DEPARTMENT OF AGRICULTURE
Forest Service
50 CFR Part 242

DEPARTMENT OF THE INTERIOR
Fish and Wildlife Service
50 CFR Part 100

The Federal Subsistence Board is extending the comment period through December 2, 2013, on its earlier request for comments (77 FR 77005, Dec. 31, 2012) on the rural determination process. These comments will be used by the Board, coordinating with the Secretaries of the Interior and Agriculture, to assist in making decisions regarding the scope and nature of possible changes to improve the rural determination process.

DATES: Comments: The comment period for the document published December 31, 2012 (77 FR 77005), is extended through, and comments must be received or postmarked by, December 2, 2013.

Public meetings: The Federal Subsistence Regional Advisory Councils, through the Board, has rescheduled public meetings to receive comments and make recommendations to the Federal Subsistence Board on this notice on several dates between November 5 and November 19, 2013. See Public Meetings under SUPPLEMENTARY INFORMATION for specific information on dates and locations of the public meetings.

SUMMARY: The Federal Subsistence Board is extending the comment period through December 2, 2013, on its earlier request for comments (77 FR 77005, Dec. 31, 2012) on the rural determination process. These comments will be used by the Board, coordinating with the Secretaries of the Interior and Agriculture, to assist in making decisions regarding the scope and nature of possible changes to improve the rural determination process.

BACKGROUND: Under Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) (16 U.S.C. 3111–3126), the Secretary of the Interior and the Secretary of Agriculture (Secretaries) jointly implement the Federal Subsistence Management Program. This Program provides a priority for taking of fish and wildlife resources for subsistence uses on Federal public lands and waters in Alaska. The Secretaries published temporary regulations to implement this Program in the Federal Register on June 29, 1990 (55 FR 27114), and final regulations in the Federal Register on May 29, 1992 (57 FR 22940). The Secretaries have amended these regulations a number of times. Because this Program is a joint effort between Interior and Agriculture, these regulations are located in two titles of the Code of Federal Regulations (CFR): Title 36, “Parks, Forests, and Public Property,” and Title 50, “Wildlife and Fisheries,” at 36 CFR 242.1–28 and 50 CFR 100.1–28, respectively. The regulations contain the following subparts: Subpart A, General Provisions; Subpart B, Program Structure; Subpart C, Board Determinations; and Subpart D, Subsistence Taking of Fish and Wildlife.

SUPPLEMENTARY INFORMATION:

Federal Subsistence Board

Consistent with subpart B of these regulations, the Secretaries established a Federal Subsistence Board to administer the Federal Subsistence Management Program. The Board comprises:

• A Chair, appointed by the Secretary of the Interior with concurrence of the Secretary of Agriculture;
• The Alaska Regional Director, U.S. Fish and Wildlife Service;
• The Alaska Regional Director, U.S. National Park Service;
• The Alaska State Director, U.S. Bureau of Land Management;
• The Alaska Regional Director, U.S. Bureau of Indian Affairs;
• The Alaska Regional Forester, U.S. Forest Service; and
• Two public members appointed by the Secretary of the Interior with concurrence of the Secretary of Agriculture.

Through the Board, these agencies and public members participate in the development of regulations for subparts C and D, which, among other things, set forth program eligibility and specific harvest seasons and limits.

In administering the program, the Secretaries divided Alaska into 10 subsistence resource regions, each of which is represented by a Federal Subsistence Regional Advisory Council. The 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 Federal public lands in Alaska. The Council members represent varied geographical, cultural, and user interests within each region.

