

Proposal Form
The Alaska Migratory Bird Co-Management Council
***Proposed Change for 2022 Alaska Subsistence Spring/Summer
Migratory Bird Harvest Regulations***

All proposals received by the AMBCC office will be sent to the affected regional management body for their consideration and recommendation. Recommendations will be forwarded to the statewide body for consideration and action. To ensure success of your proposal, please plan on attending your local regional management body meeting to present data or information on your proposal. Proposals received without adequate information may be deferred or rejected.

Proposed by: Migratory Bird Management, Alaska Region, U.S. Fish and Wildlife Service

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What problem or issue are you trying to address? (Clearly state the problem to be solved or a situation that should be corrected.)

The Code of Federal Regulations (CFR) 92.5 (b)(2) defines several excluded areas that are closed to harvest, but for two of these excluded areas the definitions are vague. The Kenai Peninsula roaded area and the Gulf of Alaska roaded area are not defined with any specific boundaries. This proposal seeks to clarify the boundaries of these areas.

How should the new regulation read? (Indicate if it is a change to season dates, species of bird/eggs open to hunting, area open to hunting, methods and means, or harvest limits)

This proposal addresses the boundary of the Kenai Peninsula roaded area and the Gulf of Alaska roaded area as defined in 50 CFR 92.5 (b)(2). Bold text is proposed to be added, crossed out text is proposed to be stricken.

50 CFR 92.5 (b)

(2) Village areas located in Anchorage, the Matanuska-Susitna Borough, the Kenai Peninsula roaded area **as described in paragraph (b)(3) of this section;** the Gulf of Alaska roaded area **as described in paragraph (b)(4) of this section;** Southeast Alaska, and the Central Interior Excluded Area as described in paragraph (b)(~~3~~5) of this section generally do not qualify for a spring and summer harvest.

(3) The Kenai Peninsula roaded area comprises the following: Game Management Unit (Unit) 7, Unit 15(A), Unit 15(B), and that portion of Unit 15(C) East and North of a line beginning at the northern boundary of Unit 15(C) and mouth of the Kasilof River at 60°

23' 19" N; 151° 18' 37" W, extending South along the coastline of Cook Inlet to Bluff Point (59° 40' 00" N), then South along longitude line 151° 41' 48" W to latitude 59° 35' 56" N, then East to the tip of Homer Spit (excluding any land of the Homer Spit), then northeast to the north bank of Fox River (59° 48' 57" N; 150° 58' 44" W), and then East to the eastern boundary of Unit 15(C) at 150° 19' 59" W.

(4) The Gulf of Alaska roaded area comprises the incorporated city boundaries of Valdez and Whittier, Alaska.

(35) The Central Interior Excluded Area comprises the following: That portion of Unit 20(A) east of the Wood River drainage and south of Rex Trail, including the upper Wood River drainage south of its confluence with Chicken Creek; that portion of Unit 20(C) east of Denali National Park north to Rock Creek and east to Unit 20(A); and that portion of Unit 20(D) west of the Tanana River between its confluence with the Johnson and Delta Rivers, west of the east bank of the Johnson River, and north and west of the Volmar drainage, including the Goodpaster River drainage. The following communities are within the Excluded Area: Delta Junction/Big Delta/Fort Greely, McKinley Park/Village, Healy, Ferry, and all residents of the formerly named Fairbanks North Star Borough Excluded Area.

To what geographic area does this regulation apply? (Is it a statewide, regional, or local regulation? If it pertains to a local area, please describe where it applies.)

This regulation applies to the Cook Inlet region and the Gulf of Alaska region.

What impact will this regulation have on migratory bird populations?

This proposal will have no impact on migratory bird populations. Instead, the proposal will benefit hunters, law enforcement officers, and subsistence harvest administrators by improving outreach materials in the form of informative maps and clear regulations.

How will this regulation affect subsistence users?

This proposal will benefit subsistence users by improving clarity of harvest regulations and harvest area maps.

Why should this regulation be adopted?

The geographic boundaries of the Kenai Peninsula roaded area and the Gulf of Alaska roaded area are undefined in the Code of Federal Regulations. The lack of specific boundaries makes the development of hunt maps imprecise and open to interpretation by hunters, law enforcement officials, and cartographers. The proposed changes would allow publication of maps that are accurate and reproducible into the future and useful to hunters.

Please attach any additional information that supports your proposal.

The city boundaries of Whittier and Valdez are documented in the Alaska Department of Natural Resources, Alaska State Geo-Spatial Data Clearinghouse, asgdc.state.ak.us.

Attachments:

- 1) Proposed boundary Kenai Peninsula roaded area and Gulf of Alaska roaded Area.
- 2) 50 CFR 92.5 Who is eligible to participate.

