

February 7, 2002). During its December 17–18, 2002, meeting, the Board made additional determinations in addition to 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 below in Analysis of Proposals Adopted by the Board.

Subpart D regulations are subject to an annual cycle and require development of an entire new rule each year. Customary and traditional use determinations are also subject to an annual review process providing for modification each year. We published proposed Subpart D regulations for the 2003–04 seasons, harvest limits, and methods and means on February 11, 2002, in the **Federal Register** (67 FR 6334). A 50-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. The Board received a total of 33 proposals for changes to Customary and Traditional Use Determinations or to Subpart D. This number included some proposals deferred from previous years. Subsequent to the review period, the Board prepared a booklet describing the proposals and distributed it to the public. The public 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. Five of the proposals were not considered, falling outside the call for proposals. Three proposals and part of another were withdrawn before Board consideration. These final regulations reflect Board review and consideration of Regional Council recommendations and public comments.

#### **Analysis of Proposals Rejected by the Board**

The Board rejected five proposals and part of one other proposal. All but one of these rejections were based on recommendations from the respective Regional Council. In that other case, the Regional Council recommendation to extend jurisdiction into an area of marine waters was inconsistent with the authority provided for in ANILCA.

The Board rejected three proposals requesting revised customary and traditional use determinations in the Prince William Sound Area. These

proposals were rejected because there was inadequate information documenting historical use of Federal waters.

One proposal requested specific regulations for the use of fish traps (fyke nets). This proposal was rejected because it would be detrimental to the subsistence user and limit the flexibility for species management in the area.

The Board rejected a proposal that would have allowed the use of bait for taking coho salmon. This proposal was rejected because there is no information that subsistence users are unable to meet their needs under the present regulations and there is a concern regarding hooking mortality in other species with the use of bait.

In the case of the partial rejection, the marine area requested for regulation is not under jurisdiction of the Federal Subsistence Program and the freshwater areas support sockeye salmon populations that are sufficient for subsistence and nonsubsistence harvest.

The Board deferred action on three proposals and part of one other in order to assemble additional fisheries data, harvest information, or to allow communities or Regional Councils additional time to review the issues and provide additional information.

#### **Analysis of Proposals Adopted by the Board**

The Board adopted 11 proposals and part of 1 other proposal. In two cases, a number of proposals dealing with the same issue were dealt with as a package. Some 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.

All of the adopted proposals were recommended for adoption by at least one of the Regional Councils and were based on meeting customary and traditional uses, harvest practices, or protecting fish populations. Detailed information relating to justification for the action on each proposal may be found in the Board meeting transcripts, available for review at the Office of Subsistence Management, 3601 C Street, Suite 1030, Anchorage, Alaska, or on the Office of Subsistence Management Web site (<http://alaska.fws.gov/asm/home.html>). Additional technical clarifications and removal of excess materials have been made, which result in a more readable document.

#### **Multiple Regions**

The Board adopted two proposals resulting in the following changes in the

regulations found in § \_\_.27, which affects residents of multiple Regions.

- Provided for harvest of fish to be used in traditional religious ceremonies as part of a funerary or mortuary cycle.
- Provided for the adoption of State Emergency Orders in the Yukon and Kuskokwim River drainages.

#### **Yukon-Northern Fishery Management Area**

The Board adopted one proposal affecting residents of the Yukon-Northern Fishery Management Area resulting in the following changes to the regulations found in § \_\_.27.

- Revised the regulations relative to use of rod and reel to take salmon during the period closed to net or fishwheel use.

#### **Kuskokwim Fishery Management Area**

The Board adopted one proposal affecting residents of the Kuskokwim Fishery Management Area resulting in the following changes to the regulations found in § \_\_.27.

- Revised the regulations relative to use of rod and reel to take salmon during the period closed to net or fishwheel use in a portion of the area.

#### **Bristol Bay Fishery Management Area**

The Board adopted one proposal affecting residents of the Bristol Bay Fishery Management Area resulting in the following changes to the regulations found in § \_\_.27.

- Established harvest regulations for rainbow trout.

#### **Kodiak Fishery Management Area**

The Board adopted one proposal affecting residents of the Kodiak Fishery Management Area resulting in the following changes to the regulations found in § \_\_.28.

- Revised the regulations relative to the harvest of king crab.

#### **Cook Inlet Fishery Management Area**

The Board adopted parts of three similar proposals affecting residents of the Cook Inlet Fishery Management Area resulting in the following change to the regulations found in §§ \_\_.24 and \_\_.27.

- Established a customary and traditional use determination in Federal waters for shellfish.
- Established subsistence harvest regulations for shellfish.

#### **Prince William Sound Fishery Management Area**

The Board adopted three proposals affecting residents of the Prince William Sound Fishery Management Area resulting in the following changes to the regulations found in § \_\_.27.