Public Meetings

The Federal Subsistence Regional Advisory Councils have a substantial role in reviewing subsistence issues and making recommendations to the Board. The Federal Subsistence Board scheduled public meetings in conjunction with the Council meetings to accept comments on this notice during the fall meeting cycle. Due to a lapse in appropriations and the subsequent closure of the Federal Government, five preannounced Council meetings were cancelled. The Board decided that a rescheduling of the cancelled meetings was needed to allow for full public participation and discussion of regional subsistence issues. You may present comments on this notice during these rescheduled meetings at the following locations in Alaska, on the following dates:

Region 2—Southcentral Regional Council, Anchorage, November 5, 2013

ADDRESSES:

FOR FURTHER INFORMATION CONTACT: Chair, Federal Subsistence Board, c/o U.S. Fish and Wildlife Service, Attention: Gene Peltola, Office of Subsistence Management; (907) 786–3888; or subsistence@fws.gov. For questions specific to National Forest System lands, contact Steve Kessler, Regional Subsistence Program Leader, USDA, Forest Service, Alaska Region; (907) 743–9461; or skessler@fs.fed.us.

SUPPLEMENTARY INFORMATION:

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PUBLIC MEETINGS: See SUPPLEMENTARY INFORMATION for specific information on dates and locations of the public meetings. If the Board decides additional meetings are required, public announcements will be made that provide meeting dates and locations.

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Region 5—Yukon–Kuskokwim Delta Regional Council, Bethel, November 13, 2013
Region 6—Western Interior Regional Council, Fairbanks, November 6, 2013
Region 7—Seward Peninsula Regional Council, Nome, November 19, 2013
Region 9—Eastern Interior Regional Council, Fairbanks, November 19, 2013

A news release will be published of specific dates, times, and meeting locations in local and statewide newspapers, and on the web at http://www.do.gov/subsistence/index.cfm, prior to these rescheduled meetings. Locations and dates may change based on weather or local circumstances.

Tribal Consultation and Comment

As expressed in Executive Order 13175, “Consultation and Coordination with Indian Tribal Governments,” the Federal officials that have been delegated authority by the Secretaries are committed to honoring the unique government-to-government relationship that exists between the Federal Government and Federally Recognized Indian Tribes (Tribes) as listed in 75 FR 60810 (October 1, 2010). Consultation with Alaska Native corporations is based on Public Law 108–199, div. H, Sec. 161, Jan. 23, 2004, 118 Stat. 452, as amended by Public Law 108–447, div. H, title V, Sec. 518, Dec. 8, 2004, 118 Stat. 3267, which provides that: “The Director of the Office of Management and Budget and all Federal agencies shall hereafter consult with Alaska Native corporations on the same basis as Indian tribes under Executive Order No. 13175.”

The Alaska National Interest Lands Conservation Act, Title VIII (16 U.S.C. 3111–3126), does not provide specific rights to Tribes for the subsistence taking of wildlife, fish, and shellfish. However, because tribal members and Alaska Native corporations are affected by subsistence regulations, the Secretaries, through the Board, will provide Federally recognized Tribes and Alaska Native corporations an opportunity to consult. The Board provides a variety of opportunities for consultation: engaging in dialogue at the Council meetings; engaging in dialogue at the Board’s meetings; and providing input in person, or by mail, email, or phone at any time during the comment period.

The Board will engage in outreach efforts for this extension notice, including a notification letter, to Tribes and Alaska Native corporations to ensure they are advised of the mechanisms by which they can participate. The Board will commit to efficiently and adequately providing an opportunity for consultation to Tribes and Alaska Native corporations prior to the adoption of any changes in policy or regulation concerning the rural determination process.

The Board will consider Tribes’ and Alaska Native corporations’ information, input, and recommendations, and endeavor to address their concerns.

Purpose of This Notice

In accordance with §10(d)(4)(ii), one of the responsibilities given to the Federal Subsistence Board is to determine which communities or areas of the State are rural or nonrural. Only residents of areas identified as rural are eligible to participate in the Federal Subsistence Management Program on Federal public lands in Alaska.

The Board determines if a community or area is rural in accordance with established guidelines set forth in §12.15(a). The Board reviews rural determinations on a 10-year cycle and may review determinations out-of-cycle in special circumstances. The Board conducts rulemaking to determine if the list at §12.23(a), which defines the rural/nonrural status of communities and/or areas, needs revision. Resident would have 5 years to comply with a rural to nonrural change. A change from nonrural to rural would be effective 30 days after publication of the rule.