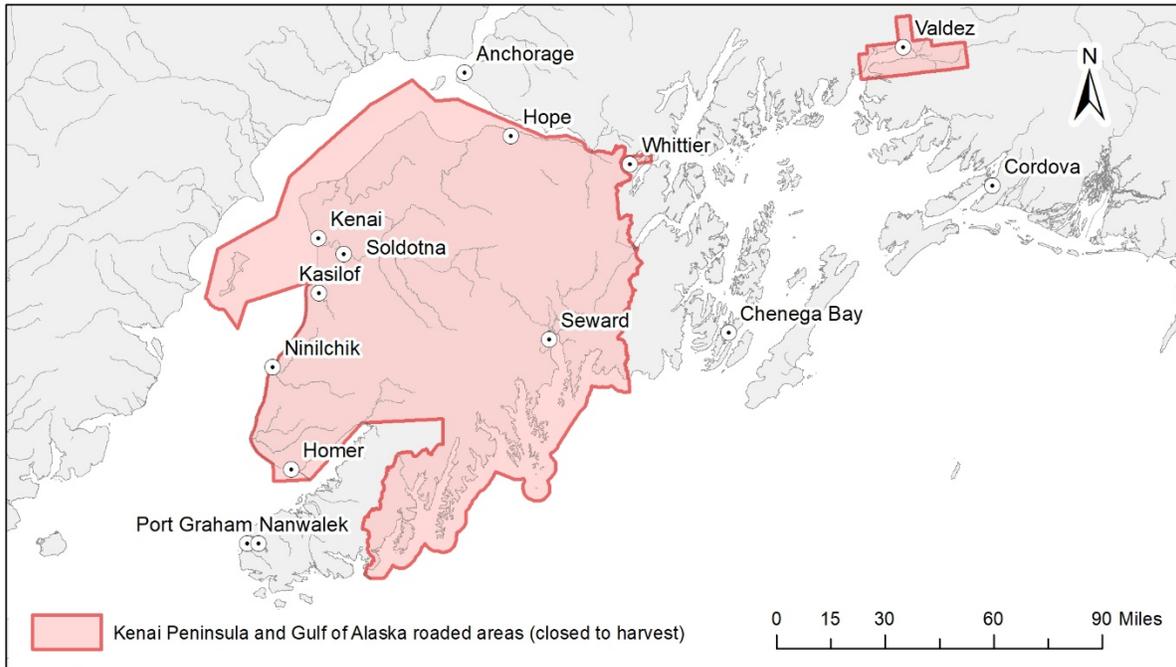


Figure 1. Map of proposed boundary of the Kenai Peninsula roaded area and the Gulf of Alaska roaded area. The Kenai Peninsula roaded area comprises the following: Game Management Unit (Unit) 7, Unit 15(A), Unit 15(B), and that portion of Unit 15(C) East and North of a line beginning at the northern boundary of Unit 15(C) and mouth of the Kasilof River at $60^{\circ} 23' 19''$ N; $151^{\circ} 18' 37''$ W, extending South along the coastline of Cook Inlet to Bluff Point ($59^{\circ} 40' 00''$ N), then South along longitude line $151^{\circ} 41' 48''$ W to latitude $59^{\circ} 35' 56''$ N, then East to the tip of Homer Spit (excluding any land of the Homer Spit), then northeast to the north bank of Fox River ($59^{\circ} 48' 57''$ N; $150^{\circ} 58' 44''$ W), and then East to the eastern boundary of Unit 15(C) at $150^{\circ} 19' 59''$ W. The Gulf of Alaska roaded area is comprised of the incorporated city boundaries of Valdez and Whittier, Alaska.

ELECTRONIC CODE OF FEDERAL REGULATIONS

e-CFR data is current as of November 18, 2020

Title 50 → Chapter I → Subchapter G → Part 92 → Subpart A → §92.5

Title 50: Wildlife and Fisheries

PART 92—MIGRATORY BIRD SUBSISTENCE HARVEST IN ALASKA

Subpart A—General Provisions

§92.5 Who is eligible to participate?

If you are a permanent resident of a village within a subsistence harvest area, you will be eligible to harvest migratory birds and their eggs for subsistence purposes during the applicable periods specified in subpart D of this part.

(a) *Included areas.* Village areas located within the Alaska Peninsula, Kodiak Archipelago, the Aleutian Islands, or in areas north and west of the Alaska Range are subsistence harvest areas, except that villages within these areas not meeting the criteria for a subsistence harvest area as identified in paragraph (c) of this section will be excluded from the spring and summer subsistence harvest.

