

residents of Quinhagak and Goodnews Bay in the Kanektok, Arolik, and Goodnews Rivers, those regulations will not be enforced pending completion of proceedings in that case. However, in light of the 9th Circuit decision in *Katie John, et al. v. U.S.*, the Secretaries are developing amendments to parts of subpart A dealing with the definitions of navigable waters and public lands. Once that final determination is made by the Secretaries, the regulations in subparts C and D will likely be modified.

Federal Subsistence Regional Advisory Councils

Pursuant to the Record of Decision, Subsistence Management Regulations for Federal Public Lands in Alaska, April 6, 1992, and the Subsistence Management Regulations for Federal Public Lands in Alaska, 36 CFR § 242.11 (1992) and 50 CFR 100 § 242.11 (1992), and for the purposes identified therein, Alaska has been divided into ten subsistence resource regions, each of which is represented by a Federal Subsistence Regional Advisory Council (Regional Council). The Regional 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 Alaska public lands. The Regional Council members represent varied geographical, cultural, and user diversity within each region.

The Regional Councils have had a substantial role in reviewing the proposed rule and making recommendations for the final rule. Moreover, the Council Chairs, or their designated representatives, presented their Council's recommendations at the Board meeting in April 1995.

Summary of Changes

Section _____.24 (Customary and traditional use determinations) was published in the **Federal Register** (57 FR 22940) on May 29, 1992. Since that time, the Board has made a number of Customary and Traditional Use Determinations at the request of affected subsistence users. Those modifications, along with some administrative corrections, were published in the **Federal Register** (59 FR 27462, published May 27, 1994; 59 FR 51855, published October 13, 1994; and 60 FR 10317, published February 24, 1995.) During its April 10–14, 1995, meeting, the Board made additional determinations in conjunction with various annual season and harvest limit changes. The public has had extensive opportunity to review and comment on

all changes. Additional details on the recent Board modifications are contained in the section on Analysis of Proposals Adopted by the Board.

Section _____.25 (Subpart D) regulations are subject to an annual cycle and require development of an entire new rule each year. Proposed Subpart D regulations for the 1995–1996 seasons and bag limits, and methods and means were published on September 2, 1994, in the **Federal Register** (59 FR 45924–45961). A 60-day comment period providing for public review of the proposed rule and calling for proposals was advertised by mail, radio, and newspaper. During that period the Regional Councils met and, in addition to other Regional Council business, received suggestions for proposals from the public. Overall, the Board received a total of 80 proposals, 71 within the scope of authority under Subpart D. Of the other nine, four were withdrawn by the originator, four were deferred for further study within the customary and traditional use determination process, and one was resolved by an earlier Board action. Subsequent to the 60-day review period, the Board prepared a booklet describing the 71 proposals for change to Subpart D and distributed it to the public. The public then had an additional 30 days in which to comment on the proposals for changes to the regulations. The ten Regional Councils met again, received public comments, and formulated their recommendations to the Board on proposals for their respective regions. These final regulations reflect Board review and consideration of Regional Council recommendations and public comments submitted to the Board.

Section _____.26 (Subsistence taking of fish) and Section _____.27 (Subsistence taking of shellfish) were last published on June 1, 1993, (58 FR 31252). Fish and shellfish regulations are effective from January 1 through December 31 each year. Due to a pending appeal of litigation and petitions to the Secretaries of the Interior and Agriculture, both relating to extended jurisdiction to navigable waters, the 1994 fish and shellfish regulations were not revised for 1995 but, rather, were extended through December 31, 1995 by interim regulation, published June 27, 1994 (59 FR 32923.)

Analysis of Proposals Rejected by the Board

The Board rejected 18 proposals based on recommendations from the respective Regional Council and additional factors. Except in one instance as indicated, the Board actions

to reject the proposals reflect Regional Council recommendations.

The Board addressed and rejected five proposals to institute or increase seasons and harvest limits on black bears and brown bears. These proposals were for the purpose of reducing the bear population in an area or rid an area of “problem” bears. The Seward Peninsula Regional Council did recommend adoption of one of these proposals relating to brown bear in Unit 22. The Board has determined that the removal of problem animals or the take of animals in defense of life and property is properly addressed under State regulations; but based on the concerns expressed by the Seward Peninsula Regional Council, will study whether the taking bears in defense of life and property should be covered as part of the Federal Subsistence Management Program.

Four proposals requested that public lands on the Alaska Peninsula be closed to hunting by non-Federally qualified users. The Board determined that the biological data did not support a need to close the areas in order to protect the subsistence user's opportunity to harvest wildlife.

Four proposals requested that season dates or harvest limits be changed. These proposals were rejected because the requests were accommodated by the adoption of other proposals.

Two proposals requested opening antlerless moose hunting in certain areas; one proposal asked that a spike/fork-50 inch antler restriction be removed; and one proposal asked that a caribou season be instituted. In all of these cases, examination of the biological data indicated that the target population could not withstand the proposed harvest.

The Board rejected a proposal that would have reduced the harvest limit for coyote. There was no biological justification to limit the subsistence take in the area.

The Board also deferred action on five proposals in order to collect additional data, examine jurisdictional issues, or allow communities or the Regional Council to provide additional needed regulatory information.

Analysis of Proposals Adopted by the Board

The Board adopted 48 proposals for the 1995–1996 regulatory year. Some of these proposals were adopted as submitted and others were adopted with modifications suggested by the respective Regional Council or developed during the Board's public deliberations.