On May 7, 2007, the Board published a final rule, “Subsistence Management Regulations for Public Lands in Alaska. Subpart C; Nonrural Determinations” (72 FR 25688). This rule revised the list of nonrural areas identified by the Board. The Board changed Adak’s status to rural, added Prudhoe Bay to the list of nonrural areas, and adjusted the boundaries of the following nonrural areas: the Kenai Area; the Wasilla/ Palmer Area, including Point McKenzie; the Homer Area, including Fritz Creek East (except Voznesenka) and the North Fork Road area; and the Ketchikan Area, including Saxman and portions of Gravina Island. The effective date was June 6, 2007, with a 5-year compliance date of May 7, 2012.

On October 23, 2009, Secretary of the Interior Salazar announced the initiation of a Departmental review of the Federal Subsistence Management Program in Alaska; Secretary of Agriculture Vilsack later concurred with this course of action. The review focused on how the Program is meeting the purposes and subsistence provisions of Title VIII of ANILCA, and how the Program is serving rural subsistence users as envisioned when it began in the early 1990s.

On August 31, 2010, the Secretaries announced the findings of the review, which included several proposed administrative and regulatory reviews and/or revisions to strengthen the Program and make it more responsive to those who rely on it for their subsistence uses. One proposal called for a review, with Council input, of the rural and nonrural determination process and, if needed, recommendations for regulatory changes.

On January 20, 2012, the Board met to consider the Secretarial directive, consider the Council’s recommendations, and review all public, Tribal, and Native Corporation comments on the initial review of the rural determinations process. After discussion and careful review, the Board voted unanimously to initiate a review of the rural determination process and the 2010 decennial review. Consequently, based on that action, the Board found that it was in the public’s best interest to extend the compliance date of its 2007 final rule (72 FR 25688; May 7, 2007) on rural and nonrural determinations until after the review of the rural determination process and decennial review are complete or in 5 years, whichever comes first. The Board has already published a final rule (77 FR 12477; March 1, 2012) extending the compliance date.

Due to a lapse in appropriations on October 1, 2013, and the subsequent closure of the Federal Government, preannounced public meetings and Tribal consultations to receive comments on the rural determinations process during the closure were cancelled. The Board decided that an extension to the comment period was needed to allow for the complete participation from the public and Tribes to address this issue.

Request for Input

To comply with the Secretarial directives and the Federal subsistence regulations, the Federal Subsistence Board is proceeding with a review of the rural determination process. As part of the Secretaries’ commitment to open government and in accordance with Executive Order 13563, the Board requests input from the public on the rural determination process and regulations, and ways to improve them for the benefit of rural Alaskans.

The Board has identified the following components in the process for review: Population thresholds, rural characteristics, aggregation of communities, timelines, and
information sources. We describe these components below and include
questions for public consideration and comment.

Population thresholds. The Federal Subsistence Board currently uses
several guidelines to determine whether a specific area of Alaska is rural. One
guideline sets population thresholds. A community or area with a population
below 2,500 will be considered rural. A community or area with a population
between 2,500 and 7,000 will be considered rural or nonrural, based on
community characteristics and criteria used to group communities together.
Communities with populations more than 7,000 will be considered nonrural,
unless such communities possess significant characteristics of a rural
nature. In 2008, the Board recommended to the Secretaries that the upper
population threshold be changed to 11,000. The Secretaries have taken no
action on this recommendation.

(1) Are these population threshold
guidelines useful for determining
whether a specific area of Alaska is
rural?

(2) If they are not, please provide
population size(s) to distinguish
between rural and nonrural areas, and
the reasons for the population size you
believe more accurately reflects rural
and nonrural areas in Alaska.

Rural characteristics. The Board
recognizes that population alone is not
the only indicator of rural or nonrural
status. Other characteristics the Board
considers include, but are not limited
to, the following: Use of fish and
wildlife; development and diversity of
the economy; community infrastructure;
transportation; and educational
institutions.

(3) Are these characteristics useful for
determining whether a specific area of
Alaska is rural?

(4) If they are not, please provide a list
of characteristics that better define or
enhance rural and nonrural status.