(1) Any person may request the Co-management Council to recommend that an otherwise included area be excluded by submitting a petition stating how the area does not meet the criteria identified in paragraph (c) of this section. The Co-management Council will forward petitions to the appropriate regional management body. The Co-management Council will then consider each petition and will submit to the Service any recommendations to exclude areas from the spring and summer subsistence harvest. The Service will publish any approved recommendations for public comment in the FEDERAL REGISTER.

(2) Based on petitions for inclusion recommended by the Co-management Council, the Service has added the following communities to the included areas under this part:

(i) Upper Copper River Region—Gulkana, Gakona, Tazlina, Copper Center, Mentasta Lake, Chitina, Chistochina.

(ii) Gulf of Alaska Region—Chugach Community of Tatitlek, Chugach Community of Chenega, Chugach Community of Port Graham, Chugach Community of Nanwalek.

(iii) Cook Inlet Region—Tyonek.

(iv) Southeast Alaska Region—Hoonah, Craig, Hydaburg, and Yakutat.

(b) *Excluded areas.* Excluded areas are not subsistence harvest areas and are closed to harvest. Residents of excluded areas are not eligible persons as defined in §92.4.

Communities located within the excluded areas provided in paragraphs (b)(2) and (b)(3) of this section may petition the Co-management Council through their regional management body for designation as a spring and summer subsistence harvest area. The petition must state how the community meets the criteria identified in paragraph (c) of this section. The Co-management Council will consider each petition and will submit to the Service any recommendations to designate a community as a spring and summer subsistence harvest area. The Service will publish any approved new designations of communities for public comment in the FEDERAL REGISTER. Excluded areas consist of the following:

(1) All areas outside of Alaska.

(2) Village areas located in Anchorage, the Matanuska-Susitna Borough, the Kenai Peninsula roaded area, the Gulf of Alaska roaded area, Southeast Alaska, and the Central Interior Excluded Area as described in paragraph (b)(3) of this section generally do not qualify for a spring and summer harvest.

(3) The Central Interior Excluded Area comprises the following: That portion of Unit 20(A) east of the Wood River drainage and south of Rex Trail, including the upper Wood River drainage south of its confluence with Chicken Creek; that portion of Unit 20(C) east of Denali National Park north to Rock Creek and east to Unit 20(A); and that portion of Unit 20(D) west of the Tanana River between its confluence with the Johnson and Delta Rivers, west of the east bank of the Johnson River, and north and west of the Volmar drainage, including the Goodpaster River drainage. The following communities are within the Excluded Area: Delta Junction/Big Delta/Fort Greely, McKinley Park/Village, Healy, Ferry, and all residents of the formerly named Fairbanks North Star Borough Excluded Area.

(c) *Criteria for determining designation as a spring and summer subsistence harvest area.* A previously excluded community may be included in the spring/summer harvest regulations if recommended by the Alaska Migratory Bird Co-management Council. The Alaska Migratory Bird Co-management Council will recommend designation of subsistence harvest areas based on a deliberative process using the best available information on nutritional and cultural needs and customary and traditional use. The Alaska Migratory Bird Co-management Council recommendations will accommodate traditional spring and summer harvests without creating new traditions or increasing harvest of migratory birds. Recommendations will be made based on the majority of factors and the weight of the evidence using the following criteria:

(1) A pattern of use recurring in the spring and summer of each year prior to 1999, excluding interruptions by circumstances beyond the user's control;

(2) The consistent harvest and use of migratory birds on or near the user's permanent residence;

(3) A use pattern that includes the handing down of knowledge of hunting skills and values from generation to generation;

(4) A use pattern in which migratory birds are shared or distributed among others within a definable community of persons; a community for purposes of subsistence uses may

a definable community of persons, a community for purposes of subsistence uses may include specific villages or towns, with a historical pattern of subsistence use; and

(5) A use pattern that includes reliance for subsistence purposes upon migratory birds or their eggs and that meets nutritional and other essential needs including, but not limited to, cultural, social, and economic elements of the subsistence way of life.

(d) *Participation by permanent residents of excluded areas.* Immediate family members who are residents of excluded areas may participate in the customary spring and summer subsistence harvest in a village's subsistence area with permission of the village council, to assist indigenous inhabitants in meeting their nutritional and other essential needs or for the teaching of cultural knowledge. A letter of invitation will be sent by the village council to the hunter with a copy to the Executive Director of the Co-management Council, who will inform law enforcement and the Service's Co-management Council coordination office within 2 working days. The Service will then inform any affected Federal agency when residents of excluded areas are allowed to participate in the subsistence harvest within their Federal lands.

[67 FR 53517, Aug. 16, 2002, as amended at 68 FR 43027, July 21, 2003; 69 FR 17327, Apr. 2, 2004; 70 FR 18248, Apr. 8, 2005; 72 FR 18322, Apr. 11, 2007; 79 FR 19458, Apr. 8, 2014]

Need assistance?