recommendation to defer action on customary and traditional use determinations for species other than moose, and for communities other than Ninilchik, Seldovia, Nanwalek, and Port Graham. The Board also adopted the Southcentral Regional Council's revised recommendation that the communities of Ninilchik, Seldovia, Nanwalek, and Port Graham have customary and traditional use of moose in Units 15(B) and 15(C). The Board deferred the Southcentral Regional Council's recommendation calling for positive customary and traditional use determinations for moose in Unit 15(A) for the communities of Ninilchik and Seldovia because use of this subunit by residents of Ninilchik and Seldovia is extremely low. The aforementioned customary and use determinations are found in the changes delineated for section .24.

Changes for the 1995–1996 Seasons and Bag Limit Regulations

The Regional Council also proposed Federal subsistence seasons for the taking of moose on public lands in Unit 15. The Regional Council recommendation was for an any-bull harvest season beginning August 10, 1995 and ending September 20, 1995. The Board, however, was persuaded by the biological data concluding that recognized principles of fish and wildlife conservation would be violated in that adverse impacts would result to the moose population from any significant harvest of bulls in the middle age categories. Since 1987, antler restrictions have been a key part of the management efforts to rectify alarmingly low bull:cow ratios in the Kenai Peninsula moose population. This management regime has had positive effects, resulting in a dramatic improvement in the moose population composition, allowing for longer hunting seasons, larger animals being taken, and a larger overall harvest. However, the gains could be reversed and conservation of a healthy moose population jeopardized under an anybull subsistence harvest opportunity. The adverse impacts of an any-bull harvest could also be detrimental to the satisfaction of subsistence opportunities over the longer term. In addition, local wildlife biologists report that the high snow fall of the 1994-95 winter has resulted in high natural mortality, with virtually no recruitment into the spikefork age class of bull moose anticipated this coming year. The Board therefore retained the antler restriction previously in effect as a part of the subsistence seasons in Unit 15 to avoid adverse biological consequences. The seasons

and harvest limits are found in the changes to section .25.

Regulations contained in this final rule will take effect on August 10, 1995. The Departments waived the 30-day effective date time period for the final rule in order to provide the maximum opportunity for public participation during the comment period following publication of the proposed rule, while simultaneously allowing the hunting season to start on August 10, 1995.

Applicability of Subparts A, B, and C

Subparts A, B, and C of the Subsistence Management Regulations for Public Lands in Alaska, 50 CFR §§ 100.1 to 100.24 and 36 CFR §§ 242.1 to 242.24, remain effective and apply to this proposed rule. Therefore, all definitions located at 50 CFR § 100.4 and 36 CFR § 242.4 apply to regulations found in these subparts. The identified sections include definitions for the following terms:

"Federal lands means lands and waters and interests therein title to which is in the United States"; and "public land or public lands means lands situated in Alaska which are Federal lands, except—

(1) 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;

(2) 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

(3) lands referred to in Section 19(b) of the Alaska Native Claims Settlement Act."

Public Review Process—Public Meetings and Analysis of Comments

Following publication of the proposed rule on May 9, 1995 (60 FR 24601), public meetings were held in Seldovia, Port Graham, Hope, Cooper Landing, Soldotna, Homer, Ninilchik, and Anchorage. The Southcentral Regional Council met in a public session on July 12, 1995, to review the proposed rule and public comments and to develop a final recommendation to the Board. The Board also met in a public session on July 13, 1995, to review the comments and reach a final decision on the proposed rule. During the 60-day comment period and in the months preceding it, the Board received 183 written comments, numerous phone

calls, and one petition, in addition to oral testimony presented at the various meetings which were attended by over 500 people. The comments and testimony were overwhelmingly opposed to the proposed rule and the rural designations on the Kenai Peninsula. Following is an analysis of public comments:

A number of commentors indicated that their community's proposed customary and traditional use determinations were in error, particularly for some communities in Unit 15. As discussed above, the Regional Council and Board have reexamined those determinations. The final rule reflects revised customary and traditional use determinations that comport with the best information available relative to customary and traditional uses.

Some commentors felt that the moose season is being set too early in the year. The weather is too warm and the meat will spoil before it can be taken care of. This concern is not without merit, but the State has used early seasons on a regular basis and, if harvested wildlife are dressed immediately and kept cool, the meat can be prevented from spoiling. A later season would expose rutting bulls to possible overharvest and the meat of bulls in rut is not as palatable.

Two commentors suggested eliminating hunting seasons and initiating a family harvest quota. If seasons were eliminated, hunting during the summer could significantly increase the harvest of prime breeding animals because of incomplete antler development; hunting during the spring could put unwanted stress on the pregnant cows, possibly reducing the calving rate. Existing regulations do allow the Board to establish a family quota, community harvest system, or other alternative harvest systems consistent with historic harvest patterns. A family quota system was not part of the recommendation before the Board in the current rulemaking. However, a proposal requesting this type of system could be submitted this fall for Board consideration in the next regulatory cycle.

Some commentors believed that the antler restrictions are not a customary and traditional harvest practice and are a restriction on the subsistence user. The Board recognizes that harvesting animals based on antler restrictions is not a customary or traditional practice. However, antler restrictions have been demonstrably effective in improving the health of the Kenai Peninsula moose population, which suffered from very low bull:cow ratios as recently as 1986.