Aggregation of communities. The Board
recognizes that communities and areas of Alaska are connected in diverse
ways. Communities that are economically, socially, and communally
integrated are considered in the aggregate in determining rural and
nonrural status. The aggregation criteria are as follows: Do 30 percent or more of
the working people commute from one community to another; do they share a
common high school attendance area; and are the communities in proximity
and road-accessible to one another?

(5) Are these aggregation criteria
useful in determining rural and
nonrural status?

(6) If they are not, please provide a list
of criteria that better specify how
communities may be integrated
economically, socially, and communally
for the purposes of determining rural
and nonrural status.

Timelines. The Board reviews rural
determinations on a 10-year cycle, and
out of cycle in special circumstances.

(7) Should the Board review rural
determinations on a 10-year cycle? If so,
why; if not, why not?

Information sources. Current
regulations state that population data
from the most recent census conducted
by the U.S. Census Bureau, as updated
by the Alaska Department of Labor,
shall be utilized in the rural
determination process. The information
collected and the reports generated
during the decennial census vary
between each census; as such, data used
during the Board’s rural determination
may vary.

(8) These information sources as
stated in regulations will continue to be
the foundation of data used for rural
determinations. Do you have any
additional sources you think would be
beneficial to use?

(9) In addition to the preceding
questions, do you have any additional
comments on how to make the rural
determination process more effective?

This notice announces to the public,
including rural Alaska residents,
Federally recognized Tribes of Alaska,
and Alaska Native corporations, the
request for comments on the Federal
Subsistence Program’s rural
determination process. These comments
will be used by the Board to assist in
making decisions regarding the scope
and nature of possible changes to
improve the rural determination
process, which may include, where the
Board has authority, proposed
regulatory action(s) or, in areas where
the Secretaries maintain purview,
recommended courses of action.

Dated: October 23, 2013.

Gene Peltola,
Assistant Regional Director, U.S. Fish and
Wildlife Service, Acting Chair, Federal
Subsistence Board.

Steve Kessler,
Subsistence Program Leader, USDA–Forest
Service.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric
Administration

50 CFR Part 648

[Docket No. 130904778–3778–01]
RIN 0648–XC855

Magnuson-Stevens Fishery
Conservation and Management Act
Provisions; Fisheries of the
Northeastern United States; Atlantic
Surfclam and Ocean Quahog Fishery;
Proposed 2014–2016 Fishing Quotas

AGENCY: National Marine Fisheries
Service (NMFS), National Oceanic and
Atmospheric Administration (NOAA),
Commerce.

ACTION: Proposed rule; request for
comments.

SUMMARY: NMFS proposes commercial
quotas for the Atlantic surfclam and
ocean quahog fisheries for 2014, 2015,
and 2016. The proposed quotas are
unchanged from the quotas for the 2011,
2012, and 2013 fishing years. This
action sets allowable harvest levels of
Atlantic surfclams and ocean quahogs,
prevent overfishing, and allow
harvesting of optimum yield. This
action would also continue to suspend
the minimum shell size for Atlantic
surfclams for the 2014 fishing year. It is
expected that the industry and dealers
will benefit from the proposed status quo
quotas, as they will be able to
maintain a consistent market.

DATES: Comments must be received by
November 22, 2013.

ADDRESSES: You may submit comments,
identified by NOAA–NMFS–2013–0139,
by any of the following methods:

• Electronic Submissions: Submit all
electronic public comments via the
Federal e-Rulemaking Portal. Go to
www.regulations.gov/
#1docketDetail;D=NOAA-NMFS-2013-
0139, click the “Comment Now!” icon,
complete the required fields, and enter
or attach your comments.

• Fax: (978) 281–9177, Attn: Jason
Berthiaume.

• Mail: John K. Bullard, Regional
Administrator, NMFS, Northeast
Regional Office, 55 Great Republic
Drive, Gloucester, MA 01930. Mark the
outside of the envelope: “Comments on
the 2014–2016 Surfclam/Ocean Quahog
Specifications.”

Instructions: All comments received
are part of the public record and will
generally be posted to
www.regulations.gov without change.
All Personal Identifying Information (for
example, name, address, etc.)