;
 - (iii) community infrastructure;
 - (iv) transportation; and,
 - (v) educational institutions.
- Communities or areas which are economically, socially and communally integrated will be considered in the aggregate.

Recommendations would be made on the communities or areas that have a population greater than 2,500 by comparing their community characteristics to the non-rural communities of Anchorage, Fairbanks, Juneau, and Ketchikan with the rural communities of Dillingham, Bethel, Nome, Kotzebue, and Barrow. This recommendation and the rationale for the recommendation will be forwarded by Federal program staff to the Board for review, rejection, modification, or approval.

When the character of a community or area has changed from rural to non-rural, the agencies would make a preliminary determination that the community had become non-rural.

DECISION

Once the Board, acting on the recommendation by one of the managing agencies makes a determination that a community has indeed changed from rural to non-rural, a waiting period of 5 years would be required before the non-rural determination would become effective. This would mitigate the effect of sudden loss of subsistence uses on those who previously were dependent on them.

Based on the criteria above the non-rural communities and areas described below are presently considered to be socially and economically integrated. All communities or areas not listed would be assumed to be rural.

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

D. Customary and Traditional Uses

The State customary and traditional use determinations that were contained in the State of Alaska's 1989 regulations were adopted by the Federal Subsistence Board on July 1, 1990. These would be utilized by the Board in implementing the subsistence program. These determinations will remain in place until they are modified as a result of reevaluation by the Board. The current customary and traditional use determinations were illustrated in Appendix D of the EIS. The determinations are anticipated to change due to the addition of several communities classified as rural, or as a result of public comment on the draft EIS and in response to specific requests made to the Board.

The Board will 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 National Parks and Monuments where subsistence uses are allowed, the determinations may be made on an individual basis. A community or area must possess the following specific characteristics, which exemplify customary and traditional use and the Board shall make customary and traditional use determinations based on application of these factors:

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

DECISION

- (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.

Determinations of customary and traditional use of subsistence resources would be made by the Board after reviewing recommendations of the Regional Councils. Appropriate professional staff would advise the Regional Councils in making customary and traditional use recommendations and assist in the interpretation of technical information.

E. Regulation Process

The Regional Councils may develop proposals, and will review and evaluate proposals from other sources. Recommendations from a Regional Council will be forwarded to the Board for action. Proposals from individuals, Federal or State agencies, or other groups would be sent to the appropriate Regional Councils for their review and evaluation before being acted upon by the Board.

When it is necessary to restrict the taking of subsistence resources, Regional Councils would assess who would qualify under Section 804 of ANILCA to participate in a limited subsistence hunt and these recommendations would be sent to the Board for action.